In 2012, the U.S. Surgeon General concluded that smoking in movies causes kids to smoke. Yet states still subsidize film and TV productions that serve the tobacco industry's marketing interests.

From 2010 to 2015, thirteen states produced nearly 90% of all the top-grossing films with smoking shot in the United States [see table].

The CDC reports exposure to such films will recruit six million American kids to smoke in this generation, killing two million of them.

A DEADLY POLICY CONFLICT
States already deny public subsidies to other film and TV productions, from pornography to political advertising.

So making future film and TV productions with tobacco imagery ineligible for state tax credits and other public subsidy—as the CDC has recommended—can resolve a costly and deadly policy conflict.

Worth noting? The average U.S. film production with smoking spends 30% less money than a smokefree film.

Regardless, the big subsidy states hand out millions of dollars more to Hollywood producers whose films push tobacco than these same states invest to protect kids from tobacco addiction, disability, and early death.

Tobacco companies have a long history of paying Hollywood millions to put smoking in movies. Today’s taxpayers shouldn’t do it for them.

**SMOKING IN MOVIES KILLS IN REAL LIFE.** Smoke Free Movie policies—the R-rating, certification of no payoffs, anti-tobacco spots, and an end to brand display—are endorsed by the World Health Organization, American Medical Association, American Academy of Pediatrics, American Heart Association, American Lung Association, Americans for Nonsmokers’ Rights, American Public Health Association, Breathe California, Campaign for Tobacco-Free Kids, Los Angeles County Dept. of Health Services, NY State Dept. of Health, NY State PTA, Truth Initiative, and others. Visit SFM online or contact: Smoke Free Movies, UCSF School of Medicine, San Francisco, CA 94143-1390.

* Through June 30, 2015. Annual smoking movie subsidy estimated on movies’ publicly-reported production budgets and states’ average estimated net film subsidy rates. Refined results may be available for the states that disclose subsidy awards made to specific film productions. California data adjusted to reflect program eligibility rules.
Policing in America: Under Review Page 12
BY RICH WILLIAMS
Discord among Americans on the nature of policing has law enforcement officials, community leaders and lawmakers searching for solutions.

Who We Elect Page 19
BY KARL KURTZ
Although not quite as diverse as the American public, state lawmakers are a remarkably varied lot.

Parched! Page 26
BY LARRY MORANDI
Extreme weather and limited resources complicate the West’s battle against devastating drought and wildfires.

DEPARTMENTS
STATESTAT PAGE 5
Attention to Pensions

NEWSMAKERS PAGE 6
Oregon Senate leaders swap jobs; Kentucky has a new research director; Rhode Island legislators sky-dive for charity, and more

TRENDS PAGE 8
Online voter registration, cursive instruction and religious beliefs about autopsies

STATELINE PAGE 10
News from around the nation—from banning plastic microbeads in beauty products to cheerleaders suing the NFL to tightening security at state capitols

ON RECORD PAGE 18
Q&A with William Kristol—Pundit, Professor, Publisher
“Let’s give more power back to the states. I think it would be a very common-sense proposal.”

THE FINAL WORD PAGE 31
Ron Ramsey—Tennessee’s first Republican Senate speaker and lieutenant governor in 140 years.
“If I had my druthers, I would not be in Nashville doing political stuff.”

ONLINE
Download the NCSL app or visit www.ncsl.org/magazine for links to audio and video recordings, related websites, relevant reports, expanded graphs and in-depth interviews.
This Month’s Must Reads

NCSL staff researchers produce the best information you can find on important policy topics. Here are several new reports available online at www.ncsl.org/magazine.

On Track: How States Fund and Support Public Transportation
The Bright Futures Guidelines: Improving Children’s Health
State Strategies for Career and College Success
Engaging Families in Education
The Legislative Role on Potential Interstate Collaboration on the Clean Power Plan
Hot Topics in Higher Education: Appropriations, Financial Aid and Tuition Policy

Keeping the Skies Friendly
Wondering what to make of the increasing use of unmanned aircraft? NCSL is here to help. The Foundation for State Legislatures Partnership Project on Unmanned Aircraft Systems brings lawmakers and legislative staff together with industry leaders, researchers and safety experts. They identify ways to balance the benefits of drones with privacy, safety and Fourth Amendment concerns. Co-chairing the project are Illinois Senator Daniel Biss (D) and Alaska Representative Shelley Hughes (R). For more information, visit www.ncsl.org/magazine.

Alaska Representative Shelley Hughes, right, listens as Ro Bailey, deputy director of the Alaska Center for Unmanned Aircraft Systems Integration, describes one of her vehicles at the Alaska Capitol.

Tribal Energy Summit
More than 400 representatives of state and tribal governments, federal agencies, the private sector, utilities and academia gathered at the National Tribal Energy Summit in Washington, D.C., to discuss energy supply and planning, new technology and climate preparedness. Hosted by NCSL as part of its 20-plus-year partnership with the U.S. Department of Energy, the summit provides an opportunity for dialogue among federal, state and tribal officials on energy issues. Featured speakers included U.S. Energy Secretary Ernest Moniz and Interior Secretary Sally Jewell.

PHOTOS: DAVID HATHCOX

SEPTEMBER 2015

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These trends in juvenile justice state legislation in 2011-2015 are a result of the increasing number of young people incarcerated today. The barriers to reentry for youth pose a significant challenge. In the U.S., 3.3 million young people were in contact with state juvenile corrections agencies in 2011. This number was down from 5.1 million in 2009 but still reflects a rate of juvenile incarceration at its highest level since 1998.

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Attention to Pensions

Even when global equity markets aren’t reeling, U.S. public pension fund administrators wrestle with how best to invest trillions of dollars in assets. And until recently, they were on a post-recession roll—with many plans experiencing double digit returns in four of the five years preceding this one. But high returns may be waning. During Fiscal Year 2015, most major public employee retirement plans had only modest gains. Interest rates remain low, and observers are still debating what the implications will be of this year’s global market upheavals.

Will the trend toward lower returns continue? The answer is key to pension fund officials who rely on assumptions about future rates of return to calculate the present value of their obligations. If those assumptions are off, the effects on plan funding could be worth billions and the consequences for retirees and taxpayers serious. Many public retirement systems have lowered their investment return assumptions since the Great Recession.

To achieve their target investment returns over the long term, fund managers regularly recalibrate their mix of investments. Over the last 25 years, many have swapped out U.S. stocks and fixed-income investments, such as government bonds, for international investments in hopes of attaining higher returns. During the last decade, some have shifted substantial portions of their assets into alternative investments, such as private equity and hedge funds.

Although some experts argue that public pension funds with these riskier or more complex investments are more vulnerable to market swings, others caution against reading too much into short-term data as pensions invest for the long haul.

—Anna Petrini

A Public Pension Resource

A newly enhanced free national resource, the Public Plans Data website, contains comprehensive statistics on 150 different pension plans—115 administered at the state level and 35 administered locally. It’s a collaboration between the Center for State and Local Government Excellence, the Center for Retirement Research at Boston College, and the National Association of State Retirement Administrators. For more information, go to publicplansdata.org

Asset Allocations for State and Local Pensions, 2001-2013

Total Cash and Investments by Type of Assets (in billions)

- Corporate bonds $435.9
- Government securities $314.4
- Real property $160.4
- Other nongovernmental securities $569.1
- Foreign and international securities $743.6
- Corporate $1,349.4
- Total cash short-term investments $127.2

Source: U.S. Census Bureau, 2014 Annual Survey of Public Pensions: State and Local Administered Defined Benefit Data

Average Investment Return Assumptions

Based on data from 126 different public pension plans between FY 2001 and October 2015.

Note: Average data for the Public Plans Data sample includes both gross returns and net returns of fees.

Sources: Public Plans Data, quick facts, October 2015; and the Census of Governments

Source: National Association of State Retirement Administrators, October 2015
DECEMBER 2015
6 STATE LEGISLATURES

NEWSMAKERS

TWO OF OREGON’S TOP SENATE LEADERS HAVE SWAPPED JOBS. Senator Ginny Burdick (D) is the new majority leader. Senator Diane Rosenbaum (D) is the new Senate president pro tem. Burdick had been pro tem, and Rosenbaum was majority leader. Burdick, first elected to the Senate in 1996, will continue as co-chair of the joint committee on marijuana legalization. Rosenbaum served as majority leader since 2010 and will continue chairing the Senate rules committee. She was elected to the Senate in 2008 after serving five terms in the House. The Democratic caucus met privately to vote on the leadership changes.

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CALIFORNIA SPEAKER TONI ATKINS (D) HAS HER EYE ON THE SENATE. The term-limited House leader is challenging incumbent Democratic Senator Marty Block for his San Diego seat in 2016 in a move Sacramento observers say is highly unusual. “Absolutely it makes me uncomfortable,” Atkins said. “Will I be prepared to do it? Absolutely.” Atkins says Block, who was elected in 2012, told her he would serve only one term. Block says there was no commitment on his part. Block and Atkins both represent San Diego, and their voting records are similar. In the meantime, Democrats have selected Assemblyman Anthony Rendon to succeed Atkins as speaker.

