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Eileen Claussen has devoted her career to working with policymakers and a wide range of stakeholders to develop sensible solutions to one of our most fundamental challenges, providing clean, secure, and affordable energy, while protecting our environment.

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State Legislatures
NCSL’s national magazine of policy and politics

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“It’s safe to say that energy-producing states are weathering some issues with regard to revenue collections.”
Arturo Perez on the effects of the global oil glut, in the Associated Press.

“The uptick in state examination of the issue coincided with the beginning of football season, when the ads became nonstop.”
Jonathan Griffin on efforts to regulate daily fantasy sports, in Stateline.

“That is where a huge amount of work gets done.”
Kae Warnock on how legislatures rely on interim committees, on vtdigger.org.

“The vast majority of legislators want to do the right thing for the right reasons, and they don’t make the paper.”
Mark Quiner during an ethics discussion on The Kojo Nnamdi Show.

Lobby Day in D.C.
Members of Congress were all ears as more than 150 state legislators descended on Capitol Hill for Lobby Day at the NCSL Capitol Forum in December. NCSL officers and Executive Committee members met with U.S. House Speaker Paul Ryan. From left, Utah Senator and NCSL President Curt Bramble, South Dakota Senator and NCSL Vice President Deb Peters, Speaker Ryan, Iowa Senate Majority Leader and NCSL President-Elect Mike Gronstal, Wisconsin House Speaker Robin Vos and Indiana Senate President Pro Tem David Long.

Leader to leaders
U.S. House Minority Leader Nancy Pelosi welcomes NCSL President-Elect Mike Gronstal and NCSL President Curt Bramble.

Meeting memento
New York Assemblyman Felix Ortiz gets “Paul Revere’s Ride” signed by Pulitzer Prize-winning author David Hackett Fischer, who discussed Revolutionary War history at the NCSL leaders’ meeting in Lexington, Massachusetts.

What the future looks like
Florida Senator Anitere Flores and Minnesota Representative Abigail Whelan network during NCSL’s Young & New Professionals’ meeting in Washington, D.C.

IDEAS
NCSL published more than 50 reports in 2015. Topics range from criminal justice to telehealth. Find all of NCSL’s reports at ncsl.org/magazine.
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Refugee Resettlement

Congress established the refugee resettlement program in 1980 as a partnership with state government and nonprofit resettlement agencies to provide temporary cash and medical and social services until refugees became self-sufficient in their new communities.

Refugees are vetted overseas through several federal agencies, including the Department of Homeland Security, National Counterterrorism Center and FBI. All applicants go through a rigorous criminal background check. Refugees can be barred from entering the United States for medical, criminal or national security reasons—such as contributing money, intelligence or any other support to a terrorist organization. Security checks and processing take an average of 18 months to complete.

The annual refugee ceiling, set by the president in consultation with Congress, is currently at 70,000. The admissions ceiling is set to increase to 85,000 in FY 2016 and 100,000 in FY 2017.

Refugee Resettlement Budget (FY 2014, in millions)
States receive funding from the U.S. Office of Refugee Resettlement to provide various services.

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount (in millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transitional cash and medical assistance</td>
<td>$383</td>
</tr>
<tr>
<td>Social services</td>
<td>$150</td>
</tr>
<tr>
<td>Targeted assistance</td>
<td>$48</td>
</tr>
<tr>
<td>Victims of trafficking</td>
<td>$16</td>
</tr>
<tr>
<td>Victims of torture</td>
<td>$11</td>
</tr>
<tr>
<td>Preventative health care</td>
<td>$5</td>
</tr>
<tr>
<td>Total</td>
<td>$613</td>
</tr>
</tbody>
</table>

The Office of Refugee Resettlement also funds cash and medical assistance, employment services, English language training, interpretation and translation assistance, and citizenship and naturalization classes. Refugees are eligible for Supplemental Security Income, Temporary Assistance for Needy Families and Supplemental Nutrition Assistance if they meet all eligibility requirements.

The Top Dozen Countries Sending the Most Refugees to the U.S. in FY 2014

<table>
<thead>
<tr>
<th>Country</th>
<th>Refugees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iraq</td>
<td>19,651</td>
</tr>
<tr>
<td>Burma</td>
<td>14,577</td>
</tr>
<tr>
<td>Somalia</td>
<td>9,011</td>
</tr>
<tr>
<td>Bhutan</td>
<td>8,316</td>
</tr>
<tr>
<td>D.R. Congo</td>
<td>4,502</td>
</tr>
<tr>
<td>Cuba</td>
<td>4,063</td>
</tr>
<tr>
<td>Iran</td>
<td>2,833</td>
</tr>
<tr>
<td>Bhutan</td>
<td>1,445</td>
</tr>
<tr>
<td>Sudan</td>
<td>1,037</td>
</tr>
<tr>
<td>Afghanistan</td>
<td>758</td>
</tr>
<tr>
<td>Ethiopia</td>
<td>754</td>
</tr>
<tr>
<td>Ukraine</td>
<td>493</td>
</tr>
</tbody>
</table>

Number of Refugees Accepted in FY 2014 and State Partnerships
States receive federal funds based on the number of refugees accepted and allocate the funding through one of three types of partnerships.

<table>
<thead>
<tr>
<th>States</th>
<th>Refugees Accepted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>in FY 2014</td>
</tr>
<tr>
<td></td>
<td>Total</td>
</tr>
<tr>
<td></td>
<td>69,986</td>
</tr>
</tbody>
</table>

For more information, go to SL Online at www.ncsl.org/magazine.
Whether contributing money to a campaign is a First Amendment right or a privilege to be regulated can be debated. But what's undeniable is that political campaigns, at all levels of government, are expensive and only getting more so. Meanwhile, independent spending is skyrocketing. Unlike federal campaigns, which are regulated by the Federal Elections Commission, state races are monitored by the states. The three most common ways states regulate spending are by providing public financing, setting limits on the size of contributions and requiring campaigns to report their funding sources.

With public campaign financing, candidates are limited in what they can receive in contributions from other sources in exchange for receiving the public funds. Thirteen states have public financing programs, and voters in Maine recently approved a ballot measure to increase public funding.

To prevent quid pro quo corruption, several states limit the amount of money a candidate can receive from various entities—individuals, political parties, PACs, corporations, unions. Contribution limits vary, however. For an individual giving to a state senate candidate, for example, the limit ranges from $170 in Montana to $12,532 in Ohio. The median contribution limit for individuals giving to state legislative candidates is $1,000. Some argue that limiting citizens' right to spend their money on campaigns is a threat to free speech, especially in light of the rising costs of running a campaign. In recent years, states have raised limits and pegged future limits to inflation.

