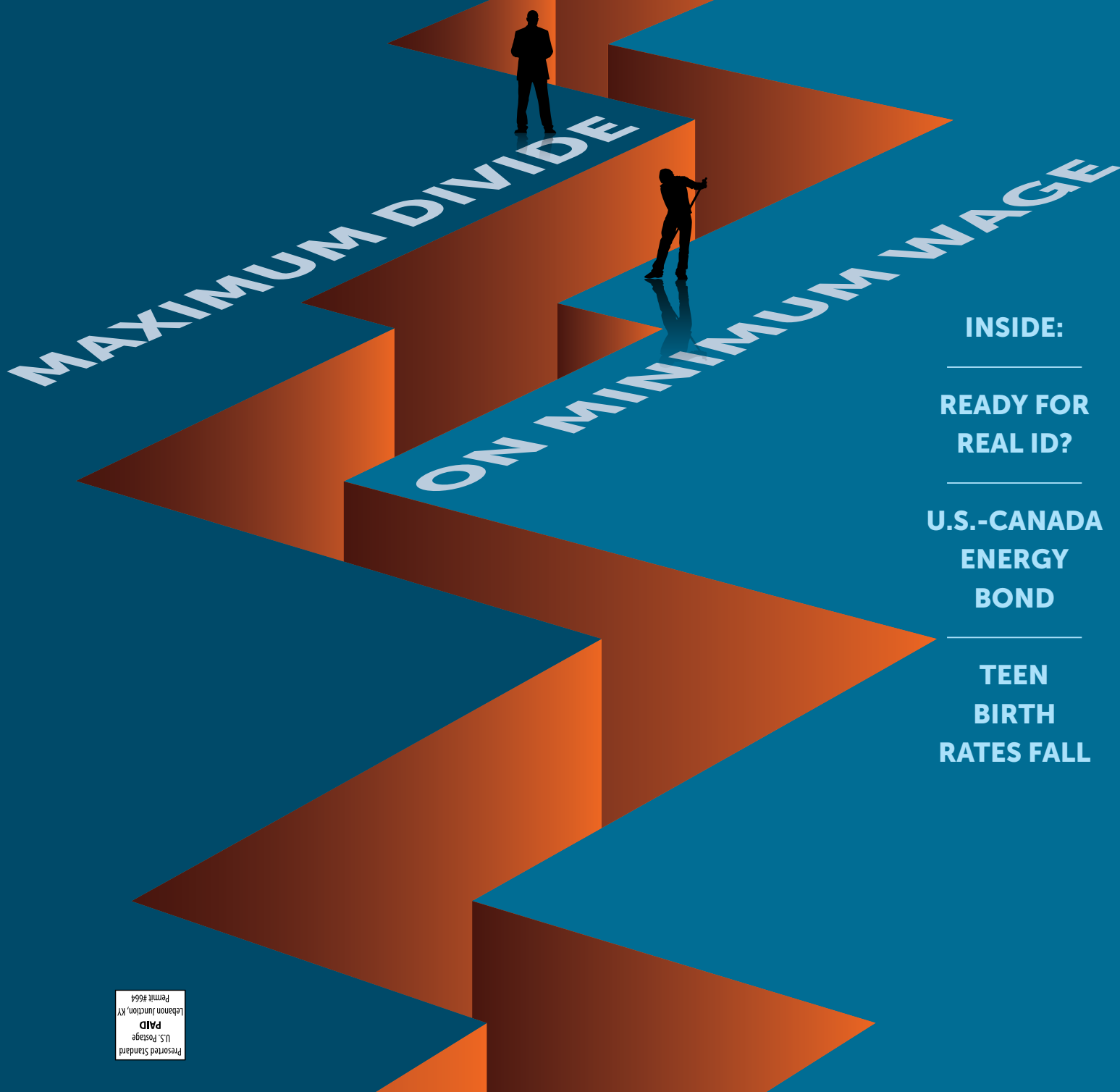


March 2014

STATE LEGISLATURES



NATIONAL CONFERENCE *of* STATE LEGISLATURES



INSIDE:

READY FOR
REAL ID?

U.S.-CANADA
ENERGY
BOND

TEEN
BIRTH
RATES FALL

MADE IN AMERICA

Nuclear Energy Produces Thousands of Jobs



*How can we generate more
low-carbon electricity that is affordable
while creating more American jobs?*

Reliable nuclear power plants in 31 states supply one-fifth of America's electricity. The nuclear energy industry plays an important role in job creation and economic growth, providing both near-term and career-long employment.

Worldwide, more than 200 nuclear energy projects are in the licensing and advanced planning stage, with 63 reactors under construction. This means more demand for U.S. nuclear energy expertise and components for the \$740 billion global market over the next 10 years.

With demand for electricity also growing here in the United States, the nuclear energy industry will create tens of thousands of jobs for American workers while providing global customers with the safest technology in the marketplace.



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STATE LEGISLATURES

NCSL's national magazine of policy and politics

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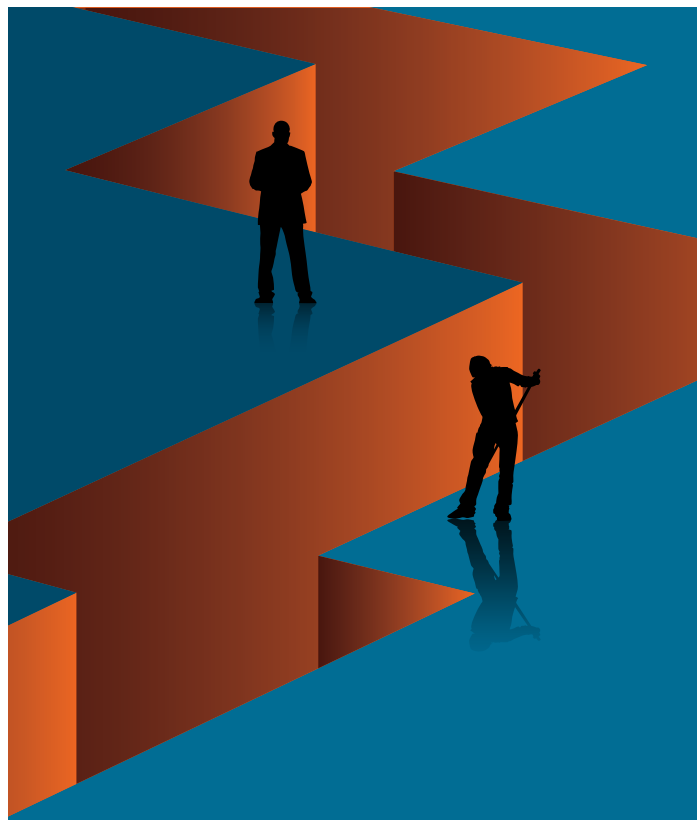
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The U.S. teen birth rate has fallen by over half in the last two decades, but it's still higher than desirable.



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POINT OF ORDER

SAY WHAT?

NCSL STAFF SHARE EXPERTISE

"What we're seeing, four-and-a-half years after the end of the Great Recession, is that the recovery of state budgets remains a work in progress."

—Todd Haggerty, NCSL policy specialist, on KJZZ Radio in Phoenix



"There is a move away from enforcement measures to measures that support immigrants, such as in-state tuition and driver's licenses."

—Ann Morse, NCSL immigration policy project director, in WSJ



"Surpluses are a very tricky term."

—Arturo Pérez, NCSL budget expert, in the Pittsburgh Tribune-Review on why some states show budget surpluses while others still have deficits



"Minimum wage is a cyclical issue for the states. When the federal minimum wage hasn't been increased for several years, then the states start looking at it."

—Jeanne Mejeur, NCSL expert on state labor and employment issues, on NPR



TRENDING @ NCSL.ORG

ONLINE DOCS

- State Renewable Portfolio Standards and Goals
- The Canvass: Voting at Schools, Voter ID, and more
- Racial and Ethnic Health Disparities
- Sentencing and Corrections Policy Updates
- The New Coverage Gap: Medicaid Expansion and Minority Communities
- Tools You Can Use: The Language of Leadership
- Juvenile Age of Jurisdiction and Transfer to Adult Court
- Elections Experts Discuss 2014 Policies
- Next Generation Assessments for the 2014-2015 School Year
- Justice Reinvestment Roundtable Highlights
- Mason's Manual on Debate Decorum

WEBINARS

- Medicaid Spending Trends and Cost Drivers: A 50-State View, 2 p.m. ET, March 7
- Affordable Health Care Act Outreach and Enrollment, 2 p.m. ET, March 14

MEETINGS

- Executive Committee Spring Meeting, May 29-31, Anchorage, Alaska
- Legislative Summit, Aug. 19-22, Minneapolis, Minn.

NCSL EXECUTIVE COMMITTEE, AUSTIN

THE MAESTRO AT WORK

President Lyndon Johnson may have been the greatest political arm twister ever to inhabit the Oval Office. Last month, attendees at NCSL's Executive Committee dinner meeting in Austin got a first-hand account of his skill.

Ben Barnes, former Texas House speaker, recalled the time he was in Illinois Senator Everett Dirksen's office when Dirksen announced they'd been invited to the White House for a drink.

In the Oval Office, after a scotch—Barnes suspected Johnson had the bartender serve his guests an extra shot—Johnson mentioned he needed three Senate GOP votes to pass a tax bill. Dirksen told

Johnson there was no way.

Johnson ordered more scotch. Then the president remembered an Army Corps of Engineers general had told him that a dam Dirksen wanted built in Illinois would not be funded that year. Johnson let that sink in and ordered more scotch.

After the third glass, Dirksen allowed that maybe he could get three votes if Johnson could find a way to get that dam built. The president and Senate minority leader then shared a bear hug, and the deal was done. It was an instructive tale that was not lost on the room full of lawmakers and legislative staff.

—NCSL blog



TWEET TWEET



Senator Rodney Ellis:

"Great ride in Austin with @NCSLorg members from across the country. Thanks to @BikeTexas for their help!"

BikeTexas provided bikes and staff for a ride sponsored by Senator Rodney Ellis and Representative Linda Harper-Brown at January's NCSL Executive Committee meeting in Austin.

COMING SOON TO A STATE NEAR YOU

NCSL's state liaisons were on the ground in Arkansas, Indiana, Iowa, Kansas, Massachusetts, Oregon, Utah and Wyoming in recent weeks. These NCSL representatives answered questions and updated lawmakers and staff on what's new at NCSL, including Web tools, databases, webinars and other resources in the Denver and Washington, D.C., offices. Want to know who your state liaison is? Visit www.ncsl.org and type "state liaisons" in the search box.

A CAPITOL SNOW DAY!

It's not often the Oregon Legislative Assembly shuts down due to weather, but it happened Feb. 6, when snow and freezing temperatures socked the western part of the state. "All committees & floor sessions cancelled for Friday at the Oregon Capitol," NCSL President and Oregon Senator Bruce Starr e-mailed friends across the country. "A very rare snow event has hit western Oregon—3 to 4 inches of snow at my house, 2 to 4 more predicted for tonight. All schools released kids early yesterday and closed today. I know for you all this is not big new, but for us—this rarely happens. Have a great Friday!"



OREGON STATE CAPITOL FACEBOOK PAGE

STATE LEGISLATURES

A NATIONAL CONFERENCE OF STATE LEGISLATURES PUBLICATION

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Periodically, NCSL rents mailing labels to other organizations. If you prefer your name not be included please send a written request.

State Legislatures is indexed in the PAIS Bulletin and Expanded Academic Index. It is also available in microform and electronically through University Microfilms Inc. (UMI) at (800) 521-0600.

Immigration Summation

Lacking congressional consensus on a national immigration policy, lawmakers in 45 states and the District of Columbia enacted 184 laws and 253 resolutions related to immigration in 2013. This is an increase of 64 percent from 2012. Legislation increased last year in response to both the U.S. Department of Homeland Security's decision not to deport young, unauthorized immigrants who grew up here and the U.S. Supreme Court's ruling that struck down parts of an Arizona law that required immigrants to carry documentation and allowed police officers to arrest anyone suspected of being here illegally, among other things.

State lawmakers focused much of their attention last year on licenses and other kinds of identification, enacting 35 laws in 21 states on a range of topics, including eligibility and documentation for identification cards and driver's licenses, and requirements for firearm, hunting and recreational permits. Eight states extended the right to earn a driver's license to certain unauthorized immigrants.

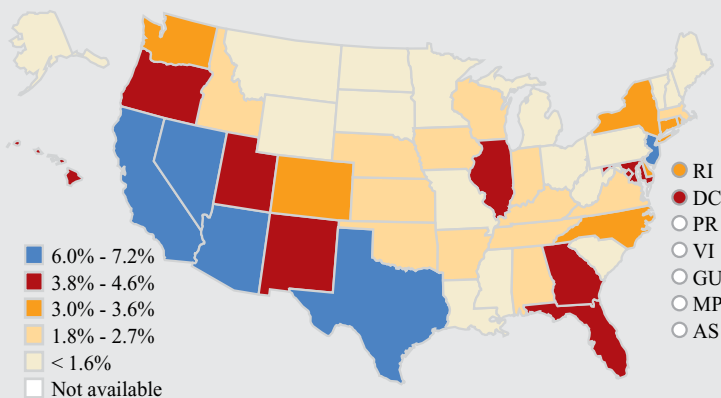
In other areas, four states expanded in-state tuition to unauthorized immigrants. States also authorized funding for immigration enforcement efforts, employment services, English language and citizenship classes, and migrant and refugee programs. Resolutions also spiked in 2013, with most either commending the contributions of immigrants or urging the federal government—once again—to pass comprehensive immigration reform.

Not only have the number of bills increased, so have the number of immigrants. Between 2000 and 2011, the number of all immigrants living in the states grew by around 30 percent, although the number of unauthorized immigrants decreased slightly between 2007 and 2011, according to the Pew Hispanic Center. Currently, foreign-born residents make up 12.8 percent of the nation's population.

—Ann Morse

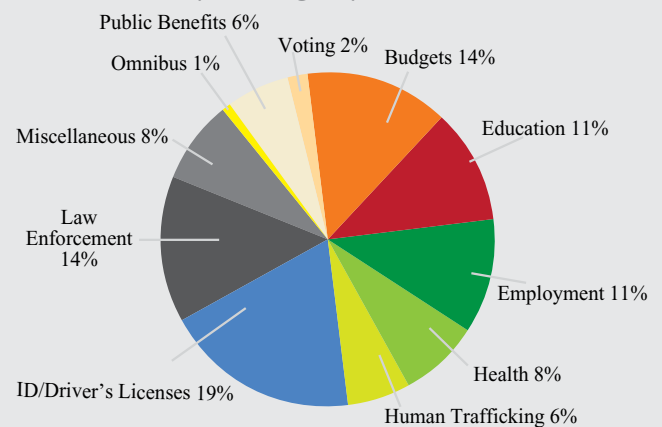
Where Unauthorized Immigrants Call Home

Unauthorized immigrants' estimated share of each state's population in 2010.