“DUDE, MAYBE WE SHOULD TAKE UP SKATEBOARDING.”

“DUDE, MAYBE WE SHOULD TAKE UP SKATEBOARDING.”

“WE HAVE BEEN GUILTY OF PUTTING THEM ON A PEDESTAL, AND THAT’S ALWAYS A DANGEROUS THING TO DO.”

Washington Senator Jeannie Darneille (D) on allowing judges to jail juveniles for “status offenses,” such as truancy or running away, in the Olympian.

HOUSE SPEAKER ROBIN VOS (R) IS MARCO RUBIO’S WISCONSIN CAMPAIGN CO-CHAIR. Vos announced his acceptance of the job and the endorsement of Rubio by 19 other statehouse members in October. “He celebrates what is great about America’s past, but provides a new generation’s leadership to help our nation face its many challenges and opportunities,” Vos said of Rubio.

“WE HAVE BEEN GUILTY OF PUTTING THEM ON A PEDESTAL, AND THAT’S ALWAYS A DANGEROUS THING TO DO.”

Tennessee Senator Bo Watson (R), on the Volkswagen emissions scandal and the fate of the automaker’s Chattanooga plant, in which the state invested heavily, on National Public Radio.
THE INDIANA GOP CAUCUS SELECTED REPRESENTATIVE MATTHEW LEHMAN (R) the new majority leader of the House. Lehman won on the first ballot. He replaces former House Majority Leader Jud McMillin, who resigned abruptly in October. Lehman is chair of the House Insurance Committee and was first elected to the General Assembly in 2008. He is an insurance agent by profession and a Civil War re-enactor. “He seeks to find solutions. He’s not a flashy person and that’s what our caucus needs right now,” said Speaker Brian Bosma (R).

STATE LEGISLATORS HAVE LONG BEEN ACTIVE IN FINDING LOCAL SOLUTIONS TO IMMIGRATION CHALLENGES, BUT THIS ISSUE ULTIMATELY REQUIRES REFORM AT THE FEDERAL LEVEL.” Virginia Senator John Watkins (R), co-chair of NCSL’s Task Force on Immigration and the States, in The Washington Post.

“IT’S IMPORTANT THAT WE EDUCATE OUR FUTURE LEADERS ON THE IMPORTANCE OF STATE GOVERNMENT.” North Carolina Representative Garland Pierce (D), who is scheduling class visits to the Capitol as part of NCSL’s America’s Legislators Back-to-School Program, in the Richmond County Daily Journal.

“SO, COLONEL, YOU ARE NOW AN OFFICIAL KENTUCKIAN,” House Speaker Greg Stumbo (D) told the Legislature’s new Legislative Research Commission director. “We are a hospitable people and we look forward to working with you.” David Byerman was selected to oversee the 320-person nonpartisan agency, and comes with experience as secretary of the Nevada Senate. He plans to restructure the agency and help it get its “swagger back.” The 16 lawmakers who govern the LRC presented Byerman with a Kentucky Colonel certificate a week into his job. “We have the right workforce, we just need for the level of leadership to rise to the level of performance we’re already getting from our employees,” Byerman said.

“THERE ARE MANY BENEFITS TO ALLOWING ELECTRONIC PROOF OF INSURANCE.” Michigan Representative Aric Nesbitt (R), sponsor of a bill allowing drivers to present proof of insurance on their smartphones and other devices, in the Detroit Free Press.

TAKE A FLYING LEAP. THAT WAS THE INVITATION Rhode Island Representative Robert Nardolillo (R) offered the entire General Assembly: Skydive to raise money for the Rhode Island Community Food Bank. Ten adventurers rose to the occasion, including Representatives Robert Lancia (R), James McLaughlin (D), Jean Philippe Barros (D), Doreen Costa (R), Karen MacBeth (D), the wife of Representative Robert Phillips (D) and Corporation Committee legal counsel Charles Knowles. “Going up there, I just had to keep focusing: The wind was angels’ wings and we were going to land safely,” MacBeth told the Providence Journal. With her feet back on the ground she described the jump as peaceful and quiet—much easier than being a legislator. The skydivers descended 10,000 feet and raised about $2,000 for the cause. Nardolillo would like to make it an annual event.
Online voter registration. Although the phrase doesn’t have much pizzazz, the concept undeniably does. And it’s storming the states like no other elections-related trend in recent memory.

In 2008, only two states allowed eligible citizens to complete a voter registration application online by using personal data stored at the motor vehicle agency. Now, 26 states do—and at least three more are lined up to join the crowd soon.

As the online voter registration trend has developed, legislators have found solutions to several big concerns along the way.

In 2008, when only Arizona and Washington had online voter registration, the concern was over people who didn’t have access to computers. What would they do? The answer: Make online registrations a supplement to, not a replacement of, registrations by mail or at the motor vehicle bureau (the most common way people register).

By 2010, when Colorado, Indiana, Kansas, Louisiana, Oregon and Utah introduced online registration, the questions had turned to costs. Would going online save taxpayer money or end up costing more? The answer: Setup cost for a mid-size state is roughly $250,000. After that, states save money on every registration transaction because they don’t have to pay to re-key information. (A Pew study found that in Arizona, for example, registrations on paper cost 83 cents to process, while an online transaction cost 3 cents.)

In 2012, when California, Maryland, Nevada, New York and South Carolina had joined the group, the question turned political. Which party benefits? The answer: Neither. Online registrations are in proportion to the number of Democrats and Republicans in the state, and are not skewed either way.

In 2014, when Connecticut, Georgia, Illinois, Minnesota and Missouri came aboard, security was the concern. Although it’s hard to say anything is absolutely secure, states have built in many security measures.

This year, when Hawaii, Massachusetts, Nebraska, Pennsylvania, Vermont and West Virginia turned on their systems, the question officials asked most often was technical. Do we need legislation, or can we just do it? The answer: Lawmakers are working it out in their own ways.

Pennsylvania’s secretary of state started using a system this year without legislation, Iowa expects to do the same by Dec. 31 and others may be taking that approach in the future. Indeed, six of the earlier adopters did it without legislation, although at least one legislature—Minnesota’s—followed up with authorizing legislation that defined the parameters for the online registration system.

Lawmakers are taking the more standard approach—legislative authorization—in developing their systems in the District of Columbia, Florida, New Mexico and Oklahoma.

Looking ahead, it’s likely more states will offer online registration. And in the states that already have online systems, lawmakers will tweak them in the never-ending quest to make them better—offering forms translated into more languages, adapting systems for mobile devices, enhancing security features and permitting citizens who don’t have driver’s licenses to register online.

For more information, go to ncsl.org/magazine.

—Wendy Underhill
Handwriting on Wall for Cursive

When the Common Core education standards were issued in 2010 and made no mention of handwriting, cursive or manuscript printing, advocates of longhand took notice. Currently, 43 states and the District of Columbia are members of the Common Core State Standards Initiative. The Common Core is a set of guidelines for what every student, from kindergarten through 12th grade, should know and be able to do in math and English language arts. The goal of the standards is to ensure that students graduate from high school with the fundamental skills needed to succeed in college or the workforce.

Why isn’t handwriting in the standards? “The Common Core Initiative admits that the [standards] ‘do not describe all that can or should be taught,’” as Ohio’s fact sheet on the guidelines states. “Handwriting is one of these skills that ‘can or should be taught.’” The fact that cursive instruction isn’t listed doesn’t prevent teachers, schools or districts from requiring it. That decision is made at the state and local levels.

Advocates of cursive instruction make a cultural and cognitive argument. “You definitely need to teach typing and keyboarding and all of that, but kids do need to be able to sign their names, they do need to be able to read the Founding Fathers’ documents,” New Hampshire Senator Nancy Stiles (R) told the Boston Globe. Stiles sponsored a bill that passed after the wording was amended from “requiring” to “encouraging” cursive instruction.

Supporters say handwriting instruction can improve overall literacy success, critical thinking, memory, reading, writing and spelling. When kids learn cursive, they are “creating new circuitry to evaluate what is seen, the speed of what is seen, the movements required and the speed and timing of movements,” writes William Klemm, a professor of neuroscience at Texas A&M University. “This circuitry becomes a lasting part of the brain [and] can be recruited for use in other hand-eye-coordination tasks.”

Not everyone is jumping onto the restore-cursive bandwagon, however. New Hampshire Senator Molly Kelly (D), who spoke against Stiles’ bill, said she opposed it because nothing in state law prevents schools from teaching the skill. “I think that sometimes we go too far in what we legislate,” she told The Associated Press. “I think this is one of those bills that is not necessary.”