The most active area of campaign finance, though, is with disclosure and reporting regulations. More than half the campaign-related bills introduced last year had to do with reporting and disclosing campaign contributions. And a greater than average 20 percent of them became law. Some of the bills tightened the rules, while others loosened them.

With the rise of independent spending and the idea that political spending is a core element of free speech, some argue that contribution limits and public financing programs are obsolete. For them, increasing transparency—clearly disclosing who's giving to whom—makes more sense. Others point out that tightening disclosure requirements can put a significant burden on a campaign, especially a smaller one. They also point out that disclosure of specific donor information could lead to donor harassment.

Many states have built online systems for submitting campaign disclosure reports and searchable databases that allow anyone to see who contributed to a campaign. States have tweaked how often candidates, PACs and parties have to report, and adjusted reporting deadlines. Some have required immediate disclosure if a candidate receives a large donation.

Lawmakers also have considered reporting requirements for independent groups, which may spend unlimited amounts on political advertising as long as they don't coordinate with a candidate. Only Indiana, New Mexico and South Carolina do not require some level of reporting for independent expenditures, though there is a lot of variation on who has to disclose what, and when. A few states require advertisements to disclose not only the group that paid for it, but also the top five donors to that group.

A couple states address so-called “dark money” from nonprofit organizations, which typically aren’t required to disclose donor names. Last year, lawmakers in Montana clarified that certain disclosure reports have to be filed regardless of an entity’s tax status, and in North Dakota, legislators voted to require “conduit” organizations that funnel funds to political campaigns to provide details on the contributions they receive.

California’s Fair Political Practices Commission recently redefined what it means for candidates and outside groups to “coordinate”; the goal was to stem such practices as candidates and groups sharing consultants and vendors, and groups using material published online by another candidate in their campaign efforts.

As money is pumped into campaigns this year at all levels of government, people will continue to ask who’s behind it. The bigger question, however, may be whether pumping money into campaigns is a threat to American democracy or a necessary part of it.

—Katy Owens Hubler
Star Light, Star Blight

Billions of dollars are spent each year to light streets, shopping areas, office complexes and power plants, but much of that outdoor lighting is poorly designed and wasteful. Excessive lighting can not only make it harder to see the stars at night, it can have serious consequences for the military, human health and the environment.

Light pollution can limit the military’s ability to conduct crucial nighttime training at bases around the country. It can disrupt sleep patterns, which has been linked to depression, obesity, breast cancer and more. Excessive night light also has been linked to the decline of lightning bugs, the death of migrating birds and the fatal disorientation of newly hatched turtles.

In response, lawmakers in at least 17 states, the District of Columbia and Puerto Rico have passed “dark skies” legislation. Most laws aim to promote energy conservation, public safety, aesthetic interests and astronomical research capabilities, and are limited to outdoor lighting fixtures installed on the grounds of a state building or facility or on a public roadway. They often require the installation of shielded light fixtures, which emit light only downward.

Arizona’s law dates to 1986; it requires all outdoor light fixtures to be fully or partially shielded, with the exception of emergency, construction and navigational airport lighting. Fixtures not in compliance must be extinguished between the hours of midnight and sunrise by automatic devices.

Some laws are more specific than others. In Colorado, for example, installation of new outdoor lighting fixtures requires consideration of costs, conservation of energy, reduction of glare, minimization of light pollution and preservation of the natural night environment. Texas is the only state that focuses solely on reducing light pollution within 5 miles of a military installation.

New Hampshire’s law encourages municipalities to adopt ordinances and regulations to conserve energy and minimize light pollution. In Florida, a statewide model lighting ordinance guides local governments in developing policies to protect hatching sea turtles.

Municipalities in a number of states also have been active on this issue, adopting light pollution regulations as part of their zoning codes.

—Jennifer Shultz

Taking the Wheel

Autonomous vehicles are no longer the stuff of science fiction. Also known as driverless, self-driving or robotic cars, they are a reality on roads today, as companies increasingly test them in real traffic. State and local governments are promoting this new, potentially huge, industry while fielding questions over safety, which roads the cars should be allowed to use, how insurance should apply and more.

A partnership in Virginia would make the state a leader in research and development of automated-vehicle technology. The Virginia Department of Transportation and the Department of Motor Vehicles will team up with the Virginia Tech Transportation Institute, toll-road developer Transurban and Nokia’s mapping business to develop a state-of-the-art test facility and dedicated high-occupancy toll lanes along a couple of interstates.


Nevada was the first state to authorize the vehicles in 2011. Since then, legislatures in California, Florida, Michigan, North Dakota, Tennessee and Washington, D.C., have passed laws on some aspect of the budding industry. And Arizona’s governor issued an executive order related to the vehicles.

The state laws vary in emphasis. Michigan limits the liability of original car manufacturers when automated systems are installed on their vehicles. Nevada expressly permits the use of cellphones when riding in a legally operating autonomous car. Florida authorizes anyone with a valid driver’s license to operate one of the vehicles. And Tennessee prohibits local governments from banning the use of the motor vehicles equipped with driverless technology.

The executive order in Arizona directs various agencies to “undertake any necessary steps to support the testing and operation of self-driving vehicles on public roads,” and authorizes pilot programs at selected universities. The order establishes an oversight committee in the governor’s office.

—Amanda Essex and Zita Toth
Cutting the Costs of Injuries

From falls to fatalities, injuries and violence send 27 million people to emergency rooms, result in 3 million hospitalizations and cause 192,000 early deaths each year. Almost 60 percent of people who die before reaching 45 years of age have suffered an injury, either intentionally or accidentally.

According to new research from the Centers for Disease Control and Prevention (CDC), accidents and violence cost the U.S. a total of $671 billion in both medical costs and estimated lost wages in 2013. The research sheds light on what are the costliest culprits. Targeting them may be the most efficient use of limited resources.

Injuries from car crashes accounted for 23 percent of fatal and 21 percent of nonfatal injury costs, making them a major public health problem for states. Policies that have been effective at preventing motor vehicle accident injuries include:

- Child passenger restraint laws.
- Primary enforcement seat belt laws, which permit police officers to pull over and ticket car drivers and passengers for not wearing a seat belt.
- Graduated driver licensing programs, which give new drivers privileges in stages.
- Sobriety checkpoints.
- Ignition interlock systems in cars owned by those convicted of driving under the influence of drugs or alcohol.