Source: Pew Hispanic Center

State Immigration Laws Enacted by Category, 2013

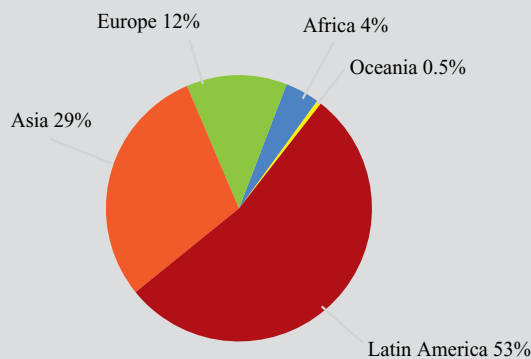


Source: NCSL

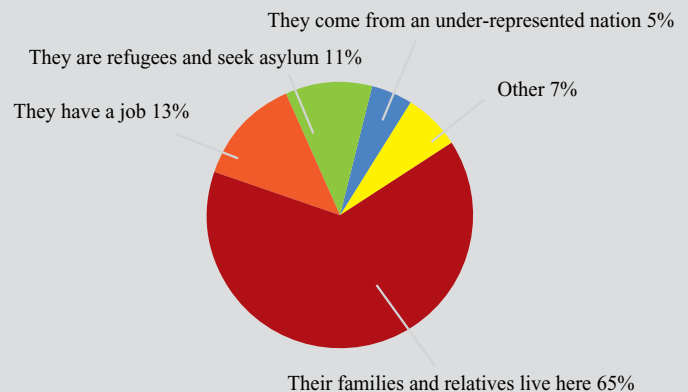
The Foreign-Born Population, 2011

Of the 40 million foreign-born residents, 18 million are naturalized citizens, 11 million are legal but not citizens, and another 11 million are unauthorized.

Where They Come From



Why They Seek Permanent Residency



Sources: Pew Hispanic Center, U.S. Census Bureau, U.S. Department of State, U.S. Department of Homeland Security



Four Decades Strong:

The Trials, Trends and Topics of '75

Before getting too worked up about today's bitter partisan divide or stagnant incomes, consider 1975. The U.S. economy was in a recession, thanks to the Arab oil embargo. The federal deficit was growing, state budgets were shrinking and inflation and unemployment were high. Public confidence in elected leaders was in the tank. Watergate and the fall of Saigon had rocked the country to its roots.

The National Conference of State Legislatures held its first annual meeting that year in Philadelphia. Nearly 2,000 attendees heard keynote speaker Louis Harris say that "public apathy and alienation have reached their peak in 1975."

Attendees drafted 145 policy recommendations addressing some of the most critical national issues, including lowering the federal deficit, conserving energy, opposing federal wage laws for state and local employees, giving legislatures a role in overseeing law enforcement block grants, repealing state fair trade laws, reforming medical malpractice insurance, boosting federal welfare spending and overhauling state pension and retirement systems. Attendees also called for bans on "Saturday Night Special" handguns and aerosol sprays containing fluorocarbons.

In 40 years, there's been progress on many fronts. The federal deficit is actually shrinking, air quality is better and violent crime is down. But as the following excerpts from the early issues of State Legislatures magazine show, some issues are like weeds. They come back every year.

Prescriptions for Soaring Hospital Costs

"Now more than ever, Americans are finding they can't afford to get sick. Since health care price controls expired on April 30, 1974, average costs have risen more than 13 percent and hospital charges are up 16 percent." June/July 1975

State Marijuana Laws

"Oregon passed the nation's first marijuana decriminalization law nearly two years ago. ... On June 18, 1974, Maine became the second state to make possession of a small amount of marijuana a civil rather than a criminal offense. Possession of less than 1.5 ounces would be subject to a fine of up to \$300, but would not result in a jail sentence or criminal record. While liberalizing bills are pending in nine other states, only in California and Colorado is there possibility of passage this year." June/July 1975

Prayer in School

"Despite the fact that official prayer in schools has been banned since 1962, some state and local governments have continued the practice. ... In Connecticut, the General Assembly has passed a bill which requires a period for daily meditation in public schools." June/July 1975

Not a Shredder Left

"California's Governor Edmund Brown, Jr., has had three paper shredders removed from his office. The shredders, left over from the previous administration, 'simply have no place in an open government,' according to Brown. At the same time, the governor ordered a halt to the policy of giving free brief cases to state employees, declaring they only 'encourage the blizzard of state paperwork.'" June/July 1975

Gun Control: The Controversy Continues

"America has the highest homicide rate in the world. Every three minutes someone in the United States is killed or wounded by a firearm. ... As the casualties increase, so does the debate over handgun control." June/July 1975

More May Still Mean Less

"Americans were earning more money than ever last year, and still getting poorer. The Bureau of Census estimates that because of 'substantial inflation,' the ranks of America's poor increased by 1.3 million, or 5.6 percent. That brings the number of citizens living below the poverty level to 24.3 million, or 12 percent of the population." August/September 1975

Pay Toilets: Relief is in Sight

"Americans are increasingly tired of paying an admission price for necessary body functions. A nationwide trend has begun to ban pay toilets in public restrooms. ... So far, at least three states—Alaska, New York and Wyoming—have banned pay toilets entirely, and at least 20 are imposing restrictions on the number of pay facilities in public places." August/September 1975

A Comeback for Plain English

"Lawmakers in Texas are waging an all-out campaign against bureaucratized and gobbledygook. Almost unanimously, the state legislature recently passed S.696, a bill that would require all accident and health insurance policies to be written in 'readable language.'" August/September 1975

Can States Buck the Money Crisis?

anticipate a 40 percent decline in their general fund surpluses. In comparison with the 1974 surplus of \$6.5 billion, this year state surpluses will drop to \$3.9 billion. And no immediate relief is in sight. George Bell, of the National Association of State Budget Officers, predicts that the overall drop of 40 percent in 1975 surpluses will be repeated with another 40 percent drop in fiscal 1976. "Looking at these figures in another way," he said, "the states as a whole expect a 1975 surplus of about 4 percent of their budgets, and a 1976 surplus of slightly over 2 percent — a slim margin indeed."



dry. The nation's recession, unemployment, and adverse ripple effect on local government. Increased costs of providing services demanded by construction cost increasing their toll on state with these costs are employment on tax revenue.

Aerosol Sprays Health Versus Convenience

Oregon has proven once again it is a leader in adopting environmental legislation. The first state to pass a returnable container law has now become the first with a bill banning the use of aerosol sprays which contain carbon gases as propellants.

Introduced by Sen. James H. Hollock and Walter Brown, the Oregon legislature passed the bill before a special governmental task force concluded that gray-can fluorocarbons are damaging the earth's fragile ozone layer. The gases

Prayer in Schools

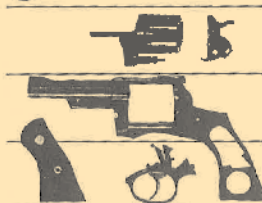
Despite the fact that official prayer in schools has been banned since 1963, some state and local governments have continued the practice. Some schools have simply ignored the Supreme Court ruling until forced to desist. Others have sought to amend the constitution to allow non-denominational or voluntary prayer. In Connecticut, the general assembly has passed a bill which requires a period for daily meditation in public schools.

Connecticut's Civil Liberties Union is expected to challenge this state-ordered meditation period on the grounds that it is still prayer and a violation of the constitution. The counter argument will probably be that the meditation is voluntary and not a specific religious exercise.

Crisis in the Corridors



Gun Control:



The Controversy Continues

America has the highest homicide rate in the world. Every three minutes someone in the United States is killed or injured.

"foremost guard-ditch and Const- to keep and bear- strict enforcement laws, with stiff- enction of crime- opposes any legi- against the inna- With more than \$80,000 damage to a fees, research the NRA is one- lobbying groups."

Other group- involved with the- views opposite the- U.S. Conference- zone or a vice squad- ownership, except- sporting clubs. The Nation's handgun, head- D.C., represents in lobbying eff- utive Director, parison with the- and Goliath sit- them in money's- investigate juvenile delinquency painted by 40.1 percent, robberies by 40.7 per-

Adding Up the

The principal vic- of crime are the sit- 0 and 1973, accord- minity report, homic- percent, rapes and-

Congress Tries to Tame the Budget

The U.S. Constitution, in theory, gave the legislative branch of government the power to control the nation's purse-strings. But each session, Congress is confronted with an enormous 300-400 page Presidential budget message prepared by the 600 staff members of the President's Office of Management and Budget. Congress, hampered by the lack of necessary time, staff and expertise, is unable to provide an adequate overview of the entire budget.

"The federal government now spends more in one day than it did during all of 1916. Yet, as federal spending has increased—first to \$3 billion in 1925, to a hundred times that level half a century later—Congressional procedures for dealing with the budget have remained virtually unchanged."

New Math: 1+1 = A Concept?

"Teenagers and young adults taught the 'new math' may be leaving their classrooms ill-equipped to deal with everyday arithmetic and the consumer marketplace. A government-subsidized study ... indicates that a majority of those surveyed have trouble balancing their checkbooks, determining the best food buys and even calculating parking lot change." August/September 1975

State Legislatures in the Public Eye

"Less than five years ago, many legislatures reacted negatively to the prospect of television cameras in committee rooms and on the floor of their chambers. With Watergate and the national trend toward government in the sunshine, however, more and more citizens can now watch their legislatures in action from their living rooms. ... Public television stations in 29 states now provide regular coverage of state legislatures." August/September 1975

Smoke-Filled Rooms Are Hazardous to Your Health

"Due to state and local regulations, 'No Smoking' signs are appearing in more and more public places. At least 20 states have passed bills restricting public smoking this session. The most comprehensive law is found in Minnesota where no smoking is allowed 'in a public place or in a public meeting except in designated smoking areas.'" November/December 1975

Legislative Salaries: The Debate Continues

"Across the country legislative salaries vary greatly. Lawmakers in New York are paid \$23,500 per year, in California \$21,200 and in Illinois \$20,000. By contrast, New Hampshire, North Dakota and Rhode Island annually pay their legislators

\$100, \$150 and \$300, respectively. Lawmakers' salaries exceed \$10,000 in only 12 states, and in 25, the pay is \$5,000 or less. Despite the low salaries in most states, legislators have made substantial gains over the last few years. The average legislative salary is now \$5,514, an increase of \$705 since late 1973." November/December 1975

Crisis in the Corridors

"The primary concern in many American schools is no longer education, but preservation," said Indiana Senator Birch Bayh (D) at the opening of his subcommittee's investigation into school violence. ... One school executive said that a major city high school times its dismissal bell to coincide with police cruisers which patrol the adjacent streets to keep rival gangs 'from colliding in open warfare.' A security guard described gun battles in the corridors of a Richmond, Va., school, a Christmas Eve arson that caused \$250,000 damage to a Pensacola, Fla., school and the killing of class pets by vandals in a Philadelphia elementary school." November/December 1975

When Matrimony Turns to Acrimony

"In some sections of the country, more people are getting divorced than getting married. Indeed, nearly four out of every 10 marriages now end up on the rocks. And, as divorce increases, so does the number of states adopting no-fault divorce provisions. ... California was the first state to abandon the adversary procedure for divorce, where one partner had to prove the other at fault for marriage failure. Now 16 states use 'irretrievable breakdown,' otherwise known as 'irreconcilable differences' or 'incompatibility,' as the sole ground for divorce." January/February 1976

People & Politics

REPRESENTATIVE JEFF HICKMAN (R) IS THE NEW SPEAKER OF THE OKLAHOMA HOUSE OF REPRESENTATIVES.

Hickman and Speaker Pro Tem Mike Jackson (R) vied for the leadership post, which Hickman won by a caucus vote of 39-30. The full House elected him on a party-line vote of 69-29. Hickman succeeds former Speaker T.W. Shannon who is running for the seat being vacated early by U.S. Senator Tom Coburn. "Speaker Hickman is a man of integrity. ... I look forward to working side by side with him in a bipartisan manner to address the issues facing our great state," said House Minority Leader Scott Inman (D), who had been nominated by his caucus. Jackson will remain pro tem.



HICKMAN

SENATOR THERESE MURRAY (D), MASSACHUSETTS' FIRST FEMALE SENATE PRESIDENT, HAS ANNOUNCED SHE WILL NOT SEEK RE-ELECTION to the legislature.

Murray, who was first elected to the Senate in 1992, became president in 2007. Murray's decision was not unexpected. Senate rules would have allowed her to serve only through March 2015 in her leadership position. Senator Stanley C. Rosenberg (D), current majority leader, said he has the votes to succeed Murray as president. He said Murray effectively balanced policy and politics as leader. Former Senate Minority Leader Richard Tisei, who is running for Congress, lauded Murray for her bipartisanship, saying, "She took great pains to make sure the atmosphere in the Senate was one in which everyone could work together ... Democrat or Republican, everyone looks forward to going to work, and that's a great legacy to leave behind."



MURRAY

A FORMER CONNECTICUT SPEAKER OF THE HOUSE WHO AUTHORED THE NATION'S SECOND "MEGAN'S LAW" IN 1995 IS PRODUCING A 13-PART SERIES ON CHILD SEX TRAFFICKING called "Turnpike Chronicles."

As a lawmaker, Jim Amann (D)—who was elected in 1991 and served as speaker from 2005 to 2009—worked to change domestic sex trafficking laws. As a filmmaker, he hopes his series will "get some more advocates to stand up to fight for these kids." Amann, founder of L.A. Productions and Entertainment, is basing his film on a book by Raymond Bechard, "The Berlin Turnpike: A Story of Human Trafficking in America." "Most people think this is an issue related to overseas—something in Mexico, Asia—it not an American problem," Amann said. The documentary series will be released in the summer.



ROSENBERG



LUBNAU



AMANN

PARTISAN POWER SHIFTED IN THE VIRGINIA SENATE IN EARLY FEBRUARY, WHEN DEMOCRAT LYNWOOD W. LEWIS JR. WON A RECOUNT BY JUST 11 VOTES



LEWIS

to fill the seat vacated by Lt. Governor Ralph Northam. Northam was the running mate of Terry McAuliffe, who won the governorship from the GOP in November. The 20-20 tied chamber, which had been under Republican control since 2012, now has a Democratic lieutenant governor in place as the tie-breaking vote. The Democrats shoved through a new rule giving the chair of the Senate Rules Committee—now a Democrat—the right to kill any bill the House has "substantially" amended. The Democrats used parliamentary procedures from the time of Thomas Jefferson to solidify their control of committees and give the Rules chair extraordinary power. The outcome of the power play resulted in a new leadership team. Senator Charles Colgan is the new Senate president pro tempore, Senator Richard Saslaw is now the Senate Democratic leader, and Senator Thomas Norment is now the Senate Republican leader.

WYOMING REPRESENTATIVE SUE WALLIS (R), A CATTLE RANCHER

who wrote cowboy poetry and was one the nation's most outspoken proponents of horse slaughter, died unexpectedly in January. She was 56.



WALLIS

Wallis was first elected to the legislature in 2006 and ran at the urging of her high school friend, Wyoming Speaker Thomas Lubnau (R). Although she gained notoriety because of her stand on horse slaughter, Lubnau said that one issue was "just a fraction" of the good work she did. "She was tenacious in her defense of what she believed in—and very articulate," he said. Governor Matt Mead (R) said, "Wyoming has lost a great voice. ... The strength of her convictions was clear, as was her commitment to the West and our way of life. I will miss her."



ATKINS

CALIFORNIA DEMOCRATS CHOSE ASSEMBLYWOMAN TONI ATKINS AS THEIR NEXT SPEAKER.

She won the post with unanimous support, and her selection promises a seamless transition into the leadership post. Atkins, the daughter of a Virginia coal miner who grew up in a house with no running water, is currently the majority floor leader. Before her election to the Assembly in 2011, she served on the San Diego City Council and was acting mayor for several months. Atkins, who will succeed Speaker John Perez when he leaves office at the end of 2014, is the first openly gay lawmaker to lead either chamber in the California Legislature.