This year, lawmakers nationwide introduced at least 16 bills addressing cursive instruction. Along with New Hampshire, Alabama and Arkansas also passed laws, and measures are pending in New York, North Carolina and Ohio.

—Dan Thatcher and Zita Toth

Religious Beliefs and Autopsies

Religious customs and intrusive postmortem procedures collided in the separate deaths of two American Indians in northeastern Minnesota car crashes in February. Their families are members of Ojibwe and Chippewa bands that perform ceremonies soon after death and forbid the desecration of a body.

The St. Louis County Medical Examiner ordered autopsies in both cases, based on the office’s established practice of doing the procedure in all homicides, fatal car accidents, workplace accidents and most child deaths. The families got court orders in both cases to release the bodies without autopsies on religious grounds. The coroner complied, but the families argued they were denied their right to mourn in traditional ways. (The coroner, whose contact talks broke down after his handling of the cases came under fire, no longer works for the county.)

In response, Minnesota Senator Tony Lourey (D) introduced a bill to allow families to object to autopsies on religious grounds, but let judges order them to be performed in a minimally intrusive manner when there was “compelling state interest.” “There really was a disconnect between our statute and a constitutional right,” Lourey says. “It’s a very emotional conversation.” When Lourey’s bill went into effect July 1, the state joined several others—California, Maryland, New Jersey, New York, Ohio and Rhode Island—with similar religious protections.

American Indian beliefs are not the only ones that might conflict with state laws, says Brian Rusche, of the Minnesota Joint Religious Legislative Council. Amish, Hmong, Muslims and some Orthodox Jews also object to invasive autopsies.

The details and politics of the matter remain tricky. Deaths that must be reported to and investigated by the medical examiner vary by state. Generally, when an autopsy is required, a medical examiner does not need consent from the decedent’s next of kin before doing the procedure. Religious freedom legislation can raise the ire of church-state-separation watchdogs and LGBT advocates who fear legal protections offer a license to discriminate. And even supporters of autopsy exemptions acknowledge a need for limits, particularly in cases of suspicious death. But disputes, they say, can be circumvented when concerns are addressed through open dialogue between officials and families.

—Zita Toth
1 Credit Where It’s Due
Advocates who say job applicants shouldn’t be penalized because they have bad credit reports are cheering a new law in New York City. Employers, labor organizations and employment agencies in the Big Apple may no longer use or request an applicant’s consumer credit history, and are prevented from discriminating against an applicant or employee based on credit history, according to the city’s website. The law exempts law enforcement and other professions involving access to sensitive information. It’s similar to those enacted recently in several states, 11 of which currently limit employers’ use of credit information. At least 28 bills introduced during the 2015 session addressed restrictions or exemptions on the use of credit information in employment, and three were enacted—in Georgia, Nevada and Utah.

2 Serious About Civics
Wisconsin is the latest state to require high school students to pass an American citizenship test to graduate. The new law requires students to correctly answer at least 60 out of 100 questions taken from the same citizenship test required of immigrants. Most of the questions aren’t too difficult (When do we celebrate Independence Day? Who was the first president?), but a few require paying attention in civics class (How many justices are on the Supreme Court? During the Cold War, what was the main concern of the United States?). Seven other states—Arizona, Idaho, Louisiana, North Dakota, South Carolina, Tennessee and Utah—enacted similar requirements during the first half of the year.

3 Smoking Deterrents
Adolescents and young adults living in areas with smoke-free workplaces, restaurants and bars were 20 percent less likely to become smokers, according to researchers from the University of California. They also found the same correlation with increases in tobacco taxes, with each 10-cent increase precipitating a 3 percent drop in the odds of starting smoking. The study concluded that “the $2 tax increase being discussed in the California Legislature would cut youth smoking initiation nearly in half.”

4 Tough Acts to Follow
Life, liberty and the pursuit of happiness—with nearly 240 years to practice U.S.-style democracy, the 13 original colonies rank pretty well against the other states on ensuring two of these three basic rights, according to a Bloomberg study. About half of them beat the U.S. average life expectancy of 78.9 years, with Connecticut (at 80.8 years) leading the way. All 13 have lower incarceration rates—Bloomberg’s measure of liberty—than the U.S. average of 497 per 100,000 residents. Rhode Island has the lowest rate (197) of the 13. If the colonies lagged, it was in happiness. Using an index that “measures purpose, social, financial, community and physical elements in peoples’ daily lives,” Bloomberg reports that the “happiest” of the 13, Virginia, ranked 14th among all 50 states.

5 Tribal Farming
Legalizing the production and sale of industrial hemp in South Dakota could be a big boost for tribal economic development, Representative Mike Verchio (R) told the Rapid City Journal. Hemp, from the same variety of plant as marijuana, is one of the easiest plants to grow, he said, and its production would provide an economic opportunity for tribes with large expanses of agricultural land. At least 13 states—including neighboring North Dakota and Montana—allow industrial hemp to be produced commercially. Verchio’s draft legislation would designate industrial hemp, currently defined by the federal government as an illegal Schedule 1 drug, as an “oil seed” if it has no more than 0.3 percent of THC, the substance that produces the high associated with marijuana.
Bead Ban
Soaps, body washes, toothpastes and other products containing scrubby microbeads give us that squeaky-clean feeling. But the beads—barely visible plastic bits—are not biodegradable and easily pass through most water treatment plants, eventually winding up in the ocean. California lawmakers are the latest to pass a ban on the sale of products that contain microbeads. Similar bans are in place in Colorado, Illinois, Indiana, Maine, Maryland and New Jersey. Several companies have pledged to remove the beads from their products as alternatives become available. California’s law will take effect in 2020 if the governor signs it.

Right to Keep Trying
Missouri lawmakers fell 13 votes short of the supermajority needed to override a veto by Missouri Governor Jay Nixon (D) of right-to-work legislation banning compulsory union membership and involuntary donations to labor unions as a condition of employment. According to the Heartland Institute, this is the fourth attempt by the bill’s sponsor, Representative Eric Burlison (R), to preserve workers’ freedom of association. “If an individual finds that being a member of a union is in their best interests, then they should have the right and the freedom to associate with [people] they wish to associate with,” Burlison says. “If you’re being compelled to associate, then that’s not freedom.”

Capitol Security
Although West Virginia lawmakers last year prohibited city officials from banning guns at city swimming pools, tennis courts, after-school centers and other recreational facilities, they didn’t include the Capitol, where some now want to tighten security. Currently, visitors are mostly free to enter and exit the Mountain State Capitol as they please and, if they are concealed-carry permit holders, keep guns in their cars on the grounds. The situation is “ridiculous in these days and times,” Senate President Bill Cole (R) told The Associated Press. Lawmakers are discussing changes that could include metal detectors and X-ray machines. Twenty-eight state capitols have metal detectors, two have only armed guards and 20 have no metal detectors.

Hip, Hip, Hooray for Fair Pay
Women are bringing their fight for fair wages to that manliest of workplaces: the National Football League. Cheerleaders have filed lawsuits against five teams—the Buffalo Bills, Cincinnati Bengals, Oakland Raiders, New York Jets, Tampa Bay Buccaneers—alleging below-minimum pay, failure to reimburse expenses, misclassification as contractors and unlawful deductions from earnings, among other claims. California Assemblywoman Lorena Gonzalez (D) took up the cause with a bill requiring that any cheerleader for a California-based professional sports team “be deemed an employee,” not a contractor. Her bill was enacted in July. The Raiderettes settled with their team in September and will earn the state’s minimum wage, $9 an hour, plus overtime. Similar legislation is pending in New York.
Discord among Americans on the nature of policing has law enforcement officials, community leaders and lawmakers searching for solutions.

BY RICH WILLIAMS

With a booming voice befitting his life’s work as a pastor, the late South Carolina Senator Clementa Pinckney (D) invoked the biblical story of doubting Thomas during a speech last spring in support of police body cameras. The senator reminded his colleagues that Thomas had to see and feel Jesus’ wounds for himself before he would believe he had risen from the dead.

Pinckney was moved to speak after Walter Scott—an unarmed black man—was unjustly shot and killed by police. A bystander captured the encounter on his cellphone, removing any doubt about how Scott had died. Pinckney’s point was that without the hard evidence a video can provide, the debate surrounding Scott’s death would have been mired in people’s entrenched points of view and preconceived ideas based on their life experiences and personal biases.

For example, a dedicated officer may not believe a colleague with years of honorable service would ever be capable of losing control and shooting an unarmed person. Likewise, a young black man who has experienced unjust interactions with police, may have no problem believing that every officer is capable of taking an unprovoked and deadly action even in nonviolent situations.

These divergent perspectives illustrate how challenging it can be for Americans to find common ground on policing issues. The discord has grown in the last year as officer-involved deaths have sparked protests from Baltimore to Oakland, raising many questions that beg for answers.