Another big killer is drug poisoning, which doubled in frequency between 1999 and 2013. More than a quarter of all fatal injury costs were due to drug poisonings in 2013. Policies that may help prevent drug overdoses include:

- Prescription drug monitoring programs with strong data sharing and participation requirements.
- Oversight of pain management clinics.
- Guidelines for prescribing opioids (pain medication).
- Overdose immunity, or “Good Samaritan,” laws that encourage someone experiencing a drug overdose, or those around them, to seek medical attention and obtain drugs that counter overdoses.
- Public awareness campaigns.

Falls accounted for 37 percent of nonfatal and 5 percent of fatal injury costs. Falls by the elderly are a major cause of traumatic brain injury and death. Promising policies to prevent elderly falls include:

- Public awareness campaigns.
- Fall assessment and prevention as part of routine care by primary care providers.
- Fall prevention included in continuing medical education courses.

Go to ncsl.org/magazine for more information.

—Emily Heller

Gearing Up for “Cadillac Tax”

States are looking ahead at the so-called “Cadillac tax” on high-cost, employer-sponsored health coverage, originally scheduled to begin in 2018. It’s scheduled to be an annual 40 percent tax on insurers for premiums above a certain threshold. Revenues will help pay for health care reform. The tax is intended to also combat rising health care costs by encouraging employers to offer more cost-effective plans, shifting some risk to employees and eliminating the current unlimited exclusion of employer-based health insurance coverage from taxes.

Most public sector employees have insurance plans that will be subject to the tax in 2018. The tax will apply to approximately 31 percent of all active employee plans in its first year and gradually extend to more plans over time. It’s estimated that 70 percent of all active employee plans will be subject to the tax by 2027.

Kathy Schwappach, from the benefits consulting firm Segal, told a group of lawmakers in October that a side effect of the tax is a “nightmare for employers offering good plans to their employees.”

Although the tax falls on insurance companies, Schwappach is sure “it will come back to employers in terms of higher premiums.” Consequently, states will likely need to make changes to their health benefit plans and reduce costs to get under the threshold. In the meantime, here are three quick, but not easy, ways to reduce plan costs.

1. Group “similarly situated” employees in the benefit package that best suits them.
2. Question health plans on their own cost-cutting strategies and whether your state is paying the right rates.
3. Examine your retiree health plan offerings.

The Cadillac tax has been roundly criticized at the federal level by Democrats and Republicans alike. Because of its political unpopularity, Congress passed and the president signed a two-year delay in the tax, in December.

Even so, many lawmakers understand it’s never too early to start planning.

—Jackson Brainerd
CALIFORNIA SPEAKER TONI ATKINS (D) IS STEPPING DOWN FROM HER LEADERSHIP POST March 1. The new speaker is Assemblyman Anthony Rendon (D). Atkins was elected speaker in March 2014. She is term-limited this year and plans to run for the Senate seat held by incumbent Marty Block (D). Rendon is serving his second term.

“Today, California steps forward to lead the nation in environmental protection by banning this pervasive source of plastic pollution.”

California Assemblyman Richard Bloom (D), on his bill banning plastic microbeads, which Governor Jerry Brown signed, in Tech Times.

TEXAS HOUSE SPEAKER JOE STRAUS (R) WAS NAMED CHAIR OF THE REPUBLICAN LEGISLATIVE CAMPAIGN COMMITTEE for 2016. He succeeds former Iowa Speaker Kraig Paulsen. “I look forward to continuing to work on behalf of Republican candidates and conservative principles over the course of the year,” Straus said. “We have proven in Texas and elsewhere that Republican leadership makes a tremendous difference.”

KENTUCKY SENATE PRESIDENT ROBERT STIVERS (R) WAS HONORED as one of Governing magazine’s Public Officials of the Year. Stivers, a member of NCSL’s Executive Committee, has led the Senate since 2013. He was recognized for his ability to avoid gridlock in his divided legislature by working with the Democrats, who control the House, and members of his Senate caucus. Stivers says he is inclusive and discusses the implications of legislation. The key to his success as a leader? “You have to open the communications line and have an ability to have frank discussions that don’t play out in the paper,” he said.

THE OPENING SESSION OF THE IOWA HOUSE WAS ONE FOR THE HISTORY BOOKS. Representative Linda Upmeyer (R), daughter of a former House speaker, presided over the chamber as the first woman elected speaker in Iowa. Upmeyer’s father, Delwyn Stromer, served in the House from 1967 to 1991 and was speaker for one term. Upmeyer succeeds former Speaker Kraig Paulsen (R), who stepped down in January and is not seeking re-election in 2016. Upmeyer has served in the House since 2003, and is a nurse and mother of five.

“Do I either go stomping around complaining about boys, or do I do something different? So I say, ‘Sure, I’ll play, but only if I can be quarterback.’”

Wyoming Representative Cathy Connolly (D), the only woman on the House Appropriations Committee, on her colleagues’ plans to play basketball before their meetings, in Pew’s Stateline.
“The prosecution always has the right to waive up any individual into adult court, but to categorically lump everyone in the same pool is putting guppies with sharks.”

Michigan Representative Peter Lucido (R) on proposals to keep young offenders in the juvenile court system, in the Detroit Free Press.

THE NATION’S LARGEST LEGISLATURE CONVENED THIS YEAR WITH A NEW LEADERSHIP TEAM. New Hampshire Speaker Shawn Jasper (R) was short-handed when his majority leader, Jack Flanagan, stepped down to explore a run at Congress. Jasper elevated Representative Richard Hinch (R), a four-term House veteran, from majority whip to majority leader. Hinch’s whip spot was filled by Representative Kathleen Hoelzel (R), who is in her sixth term. Representative Peggy McCarthy (R) is the new assistant majority leader, and Representative Terry Wolf (R) is assistant majority whip. Jasper is wielding the gavel for the second time.

NEW JERSEY SENATE PRESIDENT STEVE SWEENEY (D) WANTS TO SOLVE THE STATE’S public pension crisis through constitutional amendment—but one that would allow future governors or legislatures to change the pension system. Sweeney’s proposal, panned by Republicans and Governor Chris Christie, would require the state to fund the system with quarterly payments totaling $3 billion in FY 2018 and more than $5 billion in FY 2022. The state Supreme Court ruled last year that only the voters can require the state to fully fund the pension system since the payments to shore it up have grown well past the limits the constitution sets on debts and long-term obligations. The resolution would require only that the Senate vote twice before it could appear on the ballot. Sweeney is widely expected to run for governor.