User Fees Inch Up

States are relying on user fees more and more. State revenue from highway tolls, sewage assessments, park visitor charges and other user fees is up 5 percent over FY 1992. In FY 2011, user fees provided, on average, 17.1 percent of revenues raised directly by states. That's still far less than state tax collections, however, which provided 71.6 percent of annual state revenues that year.

In this era of protracted revenue growth following years of declining tax collections during the Great Recession, user fees have become an attractive trend for funding public services. But they're not a new idea. State and local governments have imposed user fees for admission to parks and recreation facilities for decades. The first modern state turnpike, in fact, was financed by tolls. The Pennsylvania Turnpike opened in 1940, 16 years before the Federal Aid Highway Act authorized—and funded—the federal interstate highway system.

The rising importance of user fees raises a number of questions for state policymakers. Proponents of fees argue they allow governments to impose the cost of services on the citizens who want and use them. This prevents general fund tax money from paying for government services that benefit only specific individuals, they argue. Opponents argue that, since fees are the same for everyone, they are regressive—that is, they cost low-income households a greater proportion of their income than higher-income households.

State tax policy can be a complex and often divisive subject, but when fees are included, it becomes even more so. Every source of revenue has its advantages and disadvantages from the perspective of citizens and state government. Finding the proper mix remains an ongoing challenge for state lawmakers.

—Todd Haggerty

Is it a Tax or a Fee?

In some cases, there is very little practical difference between a tax and a fee. But legal distinctions between the two are very important because several states require approval by the voters or a legislative supermajority to raise taxes, but not fees.

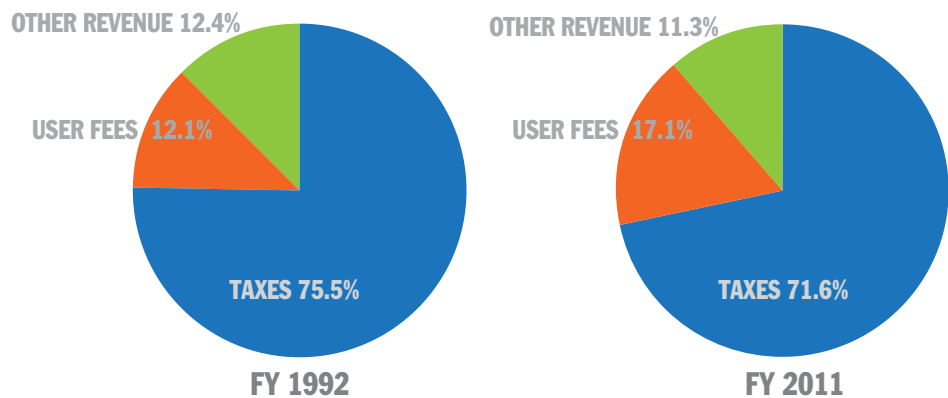
Some revenue sources—such as sales, income and property taxes, for example—clearly fall into the tax category. Payments for government services, like park entrance fees, sewer charges and highway tolls, clearly fall into the user fee category.

Other revenue sources, such as payments in lieu of taxes, court-imposed fines and sales of state property, are not so easily categorized. Yet courts must make these types of determinations every day.

In general, state courts have focused on the intent and uses of the funds by asking: Are revenues placed in the general fund or in a specific fund designed to cover regulatory or other costs? Is the purpose of the fund to raise revenues for the community or for specific individuals and industries?

When the revenue benefits the community or goes into the general fund, it is often categorized as a tax. Revenues benefitting specific industries often are categorized as fees.

Sources of State-Generated Revenue



Source: U.S. Census Bureau, Annual Surveys of State and Local Government Finances



Avenging Revenge Porn

It's not unusual for young romantic couples to send intimate photos or risqué "selfies" to each other via the phone or Internet. Unfortunately, when the relationship sours, those photos provide the spurned partner a new and especially cruel way to take revenge. Too often, those sexually explicit photos end up on porn websites, along with the subject's name, address and links to social media profiles. Revenge porn websites started popping up in 2011. Most allow anyone to upload the photos or videos directly, and some charge the victim a fee to remove them.

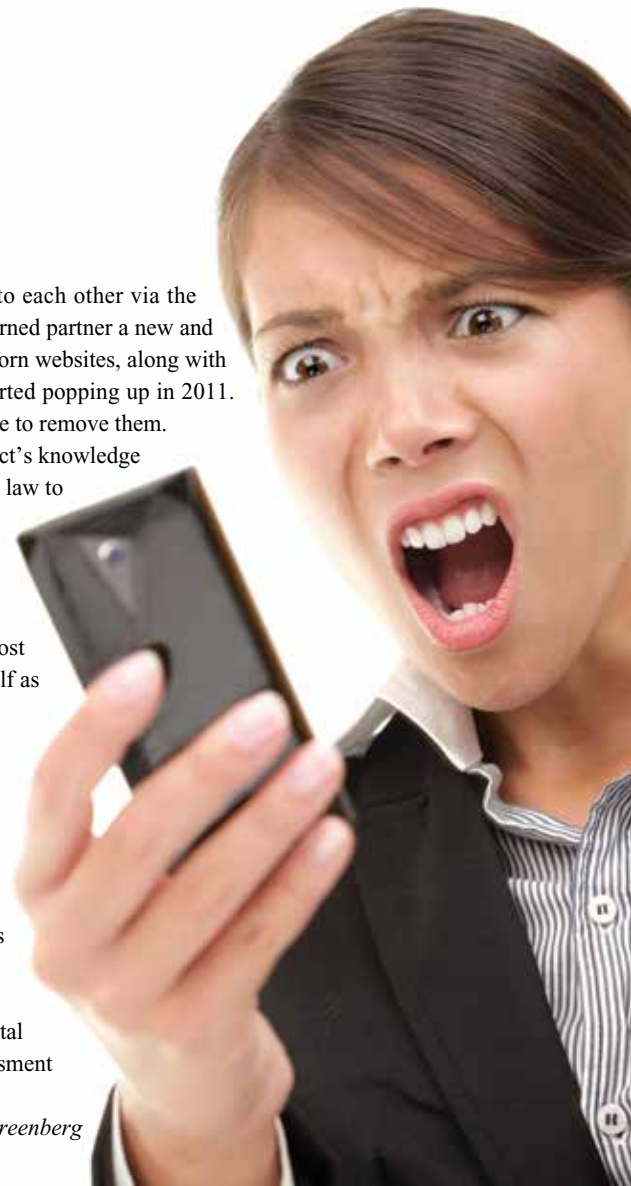
Most states have laws prohibiting taking sexually explicit photographs without the subject's knowledge or consent. Very few laws, however, address revenge porn. In 2004, New Jersey passed the first law to prohibit selling, publishing, distributing or disclosing a nude photograph, videotape or other image of another person without his or her consent. State lawmakers are trying to provide additional recourse for victims. California last year enacted a bill criminalizing distribution of revenge porn if it causes the victim serious emotional distress.

Legislators in at least 14 other states have introduced revenge porn bills so far this year. Almost all the bills would criminalize revenge porn, with about half setting the crime as a felony and half as a misdemeanor. Several increase penalties for subsequent offenses.

Some groups say such legislation may infringe on free speech. But the American Civil Liberties Union dropped its opposition to the California bill after language about intent to cause distress was added. The Electronic Frontier Foundation, which advocates for free speech on the Internet, criticized revenge porn legislation for criminalizing "victimless instances," and other groups have cautioned against legislation that is overbroad.

Some victims have sought remedies under state laws on online harassment, stalking or invasion of privacy. Actions aimed at the websites, however, are limited, since service providers and website operators are granted immunity from lawsuits for user-submitted materials under the federal Communications Decency Act. Those who took the photos can claim copyright infringement and send a takedown notice to the website, claiming a violation of the federal Digital Millennium Copyright Act. Even so, once a photo is on the Internet, the damage—the embarrassment and distress suffered by the victim—is done, and the photo's lifespan may be infinite.

—Pam Greenberg



Poll Books Go Digital

Just as technology has transformed how we manage our bank accounts and pay our bills, it is also changing how we run our elections. Increasingly, elections officials are replacing their pen-and-paper poll books with electronic ones.

E-poll books look like tablets or laptop computers.

They list the names of eligible voters, like traditional poll books, but they typically save time and administrative costs of an election. With e-poll books, voters don't have to stand in an alphabetical line while a poll worker flips through pages looking up names. Instead, the poll worker types in the name and quickly gets the voter information, including precinct, ballot assignment, past address or name changes and whether he already has voted. If anyone tries to vote in the wrong precinct, poll workers don't have to sift through complicated tables or read the tiny writing on a huge map of urban precincts to find the right one. The e-poll book will identify it. In places with sophisticated e-poll book software, voters can sign in electronically to get the ballot.



E-poll books guard against fraud, since they immediately inform poll workers if someone has voted early or absentee. For greater security against voter fraud, some jurisdictions have discussed adding voter photos to the e-poll book, possibly from the motor vehicle department database, although none have done so yet. Having an electronic signature on file to use to compare with the voter's can also save on processing time. E-poll books work in real time, allowing election administrators to quickly report turnout numbers to the media and political parties.

The downsides? As with any new technology, e-poll books require an upfront investment, the cost of putting a laptop or two in each polling place. And, although rare, technology can have its glitches, malfunctions and security breaches.

Jurisdictions in 28 states already are using some form of an e-poll book. Laws in some states explicitly authorize e-poll books. Last year, Indiana passed a comprehensive election bill that included an extensive section on certification and security requirements for e-poll books, the first state to do so.

In other states, administrators have published procedures and certification requirements for the use of e-poll books, even though no specific authorizing legislation exists. And some jurisdictions use e-poll books without any state guidance.

—Katy Owens Hubler

Irish Ayes

By the Numbers



St. Patrick's Day began as a holiday to honor the patron saint of Ireland, but has evolved into a celebration of all things Irish. The world's first St. Patrick's Day parade—on March 17, 1762, in New York City—featured Irish soldiers serving in the English military. It became an annual event.

34.1 MILLION

Number of U.S. residents who claimed Irish ancestry in 2012, more than seven times the population of Ireland itself (4.6 million).

NO. 2

Rank of reported Irish ancestry in the United States, trailing only German.

2.5 MILLION

Number of New Yorkers claiming Irish ancestry, among the most of any state.

24.1%

Percentage of Bostonians who claim Irish ancestry, one of the highest in the nation.

34

The number of local governments in the parliamentary Republic of Ireland.

16

Number of places in the United States that share the name of Ireland's capital, Dublin.

Sources: 2012 American Community Survey, 2012 Population Estimates, U.S. Census Bureau

STATE LEGISLATURES | MARCH 2014

E-Cigarette Debate Lights Up

The verdict is still out on the health effects of electronic cigarettes. Without consistent scientific data, public health organizations are divided on whether they are safer than traditional tobacco. E-cigarette smokers inhale a water-based vapor that may contain nicotine and other chemicals. Some health professionals believe the vapor poses fewer health risks than traditional tobacco, which may reduce traditional tobacco use and the diseases it can cause, including cancer and heart disease.

Other health professionals aren't so sure. They would like the U.S. Food and Drug Administration to regulate e-cigarettes—also known as vaporizers or digital cigarettes—as tobacco products under the Family Smoking Prevention and Tobacco Control Act of 2009. FDA officials stated in 2011 that the agency planned to regulate e-cigarettes, but no rules had been issued as of early 2014.

Several state legislatures have joined the debate. At least 27 states have banned the use by and sale of electronic cigarettes or alternative tobacco products to minors. Three states have added e-cigarettes to their bans on smoking in all public places, and nine states have prohibited their use in public buildings such as schools, universities or corrections facilities, or on public transportation. About a dozen bills have been introduced this year, with more expected.

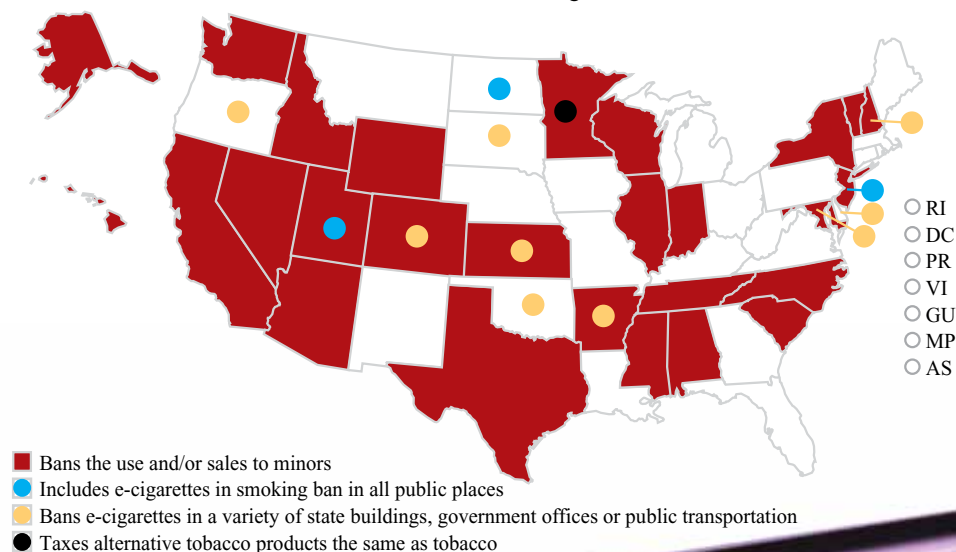
E-cigarettes come in many forms, but they often resemble plastic or glass cigarettes or rods. Unlike traditionally burned cigarettes, they don't produce a combustible smoke or contain tar, a byproduct of burning tobacco. Instead, they contain a small battery that converts a liquid from small cartridges into a water-based mist or vapor. The liquid cartridges may contain varying amounts of tobacco-based nicotine, synthetic nicotine, or no nicotine at all, as well as flavorings and propellants. Studies on the personal and public health effects of the vapor have been inconclusive.

E-cigarette and liquid cartridge manufacturers, which include some traditional tobacco companies, state they are looking for new, potentially safer ways to allow adults to use nicotine and tobacco products in public places where smoking is now prohibited.

—Karmen Hanson

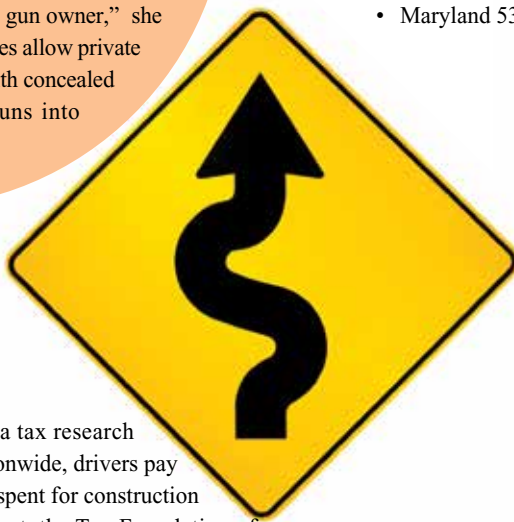
Up in Vapor

Laws on Electronic Cigarettes



1 SHOW-STOPPER

Kentucky's 2014 General Assembly started with a bang when a lawmaker's gun accidentally discharged the opening week of the session. Representative Leslie Combs (D) said she unintentionally discharged her Ruger .380 semi-automatic pistol while unloading it in the Capitol Annex, an office building for lawmakers and committee meetings. No one was injured. Combs said she has a concealed-carry permit and was taking out the bullets because she no longer wanted to use the gun, the Louisville Courier-Journal reported. Combs was not rattled by the incident. "I'm a gun owner," she says. "It happens." At least eight states allow private citizens, including lawmakers, with concealed weapon permits to carry guns into their capitols.