In search of solutions, state, federal and local lawmakers are gathering information, listening to community leaders and reviewing police practices as they consider reforms. Through their nationwide efforts, two common goals have emerged: first, to increase transparency, trust and accountability in law enforcement; and second, to ensure that police practices are fair both to officers and to the public.

Senator Clementa Pinckney

Two months after South Carolina Senator Clementa Pinckney gave a moving speech in support of equipping police with body cameras, he and eight fellow worshipers were killed by a young white man at the church where Pinckney served as head pastor. Pinckney’s speech on body cams helped move the legislation in South Carolina, which became the first state to require their use.

Opening Up Communication

In Maryland, Senate Majority Leader Catherine Pugh (D) is at the forefront of her state’s efforts to address concerns over policing. She was there when protests and some riots erupted in the poorest parts of Baltimore after the death of Freddie Gray, who was fatally injured while in police custody.

“Police came in and had a quieing effect,” she says, “but so did
community leaders who took to the streets to keep the calm.” The protests, rooted in discontent over Gray’s death, resonated with Pugh. “By no means do we condone violence, but what happened does shine a light on the need for productive ways to share frustration and for improved economic development opportunities in long-neglected areas of Baltimore.”

Pugh is co-chair of a legislative work group that is trying to determine why there’s so much distrust of police officers in some communities. “I know that the police officers I come in personal contact with are there because they want to protect and serve, so where does that breakdown occur?” Pugh believes much can be discovered by listening. “Our last task force meeting was an opportunity for the community to speak out. We listened for four hours to concerns from those who have lost children in police confrontations, from community groups, advocates and community members in general.”

As Pew’s group convened in May, the U.S. Department of Justice announced it would open an investigation into possible constitutional violations by Baltimore police officers, focusing on their use of force, any patterns or practices of discriminatory policing, and the department’s record of stops, searches and arrests.

A National Concern

The Department of Justice has conducted many similar investigations in recent years, including in Cleveland, Seattle and Ferguson, Missouri, following concerns of police misconduct.

The investigations in some cases have uncovered troublesome practices the Justice Department has addressed by requiring specific reforms.

The department’s investigation of Cleveland police in 2014, for example, identified a pattern of excessive use of force along with widespread deficiencies in accountability, training, equipment, policies and community engagement. The investigation drew the attention of state leaders to concerns over law enforcement.

“This is the most serious issue I’ve been a part of in my entire life,” says Ohio Senator Cliff Hite (R), who was a member of the state’s Task Force on Community-Police Relations. “It’s bigger than I ever thought. Until we went around the state, I didn’t realize the differences were so stark. ... It’s going to take time to heal some of these wounds.”

Hite also serves on the Collaborative Community-Police Advisory Board, which has been charged with developing first-in-the-nation minimum standards for the proper use of force, including deadly force.

“Do we condone violence, but what happened does shine a light on the need for productive ways to share frustration and for improved economic development opportunities in long-neglected areas of Baltimore.”

As Pew’s group convened in May, the U.S. Department of Justice announced it would open an investigation into possible constitutional violations by Baltimore police officers, focusing on their use of force, any patterns or practices of discriminatory policing, and the department’s record of stops, searches and arrests.

A National Concern

The Department of Justice has conducted many similar investigations in recent years, including in Cleveland, Seattle and Ferguson, Missouri, following concerns of police misconduct.

The investigations in some cases have uncovered troublesome practices the Justice Department has addressed by requiring specific reforms.

Dangerous Duty

In 2014, 48,315 police officers were assaulted, and 96 were killed in the line of duty, according to the FBI. Of the officers killed, 45 died accidentally. The other 51 died responding to the situations listed below.

- Drug-related matter 1
- Handling people with mental illnesses 3
- Arrest situations 3
- Tactical situations 4
- Investigative activity 5
- Investigation suspicious persons 6
- Ambush situations 8
- Traffic pursuits/stops 10
- Disturbance calls 11

Source: FBI data from 2014.

The investigations in some cases have uncovered troublesome practices the Justice Department has addressed by requiring specific reforms.

The President’s Task Force on 21st Century Policing

The President’s Task Force on 21st Century Policing, created at the end of 2014, released its final recommendations in May. They include numerous action-item suggestions built upon the six “pillars” of community policing summarized below.

Trust and Legitimacy. Law enforcement agencies should embrace a guardian—rather than a warrior—mindset, establish a culture of transparency and accountability, and create a diverse workforce.

Policy and Oversight. Police policies must reflect community values; contain clear and comprehensive rules on the use of force and equipment, and include performance measures.

Technology and Social Media. Law enforcement agencies should ensure that new technology is effective, does not infringe on personal rights or privacy, be based on model policies and best practices, and increases community trust.

Community Policing and Crime Reduction. Law enforcement agencies should work with the community to identify problems and find solutions that produce meaningful results, and include youth in community decision making, research and problem solving.

Training and Education. Instructional programs should engage community members with special expertise, provide leadership training to all personnel, be effective and of high quality, and seek to build partnerships with local and national training facilities.

Officer Wellness and Safety. Law enforcement agencies should promote wellness at every level; adopt policies that help prevent injuries, such as wearing seat belts and bullet-proof vests; and increase data collection on officer deaths, injuries and “near misses.”
On the West Coast, the experience of the Seattle Police Department is showing that interventions into police practices can be successful in making desired changes over time. In 2012, the Justice Department reached an agreement with the city’s police to address patterns of excessive use of force and discriminatory street stops.

According to the most recent report issued by the court-imposed independent monitor, positive changes have resulted from training police officers on bias, crisis intervention and the use of force; from improved use of data; and from new policies and strong leadership from the police chief. The monitor’s next evaluation will focus on the real-world impact of Seattle’s reforms.

Understanding Policing

The job of a police officer is complex, dangerous and challenging. Officers perform increasingly sophisticated functions that are critical to public safety. They never know what to expect on the job, evidenced by the diverse training required by various state laws—in crisis intervention, distinguishing human trafficking from prostitution, handling those with mental illness, knowing when to use force, reducing bias and responding to domestic violence.

Although the vast majority of the annual 62.9 million police-public interactions are completed without incident, according to federal agencies, almost 50,000 officers are assaulted every year.

“The average person does not understand what goes into being a police officer,” says Illinois Representative John Anthony (R), a former law enforcement officer and deputy sheriff who worked on successful police reform legislation this year. “I wish every legislator would go on a police ride-along to see what can happen. On my last ride with the Chicago Police Department we went to multiple shots-fired calls and domestic abuse situations, and you realize there is no such thing as a routine stop or police interaction. Any moment can be dangerous.”

Anthony says that after much debate, Illinois lawmakers reached a compromise that left all sides feeling satisfied. Under the new law:

- State agencies will develop procedures for investigating police-involved deaths.
- The Racial Profiling Prevention and Data Oversight Board will keep demographic and police-action statistics on pedestrian stops.
- The Illinois Law Enforcement Training Standards Board will set guidelines for the use of body-worn cameras.
- The public will be allowed to film police activity.

“I want to make sure officers are protected, and I want to make sure the public is protected,” says Anthony. “I think with our bipartisan effort, we were able to do that.”

In Baltimore, Pugh recognizes the challenge officers face when patrolling distressed areas and regularly confronting negative activity. Steps should be taken “to give officers what they need to do their jobs well,” she says. “That doesn’t just mean equipment. It can mean psychological evaluations and rotations away from their exposure to crime.”

### Who Are They?

| People shot and killed by police this year, as of Oct. 28. | 809 |
| Male | 777 |
| White | 381 |
| Black | 199 |
| Under age 29 | 260 |
| Hispanic | 132 |
| Had a deadly weapon | 638 |
| Unarmed | 75 |
| Unarmed and black | 28 |


How much confidence do you have in police officers in your community...

- **Just Some/Very Little**
  - Hispanic: 37%
  - Black: 47%
  - White: 16%

- **A Great Deal/Fair Amount**
  - Hispanic: 63%
  - Black: 52%
  - White: 83%

... to do a good job of enforcing the law?

- **Just Some/Very Little**
  - Hispanic: 54%
  - Black: 59%
  - White: 24%

- **A Great Deal/Fair Amount**
  - Hispanic: 45%
  - Black: 36%
  - White: 74%

... to not use excessive force on suspects?

- **Just Some/Very Little**
  - Hispanic: 51%
  - Black: 55%
  - White: 25%

- **A Great Deal/Fair Amount**
  - Hispanic: 46%
  - Black: 41%
  - White: 72%

... to treat Hispanics and Whites equally?

- **Just Some/Very Little**
  - Hispanic: 48%
  - Black: 62%
  - White: 27%

- **A Great Deal/Fair Amount**
  - Hispanic: 47%
  - Black: 36%
  - White: 72%

... to treat Blacks and Whites equally?