DELAWARE SENATE MAJORITY LEADER DAVID MCBRIDE (D) HAS VOWED TO CONTINUE his “perfect attendance” record in a legislative career spanning 37 years, despite his “ironic” diagnosis of colon cancer. McBride is a leading proponent of cancer screenings. He sponsored the state’s indoor smoking ban and supported efforts to bolster the state’s health fund through tobacco settlement money.

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“Our tax code, above all else, needs to be fair. If you’re using our highways, roads and streets, you need to pay your fair share.”

Kentucky Senator Joe Bowen (R) on his measure to charge electric vehicle owners $100 a year, on WDRB.com.

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“I know that means I’ve got a fight on my hands,” he said. “It’s a fight I’m ready for now.” McBride has had surgery and is undergoing chemotherapy.

“NORTH CAROLINA’S POWERFUL SENATE RULES COMMITTEE CHAIR TOM APODACA (R) is not seeking re-election this year. His departure, along with that of Senator Bob Rucho (R), Finance Committee co-chair, ensures a change in the team that led the state’s conservative revolution under Senate President Phil Berger. At least 17 Tar Heel lawmakers are either retiring or seeking other offices. “I can’t overstate how instrumental he has been to the Senate Republican Caucus’ electoral and legislative success,” Berger said of Apodaca. Politics, Apodaca said, had never been the “driving force” in his life. “We’ve come to a point where we’ve accomplished almost everything we set out to.”

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1 Brush With Good Fortune
Nobody likes cleaning house, but once in a while it can pay off. Big time. A Norman Rockwell painting that hung for decades in the principal’s office at a Massachusetts high school was recently rediscovered in storage, where it had been placed in 1999 because of concerns for its safety. The painting—titled “Willie Gillis in Convoy,” from 1941—sold for $1.9 million at auction. With the legislature’s help, the town of Gardner, where the school is located, is using the windfall to provide scholarships, half of which will go to students pursuing the arts. Gardner is about 60 miles northwest of Boston.

2 State of Health
Hawaii tops a new list of the healthiest states. The list is part of the America’s Health Rankings report, produced annually by the United Health Foundation. Ranked in order behind the Aloha State are Vermont, Massachusetts, Connecticut and Utah. Those states generally have less obesity and smoking, lower rates of preventable hospitalizations and good immunization coverage of children. Still, even the top-ranked states face challenges, including high rates of binge drinking or drug deaths and a large disparity in health status based on educational attainment.

3 Mailing It In
Letting voters in Utah submit their ballots by mail nearly doubled turnout rates. “Utah cities conducting all vote-by-mail elections saw an average increase in turnout from 21 percent in 2011 to 38 percent in 2015,” reports the Utah Foundation, which studied data from the Beehive State’s recent municipal elections. In Salt Lake City, which had a close mayoral contest, turnout was 54.6 percent—up from 13 percent in 2013 and 24 percent in 2011. “It’s been smoother on our end; it’s been smoother on (voters’) end,” Salt Lake County Clerk Sherrie Swensen told the local newspaper in August last year. “We’ve just had a great response.”

4 Fertility Parity
A new Maryland law allows all married women, including lesbian couples, who have exhausted other attempts at pregnancy for two years, to receive the same infertility benefits. “Lesbian couples pay the same premiums as straight couples, but they are not eligible for the same benefits,” says Senator Cheryl C. Kagan (D), the bill’s author. “Now that marriage equality is the law in the state of Maryland, it only make sense to update insurance coverage rules so that everyone is treated fairly.”

5 Pedal Power
If you build bike trails, they will come. At least, that’s what several states are betting on. Who are “they”? Bicycle tourists, who are generally older and wealthier than other tourists. A 2013 Montana study found that whereas the average vacationer spent $58 daily and stayed six nights, cycling tourists spent an average of $75 per day, stayed eight nights or more and tended to support small businesses—bed-and-breakfasts, small motels, cafes, craft breweries and specialty shops. That’s why, despite making up a relatively small segment of the tourism market, cyclists have inspired Colorado, Montana, Florida and Washington to invest in paths and features such as ride-in camping spots at state parks.
6<br>Packing a Powdered Punch<br>States have tread such a cautious line on powdered alcohol that just over half—27 to date—banned it before many consumers had even heard of it. The powdery potion, which the federal government approved for sale under the name Palcohol in 2014, faces a temporary ban in Maryland and Minnesota, while Colorado, Delaware and New Mexico regulate it like other alcoholic products. Forty states, the District of Columbia and Puerto Rico considered some 90 bills last year to regulate it, and observers say it’s a good bet that California and Florida will tackle the topic this year.

8<br>Look Who’s Talking<br>Should the government be able to prevent people from making public statements that are offensive to minority groups? That’s the question the Pew Research Center posed to people across the globe in a recent survey on free speech and media. Nearly 70 percent of Americans said the government should not prevent speech of any kind. But one group, American millennials, stood out. Forty percent of that generation said the government should be able to prevent public statements that are offensive to minorities—“striking,” Pew reports, given that only about a quarter of Gen Xers (27 percent) and boomers (24 percent) and roughly one in 10 silents (12 percent) agree.

7<br>Prescription Friction<br>Drug take-back programs work well but aren’t cheap. A successful Nebraska program has collected more than 14,800 pounds of meds since 2012 but spent $10 per pound to ship and destroy them. Increasingly, officials want drugmakers to pitch in. Six California municipalities require drugmakers to pay for take-backs, and nine states have considered similar measures. Some drugmakers are pushing back, wanting consumers to practice at-home disposal. That’s cheaper, though studies show drugs contaminate landfills, even when properly sealed, and affect fish when flushed into sewers. And there’s a still higher cost to consider: Every day, nearly 110 Americans die from drug overdoses—more than half of the deaths are attributed to opioids, including prescription painkillers.

9<br>Value of College Degree<br>Twenty-one states allow in-state college tuition rates for undocumented students, but three—Arizona, Georgia and Indiana—ban the practice altogether. A failed attempt to change Indiana’s law last year highlighted the dilemma facing kids who arrive in the U.S. with their parents. Even when undocumented students earn degrees, they might not have access to higher level jobs until becoming citizens, because most employers who hire people with college educations are stricter about legal status than those who hire laborers.