3 HUG A ROAD

State roads are a good deal for drivers, a tax research and advocacy group has concluded. Nationwide, drivers pay slightly more than 50 cents per every \$1 spent for construction and maintenance of roads. In a new report, the Tax Foundation of Washington, D.C., says Delaware drivers pay a bigger share of the state and local costs for roads than do drivers in any other state. Tolls, state gas taxes and fees for licenses and registrations covered 79 cents out of every \$1 Delaware spent on roads in 2011. Alaska's state and local user fees paid for a little more than 10 cents, the lowest rate in the country. The Tax Foundation believes drivers should bear more of the costs.

4 FRIENDLY CALLERS

Rural Maine's harsh winters can be especially challenging for the elderly, and the closest neighbor may be a mile away. For anyone living alone, or who has a physical impairment or disability, a fall or other medical emergency can be catastrophic. But Waldo County has come up with a program to help. Participants simply agree to call the county's 911 dispatch center by 10 a.m. every day. If they don't, a dispatcher calls them, or sends a police cruiser to their home. The program is voluntary and costs are minimal. National Public Radio reports callers often enjoy the added benefit of a short chat with the dispatcher. Other counties have shown interest in duplicating Waldo County's Friendly Caller program.

2 SHOTTY PERFORMANCE

Turnout for flu shots last season was disappointing, a public health advocacy group says. The Trust for America's Health, which conducted the state-by-state analysis with data from the Centers for Disease Control and Prevention, recently reported that 32 states failed to vaccinate at least 40 percent of their residents between the ages of 18 and 64. Overall, 35.7 percent of adults under 65 were vaccinated last flu season, compared to 56.6 percent of children and 66.2 percent of seniors. States with the highest vaccination rates in 2012-13 were:

- Massachusetts 57.5 percent
- South Dakota 56.7 percent
- Rhode Island 56.7 percent
- Hawaii 54.3 percent
- Maryland 53.1 percent



5 GOT DOTS?

In New Jersey, cars may soon sport yellow dots on their rear windshields in a simple, low-tech effort to save lives. The lemon-sized decals let emergency responders know they'll find a document listing the driver's medical conditions, medications and doctors' contact information in the glove box. The new law encourages counties and cities to sponsor Yellow Dot programs, with two core features: the decals are placed on the lower rear window on the driver's side, and the medical information is in a yellow envelope in the glove box. "In many cases, certainly in an emergency, people get excited, they get upset, sometimes they forget what they're on or they may be incapacitated," Senator Robert Singer (R), who co-sponsored the legislation with Senator Richard Codey (D), told Governing magazine. Connecticut enacted a similar law in 2002, according to Anne Teigen, a senior policy specialist with NCSL. Several counties have their own Yellow Dot programs.



6

DEATH ROW DECISION

Is execution by a firing squad cruel and unusual punishment? In 1878 the U.S. Supreme Court said, “No.” But that question is being revisited after a Wyoming lawmaker announced he’s drafting a bill that calls for a firing squad to execute condemned prisoners since lethal injection chemicals are becoming difficult for states to obtain. Current Wyoming law calls for a gas chamber to be used if drugs aren’t available. But Wyoming doesn’t have a gas chamber, and Senator Bruce Burns (R) points out and they’re not cheap to build. A firing squad, on the other hand, “is frankly ... one of the cheapest [alternatives] for the state,” Burns told the Associated Press. Wyoming has one man on death row. Thirty-two states have the death penalty, but only Utah allows a firing squad for inmates who requested it before the method was discontinued in 2004, according to the Death Penalty Information Center.

7

BUS BUSTS

In Illinois, where drivers are prohibited from passing stopped school buses while they load or unload students, a new law allows school districts to install cameras on school buses to photograph drivers who do. The law also requires the schools that use these systems to post a notice on their websites and signs on their buses. Fines collected from the automated enforcement systems will go to school districts and cities.



8

BANKING DESERTS

Colorado public assistance recipients can’t use their government-issued debit cards to get cash at ATMs in casinos, liquor stores and gun shops, and recently, some Republican lawmakers hoped to add marijuana to the off-limits list. But the proposal was torpedoed by the Democrats on the Senate State, Veterans and Military Affairs Committee. They said ATMs are even rarer than marijuana shops in some neighborhoods, and that the legislature instead should focus on those banking deserts before adding to the list of places where public assistance cards can’t be used.



9

SHORT ON CASH

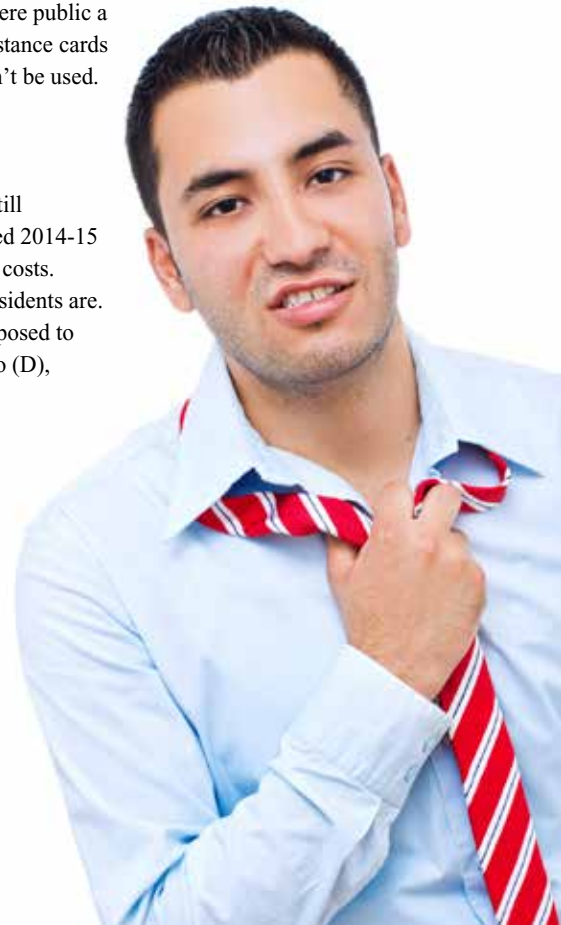
Unauthorized immigrants will be able to get driver’s licenses in California next year, but lawmakers are still grappling with how to pay for the expansion. Governor Jerry Brown set aside \$64.7 million in his proposed 2014-15 budget to hire more than 800 workers to help process the applications, but critics say that won’t cover the costs. The Department of Motor Vehicles has said unauthorized immigrants will be charged the same \$33 fee residents are. Critics say they should have to pay an additional surcharge. “My understanding is the applicant fee is supposed to pay for this,” Assemblyman Brian Jones (R) told the San Diego Union Tribune. Assemblyman Luis Alejo (D), who carried the legislation, said the costs are still being calculated and that the fee may change.



10

WEEKEND? WHAT WEEKEND?

Wisconsin manufacturing and retail workers can stay on the job seven days straight—no time off—if a bill being carried by a pair of Republican lawmakers becomes law. Current state law requires employers to give their workers at least 24 consecutive hours off every seven days. Under a bill by Senators Glenn Grothman and Mark Born, workers could volunteer to work seven days straight. Born and Grothman say their measure brings Wisconsin in line with federal law and gives workers a way to make extra money and employers a way to boost production. The bill is unlikely to lessen tensions between the GOP and Democrats in Wisconsin, where public workers lost many of their union rights in 2011.





Maximum Divide on

Studies abound on the minimum wage, but the conclusions drawn vary greatly.

BY JEANNE MEJEUR

To paraphrase an old joke, if there were only two economists left in the world, they would disagree about the minimum wage. Does it cost jobs or create jobs? It's a valid question, but the answer depends on who you ask.

Opponents of minimum wages contend that increased labor costs force businesses to cut staff, costing jobs. That sounds reasonable. Proponents of minimum wages argue that giving workers more disposable income puts money back into the economy, which in turn creates jobs. That makes sense, too.

So what's the answer?

Studies abound on the minimum wage. Some make common sense arguments while others use enough fancy math to dazzle any economist. Most studies are published by interest groups that either support or oppose a minimum wage, or from authors connected to such interest groups. If you read enough of these studies, you'll likely come to the realization that, almost without exception, they are trying to persuade you more than inform you.

The Pro Arguments

Commonly used arguments supporting increases to the minimum wage follow.

1. Increases put more money into the pockets of low-income workers. According to a 2013 Congressional Research Service report, a single parent with two children who works full time at the current minimum wage would be earning around \$15,000 and living at 76 percent of the federal poverty level. If the federal minimum wage was raised from the current \$7.25 to \$9.00 an hour, the same family would be at 94 percent of the poverty line.
2. Minimum wage increases shrink the gap between low-wage and higher-paid workers, lessening income inequality, both within individual businesses and in the larger economy.
3. Minimum wage increases put more money into the economy since low-income workers are more likely to spend their higher wages than are their higher paid counterparts, who are more

Jeanne Mejeur is NCSL's expert on state labor and employment issues.

Minimum Wage

likely to save them. This increased demand for goods and services tends to stimulate the economy which, in turn, leads to job creation.

4. Higher minimum wages reduce turnover among low-wage workers. Lower turnover rates are a net positive for businesses, since high turnover increases training costs and results in lower productivity.

The Con Arguments

Following are the most commonly cited arguments against minimum wage increases.

1. It results in job losses. Labor costs are the largest share of the budget for many businesses. Mandatory increases in hourly wages mean that businesses will be forced to cut jobs or reduce hours to maintain their bottom line. That could mean no income or reduced income for low-wage workers.
2. There are better ways to address poverty, such as income tax credits for low-income workers or tax policies that encourage asset development and savings for low-income families.
3. Increased labor costs will be passed on to consumers through increased prices. Higher prices lead to decreased demand, which can have a depressive effect on the economy.
4. Increased labor costs result in lower profits for businesses. Lower profits mean that businesses have less money to put back into their enterprises for job creation and business expansion.

So there you have it: There is no definitive study, no final answer. Whatever your opinion on minimum wage, you can find a study that will back it up.

The last increase in the federal minimum wage was in 2009. In constant dollars, the minimum wage that was worth \$7.25 in 2009 is now worth \$6.67, due to the increased cost of living.

A seemingly indisputable fact is that, despite 22 increases in the 75 years since it was established in 1938, the federal minimum wage has not kept pace with inflation. In real dollars, the peak value of the federal minimum wage was in 1968, when the wage was set at \$1.60. That would be \$10.56 in today's economy, well above the current \$7.25.

From a consumer's point of view, the average cost of a loaf of bread in 1968 was 22 cents, accounting for 14 percent of an hour's pay at the \$1.60 minimum wage. The average cost of a

Who Earns Minimum Wage?

According to the Bureau of Labor Statistics, based on 2012 figures:

- ◆ Around 3.6 million (or 4.8 percent) of the 75 million workers paid on an hourly basis earn \$7.25 an hour or less.
- ◆ More than half of minimum wage workers are under the age of 25.
- ◆ Six percent of women and 3 percent of men earn minimum wages.
- ◆ The leisure and hospitality sector has the highest proportion of minimum wage workers.
- ◆ Louisiana, Oklahoma, Texas and Idaho have the highest percentage of minimum wage workers.
- ◆ Alaska, Oregon, California, Montana and Washington have the lowest percentage of minimum wage workers.

Source: The Bureau of Labor Statistics, 2012 data

loaf of bread in 2012 was \$1.88, which accounts for 26 percent of an hour's pay at the current minimum wage. No matter how you slice it, the minimum wage hasn't kept up with inflation.

Congress Stalls, States Act

The lack of action on the federal level has prompted many states to consider increases to their state minimum wages.

All but five have adopted state minimum wages. Alabama, Louisiana, Mississippi, South Carolina and Tennessee have no state minimum wage, relying solely on the federal minimum wage for workers who are covered by the Fair Labor Standards Act. In addition, New Hampshire repealed its state minimum wage in 2011, but left a statutory reference to the federal minimum wage.

Nineteen states have set their state minimum wage to match the federal wage of \$7.25, as have Guam, Puerto Rico and the U.S. Virgin Islands.

Twenty-one states and the District of Columbia have established state minimum wages that are above the federal minimum wage. The highest state minimum wage is in Washington, at \$9.32. California is set to surpass that in January 2016, when the state minimum wage will increase to \$10.00 per hour.

Minimum wage continues to be a hot issue in state legislatures. As of Feb. 1, lawmakers had introduced legislation to increase the minimum wage in Delaware, Georgia, Iowa, Hawaii, Kentucky, Maryland, Massachusetts, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Utah, Washington and West Virginia. Delaware has already enacted an increase effective July 1, 2014, and Washington, D.C., passed an increase that is under review in Congress.

Federal Proposals

The first minimum wage was set at \$0.25 an hour in 1938 by the Fair Labor Standards Act. Congress has raised it 22 times since. In February, President Obama raised the minimum wage to \$10.10 for federal contractors only. Meanwhile, in Congress, several bills on the minimum wage have been introduced. A quick look at these follows.

Fair Minimum Wage Act of 2013 (S. 460 and H.R.1010)

- ◆ Increases to \$8.20, \$9.15, and \$10.10 over three years
- ◆ Indexes subsequent increases
- ◆ Increases tipped wage to \$3
- ◆ Indexes future tipped wage increases

Fair Minimum Wage Act of 2013 (H.R. 3746)

- ◆ Increases to \$8.50, \$10, and \$11 over three years
- ◆ Indexes subsequent increases

Minimum Wage Fairness Act (S. 1737)

- ◆ Increases to \$8.20, \$9.15, and \$10.10 over three years
- ◆ Indexes subsequent increases
- ◆ Increases tipped wage to \$3
- ◆ Indexes future tipped wage increases
- ◆ Raises limits on business expenses

Original Living American Wage Act (H.R. 229)

- ◆ Adjusts federal minimum every four years
- ◆ Keeps minimum wage at 15 percent above poverty line

WAGES Act (H.R. 650)

- ◆ Raises tipped wage to \$3.75 and \$5 over two years
- ◆ Indexes future tipped wage increases

Catching Up To 1968 Act of 2013 (H.R.1346)

- ◆ Increases to \$10.10
- ◆ Indexes subsequent increases
- ◆ Raises tipped wage to 70 percent of the minimum wage

During the 2013 legislative session, lawmakers in 23 states and the District of Columbia introduced legislation to increase their state minimum wage, and bills passed in seven states. Four states—California, Connecticut, New York and Rhode Island—enacted minimum wage hikes that were signed into law.

Legislatures in Maine, New Jersey and New Mexico passed bills as well, but they were vetoed by the governors. Voters in New Jersey had the final say on the issue, however. They approved a constitutional amendment in the 2013 November election that raised the minimum wage and tied future increases to the cost of living.

The Indexing Option

States have taken a couple of different approaches to raising the minimum wage. The traditional method has been to establish a specific dollar amount with a specific effective date. Rhode Island's 2013 bill is an example of that approach. The General Assembly passed a law establishing \$8.00 as the minimum wage beginning Jan. 1, 2014.