Note: Survey conducted August 20–24, 2014. Voluntary responses of “None” and “Don’t know/Refused” not shown. Blacks and Whites include only non-Hispanics. Hispanics are of any race.

Bipartisan Solutions

In Colorado, where party control is split between chambers, Republican Senators John Cooke and Ellen Roberts and Democratic Representatives Angela Williams and Daniel Kagan succeeded in passing a bipartisan package of legislation. The co-sponsors hope the laws, known as the “Rebuilding Trust Package,” will bolster police transparency and accountability. The changes include adding reporting requirements and investigation procedures for police shootings, setting standards for and funding the use of body-worn cameras, and adding more officer training on racial bias and the use of force.

“We wanted to address the perception that some people were not getting fair and just treatment by police,” Kagan says, “especially in less affluent communities and communities of color.”

Williams, who initiated the legislature’s effort, says “after looking at the brutality concerns across the county and in Colorado, as a parent especially, I couldn’t sit back and watch it happen again. I wanted to use my voice to help protect black youth and rebuild relationships between communities and their officers.”

While developing their legislation, the co-sponsors made clear they believe the vast majority of officers are dedicated public servants who share a strong mutual respect for the public. “It was a priority for us, to ensure that the reforms were constructive and not combative with our police,” says Cooke, a former sheriff with 35 years of law enforcement experience. But he knew concerns over policing needed to be addressed, because “if law enforcement does not have the public’s trust, they can’t be effective at doing their jobs.”

The Work Continues

Back in April, Senator Pinckney concluded his remarks to his South Carolina colleagues by driving home the importance of addressing America’s discord over policing. “As a legislature, we have a great opportunity to make sure that our proud and great law enforcement officers, and every citizen we represent, are able to at least know that they will be seen and heard, and that their rights will be protected.”

Legislative efforts this year that cross party lines and include various stakeholders can guide efforts underway in other states. But improving relations between police and local communities has no simple solution.

“We’ve got a lot of work to do,” says Hite, of Ohio, “and it’s not going to get done overnight.”

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South Carolina Senator Gerald Malloy (D) sponsored the nation’s first successful legislation to require the statewide use of body cameras by police. For him, the reasons to pursue the bill were clear. “Body cameras protect police, protect the public and protect the truth,” he says.

The Palmetto State was one of 40 to consider body-camera measures in 2015 and among the 14 to enact a law. Malloy, after watching nationwide protests over controversial deaths in police encounters, knew the debate needed to shift from the street to the statehouse. “We need to change the culture in policing. We know that civilians and officers die in these encounters, and we know that needs to change. These videos can help us do that.”

Learning the Pros and Cons

The benefits of body cameras were brought to Malloy’s attention by police chiefs already using them. “From their experience, I know citizen complaints go down, use of force goes down, and the videos provide good tools for training,” Malloy says.

Body-camera opponents are concerned about loss of privacy, abuse of public surveillance and a potential chilling effect on free expression.

In addition, police officers worry that recordings could be misused by supervisors in employment decisions and could limit their discretion, even in showing leniency for minor infractions.

To address these uncertainties, five states passed laws to study the use of body cameras. In Arizona, for example, Senator John Kavanagh (R) is co-chairing a newly created task force that includes representatives from media associations, law enforcement groups and the community. “The deeper I get into it, the more I realize how complex the issues with body cameras are.” Kavanagh wants the committee to consider the “full scope of what the relevant issues are, and then determine for which issues, if any, a statewide policy is necessary.”

At the same time, camera research is underway in several city police departments. The Laura and John Arnold Foundation, for example, has funded several studies, including a couple with the Spokane, Washington, and Tempe, Arizona, police departments. Researchers are examining the effectiveness of body cameras as training tools, their impact on judicial practices, and how they are perceived by officers and the public. The foundation also supports studies in Pittsburgh; Anaheim and Long Beach, California; and Arlington, Texas, as well as a cost-benefit analysis of body-worn camera programs. And the National Institute of Justice is supporting research on the overall impact of cameras in the police departments of Las Vegas and Los Angeles.

Privacy and Public Records

One of the big policy questions for lawmakers, researchers and justice officials alike is how open records laws should apply to police recordings. The North
Dakota Legislative Assembly took what Representative Kim Koppelman (R) calls “a commonsense approach to ensuring privacy” while honoring the state’s “tradition of open government and sunshine laws.” His bill exempts from the state’s open record law images taken with a body camera in “a private place.”

In Oklahoma, a new law considers police recordings public records, but with several exceptions for when they may be withheld, redacted or obscured temporarily. “Most everyone agreed that showing certain aspects of violence, nudity and the identity of children shouldn’t be released,” Representative George Faught (R) says. “The purpose of the cameras is to get a clear understanding of what happens in a police encounter, not to expose people to pain they or a family member suffered.” Altogether, nine bills passed this year concerning privacy issues for camera use.

**Costs Always a Factor**

The costs of buying the cameras and storing and maintaining the data they generate are a concern for supporters and opponents alike. Each camera can cost between $300 and $1,700. Data storage charges vary, depending on whether the data are housed internally or managed by an outside vendor. South Carolina’s law is contingent on the state helping localities with costs, and Malloy says $2 million has been set aside to get the ball rolling.

Despite the costs, it appears body cameras are “here to stay, and will soon be commonplace for most officers,” says Kavanagh. Even before the recent surge in their use, almost a third of all state and local law enforcement agencies used cameras, at least minimally, according to the Bureau of Justice Statistics.

“Every time there is a bad outcome between police and the public, people are going to want to know what really happened,” says Malloy. “Why not use the best technology available to reduce the uncertainty that has been dividing our country?”

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**Body Camera Laws**

<table>
<thead>
<tr>
<th>State</th>
<th>Requires body-worn camera use</th>
<th>Addresses eavesdropping laws</th>
<th>Requires a study</th>
<th>Requires written policies</th>
<th>Provides funding</th>
<th>Addresses open record laws</th>
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Notes: Pennsylvania allows, but doesn’t require, some officers to wear cameras. New Jersey requires certain city police vehicles to contain cameras. Source: NCSL, October 2015
William Kristol is the editor of The Weekly Standard magazine, which he co-founded in 1995. He regularly appears as an analyst on Fox News Sunday and the Fox News Channel. Kristol received his Ph.D. from Harvard University in 1979 and taught politics at the University of Pennsylvania and Harvard’s Kennedy School of Government. He served as chief of staff to Secretary of Education William Bennett under President Reagan and to Vice President Dan Quayle during the George H.W. Bush administration. He sits on the boards of several research organizations and think tanks and has published on a variety of topics, including the best-seller “The War Over Iraq,” in 2003.

ON RECORD

William Kristol Pundit, Professor, Publisher

“Let’s give more power back to the states. I think it would be a very common-sense proposal.”

STATE LEGISLATURES: Does Donald Trump’s success surprise you?
KRISTOL: It sure does. I saw early on that Trump was hitting a chord, and wrote an editorial or two saying so. Don’t underestimate him; take him seriously; listen to what he’s saying; learn from what he’s saying. But I figured he would rise and then begin to fall, and his support would go to the more traditional candidates. But it’s very unpredictable. The rules would suggest that he will fade and will not be the nominee, but once every 30 years, 50 years, 75 years, the rules get broken, and maybe this is that year.

How would you compare state legislative action to what you see in Washington?

I think voters are pretty happy with what’s happening at the state level, in a lot of states at least. States don’t work perfectly; states work pretty well. The federal government doesn’t work well at all.

I live in Virginia, so I follow Virginia’s legislature quite a lot. I think a state legislature is much more responsive, much more attuned to real problems and solving them. People expect their state representatives to do something about different issues in the state. That doesn’t mean that everything that gets done should be done, or it doesn’t mean that they don’t duck problems too.

What should GOP-controlled legislatures be doing to distinguish themselves from Congress?

Right now, the place Republicans can show that their ideas are practical, are successful, are popular, as well as being well-thought-out, is in the states.

Republican state legislators in particular need to pass sound legislation, especially if they have a Republican governor. Maybe they can work with Democrats, even when they’re in the minority, to pass good legislation on taxes, job growth, health care, education—and show that conservative ideas, Republican ideas, really work. So from a Republican point of view, the next year is important at the state level.

Why do you think Congress, with GOP majorities in both chambers, seems unable to move its agenda?

Washington really has become dysfunctional, in the sense that while everyone agrees that certain things are a problem, they just can’t get anything through. Maybe that will change.

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To play the game, you have to know the rules. Getting elected once you can do on a negative platform. Getting elected twice, getting re-elected, requires accomplishments.”

ment, and that won’t last forever. So maybe that’s just a temporary phenomenon.

There is also a Democratic president who has, to his credit, strong views. He isn’t going to bend, and he isn’t much interested in compromising. He wants to go ahead and use his executive authority as much as he can.

And, he isn’t going to sign a whole lot of Republican legislation in the next year and a half. So it’s very hard for the Republican Congress. With a Republican president the question is, Will that be a different story?