10<br>Have License, Will Travel<br>The Badger State is the 12th to join the Interstate Physician Licensure Compact, making it easier for Wisconsin doctors to get licensed to practice in other states. The compact cuts red tape for physicians who want to apply for licenses in member states by eliminating the need for each state to separately verify each applicant’s basic information—education, liability history, etc. Supporters say the compact will save time and money and help rural hospitals attract doctors from neighboring states. Legislation to join the compact is pending in another eight states.
Today’s electric grid is undergoing a major transformation, driven by the availability of new technologies, low-priced natural gas and government regulations. A landmark EPA rule known as the Clean Power Plan is likely to accelerate these changes and could have the greatest impact on the electricity sector of any government regulation to date. Meeting the rule’s requirements, if it survives legal challenges, is not going to be easy for many states.

The Clean Power Plan is part of President Obama’s attempt to put the United States in a leading role in the global effort to address climate change. Its release in August 2015 preceded the U.N. Climate Change Conference in Paris, which resulted in the first global agreement signed by 196 countries to work to reduce greenhouse gas emissions.

The Clean Power Plan’s goal is to reduce U.S. carbon dioxide emissions from power plants by 32 percent by 2030. Every state has its own reduction target, and most will have to take legislative action to meet their goal while maintaining an affordable, reliable and resilient power supply.

Discord and Debate
Since the rule was proposed in June 2014, state lawmakers have debated how, and sometimes if, their states will comply with it. Critics argue that in order to meet the new requirements, utilities will be forced to retire coal plants for low-priced and lower-emitting natural gas and alternative energy sources. And that threatens jobs, electric rates, energy reliability and U.S. competitiveness in global marketplaces. They fear the new rule has the potential to devastate communities that rely on severance tax revenue from energy companies extracting, or “severing,” coal from the ground.

Opponents also claim the administration has sidestepped the legislative process by imposing these reductions. States are able to harness new technologies to clean up America’s energy better “than any federal regulation ever will,” Minnesota Representative Pat Garofalo (R) stated after the rule was announced.

EPA officials respond that previous court actions require them
to act on greenhouse gas emissions as part of EPA’s duties under the Clean Air Act. They acknowledge that the Clean Power Plan may have a negligible effect on global temperatures if other countries do nothing. But another aim of the rule, they say, is to show that the U.S. is committed to doing its part and to serve as a model to other nations. Indeed, the Clean Power Plan served as evidence of the U.S. commitment during the international climate negotiations last December.

The EPA’s cost-benefit analysis found the rule would cause a 4 percent increase in electricity costs, a far smaller amount than the health benefits that accrue from the plan, which will reduce particulates, mercury and smog-forming pollutants along with CO₂.

Warm and Warmer

With 2015 ranking as the warmest year on record and with the level of heat-trapping atmospheric CO₂ reaching 43 percent higher than pre-industrial levels, the administration asserts it is essential to act now to avoid potentially catastrophic warming.

The reduction plan also has the support of scientists—such as those at the National Academy of Sciences, the National Air and Space Administration and the National Oceanic and Atmospheric Administration.

The EPA tried to address the concerns of industry and the states—expressed in the record 4.3 million public comments it received—by incorporating a raft of changes into the final version of the rule. Many states remain unconvinced, however.

Twenty-seven states and many trade associations, utilities, coal companies and mining interests have filed lawsuits against the agency. The D.C. Circuit Court of Appeals, which had rejected earlier attempts to prevent the EPA from finalizing the rule, has combined the lawsuits into one and is expected to decide soon whether to grant the plaintiffs a stay while the case is litigated.

Cold Day for Coal

Coal-fired power plants are the largest source of greenhouse gas emissions in the electric sector, emitting nearly twice as much CO₂ as natural gas plants of the same size. The rule, especially when added to other EPA regulations and low natural gas prices, makes coal a far less attractive energy source.

The rule sets targets for each state based on the energy mix in the state and the region. Some states are already on target to meet the standards, while others will need to change course dramatically. As one might expect, states that rely heavily on coal will need to make the largest reductions. Reduction targets vary widely—from 7 percent in Connecticut to 47 percent in Montana.

“Georgia faces one of the toughest compliance targets in the Southeast,” says Representative Don Parsons (R).

“I understand that EPA’s own modeling projects the retirement of some 4,000 megawatts of coal generation in Georgia in the near term. If this rule is upheld, it will effectively take one of Georgia’s fuel options off the table.”

What’s Ahead?

Some experts feel the Clean Power Plan is likely to “lock in,” rather than drive, industry transformation. “Coal-heavy states are already seeing their energy mix transformed markedly due to market conditions, notably the relative cost of natural gas,” says Ken Colburn, an adviser with the Regulatory Assistance Project. “Coal-heavy states by and large are likely to see relatively little incremental change in their energy mix, beyond what is already happening in the marketplace.”

The EPA predicts coal will produce about 30 percent of the nation’s energy in 2030, 21 percent less than today.

States must submit their reduction plans to the EPA by September 2016, unless they request a two-year extension to develop a multistate plan or simply need more time. Whether a state’s target is low or high, coordinating changes in the interconnected energy market—where actions in one state can affect compliance and reliability in another—will require thoughtful analysis.
and the participation of many stakeholders, including those in neighboring states.

**To Trade or Not to Trade?**

States also need to choose whether they will join in interstate trading. This requires the creation of a market-based emissions trading system that allows emissions credits to be traded among power generators within the same state or across state lines. For some, the decision seems obvious. “Economists universally concur that larger market areas enable greater market opportunities—in this case greater compliance cost savings,” Colburn says.

Using market-based approaches to reduce emissions is not new. One such market, created in the early ’90s, let utilities and power generators trade sulfur dioxide emissions credits to comply with EPA rules. Generators with low compliance costs sold credits to those with higher costs, reducing total emissions for much less than it would have cost for each power plant to meet an individual target.

The market approach, which also allows interstate trading, addresses the interconnected, regional nature of the grid. “Interstate trading is going to be very important to coal-heavy states because it will likely reduce their compliance costs,” says David Hoppock, a senior policy associate with Duke University’s Nicholas Institute for Environmental Policy Solutions. The Clean Power Plan includes a trading-ready option that lets states participate in regional emissions markets. It’s up to the state to decide how emissions credits will be distributed to energy producers and whether they are auctioned or given away. Since these decisions can have significant cost and policy implications, it is likely that state lawmakers will want to be involved.