Sometimes a legislature will enact a multiple-step increase, as California lawmakers did last year. Its state minimum wage will increase to \$9.00 on July 1, 2014, and jump to \$10.00 on Jan. 1, 2016.

Other states have taken a different approach called indexing, which provides automatic annual increases based on the increased cost of living as determined by the Consumer Price Index. Eleven states have adopted indexed minimum wages since 2001. Interestingly, in 10 of the states, indexing was approved by voters. Vermont is the only state where the legislature approved indexing of the minimum wage.

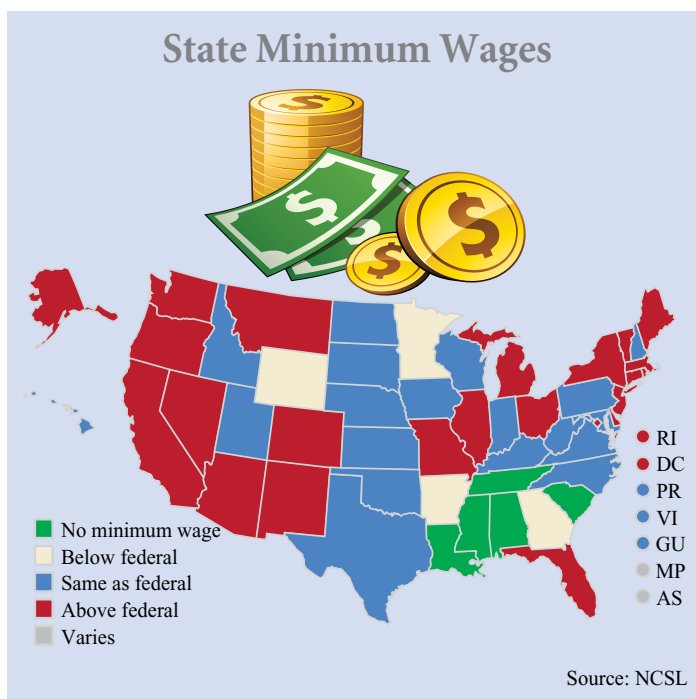
Which approach is best? Both have their advantages and disadvantages.

Indexing

- ◆ The minimum wage increases automatically without discussion or debate, avoiding legislative squabbles.
- ◆ Regular increases allow workers' wages to keep pace with inflation.
- ◆ It allows businesses to plan ahead for their labor costs, since they know in advance that wages will increase each year.
- ◆ The increases tend to be slightly larger overall, with an 18 cent an hour average annual increase.

Step Increases

- ◆ Lawmakers can discuss and debate whether an increase is currently needed.



- ◆ Minimum wage bills often ignite battles as they go through the legislative process.
- ◆ Step increases take additional factors into account, such as the impact of natural disasters, high unemployment, or economic downturns, rather than looking only at inflation.
- ◆ Step increases tend to be larger when adopted, sometimes up to \$1 an hour, but when averaged over the affected years, the increases are actually slightly smaller at an average of 16 cents an hour annually.

Public Opinion

Where does the public stand on the issue? In a Gallup poll conducted in November 2013, 76 percent of the public supported raising the federal minimum wage to \$9.00 an hour. In the same poll, 69 percent of those asked supported an increase to \$9.00 an hour and indexing future increases to the cost of living, to keep pace with inflation.

The same poll found that the level of support varies according to party affiliation but still has broad support among voters of all stripes. When asked whether they supported increasing the federal minimum wage to \$9.00 an hour, 91 percent of Democrats, 76 percent of independents and 58 percent of Republicans said yes.

There was a bigger divide regarding indexing or “inflation-proofing” the minimum wage. Ninety-two percent of Democrats, 71 percent of independents and 43 percent of Republicans said they supported raising the federal minimum wage to \$9.00 an hour and indexing future increases to inflation.

Pro or con, indexing or not, with minimum wage bills in Congress going nowhere, the issue continues to be hotly debated in state legislatures. It’s likely voters in several states will see minimum wage ballot measures when they go to the polls for the mid-term elections this fall.

Minimum Wage Rates for 2014

	Minimum Wage	Indexed to CPI
Alabama	none	
Alaska	\$7.75	
American Samoa	varies	
Arizona	\$7.90	X
Arkansas	\$6.25	
California	\$9.00 (in July)	
Colorado	\$8.00	X
Connecticut	\$8.70	
Delaware	\$7.25	
District of Columbia	\$8.25	
Florida	\$7.93	X
Georgia	\$5.15	
Guam	\$7.25	
Hawaii	\$7.25	
Idaho	\$7.25	
Illinois	\$8.25	
Indiana	\$7.25	
Iowa	\$7.25	
Kansas	\$7.25	
Kentucky	\$7.25	
Louisiana	none	
Maine	\$7.50	
Maryland	\$7.25	
Massachusetts	\$8.00	
Michigan	\$7.40	
Minnesota	\$6.15	
Mississippi	none	
Missouri	\$7.50	X
Montana	\$7.90	X
Nebraska	\$7.25	
Nevada	\$8.25	X
New Hampshire	repealed	
New Jersey	\$8.25	X
New Mexico	\$7.50	
New York	\$8.00	
North Carolina	\$7.25	
North Dakota	\$7.25	
Ohio	\$7.95	X
Oklahoma	\$7.25	
Oregon	\$9.10	X
Pennsylvania	\$7.25	
Puerto Rico	\$7.25	
Rhode Island	\$8.00	
South Carolina	none	
South Dakota	\$7.25	
Tennessee	none	
Texas	\$7.25	
Utah	\$7.25	
Vermont	\$8.73	X
U.S. Virgin Islands	\$7.25	
Virginia	\$7.25	
Washington	\$9.32	X
West Virginia	\$7.25	
Wisconsin	\$7.25	
Wyoming	\$5.15	

Source: NCSL

Burgernomics

Here’s how many minutes it takes, earning minimum wage, to make enough to buy a burger around the world.

	Wages	Minutes
Australia	\$16.88	18
France	\$12.09	22
United Kingdom	\$9.83	23
Japan	\$8.17	31
United States	\$7.25	35
Greece	\$5.06	53
Brazil	\$1.98	172
China	\$0.80	183
India	\$0.23	347



Source: “The Economist” magazine developed the Big Mac index in 1986 as a way to measure whether foreign currencies are at their “correct” level. It compares exchange rates in different countries to see if they result in the same purchasing power for an identical item—the burger. The ConvergeX Group, a global brokerage firm, adapted the news magazine’s burgernomics to minimum wages in various countries to come up with this chart. Minimum-Wage.org provided the wage rates in “international dollars,” which is based on the U.S. dollar in 2009.

State Innovators

Many of the elements in the Affordable Care Act were developed and already being used in the states.

BY MARTHA KING

As the Affordable Care Act turns four this month amid continued sparring between proponents and opponents, it's easy to forget that many elements of the law emanated from state-based reforms.

States have long been innovators in public policy—developing different strategies to achieve similar objectives.



Assemblyman
Herb Conaway
(D) New Jersey

“America’s long and fruitful experiment in federalism continues to teach us that there are many paths to a common goal,” says New Jersey Assemblyman Herb Conaway (D), co-chair of NCSL’s Federal Health Reform Implementation Task Force.

Even though most of the components in the federal health reform act are popular in states that adopted them years ago, many policymakers still agree that “states need to retain the flexibility to craft their own solutions,” says Alabama Representative Greg Wren (R), co-chair of the NCSL task force.

“We don’t like top-down directives from Washington, D.C.,” he says.



Representative
Greg Wren (R)
Alabama

In Action Already

So what were states already doing before Congress passed the ACA? Both Massachusetts and Utah, for example, had created health insurance exchanges—through very different approaches—several years before the concept became a key element in the federal law.

Hawaii has required employers to offer health insurance to most of their employees since 1974. Subsequent federal law—the Employee Retirement Income Security Act (ERISA)—was adopted later the same year. It precluded other states from adopting Hawaii’s model; Massachusetts passed a less stringent version of the law in 2007.

The Bay State was also the first (and only) state to pass an

Martha King directs NCSL’s health program.



individual mandate—the requirement that most people have to have some basic level of health insurance.

Thirty-five states had developed high-risk pools that allowed people with costly pre-existing conditions to buy insurance at a more affordable premium rate. Connecticut was first in 1976; North Carolina was 35th in 2009.

Thirty-seven states required most insurance plans to allow young adults—ranging in age from 20 to as high as 30 years old—to remain on their parents’ plans. Utah was the first state to adopt this benefit.

In addition, most states already had expanded Medicaid eligibility beyond federally required levels to certain populations—many to parents of Medicaid-enrolled children and a few to low-income childless adults.

State Initiatives

Elements of other state initiatives—to expand coverage, control costs, protect consumers and improve health—are reflected in the Affordable Care Act as well.

- ◆ Several states subsidized private insurance coverage for certain low-income people.
- ◆ All states mandated insurance coverage for certain services, ranging from 20 different ones in Idaho to more than 50 in Maryland. More than half of states required screening for cervical cancer and prostate cancer; three states required coverage for cochlear implants. New Jersey required coverage for a rare kidney cancer that primarily affects children.
- ◆ Forty-three states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands had instituted reviews of health premium rates for insurance markets and issuers.
- ◆ About two dozen state legislatures passed laws authorizing the state insurance authority to require prior approval, or disapproval, of certain insurance premium rate changes.



- ◆ Forty-seven states required state-regulated health insurers to provide enrolled consumers facing denials or extra charges an independent appeals process.
- ◆ At least 20 states had created consumer assistance and health ombudsman offices.
- ◆ At least 11 states allowed health insurance discounts for certain healthy behaviors, such as quitting smoking.
- ◆ At least 17 states provided wellness incentives for state employees.
- ◆ Five states had passed legislation requiring nutrition labeling on menus.
- ◆ And about 28 states had developed Health Insurance Purchasing Cooperatives (CO-OPs) during the 1980s and '90s, aimed at helping small employers band together and use "market clout" to purchase insurance.

Wanted: Flexibility

It's obvious states were addressing problems in the health care system before the federal act passed, and they continue to press for flexibility in adopting the law now.

Arkansas and Iowa, for example, won federal permission to implement the ACA's Medicaid expansion through premium assistance. It allows newly eligible people to purchase private coverage through the exchanges, rather than enrolling them in the traditional Medicaid program. Utah pushed for and received federal permission to run its own marketplace exchange for small business enrollments, while deferring to the federal government to run its exchange for individuals. Mississippi and New Mexico later received similar allowances.

As the Affordable Care Act moves forward, states will likely continue to experiment with unique applications of the law, reflecting that common state mantra, "One size seldom fits all."

A Look Back

Several examples from history illustrate how an innovative idea from a state can sweep the nation.

BY TRICIA SIMMONS

The national debate on health insurance has been in the state/federal spotlight the last few years. It's clear that the federal law incorporated many elements developed first in states. But it's far from the first time a state innovation became a national model. Often, a policy idea that germinates in a state, sweeps the country and ends up in Congress. Here are just a few examples from the past.

Women's Right to Vote

Women's suffrage was born in the Wild West. "Giving women the right to vote," says Wyoming Representative Rosie Berger (R), "was key to attracting people to the sparsely populated Western territories, allowing them to expand quicker in their quest for statehood."



*Representative
Rosie Berger (R)
Wyoming*

In true pioneer fashion, the Wyoming Territory was first in granting women the right to vote in 1869. From there the movement caught fire, spreading to Utah in 1870, Washington in 1883 (repealed four years later but reinstated in 1910), Colorado in 1893, and Idaho in 1896.

When Congress threatened to deny statehood to Wyoming if it didn't rescind women's right to vote, the territorial government sent a telegram to Washington, D.C., stating it would rather "remain out of the Union 100 years than join without women's suffrage."

Women took their right seriously. Not satisfied with only men to vote for, women started running for office—and winning. Colorado was the first to elect women to the state house. Three won office in 1894. Utah elected two in 1897. Then Idaho elected three in 1899. In 1916, Montana elected the first female representative to Congress. But it wasn't until 1920 that the 19th Amendment was ratified and women in all states were welcomed at the polls. Today, women account for roughly 24 percent of state legislators nationally.

(continued on page 20)

Tricia Simmons is a meetings manager in NCSL's Communications Division.

Sales Tax

This might not rank as a popular innovation with the public—or some lawmakers—but the modern general sales tax was another state innovation borne from a need.

Mississippi adopted it first, in 1930. In the midst of the Great Depression, the state was looking for ways to help pay for a \$13 million deficit, about \$220 million in today's dollars. Mississippi charged consumers 2 percent on their purchases, leading the way to becoming one of the primary sources of revenue for a majority of states.

Twenty-four states ran with the idea during the Depression years. Vermont, in 1969, was the latest to enact a sales tax. Today, 45 states have a state sales tax, and in 2012, they collected \$242 billion from it. The five states that don't impose a state sales tax are Alaska, Delaware, Montana, New Hampshire and Oregon.

States that do are appealing to Congress to enact the Marketplace Fairness Act, which would allow them to collect the sales taxes owed to them from remote sales. The bill has passed the U.S. Senate and is awaiting action in the House.



Welfare and Work

In 1898, the New York Legislature passed a bill to provide for needy women and their children. But this early version of "welfare" didn't become law because the governor at the time, Frank Black, refused to sign it.

It wasn't until 1911—13 years later—that Illinois became the first state to allow county governments to give grants to widowed mothers with dependent children. Within eight years, 39 states had passed similar legislation. In 1935, Congress grabbed hold of the idea and enacted the Aid to Families with Dependent Children (AFDC), and some 500,000 women and their children began receiving benefits. By 1969, those numbers had grown to nearly 7 million.

By the 1980s, concern had shifted to what many believed to be an unhealthy growing dependency on welfare—a generational welfare cycle. Proponents of reform argued that welfare recipients needed more opportunities to work and support themselves in order to achieve financial independence from the government.

Critics argued the problem was more a lack of good jobs that

paid enough to get welfare recipients out of poverty than with their dependency on benefits.

Wisconsin in 1987 enacted the nation's first "welfare to work" legislation requiring recipients to be actively engaged in training or education. Many states modeled changes in their programs after Wisconsin's approach. And, in 1996, Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act that reflected much of the Wisconsin law, and has fundamentally changed the way benefits are provided nationwide.

Workers and the Workplace

In 1938, Congress passed the Fair Labor Standards Act, which set an 8-hour day and 40-hour work-week, established a minimum wage, set overtime pay and restricted child labor. It was the brainchild of Senator Hugo Black, who first introduced the bill in 1932. But states were hard at work setting workplace standards and wages long before Black's federal legislation.

In 1849, Pennsylvania passed one of the first child labor laws, restricting children to working no more than 10 hours a day and no more than 60 hours a week. By 1887, the legislature set the minimum age at 12 to work in the more dangerous places such as coal mines, mills and factories.