A Republican presidential candidate in 2016 would be well-advised to run on a federalism platform. Let’s give more power back to the states. I think it would be a very common-sense proposal. It also fits with kind of conservative philosophical predispositions. I’m a little surprised there hasn’t been more attention to the federalism agenda so far.

Do you think the Republican primaries will be dominated by the party’s most conservative elements as in the past?

I don’t know. Trump seems to have support from all parts of the party and in a fairly non-ideological way. This one feels to me less likely to be the standard case of an establishment candidate beating back a conservative insurgent—that’s the Romney/Santorum kind of story. That’s often been the pattern.

But it doesn’t feel that way. It’s just a lot of different candidates. I think it might be resolved a little bit more on personality or on individual agendas and accomplishments and abilities than on a straight, ideological fight.

The candidates agree on an awful lot, honestly. So I think the question becomes, Who will do a better job of actually implementing these ideas? Who could beat Hillary Clinton or whomever the Democratic nominee is in the general election?

When I talk to conservative audiences, to Republican audiences, I hear a lot of these two questions: Who can win? and, Who can govern? But not quite so much, Who is loyal to every single item on the laundry list of the conservative agenda?

Editor’s note: This interview is part of a series of conversations with national leaders. It has been edited for length and clarity. The opinions expressed herein are not necessarily NCSL’s.
Karl Kurtz is a white male Protestant from the Silent Generation with an advanced degree. By no means average, he retired last year from NCSL and now is principal of the consulting firm, LegisMatters.

Who is the “average” lawmaker in America today? A white, male, Protestant baby boomer, with a graduate degree and a business background—a stereotype of the American “establishment.” But the truth is, there’s nothing average about the nation’s 7,383 legislators; in fact, only 50 actually have all six of those characteristics.

State lawmakers are less diverse than the country in general, but they reflect the wide variety of people they serve more closely than ever before, according to a new joint study by NCSL and the Pew Charitable Trusts.

Who We Elect

Although not quite as diverse as the American public, state lawmakers are a remarkably varied lot.
There are six times as many women serving in state legislatures today than in 1971. By 2009, their portion had grown from a meager 4 percent to nearly 25 percent, where it is today. But women comprise 51 percent of the country’s population. They have a long way to go to reach parity. If they would run at the same level as men, they might get there. When they’re on the ballot, they win as often as men.

Likewise, African-Americans, between 1971 and 2009, jumped from 2 percent to 9 percent of all state lawmakers. They currently make up 13 percent of the U.S. population. But since 2009, the advances of women and blacks in legislatures have stalled. Gains for Hispanic legislators have come primarily in the past six years, but at 5 percent, they are well short of their 17 percent slice of the total population pie. Low voter registration and turnout among Hispanic immigrants and their wider dispersal (compared with blacks) throughout the general population explain why there are fewer Latino-majority legislative districts.

There are slightly more women in house chambers (25 percent) than in senates (22 percent), but the difference is not statistically significant. Between political parties, however, the difference is larger. Women comprise 34 percent of the Democratic lawmakers and 17 percent of the Republicans. In Colorado, Idaho, Montana and Utah, women make up the majority of the Democratic legislators. In Hawaii, women hold half the eight Republican seats in the Hawaii Legislature.

Minorities also are better represented among Democrats (33 percent) than Republicans (5 percent). Minorities (combined) now fill the majority of Democratic seats in the Arizona, California and Nevada legislatures. In nine Southern states, a majority of Democrats are black, while in New Mexico, the majority are Hispanic. In Hawaii, minority lawmakers (mostly of Asian and Pacific Islander descent) constitute majorities among the Democrats and Republicans alike. In all of these states, except California, Hawaii and New Mexico, Republicans are in the majority.

One of the arguments made for term limits during the 1990s, was that they would allow the number of women and minorities serving in state legislatures to increase. But 25 years later, in the 15 states still with limits, that hasn’t occurred. Minority legislators average 19 percent of the membership in term-limited states and 17 percent in the other states, a statistically insignificant difference. The proportion of female members, as well, is virtually the same in the two types of legislatures. In fact, of all these demographic categories, the only one that has been affected by term limits is age.
The majority of legislators and members of Congress have a college degree, and the numbers are about the same for Democrats and Republicans. But the fact that two-thirds of members of Congress and 40 percent of state legislators have graduate or professional degrees, compared with 11 percent of the U.S. population, is remarkable. The proportions of doctoral and master’s degrees are about the same in Congress as in state legislatures. But in the area of law, 39 percent of the members of Congress have law degrees compared to only 17 percent of state lawmakers.

The state legislative education data, however, are incomplete for nearly a quarter of the members. It is tempting to speculate why lawmakers would not share their educational background, but we’ll leave any guessing up to the reader.
Lawmakers Are Older and ...

The average age of all state legislators is 56, compared with 47 for the adult U.S. population. But the average term-limited legislator is three years younger than his or her peers. That’s no surprise since, by definition, term-limited legislatures have fewer long-serving—and therefore older—members.

Across the country, the average female legislator is two years older than her male counterpart. Likewise, senators tend to be about two years older than house members, probably reflecting a tendency for legislators to serve first in the house or assembly, then move on to the senate. Probably for the same reason, the average age of members of Congress is 59, as most people serve at the state level before running for national office.

There are no differences in ages between members of the two political parties or among various regions of the country.

Legislators from the baby-boomer generation have a disproportionate influence in America’s legislatures, with nearly twice as many members as their overall share of the U.S. population would warrant. The millennial generation (1981-1997) is seriously underrepresented in both state legislatures and Congress. A positive sign for the younger generation, though, is that their share of the state legislative population has grown from 1 percent in 2009 to 5 percent in 2015.

Among those who reported their birth year in this study, Representative Saira Blair (R) of West Virginia was the youngest at age 19, and Representative John Yates (R) of Georgia—one of four nonagenarian lawmakers—was the oldest at 94.

### The Oldest Legislatures

<table>
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<tr>
<th>State</th>
<th>Average Age of Members</th>
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<td>New Hampshire</td>
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<tr>
<td>Idaho</td>
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### The Youngest

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<td>Florida</td>
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<td>Wisconsin</td>
<td>52</td>
</tr>
<tr>
<td>Ohio</td>
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</tr>
</tbody>
</table>

### Across the Generations

Baby boomers are better represented in legislatures, in relation to their portion of the U.S. population, than any other age group.

- Senators, on average, are two years older than House members.
- Lawmakers in term-limited legislatures are three years younger than those in the other states.
- Female lawmakers, on average, are two years older than their male counterparts.
More Americans turn to doctors of optometry than any other eye care professional. With a four-year, doctoral-level clinical degree following college and extensive training, optometrists are licensed to correct vision, but they also diagnose and treat eye diseases. And as the need for new advancements in eye care continue, count on optometrists to offer the most comprehensive eye care.

Learn more at AmericasEyeDoctors.org

Religion Reflects Society

The religions of state legislators appear to reflect those of the U.S. population as a whole: Protestants and Catholics predominate, with a large number of “unaffiliated.”

While only nine of the 535 members of Congress list no religious affiliation, 22 percent of Americans report having no religious affiliation, according to the U.S. Census Bureau. Interestingly, among state legislators, 42 percent choose not to report their religious preference. It’s hard to say why, but the reasons for choosing not to state a religious preference may differ from why one chooses to be unaffiliated, so the two categories should not be compared directly.

At just less than 2 percent, Jews make up the largest number of non-Christian legislators nationally, although more than 5 percent of the legislatures in New York, Florida, Maryland and Illinois are Jewish. Only six legislators in the country report being Buddhist, Hindu or Muslim. The only state legislator who identifies himself as an atheist is the long-serving, iconoclastic Nebraska Senator Ernie Chambers (NP).

Faith

Many lawmakers choose not to identify their religious preference.

- Protestant 38%
- Catholic 16%
- Other Christian 2%
- Non-Christian 2%
- Unspecified/Not Available 42%
The Work of Legislators

NCSL has been collecting data on the occupations of state legislators for nearly 40 years. Their jobs and professions provide a broad-brush view of members’ backgrounds. People engaged in business, many of them small-business owners, make up the single largest category.

There are substantially fewer lawyers serving in state legislatures than there were 40 years ago, and farmers and ranchers have declined by half, from 10 percent to 5 percent. New Jersey, Louisiana, Virginia and South Carolina top the list of states with at least one-quarter of their members practicing law. Not surprisingly, Nebraska, South Dakota, Wyoming, North Dakota and Montana all have more than 15 percent of their members working in the agricultural sector.

The number of people who report their occupation as “full-time legislator” has declined recently, perhaps because of the current widespread, public distrust of full-time politicians. Nevertheless, nearly half the members of the Pennsylvania General Assembly list their occupation as “legislator,” followed by at least a third of the lawmakers in Illinois, Massachusetts, New York and Wisconsin. Yet, in California, arguably the most “full-time” state legislature, only 8 percent of the members report their occupation as legislator, about the same as in Missouri, Colorado and Kentucky.