**Choices, Choices, Choices**

The rule allows states to tailor plans to their unique resources, preferences and energy mix. To track emissions, lawmakers can choose a mass-based or rate-based strategy. A mass-based approach sets an emissions compliance target in tons of CO₂; a rate-based plan limits tons of CO₂ emitted per kilowatt of electricity generated. This decision could have a significant effect on compliance costs, since mass-based states can’t trade with rate-based states. The mass approach is easier to track, requires less accounting than a rate approach, and will likely cost less, according to economic modeling.

Ultimately, selecting the best choice

**How Much?**

The Clean Power Plan requires that by 2030, the states must cut CO₂ emissions to 2012 levels. The portion of current emissions each state must cut varies greatly, but for eight states it’s more than 41 percent. States that have passed legislation related to the federal rule are indicated with asterisks.

- More than 41%
- 31% - 40%
- 21% - 30%
- 11% - 20%
- 10% or less
- No reduction required

Note: Between 2014 and 2015, many states considered, but have not yet passed, legislation on the Clean Power Plan.

Source: NCSL.

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The Federal Side

The EPA’s new carbon dioxide emissions regulations stem from a 2007 U.S. Supreme Court Case, Massachusetts v. EPA, in which the court determined that the agency could regulate CO₂ emissions if it found that the gas endangered public health or the environment. The EPA issued its “endangerment finding” in 2009, based on Section 111 of the Clean Air Act, which requires the agency to develop regulations for sources—power plants, for example—that cause or significantly contribute to air pollution.

Section 111(d) establishes a process for the EPA and states to regulate emissions from already operating facilities. However, the new rule requires states to develop plans for a pollutant—CO₂—for which there is no national ambient air quality standard. It is widely expected that the rule’s legality will eventually be decided by the Supreme Court.

In addition, the House and Senate (based on the authority granted to them by the Congressional Review Act) passed resolutions of disapproval at the end of 2015 that would essentially prohibit the rule from going into effect. Such resolutions require a majority vote in each chamber to pass. President Obama, however, has threatened a veto, and overturning that would require the approval of two-thirds of each chamber. That is not expected.

The House and Senate FY 2016 appropriation bills for the EPA and the Department of the Interior contain provisions that would prohibit the EPA from using appropriated funds to finalize, implement or enforce the rule, though the recently unveiled omnibus appropriations bill did not contain any provisions affecting implementation or enforcement.

—Ben Husch and Melanie Condon
may depend on a state’s resource mix and its goals. Since trading with other states may be essential to lowering costs, it will be important to coordinate the decision with potential partners.

In most states, governors have designated the department of environment to lead in developing plans and overseeing compliance with the Clean Air Act. Planning likely will involve utility commissions, energy offices, utilities, state legislators and other energy stakeholders.

“There is not one entity in Georgia with the unified authority to set state energy policy, direct utilities on fuel type decisions or to specify renewable or energy-efficiency programs,” says Representative Parsons. “Mustering the political will for consolidation of this regulatory authority may be the heaviest lift Georgia faces in light of the significant consumer impacts that will result.”

In Kansas, legislators enacted a bill authorizing the Department of Health and Environment—along with the Kansas Corporation Commission, electricity generating utilities and other stakeholders—to develop the state’s compliance plan. “The authorization legislation also created a bipartisan, bichamber committee to monitor development of the state plan,” says Kansas Representative Tom Sloan (R).

The committee’s goals include informing the Legislature of the plan’s details and ensuring it doesn’t undermine the state’s lawsuit against the EPA.

Many States on Track

According to research by the Union of Concerned Scientists, 16 states already have policies in place that will help them exceed their 2030 goals, and four other states are set to be 75 percent of the way there. Nine of these states are in the Northeast and are members of the Regional Greenhouse Gas Initiative, which created an emissions trading market that helps fund investments in efficiency and renewable energy as well as assistance for low-income rate payers.

Many states are also helped by their efficiency and renewable energy standards. The completion of new nuclear units and planned coal plant retirements are also playing a big role in some states.

“The Pacific Coast states and provinces have almost been in a nuclear-arms-like race against each other on climate change,” says Washington Representative Jeff Morris (D), referring to California, Oregon, Washington and British Columbia. Washington is on track to meet Clean Power Plan goals without major change to existing policies because it has invested in improving efficiency and lowering carbon emissions for years. In 2007, the state created greenhouse gas reduction requirements and performance standards for utilities.

All states, including those on track to meet their reduction targets, will need to invest in new grid technology and transmission lines to accommodate a changing energy mix and ensure reliable delivery of electricity. For states that will need to significantly alter their energy mix to comply, it will be important to design a plan that doesn’t result in stranded costs with the discovery of new resources or technologies. For most states, this means maximizing energy efficiency, which is the most inexpensive way to reduce emissions.

How Much Will it Cost?

Costs will vary according to each state’s compliance approach, reduction requirement, energy mix, energy resources and approach to distributing emissions credits.
States can select from a large menu of options to reach their target:
• Switch from coal to natural gas.
• Improve the efficiency of coal plants.
• Boost consumer energy efficiency.
• Buy emissions credits.
• Switch from coal to zero-emitting resources, such as renewable or nuclear energy.

Energy efficiency has many benefits: It lowers customer bills; delays or eliminates the need to build new electricity generation plants and transmission lines; lowers emissions of other EPA-regulated pollutants, including mercury and nitrogen oxides; and can increase the reliability of the grid.

Most states already have an energy efficiency target, and nearly one-third require utilities to meet 1 percent of their annual energy demand through efficiency. Energy efficiency also lowers costs for business and industry, making them more competitive nationally and globally.

Minnesota’s efficiency programs have helped the state’s largest utility, Xcel Energy, avoid adding 2,500 MW in new power plants since 1992. In the process, it averted the emission of more than 11,000 tons of nitrogen oxide and an economic burden of nearly $2 billion, according to the National Research Council.

Looking Ahead
The new EPA rules, while flexible, still require state legislatures to reduce energy use through enforceable policies—trading credits, efficiency requirements, renewable standards—that fit their state’s needs. Lawmakers must ensure that the right people are at the table and that solutions are adaptable, dynamic and reliable, all while weighing the impact decisions will have on the workforce and economy.

For some, the rule “creates uncertainty regarding future power supplies and overall reliability of our energy grid” and will result in “thousands of lost jobs and higher electric bills for families,” according to Minnesota’s Garofalo.

For others, it presents “long-term economic development opportunities,” says Morris of Washington. He advises fellow lawmakers to consider ways of “maximizing job-creation opportunities instead of focusing solely on minimizing job losses.”