New York's early workplace law faced a different ending. Lawmakers passed the Bakeshop Act in 1897, which set a maxi-

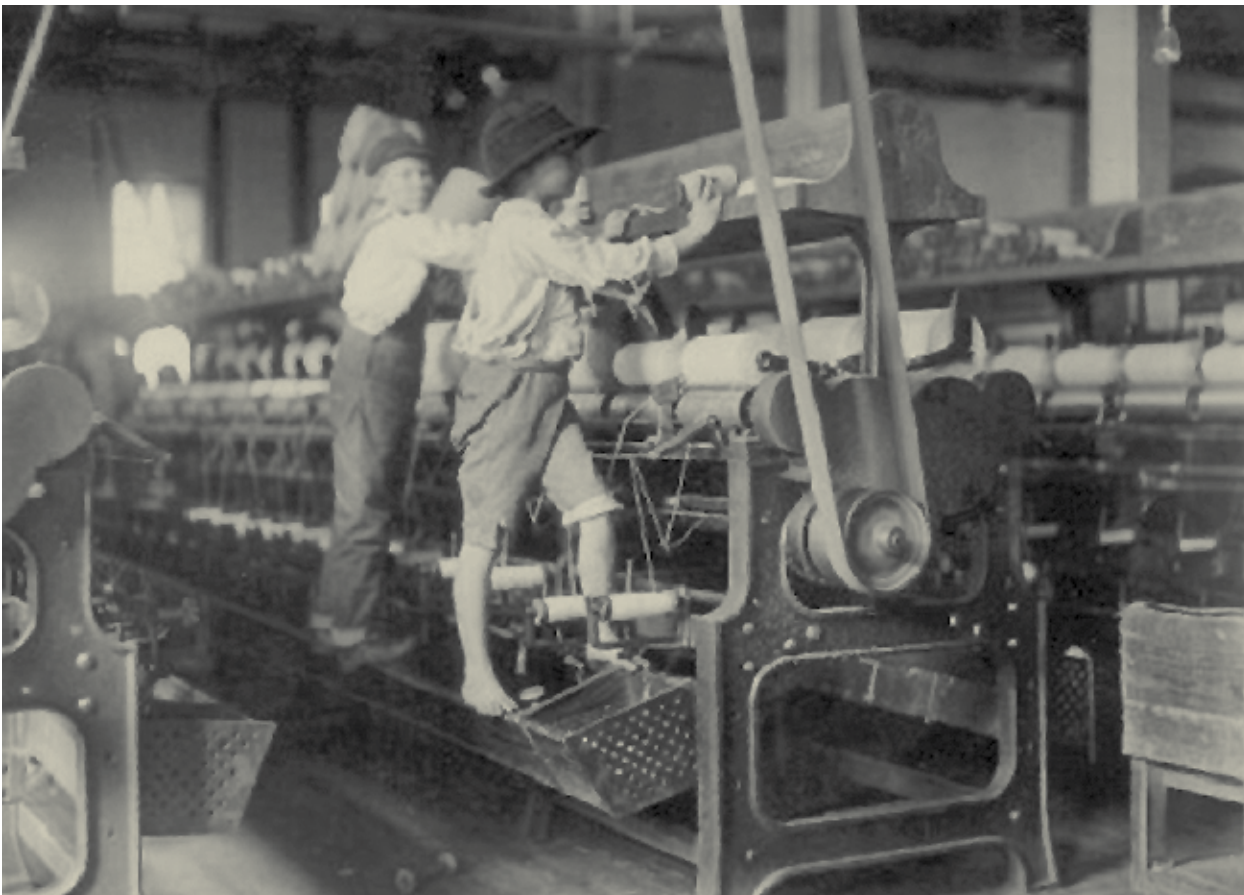
mum work week of 60 hours in bakeries. But the U.S. Supreme Court eventually ruled that the law was unconstitutional in 1905 under the 14th Amendment for violating the right to buy and sell labor.

The District of Columbia passed a minimum wage law for women and children in 1918, but in 1923, the U.S. Supreme Court struck it down too, ruling it violated the Fifth Amendment's Due Process Clause by restricting a citizen's right to "freely contract labor."

In 1910, New York passed the first workers' compensation law; 44 states passed similar laws between 1911 and 1921. Congress nationalized the idea with the Federal Employees Compensation Act of 1916, which offered compensation for lost wages, medical care and survivor benefits to federal employees who were injured or killed on the job.

The Action's in the States

State lawmakers have built a mighty legacy of innovation. With Washington, D.C., mired in gridlock on issues from immigration to taxes, it might look like government is at a standstill. Not so. The nation's 7,383 state lawmakers are hard at work developing local solutions to new problems and discovering new ways to solve old concerns—just as they have in the past.



Tom Frieden

DIRECTOR OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION

“Public health is a best buy. It has a great return on the investment.”

Dr. Tom Frieden, MD, MPH, is the director of the Centers for Disease Control and Prevention (CDC) and the administrator of the Agency for Toxic Substances and Disease Registry. He served as commissioner of the New York City Department of Health and Mental Hygiene from 2002–2009 where he directed a successful program to control tuberculosis. Frieden graduated from Oberlin College, Columbia University College of Physicians and Surgeons, and Columbia University’s Mailman School of Public Health. Frieden has focused his work on controlling health threats from infectious diseases, responding to emergencies, and battling the leading causes of suffering and death in our nation and around the world.

STATE LEGISLATURES: What are the biggest health concerns facing Americans today?

DR. FRIEDEN: We have both infectious and non-infectious problems. Our infectious disease problems reflect a perfect storm of vulnerability. We have resistant infections. New organisms. Globalization of travel and trade and medications. And we have the intentional creation of medicines. To deal with those infectious diseases we need to find them faster, stop them sooner and figure out how to prevent them better. And we do that by working with state and local governments and internationally to find problems and stop them. On the other side are the noncommunicable diseases: heart disease, stroke, diabetes. These are killing the most people today, and a lot are preventable. What we need to do is identify those things that work and make sure we do them—like hard-hitting ads to encourage smokers to quit. Like improving the rates of control of high blood pressure. Like ensuring that patients who are at risk for diabetes get the national diabetes prevention program so they don’t progress to having diabetes. So, focusing on what works, identifying the problems, and then running programs with state and local governments that improve the outcome.

SL: In which areas of public health has the CDC been most effective and why?

FRIEDEN: We’ve seen tremendous progress in the area of immunization, where we’ve seen a drastic reduction in disease after disease. Immunization is one of the great success stories of the past century that we need to preserve and extend as new vaccines become available. People sometimes forget that these diseases can be deadly. More recently, we’ve seen terrific progress with our tips from former smokers’ campaign. Real Americans talk about the disability they have from smoking. As a doctor, I’ve cared for so many patients suffering because of their smoking. They would say to me, “I wish I didn’t smoke.” What we’ve been able to do with this campaign is to bring that message, to draw back the curtain of the examination room and let people see the real impact of smoking. Hard-hitting anti-tobacco ads work, and I hope state governments will increase their investment in proven tobacco control interventions because tobacco use remains the leading preventable cause of death in this country.

SL: What role can or should state lawmakers play in preventing disease and promoting health?

FRIEDEN: This is a federal system so what we do, we do through state and local governments. We don’t go into any state unless we are invited. We provide about two out of every three dollars that are in our budget to state and local governments. And we focus on what is frankly a tough love approach, where we will provide the guidance. We will imbed staff for long term. We will send in short-term teams if desired. But fundamentally, we will work on getting to an outcome that will increase health for all.

SL: What are some of the common denominators among states with the healthier populations?

FRIEDEN: The healthiest states have three things in common. One is totally unrelated to health or public health. They have a society that is less unequal because they’ve improved education and housing and jobs and other things that give everyone an opportunity to thrive. Second they’ve focused on the data and they’ve used data to drive policies. They don’t favor one



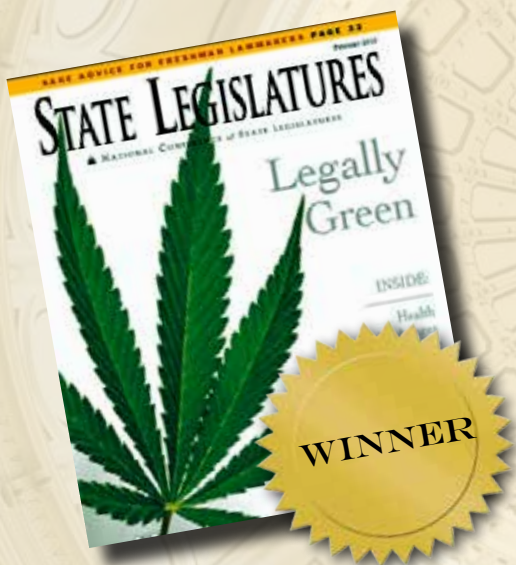
particular policy or another. What they favor is basing policies on data, on what they know works. And third, they've invested in public health. Public health is a best buy. It has a great return on the investment. In fact there was a public health leader a hundred years ago—Herman Biggs—who said that public health is purchasable. Within natural limitations a community can determine its own death rate. We need for state governments to invest in their state health departments. That's their responsibility. We are there to help, but we can't replace what the state has a responsibility to do.

SL: As the director of the CDC, what are your top goals?

FRIEDEN: My goals are quite straightforward. Save as many lives as possible. Prevent illness, injury, disability and death. And do that by growing the evidence on what and where the problems are, geographically and demographically. Then implementing programs with continuous feedback to see if they work, then tweaking them or changing them so we can get the most possible health benefit for every precious dollar that we have to spend.

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 expressed are of those interviewed, and not necessarily NCSL's.

STATE LEGISLATURES



**WINNER OF A 2013
FOLIO EDDIE AWARD FOR
EXCELLENCE IN MAGAZINE
EDITORIAL WRITING**

“LEGALLY GREEN”

FEBRUARY 2013

REAL ID Is for Real

The federal government has begun to phase in enforcement of standards on state-issued driver's licenses.

BY MOLLY RAMSDELL

More than 12 years after 9/11 and nine years after the REAL ID Act passed, the federal government released a plan on when and how it will phase in enforcement. The law affects all 56 U.S. licensing jurisdictions and more than 240 million individuals who are applying for or renewing their state-issued driver's licenses and identification cards.

Congress enacted REAL ID in 2005 in response to recommendations from the 9/11 commission. It creates standards for state-issued driver's licenses and identification cards when used for specific federal purposes defined in the law, which includes boarding commercial aircraft and entering certain federal facilities.

Supporters say it will increase the country's security. Yet, opposition to the law has been strong. At least 17 states have enacted laws opposing it, claiming it was a federal intrusion into a state process, a threat to privacy and woefully underfunded. Its estimated price tag to the states is \$3.9 billion over 11 years; but to date, the U.S. Department of Homeland Security has awarded only \$263 million in grants "to improve the security of state identification credentials."

The plan includes a three-month warning or notification period during each phase before enforcement of ID standards begins. Phase 1 covers only the restricted areas of the U.S. Department of Homeland Security headquarters. Beginning April 21, people from noncompliant states will no longer be able to use their driver's licenses to enter those areas. They will have to use other federally acceptable forms of ID, such as passports.

Phase 2 will add restricted areas in all other federal facilities and nuclear power plants. Its warning period begins April 21, with full enforcement beginning on July 21.

Phase 3 includes all the semi-restricted areas in federal facilities. Full enforcement will begin at these places on Jan. 19, 2015.

The U.S. Department of Homeland Security will evaluate the first three phases to determine how best to enforce the law when it comes to boarding a commercial aircraft. Enforcement of this phase will begin no sooner than 2016.

Molly Ramsdell is the director of NCSL's state/federal office in Washington, D.C.

The Basics

REAL ID requires identification cards to contain the following elements in a common readable format.

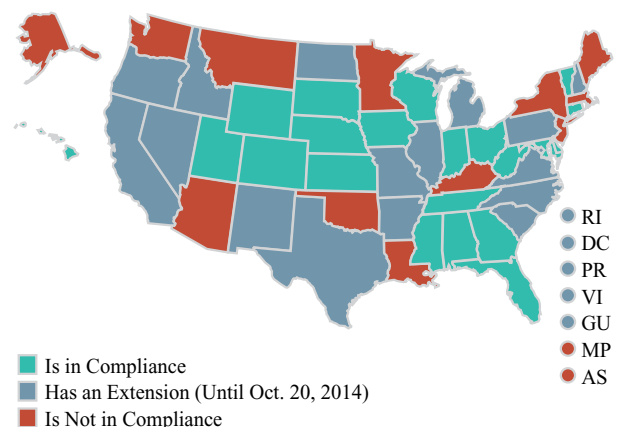
- ◆ Full legal name
- ◆ Signature
- ◆ Date of birth
- ◆ Gender
- ◆ Unique, identifying number
- ◆ Address of principal residence
- ◆ Front-facing photograph of the applicant
- ◆ Specific security features

Applicants must provide documentation of these elements.

- ◆ Name
- ◆ Address of principal residence
- ◆ Birth date
- ◆ Work authorization status or Social Security number
- ◆ Evidence of lawful status in the United States

On the Road to REAL ID

As of early February, 21 states were compliant, 21 states and territories had extensions, and 14 states and territories were noncompliant.



Source: NCSL, Feb. 10, 2014

No Way!States With Laws
Opposing
REAL ID

Alaska
Arizona
Georgia
Idaho
Louisiana
Maine
Minnesota
Missouri
Montana
New Hampshire
Oklahoma
Oregon
Pennsylvania
South Carolina
Utah
Virginia
Washington

**FAQs on REAL ID**

Q. If my state is not in compliance, will my constituents' driver's licenses become invalid?

A. No. Whether a driver's license complies with REAL ID does not matter for driving purposes. REAL ID applies only to federal uses.

Q. How can my state be in compliance if it has a law opposing REAL ID?

A. The Department of Homeland Security has determined the state's driver's license and its issuance process are comparable to REAL ID.

Q. Why would my constituents need a REAL ID compliant license?

A. They don't. But, in the future, if they want to use their driver's licenses for ID to enter certain federal facilities or to board a commercial airline, they will have to have a license that complies.

Q. Can my constituents still fly domestically on a commercial aircraft using only their noncompliant state-issued driver's license?

A. Yes, at least until Jan. 1, 2016. When a date is determined to begin enforcement in this area (sometime in 2016), the answer will change to no. However, people can undergo secondary screening as determined by each federal agency and continue using other types of federally acceptable identification, such as a U.S. passport or passport card, a "Trusted Traveler" card, a U.S. military ID, a permanent resident card, a border crossing card, or a Native American tribal photo ID. The U.S. Department of Homeland Security

is developing a list of other forms of identification that can be used with a driver's license from a noncompliant state.

Q. What is a restricted area?

A. An area that is normally off-limits to everyone except agency personnel, contractors and guests. Semi-restricted areas are open to the public, but they may be asked to show valid identification.

Q. What are biometrics, and are they required under the act?

A. Biometrics involves the use of biological data to identify someone. Common measurements include DNA, fingerprints, eye retinas and irises, voice patterns, facial patterns and hand measurements. Under REAL ID, states are required to use a face biometric standard that allows for facial recognition and authentication, but not fingerprints, retinal scans or radio frequency.

Q. Can my state receive an extension now if it does not currently have one?

A. Yes. But it will expire at the same time as the others, on Oct. 20, 2014.

Q. My state received an extension; what happens when it expires on Oct. 20, 2014?

A. It depends. If your state is making efforts and showing progress toward compliance, it may receive an additional extension. But if the state is showing no effort and making little progress, it will be deemed noncompliant and its driver's licenses and identification cards will not be accepted for federal purposes as defined in the law.

Partners in Power

The United States' long energy relationship with Canada runs deep and wide.



BY JOCELYN DURKAY

When it comes to energy, Canada is much more than just the good neighbor to the north. Canada is the United States' largest foreign supplier of oil, natural gas and hydroelectricity, according to the U.S. Energy Information Administration.