This points out the flaws of relying on self-reporting in general. Many legislatures collect and publish information on their members, but the definitions, categories and coding can vary widely. In the end, we can only accept the information for what it is—a broad overview of the types of people who make up our lawmaking bodies, with a pinch of healthy skepticism about conclusions drawn from the details.

Their Other Jobs

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Total</th>
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<tbody>
<tr>
<td>Business</td>
<td>30%</td>
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<tr>
<td>(Owner—13%)</td>
<td></td>
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<tr>
<td>(Other—11%)</td>
<td></td>
</tr>
<tr>
<td>(Real Estate—3%)</td>
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<tr>
<td>(Insurance—2%)</td>
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<tr>
<td>Attorney</td>
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<td>Legislator</td>
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<tr>
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<tr>
<td>Nonprofit</td>
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<tr>
<td>Professional</td>
<td></td>
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<td>Educator</td>
<td>6%</td>
</tr>
<tr>
<td>Agriculture</td>
<td>5%</td>
</tr>
</tbody>
</table>

What They Do

The ups and downs of a few common occupations of lawmakers over the last 40 years.

Descriptive Representation

These demographic characteristics of legislators make up what political scientists call “descriptive representation”—a way to measure the extent to which legislators mirror the population as a whole. While reflecting the demographics of one’s constituents may be a noble goal to strive for, in practice, with single-member legislative districts, it’s almost impossible to achieve.

There’s a lot more to representation than simply sharing the characteristics of your district.

Good representatives, according to the late political scientist Alan Rosenthal, “are continuously sensitive to the opinions, interests and demands of their constituents”—what Hannah F. Pitkin called “a constant condition of responsiveness, of potential readiness to respond,” in her classic book, “The Concept of Representation.” After all, representation is in the doing, not the belonging.

The Study

This joint study by NCSL and the Pew Charitable Trusts was conducted by compiling data gathered between May and September 2015 from the following sources:

- KnowWho, a directory publisher that gathers information from legislative websites, accessed in May 2015
- Project VoteSmart
- The Pew Research Center’s 2014 U.S. Religious Landscape Study
- The Census Bureau’s American Community Survey, accessed September 2015
- Legislators’ personal websites
- Membership lists from the National Black Caucus of State Legislators, the National Hispanic Caucus of State Legislators and the Asian Pacific Islander Legislative Caucus
- Key state legislative staff offices

Complete data were obtained for members of Congress in all categories and for state legislators on gender, race and ethnicity. Other categories have incomplete data: Researchers found the occupation of 95 percent of lawmakers, the educational level attained for 77 percent, the ages of 75 percent, and the religion (or none) for only 58 percent. Analysis of the categories with incomplete data must be done with caution.

Stanford University intern Michael Gioia, NCSL’s Brian Weberg, University of Rochester Professor Lynda Powell and the Pew Charitable Trusts’ Rica Santos assisted in collecting and analyzing the data. This project was funded by NCSL and the Pew Charitable Trusts. For the entire report, go to www.ncsl.org/magazine.
Nowpack is like money in the bank for Western states. Winter accumulations in the high country earn interest from skiers and other outdoor enthusiasts. Springtime snowmelt feeds into creeks and rivers, amounting to a massive transfer of liquid assets. Rising rivers and reservoirs allow fish to spawn, farmers to irrigate crops and city dwellers to maintain their lawns.

But this year, for the fourth year in a row, little snow fell in California and snowpack was a mere 5 percent of the average. On April 1, Governor Jerry Brown (D) stood in a dry spot 6,800 feet high in the Sierra Nevada and declared a statewide water emergency. In an average year he would have been standing on top of five and a half feet of snow.

With the state suffering from this kind of severe to exceptional drought, the University of California at Davis projected the agriculture industry would lose $2.7 billion this year, leaving 18,000 workers unemployed and 564,000 acres unplanted.

Brown called on residents to reduce urban water use by 25 percent over 2013 levels and offered to help communities replace 50 million square feet of lawn with drought-resistant landscapes.

Absent from the declaration were cutbacks for farmers. Critics argued that agriculture—the largest water user in California and all Western states, accounting for 80 percent of consumption—needed to be part of the solution. But the governor noted that farmers already had sustained deep cuts, with many receiving no water from the federal Central Valley Project for the second year in a row, and the State Water Project reducing deliveries to 20 percent. “They’re not watering their lawns or taking long showers,” the governor told ABC’s “This Week.” “They’re providing most of the fruits and vegetables of America to a significant part of the world.”

California’s drought continues to make headlines, but it’s hardly alone. Oregon and Washington are also experiencing drought, and each saw record low snowpacks last winter, resulting in irrigation cutbacks for farmers and fish kills in streams with reduced flows.

Costly Wildfires

This abnormal dryness has left much of the water-depleted region vulnerable to wildfire. California suffered more than 40 fires this year that burned more than 500,000 acres. The California Valley fire—the most destructive in state history based on insurance claims—killed four people, consumed at least 75,000 acres and destroyed more than 1,900 structures, including 1,200 homes.

In Oregon and Washington, at least 1.6 million acres have burned this year. Wash-
ingston’s largest fire, the North Star, killed three firefighters and charred 211,000 acres, and Oregon’s biggest, the Canyon Creek Complex, consumed 110,000 acres.

What happens out West doesn’t just stay out West, however. The damage from drought, wildfires and flooding may be felt nationwide. California produces half of the fruits and vegetables consumed in the country, and it, along with its neighbors, annually draws hundreds of thousands of tourists from across the U.S. and around the world for skiing, fishing, camping and recreation.

**Legislature Offers Relief**

The California Legislature took decisive bipartisan action early in the 2015 session by passing a package of emergency bills that fast-tracked $1 billion in drought funding contained in the governor’s proposed fiscal 2016 budget. Together with revenue from Proposition 1, a $7.5 billion water bond measure approved by the electorate in November 2014, the funds will support safe drinking water and water recycling projects, food relief for affected communities, fish and wildlife survival programs and flood control projects to make the water supply infrastructure more resilient.

“When we passed the historic water bond last year we said we would revisit it to do more if needed,” Assembly Speaker Toni Atkins (D) said when the legislation passed in March. “The package before us today is the first step in fulfilling that obligation and in helping bring relief to Californians suffering the effects of the drought. We will also take additional steps, as needed, going forward. But the severity of the drought requires that action start now.”

Assemblyman Adam Gray (D), a small-business owner from California’s Central Valley—which runs 450 miles from north to south and is the most productive farming area in the state—is moving legislation this session with bipartisan support to increase water storage statewide. He points out that since the early 1970s, “water storage capacity in California has increased

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**The Future of Federal Wildfire Funding**

The high cost of wildfires is not only a hot topic in the states, it has garnered attention from the federal government as well. Both the U.S. House and Senate have introduced the federal Wildfire Disaster Funding Act to fix the inadequate way wildfires are funded currently. The legislation would allow the use of a budget cap adjustment to help states pay for wildfire suppression efforts, the same way they receive funding to cover the costs from floods, hurricanes and tornadoes. NCSL’s members voted to support this federal funding solution, and NCSL staff continue to advocate for this legislation on Capitol Hill.

—Melanie Condon, NCSL

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**Seeing Red:**

Drought Conditions in the West as of October 13, 2015

- Abnormally Dry
- Moderate Drought
- Severe Drought
- Extreme Drought
- Exceptional Drought

“We’ve been living on the credit card of infrastructure for 50 years.”
—CALIFORNIA ASSEMBLYMAN ADAM GRAY

by only 1 percent, while the state’s population has doubled.”

“We’ve been living on the credit card of infrastructure for 50 years,” Gray says. Although he recognizes the importance of conservation and temporary options like land fallowing and water exchanges, he emphasizes the need for “more storage and conveyance facilities, including groundwater storage recharge projects.” To effectively respond to drought, Gray believes that nothing short of “all of the above” will suffice.

Initial signs are promising that the efforts are making a difference—urban water use declined by nearly 30 percent in June and July. The governor’s goal is to save 1.2 million acre-feet of water by February 2016. (An acre-foot provides enough water for two families for a year.) The June-July savings amounted to 414,800 acre-feet, or 35 percent of the goal, which puts the state ahead of schedule.

No Nor’wester in Sight

Oregon and Washington face drought conditions similar to, though not quite as severe as, California’s. Most of both states are experiencing severe to extreme drought, compared to central California’s exceptional drought.

Washington Governor Jay Inslee (D) declared a statewide drought emergency in May after snowpack shrank to less than 20 percent of average. Oregon Governor Kate Brown (D) had declared drought emergencies in 23 of 36 counties by July 27 due to record-breaking low snowpack, high temperatures and significantly diminished streamflows.