Although the future is unclear, there is a global trend toward more efficient energy use and lower carbon emitting energy sources. The U.S. is in the vanguard of this trend, maintaining healthy GDP growth while industries and businesses operate more efficiently.

Is the Clean Power Plan a threat to economic growth and reliable electricity or an opportunity to harness new technologies and create new jobs?

One’s perspective often depends on where one stands.
Calming the Chaos

Disparities and gaps in the treatment of hyperactivity in children has caught some lawmakers’ attention.

Living around Luke is exhausting. “It’s like living inside a tornado,” says June Cleavers, Luke’s mother. Luke is 6 years old and was diagnosed with attention deficit hyperactivity disorder (ADHD) a year ago. He has difficulty staying focused, paying attention and controlling his behavior—all classic symptoms of this neurobehavioral disorder.

“Luke often will raise his hand and start asking a question at the same time,” says his first-grade teacher, Kira Sonberg. “Kids with the disorder have trouble planning, breaking down multistep projects and speaking in turn. Their brains are wired in a way that makes it extremely challenging to wait in turn to speak.”

Luke causes constant interruptions in the classroom and is so fidgety he can’t sit still long enough to finish his homework. Cleavers says many of the adults in Luke’s life “wish they could just give him something to calm him down.”

Luke is one of about 6.4 million children between the ages of 4 and 17 who have been diagnosed with ADHD—one of the most common childhood disorders in this country. Between 2003 and 2011, the rates of diagnosed cases increased about 5 percent annually, according to the Centers for Disease Control and Prevention.

Medication, together with behavior therapy, is the recommended treatment. As the kids get older or when their symptoms worsen, however, the use of behav-

Tahra Johnson is a policy specialist in NCSL’s Health Program.
HEALTH CARE

A Focus on Foster Care

Nearly 80 percent of children in foster care have significant mental health issues, compared with between 18 percent and 22 percent of the general population, according to the National Resource Center for Family-Centered Practice and Permanency Planning. As a result, foster kids are prescribed psychotropic medications at a much higher rate than other children, costing the states, mostly through Medicaid, millions of dollars a year.

A study published in the Journal of Child and Adolescent Psychopharmacology found that atypical antipsychotics (shown to produce fewer symptoms and risks compared with typical antipsychotics) were used to treat nearly one-third of foster care kids in the assessment between the ages of 2 and 17 who had been diagnosed with ADHD.

“Our poorest, most vulnerable children, lacking access to evidence-based care, are receiving potentially harmful treatment with little oversight,” Dr. Harold Koplewicz, journal editor-in-chief and president of the Child Mind Institute in New York City, stated in response to the study.

California lawmakers enacted at least four bills last year to improve the treatment and care of foster children. The state is one of just a few that require a judge to approve psychotropic drug prescriptions. The package of bills will increase the use of nurses and group home monitors, require foster care public health nurses to receive training on administering medication and require a specified examination before the court can order psychotropic medications.

Medication and Behavioral Therapy Rates

<table>
<thead>
<tr>
<th>Portion of children surveyed who had taken ADHD medication in the previous week.</th>
<th>Portion of children surveyed who received behavioral therapy in the previous year.</th>
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<tbody>
<tr>
<td>&lt;70%</td>
<td>&lt;40%</td>
</tr>
<tr>
<td>70–76%</td>
<td>40–46%</td>
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<tr>
<td>77–80%</td>
<td>47–51%</td>
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<tr>
<td>&gt;80%</td>
<td>&gt;51%</td>
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Source: CDC website. Data are from the National Survey of Children with Special Health Care Needs, collected in 2009–10.

Why Medicate?

“Medication is incredibly effective for many students with ADHD,” says Sönnberg. According to the National Institute for Mental Health, for many children, medication reduces their hyperactivity, helps them focus and even improves their physical coordination. “For many children,” she says, “once they take medication, they are able to focus and learn the content easier. Even for some children with substantial behavioral therapy, medication is still needed to show progress and to function in the classroom.”

Several studies have shown that kids with the disorder do better on standardized math and reading tests while taking medication.

“We do not know what the long-term effects of psychotropic medication are on the developing brains and bodies of little kids,” says Ileana Arias, with the CDC. “Because behavioral therapy is the safest ADHD treatment for children under the age of 6, it should be used first, before medication for those children.”

But that doesn’t always happen. A least a quarter of preschoolers with ADHD receive only medication, according to a recent study cited in the Journal of the American Medical Association. The study showed that a little more than half received just behavioral therapy and another quarter received medication and therapy.

“Research indicates that overprescribing and abuse of medication is a growing concern as the rates of diagnosis and treatment continue to increase sharply,” says Louisiana Senator David Heitmeier (D). With his state already having one of the highest
rates of prescription drug abuse in the nation, Heitmeier felt it was essential to look into the use of ADHD drugs as well.

In 2014, to raise awareness and reduce any inappropriate or unnecessary use of medication, Heitmeier and his colleagues passed a resolution directing the Department of Health and Hospitals to study the use of these medications in children.

The task force found inconsistent rates of drug use across the state despite age, race or gender. Specifically, there was a large variation (from 8.8 percent to 19.7 percent) in the prescription of drugs for Medicaid recipients in Louisiana’s nine administrative regions as compared with the state average.

The task force also reported that younger children were diagnosed with the disorder more frequently than the older children in the same grade. The task force recommended policies aimed at increasing the accuracy of diagnoses and improving the availability of behavioral therapies, among other things. It also called for aligning the treatment guidelines for using these prescription drugs with evidence-based research.

What Is Behavioral Therapy?
Behavioral therapy, also known as behavioral supports, helps kids and the adults in their lives acquire the tools and techniques needed to help them focus and pay attention. Classroom tools might include letting kids use a stand-up desk or a squishy ball for a chair, or allowing students to draw during a lesson. Giving these kids leadership opportunities in the classroom has been shown to improve their behavior as well. Therapists may help children decrease their negative behavior and improve their social skills by teaching them how to read a person’s facial expressions, or how to share or what kind of response works best against teasing.

The use of behavioral therapy and medication varies by state and region. The percentages of children with ADHD between the ages of 4 and 17 who were treated with prescription medications ranged from a low of 57 in California to a high of 88 in Michigan, in 2009-10, according to the National Survey of Children and Youth with Special Health Care Needs. The portion of kids receiving behavioral therapy for that same age group ranged from 33 percent in Tennessee to 61 percent in Hawaii.