With concern about the need to achieve energy independence, it's good to be reminded that the United States and Canada share one of the most integrated energy markets in the world, encompassing the production and distribution of resources and an interconnected electric grid.

Although the current debate and controversy over expanding the Keystone pipeline could complicate the relationship, it remains "a strong one, an interrelated one," says Montana Senator Elsie Arntzen (R), "not only involving the supply of energy,

but also supplying a workforce."

This collaborative relationship helps further North American energy independence and promotes economic security by directly supporting thousands of jobs in the energy industry on both sides of the border. In 2010, the exchange of petroleum products and natural gas between the two countries totaled nearly \$100 billion.

"The energy relationship between Canada and the United States has been crucial to our countries' economic successes in the past and will be an important part of North American energy security going forward," says Marcy Grossman, Denver-based Canadian Consul General.

Although many dynamics of this mutually beneficial relationship occur at the federal level, state lawmakers also play a crucial role. State and local policies regulate extraction, generation and production of energy resources in both countries, including streamlining permitting and determining state taxes and fees.



Senator Elsie
Arntzen (R)
Montana

Jocelyn Durkay covers energy issues for NCSL.

States also play a role in manufacturing the various equipment needed in energy production and extraction.

For example, lawmakers in the Northeast determine if Canadian hydropower is eligible for meeting state renewable energy requirements. In the West, Montana legislators convened representatives from industry, local communities and law enforcement to discuss how best to encourage an increase in processing and transporting crude oil while minimizing the impact on local communities.

Some states benefit economically from processing Canadian natural gas or using Canadian hydroelectricity, while others benefit from having a stable market in which to sell their energy resources. And all states benefit from having a friendly neighbor from which to buy energy.

It's Mutual

Energy resources—from petroleum, natural gas and coal to hydropower and nuclear power—and the electricity they produce flow in both directions.

Canadian hydropower helps states in the Northeast and Midwest meet their energy needs. Canadian uranium fuels U.S. nuclear production. U.S. coal has flowed to Canada for decades.

Natural gas flows in both directions based on the proximity of shale deposits in one country to processing facilities and large population centers on the other side of the border. In 2012, the United States imported almost 3 trillion cubic feet from Canada, and exported almost 10 billion cubic feet back to the neighbor to the north.

But petroleum products dominate the relationship. In 2012, Canada's vast reserves of oil helped make it the top supplier of imported petroleum to the United States, providing more than twice the imports than the next two largest suppliers—Saudi Arabia and Mexico—combined. The United States imports about 40 percent of the petroleum it consumes, and Canada supplies about 28 percent of that. Canada is the sixth largest producer of oil in the world, with most of its supply coming from regions in Alberta, Saskatchewan and British Columbia and off-shore drilling in the Atlantic Ocean. Essentially all Canadian crude exports are directed to Midwestern refineries via a large network of pipelines.

"New technology has been installed in one of the refineries in my district where the shale oil can be more efficiently drawn out and separated," says Arntzen. "That has prompted a larger trade from the Alberta oil shale, so that it can be refined on its way down to the Gulf Coast. Because of that, more Alberta shale oil is able to flow into Montana, and that increases economic stability and jobs in my community."

Oil flows in both direction as well, for the same reasons

natural gas does—location of deposits, processing facilities and cities. Canada continues to serve as the only major export market for U.S. oil. The Energy Information Administration reports that approximately 305,000 barrels per day of petroleum products and 46,000 barrels of crude oil per day were exported to Canada in 2011.

Joint Ownership

The United States and Canada also share joint ownership of the massive infrastructure needed to maintain energy security and reliability and the energy storage facilities for natural gas, crude oil and hydropower.

A network of electric transmission lines spans the two countries, helping them balance seasonal demand for electricity and reduce the number of power plants needed. Since electricity is more cost-effective and efficient when traveling shorter distances, cross-border trade is often more economical than shipping electricity far across the country.

Alaska, for example, is not connected to the same grid as the contiguous 48 states, so it is much more economical to share a portion of its electric grid with the Yukon province and buy its electricity

from Canada.

This large, shared electric grid also helps the two countries balance seasonal peaks. Canada's demand for electricity generally increases in winter months when heating needs rise, while the United States uses more electricity in summer months for air conditioning. Sharing electric resources throughout the year helps both countries save money and electricity.

The two countries also are connected by a significant network of pipelines that transport crude oil, petroleum products and natural gas. Five petroleum export lines and 25 natural gas export pipelines bring Canadian fuel to states such as Idaho, Minnesota, Montana, New York and North Dakota. U.S. natural gas exports to Canada travel via pipelines from Michigan and northeastern states to eastern Canada.

The most controversial aspect of the partnership involves the highly publicized TransCanada Keystone XL Pipeline. Currently, the Keystone pipeline connects Hardisty, Alberta to Steele City,

By the Numbers

1

Canada's ranking in terms of U.S. imports

\$100 billion

The annual value of the petroleum and natural gas trade between the United States and Canada

28%

Canada's portion of crude oil imported by the United States

13%

Saudi Arabia's portion of U.S. imported oil

1 million

Homes that can be powered by hydroelectricity imported from Canada

99%

Proportion of Canadian crude oil exports sent to U.S. refineries

Top 10 U.S. sources of imported crude oil and petroleum products

Canada
Saudi Arabia
Mexico
Venezuela
Nigeria
Colombia
Iraq
Ecuador
Angola
Russia

Source: U.S. Energy
Information
Administration

NCSL's Legislative Energy Horizons Institute

The U.S.-Canadian energy relationship is at the center of NCSL's Legislative Energy Horizons Institute, an invitational immersion course in state energy policy. As technology advances and the energy system becomes more complex, policymakers are seeking opportunities to increase their understanding of how the system operates. The program trains participants on energy infrastructure and technology and provides insight into federal and state policy, as well as technology and market factors that influence this system. In a climate of high turnover and term-limited seats, the institute seeks to increase institutional knowledge of complex energy issues in state and provincial legislatures.

"We have developed a curriculum that provides a foundation for legislators to make better decisions," says Washington Representative Jeff Morris (D), director the Pacific Northwest Energy Horizon Project. "Instead of having to explain how systems work, infrastructure owners and operators can spend time discussing problems and potential solutions with legislators who have completed the Legislative Energy Horizon Institute."

Each year, approximately 40 state and provincial legislators from the United States and Canada attend the two 30-hour intensive courses. Last year, the first portion of the institute met in Richland, Wash., to discuss electric generation, the electric grid, the North American fuel mix, how various energy sectors interface to produce and delivery energy, and state energy planning. The U.S. Department of Energy's Pacific Northwest National Laboratory hosted the institute, and attendees learned about smart grid and other technologies while touring the national lab. The second portion of the course met in October in Washington, D.C., and explored electricity regulation, federal policy, and state policy options.

The institute is coordinated by NCSL, the Pacific Northwest Economic Region and the University of Idaho, in conjunction with the Government of Canada and the U.S. Department of Energy.



*Representative
Jeff Morris (D)
Washington*

Neb., with two arms continuing to Cushing, Okla., and Pakota, Ill. The expansion would create a second line between Hardisty and Steele City, and extend a new line from Cushing to coastal Texas refineries and the international market.

Proponents argue that the existing pipeline and the expansion would have the capacity to transport 830,000 barrels of oil per day to Midwest and Gulf Coast refineries, creating jobs, supporting U.S. manufacturing, and increasing domestic energy security.

Several states have passed resolutions urging the federal government to approve the permit application for the TransCanada Keystone XL pipeline.

Opponents raise environmental and public health concerns and argue the expansion would not reduce U.S. dependence on foreign oil. Some contend it will also raise Midwestern gas prices because the bottleneck that forces Canadian producers to sell crude at a discount would be eliminated by the new pipeline.

In January, the U.S. State Department released a final environmental impact statement for the proposed pipeline expansion. It concluded that expanding the Canada-U.S. pipeline would not greatly increase carbon emissions because the Alberta oil sands will likely be developed even if the United States does not approve the permit application. The assessment also estimated that if trains, instead the pipeline, transported the oil, emissions would increase between 28 percent and 42 percent. No timeline has been given for when the State Department will issue a final ruling on the permit application.

Water Wonderland

Another huge energy resource Canada possesses is water. Hydropower uses the flow of water to spin turbine blades that are connected to a generator, creating electricity. Canadian hydropower, mostly from Québec, Ontario and Manitoba, comprises about 1 percent of all U.S. electricity and helps provide power to New York, New England and the Midwest.

In fact, Canada generates 60 percent of all its electricity from hydropower, although in some places that percentage is much higher. Hydro-Québec, for example, is a government-owned public utility that generates 98 percent of the electricity it sells from hydropower.

"Hydropower exports are a major source of revenue for Québec. In 2012, our net electricity exports totaled 1,233 million Canadian dollars," says Québec National Assembly Member Scott McKay.

Hydropower is particularly important to New England states such as Massachusetts and Connecticut that must meet state renewable energy requirements. Additional transmission lines may be required to bring larger amounts of electricity to New England markets and several underground and above-ground lines have been proposed.

U.S. hydropower fuels Canada, as well. Under the Columbia River Treaty, Canada maintains the river's flow upstream in Brit-

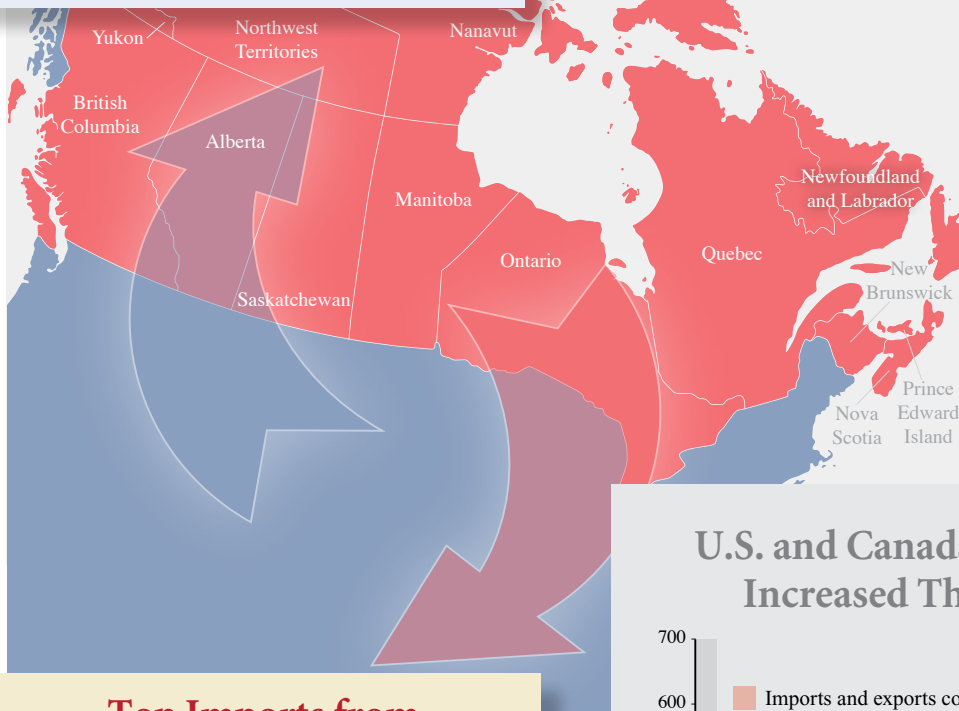
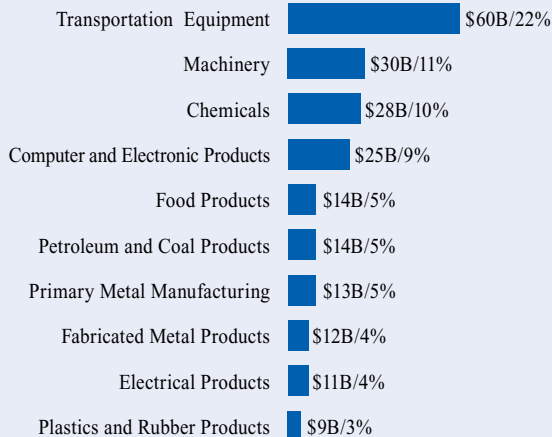
The North American Electric Reliability Corporation

Coordination is essential to maintaining a consistent, trustful, mutually beneficial trade relationship. That's why the electric utility industry created the North American Electric Reliability Corporation (NERC) in 1968 to protect and promote the bulk-power system of North America. It's a nonprofit that develops and enforces reliability standards; monitors compliance and assesses penalties; determines seasonal and long-term reliability; educates, trains and certifies industry personnel; and coordinates security, including cybersecurity.

NERC's area of responsibility includes the users, owners and operators of the bulk power system—which serves more than 334 million people—in the continental United States, Canada and the northern portion of Baja California, Mexico. It is under the oversight of the Federal Energy Regulatory Commission (FERC) and governmental authorities in Canada.

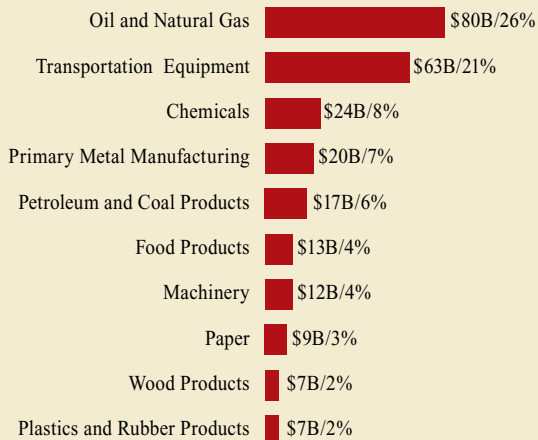
Top Exports to Canada in 2013

BILLIONS OF U.S. DOLLARS / TOTAL EXPORTS



Top Imports from Canada in 2013

BILLIONS OF U.S. DOLLARS / TOTAL IMPORTS



ish Columbia in exchange for electricity produced downstream in hydroelectric facilities in four Pacific Northwest states—where hydropower encompasses as much as 66 percent of electrical generation.

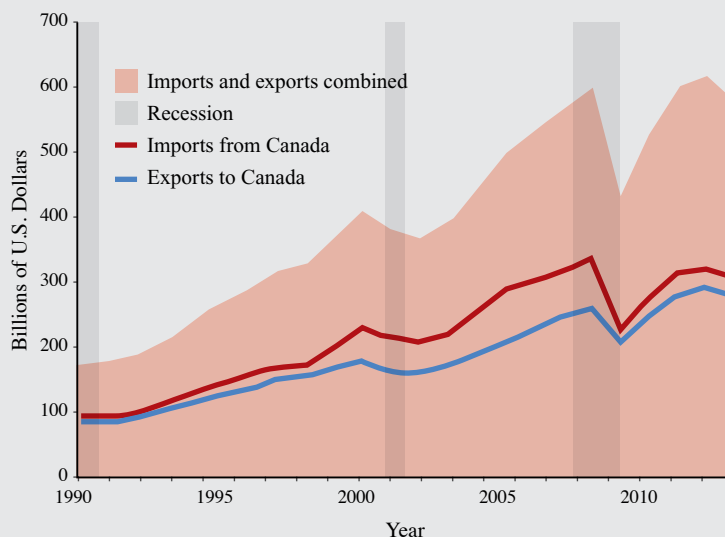
Still Strong

The recent increase in natural gas development and the Keystone XL debate have brought the long-standing U.S.-Canadian energy relationship to the forefront of public awareness, although the end results of these events are unknown.