The legislative response was quick in both states. The Oregon legislature passed bills authorizing $20 million in lottery funds for water supply development projects and $30 million in bonds for the state’s Water Development Fund. The Water Resources Department’s budget also was increased to support locally driven, or “place-based,” water planning efforts to deal with drought.

Oregon Senator Chris Edwards (D), chairman of the Senate Environment and Natural Resources Committee, is a believer in place-based solutions to drought-related problems. He attributes much of Oregon’s success to “stakeholders’ willingness to come together in community settings” to reach consensus on issues that might be too intractable to deal with at a higher level.

Long-Term Tools

While the Oregon governor may have taken the immediate lead, Edwards sees the legislature’s role as “coming up with the long-term tools” to ensure the state can survive inevitable water shortfalls successfully. Among the options he supports are “investments in infrastructure that can capture and move runoff in high-water years into storage for future use without diminishing streamflows.”

Washington’s Legislature likewise responded swiftly to the governor’s drought declaration, putting $14 million into the State Drought Preparedness Account and $4 million into the State Taxable Building Construction Account. The funds will provide grants to cities, counties and special districts to develop alternative water supplies, purchase or lease water rights, protect fish and wildlife habitat and build water pipelines.

Washington Senator Jim Honeyford (R) chairs the Joint Committee on Water Supply During Drought and was the prime sponsor of the drought relief appropriation. He views the committee as a “bully pulpit
and educational tool” to develop ideas for new legislation. As a former farmer and teacher in rural eastern Washington, he feels it’s important to educate members across the state about water rights.

In response to calls for agriculture to conserve more water, Honeyford points out that “farmers are employing significant efficiencies in their irrigation systems, to an extent that what was formerly leaking and recharging groundwater is no longer doing so, with adverse impacts on groundwater levels.”

Just as in California, many Washington irrigators are switching to groundwater—so-called “drought wells”—as surface supplies recede. Honeyford notes, however, that “many farmers are finding there is hydraulic continuity between groundwater and surface water”—the two sources are connected—and, when drawing groundwater, “they have to pay a mitigation fee to offset the effects on surface water rights.” The tough question they face, he says, is “whether the fee is cheaper than losing farm income by not irrigating.”

Colorado’s ‘Miracle May’

Proving just how unpredictable weather and water can be in the West, as the Colorado Water Conservation Board was preparing its first-ever state water plan last spring, rain and snow saturated the state. By the end of May, snowpack had increased from just 61 percent on April 1 to 212 percent at the end of May.

Governor John Hickenlooper (D) ordered the plan, but Colorado Senate President Pro Temore Ellen Roberts (R), who chairs the Water Resources Review Committee, has been vigilant in making sure the legislature weighs in on it. Her committee held nine hearings across the state this year to gather public input. She views the committee’s public hearings was the need for additional surface and groundwater storage. “Additional storage will help the state better withstand future droughts,” she says, and it will “enable water banking and other water-sharing measures to move forward to test their potential for success.”

The Wildcard

El Niño. The National Oceanic and Atmospheric Administration defines it as a “large-scale ocean-atmospheric climate interaction” that warms sea surface temperatures across the eastern Pacific. There’s hope and some horror in what El Niño could bring this winter.

Unpredictable, it could bring no rain or deadly downpours, causing an entirely different sort of water problem, like what occurred in northern Los Angeles County in October. Almost 2 inches of rain in 30 minutes produced flash flooding and disastrous mudslides that buried cars, closed highways and stranded motorists.

El Niño is a wildcard because of the opposite effects it can have on states enduring drought. While it typically brings warmer-than-normal temperatures to the entire West, precipitation can vary dramatically—California is usually wetter than normal, but the Pacific Northwest is often much dryer. The U.S. Climate Prediction Center is expecting “a strong El Niño” during the 2015-16 winter. Compared with previous ones, that means heavy rains and snowfalls.

Measuring ocean temperatures, forecasters say this season’s El Niño “is already the second strongest on record for this time of year.”

Despite these predictions, California Climatologist Michael Anderson said back in August, “California cannot count on potential El Niño conditions to halt or reverse drought conditions. ... Historical weather data shows us that at best, there is a 50-50 chance of having a wetter winter.”

What’s Ahead?

For lawmakers unwilling to rely on the weather when preparing for and coping with drought, there are no simple solutions. Along with some currently nonviable technologies—desalination, cloud seeding and long-distance water pipelines—are feasible options for lawmakers to consider, however. Further conservation, improved efficiency, expanded surface and underground storage, additional land fallowing, water banking, reallocation and exchanges offer an oasis of possible solutions to the parched reality of today.
December 8–11 | Washington, D.C.

Capitol Forum

• Learn the latest on important state-federal issues.
• Be a voice for your state on Lobby Day on Capitol Hill.
• Connect with legislative colleagues from across the nation.

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Ronald Lynn “Ron” Ramsey was elected Tennessee lieutenant governor and Senate speaker in 2007, making him the first Republican to serve in that role in 140 years. Ramsey grew up on a small farm in the state’s northeast corner, near Bristol, graduated from East Tennessee State University, and 30 years ago began a career in real estate auctioneering. He is a member of Tennessee’s Auctioneer Hall of Fame, was named “The Best Lawmaker for Business” by Business Tennessee magazine and received the Lifetime Achievement Award from the Bristol Chamber of Commerce in 2013.

How did you get into auctioneering?

After college, I started doing a lot of surveying for auction companies. I figured out they were making a lot more money than I was, for a lot less work. Rather than working all week long fighting bees, snakes and ticks, they came on a Saturday morning, held an auction and made more money. I said, I think I can learn how to talk like that. So I got my auctioneer license and started my own real estate auction business in 1986. I have an auction just about every Saturday and sometimes throughout the week.

How has auctioneering influenced your role as a legislator and a leader?

I’m used to using a microphone in front of an audience, being in front of a crowd. I don’t have any of those normal jitters people have. I learned to think quickly on my feet, to make quick decisions. It was great preparation for what I do now.

As one of the longest serving leaders, how would you describe your leadership style?

I’m not afraid to make a decision and then stick to it. I’m very loyal. About two-thirds of the Senate are on the Republican side. I helped them get elected and I stand behind them. People understand there’s not a lot of wishy-washiness to me. I usually say exactly what I’m thinking. Sometimes that gets me in trouble, but most of the time it doesn’t.

As a fan of “The Andy Griffith Show,” do you think America was better back then?

A lot of people were much better back in those innocent days, with the small-town atmosphere we had then. It was a simpler time. I was out on the farm all the time. I just like that lifestyle. You didn’t have the worries about today’s world and the direction we’re heading in. It was an escape we had—to go back to Mayberry.

What is your proudest accomplishment as a leader?

Getting the strong conservative majorities that we have in the Tennessee Senate, and now in the House. That’s first and foremost. Before I became a leader, it would be catching a murderer based on DNA legislation we passed, helping develop northeast Tennessee, and, almost on a daily basis, helping people cut through the red tape of state government.

What would surprise people most about you?

How little politics is part of my life. I also have three of the best daughters anybody could ever want, and I have four grandsons and another one on the way. And if I had my druthers, I would not be in Nashville doing political stuff. I would be at home working on the farm. I think most people think I live, breathe, eat, sleep this. Well, that’s not the case. That’s what makes a good politician well-grounded, when they have a life outside of politics that means a lot more to them than their political lives.

What advice would you give to new legislators on maintaining a good work-life balance?

It’s something you have to think about every day or the so-called “beltway mentality” will consume you. I get up every morning and remind myself that God is No. 1, family is No. 2, business is No. 3, and politics is No. 4.

What are you currently reading?

A Brad Thor book, “Black List.” I go back and forth between a biography about a leader or some history book, and then something fictional. But my favorite book is the Bible, of course. It’s better than fiction or anything like that.

Do you have any final words you’d like to share?

Stay grounded and remember where you came from. You’ll see politicians get carried off in handcuffs, but usually that’s for people who lost their priorities and forgot what’s important in life.
America’s Diabetes Challenge: Get to Your Goals is a program from Merck and the American Diabetes Association that urges people with type 2 diabetes to pledge to work with their doctor to set their individual A1C goal and maintain it. Through the program, people can also learn if they are at risk for hypoglycemia and how to help reduce that risk. The program encourages friends and caregivers to help support the nearly 30 million Americans living with diabetes by challenging their loved ones to take the pledge.

“I’ve seen first-hand how type 2 diabetes impacts Americans from all walks of life. It’s affected my family, friends and fans. I’m a strong believer in making healthy choices, so I’m encouraging all Americans to join me and challenge their family and friends with diabetes to work with their doctor to get to their A1C goal. Together, we can make a difference.”

- TIM MCGRAW

Visit AmericasDiabetesChallenge.com to pledge and for helpful resources and tips.