What is certain is that the energy relationship between Canada and the United States will be an important part of North American energy security in the future, says Canadian Consul General Grossman.

“We both benefit not only from an economic standpoint,” says Québec’s McKay, “but also from a strategic standpoint, by being able to reduce our dependence on foreign oil.”

U.S. and Canada Trade in Goods Has Increased Threefold Since 1990



Source: U.S. Census Bureau

Delivering Good News

The U.S. teen birth rate has fallen by more than half over the past two decades, but it's still higher than desirable.

BY MEGAN COMLOSSY

It's the greatest success story never told," says Sarah Brown, CEO of the National Campaign to Prevent Teen and Unplanned Pregnancy. Nationally, teen birth rates have fallen 52 percent since 1991. Plummeting rates span all 50 states, and all racial and ethnic groups.

Yet, 49 percent of Americans still believe—incorrectly—that the rate is increasing, perhaps because teen pregnancy continues to be a stubborn problem. Although rates fell in all but two states in 2011, the following year they remained essentially unchanged in 21 states.

In fact, teenage pregnancy rates are higher in our country than in any other industrialized nation. More than 29 out of every 1,000 girls between the ages of 15 and 19 give birth in the United States—compared to 25 per 1,000 in the United Kingdom, 15 in Australia and in Canada, less than 10 in Germany and fewer than five in Japan.

Three in 10 American girls will get pregnant before their 20th birthday. In 2012, more than 305,400 teens gave birth. Disparities persist among racial and ethnic groups, across geographic regions, rural and urban areas, and age groups. And taxpayers bear a significant share of the costs.

"Nationwide, we've seen significant declines, but we can't let that lead us into a false sense of security," says West Virginia Delegate Don Perdue (D), whose state was one of only two that saw a slight uptick in teen births between 2007 and 2011—a time during which the national teen birth rate fell 25 percent.



Delegate
Don Perdue (D)
West Virginia

"This is not a problem that will ever be entirely resolved. It's one that we have to deal with on a continuing basis. To sustain the results we've seen across the nation—to ensure a healthier generation of children—we have to continue the successful efforts we've undertaken so far," he says.

Megan Comlossy is a policy specialist in the Health Program at NCSL.

The Consequences

Teen pregnancy and childbearing affect the education, income, well-being and health of both the parents and their children.

Only half of teen moms earn a high school diploma by the time they reach age 22, compared to nearly 90 percent of women who do not give birth as teens. Also, less than 2 percent of teen moms earn a college degree by age 30. "Today's economy requires more education than ever," says Mississippi Senator Sally Doty (R). "Most jobs require something past high school—whether a four-year degree or some skills training. It's important that teens finish high school at the very least."



And it's not only teen mothers whose futures are affected. Teen fathers face similar disadvantages. Although research on how teen parenthood affects young men is more limited, studies show that young fathers often have lower levels of educational achievement as well.

Senator
Sally Doty (R)
Mississippi

The future for the children of young parents isn't too promising either. Compared to mothers in their 20s, teen mothers are less likely to receive prenatal care, and their children are more likely to be born prematurely, have low birth-weight, and die in infancy.

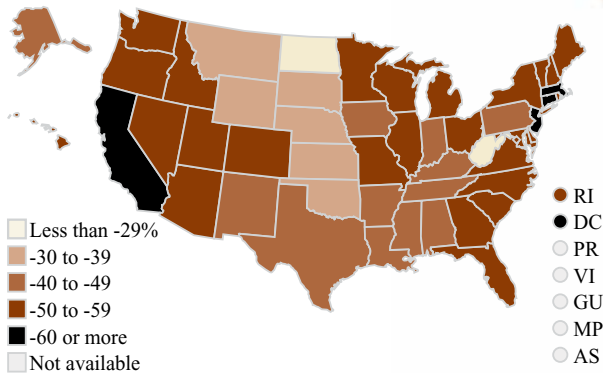
Teen pregnancy and a lack of education often contribute to a cycle of economic hardship that spans generations. "It's very hard for a young person to raise a child on her own and still have a really positive influence on her own life or the life of the child," says Perdue.

Children of teen mothers are more likely to have poor health and struggle in school than children born to older mothers. They are more likely to come in contact with the child welfare and criminal justice systems, live in poverty, drop out of high school and become teen parents themselves. The consequences of this cycle are significant for states.

"It's really a lot cheaper to prevent a teen pregnancy than it is to pay for one," Perdue says.

Change in Teen Birth Rate

(Between 1991-2012)



Source: The National Center for Health Statistics at the CDC.

Counting the Costs

Teen childbearing is expensive—for the young parents, taxpayers and society. Dropping out of school decreases future job opportunities and earning potential, which in turn, lowers a state's tax revenue, economic productivity and overall competitiveness. In addition, higher expenditures on public health care, child welfare and criminal justice services cost taxpayers billions of dollars each year. That's about \$9.4 billion, in fact, according to a recently updated analysis by the National Campaign to Prevent Teen and Unplanned Pregnancy.

Most of these costs are associated with the negative consequences for children of teens, including the increased need for Medicaid and CHIP (\$2.1 billion) and the child welfare system (\$3.1 billion). Higher rates of incarceration cost another \$2 billion.

So what's the silver lining?

The \$9.4 billion public sector price tag of teen childbearing in 2010, though pricey, represents a roughly \$1.5 billion decrease from 2008—thanks, in part, to the continued decline in teen pregnancy and childbearing, according to the National Campaign to Prevent Teen and Unplanned Pregnancy. The group also found that, as a result of the last two decades' declining teen birth rate, American taxpayers saved about \$12 billion in 2010 alone.

Success, yes, but there's still a way to go.

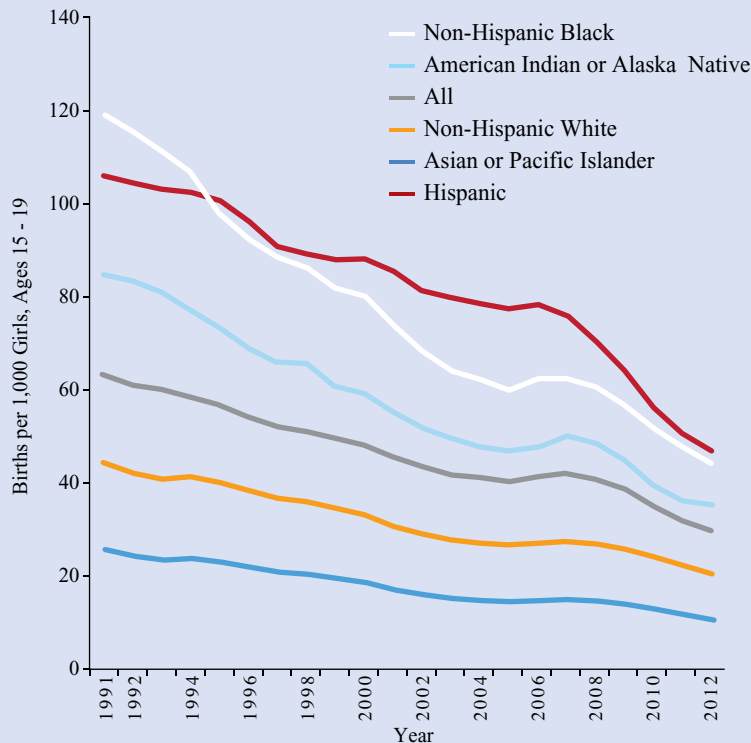
Some experts compare teen pregnancy and childbearing to other public health issues—arguing that the job isn't done until rates hit zero. State lawmakers don't appear to be letting recent declines slow further action; many have declared that much remains to be done. That's especially true for certain groups and areas that continue to struggle with disproportionately high teen birth rates.

Disparities Persist

U.S. rates of teen pregnancy and childbearing are at historic lows among all racial and ethnic groups. Even so, large disparities remain. The birth rate for Hispanic teens has fallen 56 percent since 1991, yet it is more than double the rate for white teens. The birth rate among African-American teens has declined even more—63 percent over the last 20 years—yet remains twice the rate for whites. Rates among American Indians and Alaska Natives are somewhat better, although not much.

Youth in foster care, for whom the state is responsible, also are at higher risk of becoming pregnant at a young age. By the time they turn 19, nearly half of young women in foster care become pregnant, compared to about a quarter of 19-year-olds overall. By age 21, half of young men who had been in foster care report having impregnated someone, compared to 19 per-

Teen Birth Rates by Race and Ethnicity



Source: The National Campaign to Prevent Teen and Unplanned Pregnancy

cent of their peers who were not in the system.

Having a child as an adolescent in foster care makes the difficult transition to adulthood and independence even more challenging. In addition to complicating life for the teen mom, teen pregnancy creates challenges, not only for the state systems responsible for them, but also for their children.

A new study from researchers at the University of Southern California and the University of California, Berkeley, funded by the Conrad N. Hilton Foundation, examined teen childbearing among foster youth in California and found that children born to teen mothers, who were themselves victims of maltreatment, are twice as likely to be abused and neglected as other children. This contributes to several generations being involved in child welfare systems and comes at a substantial cost to states.

In 2013, the California Legislature took a step toward addressing these concerns, enacting legislation aimed at preventing teen pregnancy and improving services for youth in foster care. The law authorizes county child welfare agencies to provide foster youth with age-appropriate information about reproductive health, encourages them to help pregnant youth obtain the health services they need, and directs the state social services department to collect data on parents and pregnant youth in the system—information that most states do not currently gather.

Where a young person lives also influences her risk for early pregnancy. Because the vast majority of teens live in metropoli-

tan regions, the largest number of births occur to teens living in urban areas. However, rural counties have a much higher teen birth rate.

A 2013 study by the National Campaign to Prevent Teen and Unplanned Pregnancy found the teen birth rate in rural counties to be nearly one-third higher than the rest of the country, including large urban centers. The study found that the lower the level of urbanization, the higher the rate of teen births.

The study also found that the birth rate among teens in rural counties declined more slowly than that in urban and suburban counties.

In both urban and rural areas, older teens (18- and 19-year-olds) account for about seven in 10 teen pregnancies and births. And one out of five teen moms have a second child before turning 20.

“These young women are usually alone and often do not have the necessary financial or emotional support to provide for a child,” says Senator Doty. “Even though they’re older, 18- and 19-year-olds are very young adults. Kids that age should be students, not parents.” Although many older teens have finished high school, having a child at this age can still disrupt or derail a young person’s higher education goals, with repercussions for both their future and for that of the U.S. workforce.

“Repeat births make education twice as hard. Options for a young mother with several children are limited at best,” she says. “Anything we can do to help address repeat births is important.”

Many Approaches

No single policy or strategy has proved sufficient to reduce teen pregnancy by itself. There’s no silver bullet. No quick fix. Some well-tested, evidence-based approaches have helped to reduce pregnancies, such as programs that help youth wait to have sex or use contraceptives consistently. States that have seen the largest drops in their rates, however, have approached teen pregnancy prevention from a variety of angles with several strategies and many stakeholders.

Some state legislators are “looking at teens in a holistic way,” says Perdue, to prevent teen pregnancy and deal with it once it occurs. Some employ legislative strategies; others use nonlegislative means. Many use both. These include everything from enacting legislation and allocating funding to integrating teen pregnancy prevention efforts in foster care, education, juvenile justice, economic development and other state plans.

Other states across the nation are running media campaigns—encouraging conversations about this typically taboo subject. Legislators and others are holding hearings and convening town hall meetings. “Teen pregnancy is not something we want to stick our heads in the sand and ignore any more,” says Senator Doty.

Wyoming Representative Ken Esquibel (D) has taken a somewhat different approach. “I’m interested in health policy that saves the state money,” he says. Esquibel played an integral role in the



*Representative
Ken Esquibel (D)
Wyoming*

creation of Father Factor, a Cheyenne-based nonprofit organization with the goal of helping every father be the best he can be. The program makes innovative use of federal TANF funding to provide support and education to fathers of all ages—including teens. “Most dads want to be involved in their child’s life. This program helps them get counseling, legal services, and has a family planning piece,” says Esquibel. It’s provided a significant boost to visitation. “One

of the main components is that fathers pay child support. So we’re seeing an increase in that and an increase in the number of fathers taking active roles in their children’s lives.”

After all, says Esquibel, “none of us would be where we are if not for our dads—and moms. Those are the people who guide us.”

A Comprehensive Strategy

California once had one of the highest teen birth rates in the nation. In 1991, 71 of 1,000 girls between the ages of 15 and 19 gave birth. Today that number is down to 27. The strategy? The state addressed the issue on various fronts: sex education, community-based education programs for teens and their par-

ents, public-private partnerships and investments, services and supports for pregnant and parenting teens, and efforts to engage young men. The state also included an extensive array of stakeholders in the process.

With the third highest teen birth rate in the nation, Mississippi is currently pursuing a similar approach. A mandatory sex education policy—which requires school districts to choose and provide either abstinence only or abstinence plus education—went into effect in 2012. Governor Phil Bryant appointed a task force on teen pregnancy prevention, and town hall meetings have been held around the state.

“We have been working on public-private partnerships and working with the faith-based community,” says Senator Doty. “We have focused more on providing leadership to community- and faith-based organizations than on advancing a broad legislative agenda.”

“As elected officials, we have a voice in the community. We can get people to start talking about the issue and provide people the tools they need in individual communities,” Doty says. “We find that so many people want to be part of this, but maybe don’t know how to plug in—so that’s what we’re trying to do.”





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“One of our first and foremost responsibilities as a state is to keep our citizens safe.”

—Idaho Senator Dean Cameron (R) on why he supports transferring a privately run correctional center to the state, in *The Spokesman Review*.



DARYL CAGLE, CAGLE CARTOONS

“I don’t know if the escape was the direct result of budget cuts. But the governor’s most important job is to keep Michiganders safe. And cutting guards does not protect the safety of Michigan residents.”

—Michigan House Minority Leader Tim Greimel (D), commenting on the escape of a convicted murderer from the Ionia Correctional Facility in February, as reported in the *Detroit Free Press*.

“We’re beginning to see a lot more Republicans get behind this issue. It really seems like finally, legislators are catching up with the will of the people.”

—Georgia Representative Allen Peake (R), on his bill to legalize a non-psychoactive strain of marijuana for people with severe seizure disorders, as reported by Reuters.

“Both workers and their employers lose out when employees have to choose between reporting for work while sick or losing pay because they don’t.”

—California Assemblywoman Lorena Gonzalez (D), who has introduced legislation to guarantee workers at least three days of paid sick leave annually, in the *San Diego County News*.



CHRISTOPHER WEYANT, CAGLE CARTOONS

“It seems to me that naming [Rascal Flatts] as the official country act of the state of Ohio does so perhaps to the exclusion of others that are worth considering.”

—Ohio Senator Frank LaRose (R), in Youngtown’s *The Vindicator*, during debate over who to name as the official country music group of Ohio, also home to Grandpa Jones, Dwight Yoakam, Johnny Paycheck and Roy Rogers.

“This is an opportunity to compete, not a giveaway.”

—Washington Representative Zack Hudgins (D), urging passage of a bill to allow any high school graduate eligible for state-sponsored college aid to receive it, legal resident or not, in the *Spokane Spokesman-Review*.



DAVID FITZSIMMONS, CAGLE CARTOONS



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