So why isn’t behavioral therapy used more often? One reason is that it’s not always covered by health insurance. And in many areas of the country, there are too few licensed specialists such as counselors, psychologists, psychiatrists or social workers who offer the therapy.

What States Are Doing
Legislators in Minnesota and New York introduced legislation similar to Louisiana’s last year. Minnesota’s bill would require the state health department to gather data and report on the treatment of pediatric ADHD, the use of behavioral therapy and medicines, hospitalization rates, demographics of children diagnosed with ADHD and their treatment, and the costs to public and private insurers for the medications.

Minnesota Representative Glenn Gruenhagen (R), one of the bill’s co-sponsors, says he’s most concerned about the long-term effects these drugs might have on children, not to mention what being labeled with the disorder might do. “There are no long-term medical studies on the side effects to labeling and drugging our young children … this is a travesty.”

Following a recent review of ADHD medication use with young children by the New York Department of Health, the Legislature is considering a bill to widen the review to include school-age children as well.

“Whether it is ADHD, Asperger’s or other mental health issues, if they go unaddressed they become a public health issue,” says Illinois Representative Camille Lilly (D). She co-sponsored a resolution urging members of the General Assembly to have discussions and forums with their communities to promote awareness of mental health and learning disabilities in general. The U.S. Senate and some states have established ADHD awareness days or months to increase the public’s knowledge and understanding of the disorder.

The positive effects of medication on children and youths with special health care needs are undeniable. But Illinois Representative Carol Ammons (D) believes it is important to maintain “an ongoing dialogue between policymakers and care providers to ensure that the needs of [these students] can be met.”

A decade ago, rising prison populations and costs seemed to be an irreversible trend. Since 2007, however, large-scale, data-driven corrections and sentencing reforms in a growing number of states are demonstrating success.

These bipartisan efforts have prioritized prison space for serious and repeat offenders, improved community supervision for other offenders, and re-invested the savings in services that are effective at reducing recidivism and victimization.

Legislatures have reduced penalties for lower-level drug offenders and increased the availability of mental health and substance abuse treatment. They have also focused on providing services and building the skills of inmates to help them succeed after release.

At least 25 states have used what is commonly called justice reinvestment to develop and adopt reforms. This process involves an analysis of the data on what drives prison populations and costs, enactment of policies that address those factors, investments that support carrying out the changes, and oversight and measurement to ensure the desired results are being achieved.

The results are telling. Half the states have reduced their prison population since 2009. Most recently, five states—Alabama, Idaho, Mississippi, Nebraska and Utah—adopted reforms in 2014 and 2015 that collectively have projected savings or avoided costs of more than $1.7 billion over the next two decades.

This impressive work in states is being emulated at the federal level. Proposed bills in Congress would focus federal corrections resources on the most serious offenders. “There’s no shortage of admiration for state efforts on the Hill,” says Lindsey Carlson of The Pew Charitable Trusts public safety performance project. “Clearly states have led the way and prompted interest in Congress to follow suit.”

In September 2015, NCSL and Pew brought together legislators who have championed state efforts to discuss strategies for successful and sustainable reform. Here’s what they had to say.
The Participants

**CALIFORNIA**

Senator Loni Hancock chairs the public safety policy and budget committees. She has responsibilities for overseeing implementation of California Realignment.

In 2009, the Legislature created state-local performance-based funding to address probation violations. In three years, the probation failure rate has declined by 33 percent, resulting in $537 million in savings. In 2011, in response to a court order, supervision responsibility for low-level felony offenders was realigned from the state to counties.

The state prison population has declined by more than 36,000 inmates.

**GEORGIA**

Former Representative Jay Neal served in the Georgia General Assembly from 2005-2013 and was primary sponsor of a 2012 reform bill. He now works for the state’s criminal justice coordinating council.

The General Assembly has enacted reforms each year since 2012. These laws have created graduated penalties for burglary and forgery, raised felony theft thresholds, revised penalties for drug possession, relaxed some mandatory sentences and expanded use of electronic monitoring. The state also required evidence-based corrections practices and established procedures for risk and needs assessment.

**KENTUCKY**

Representative John Tilley chairs Kentucky’s judiciary committee and is a member of the justice and judiciary budget subcommittee. He was the primary sponsor of the 2011 reforms. Tilley also co-chairs NCSL’s Law, Criminal Justice and Public Safety committee.

A 2011 law addressed many aspects of drug-crime sentencing and treatment, risk and needs assessments in community corrections, graduated sanctions for probation and parole violations, and evidence-based practices for community supervision. The state has saved nearly $37 million from a mandatory reentry supervision policy.

**MISSISSIPPI**

Senator W. Briggs Hopson III chairs a judiciary committee and sits on Mississippi’s appropriations committee. He is also a co-chair of NCSL’s Law, Criminal Justice and Public Safety Committee.

In 2013 the Legislative Assembly removed enhanced penalties for marijuana possession, added in discretion for sentencing certain repeat drug offenders, reduced prison sentences for some property offenders and instituted best practices for specialty courts. As of June 2015, projected prison population growth has been eliminated and the state has avoided the planned opening of one prison and the construction of a second.

**NEBRASKA**

Senator Les Seiler chairs Nebraska’s judiciary committee and an oversight committee for the 2015 reforms.

A 2015 law expanded the use of probation in lieu of incarceration, ensured more offenders will be supervised upon release and bolstered parole supervision practices. A special legislative committee was created to oversee implementation.

**OREGON**

Senator Floyd Prozanski chairs Oregon’s judiciary committee. He also co-chairs two committees with oversight responsibilities for the 2013 reforms.

In 2013 the Legislative Assembly removed enhanced penalties for marijuana possession, added in discretion for sentencing certain repeat drug offenders, reduced prison sentences for some property offenders and instituted best practices for specialty courts. As of June 2015, projected prison population growth has been eliminated and the state has avoided the planned opening of one prison and the construction of a second.

**SOUTH CAROLINA**

Senator Gerald Malloy is chair of a reform oversight committee and member of the judiciary committee. He was the primary sponsor of South Carolina’s 2010 omnibus reform bill.

A 2010 law restructured criminal offenses and penalties and addressed diversion, treatment, good time and community supervision. The state has experienced a 6.3 percent decrease in the violent crime rate and a 17.9 percent drop in crime recidivism.
**CRIMINAL JUSTICE**

*States That Have Made Major Reforms in Sentencing and Corrections*

**Why do you think the reforms have been enacted by such large margins?**

**Tilley:** In Kentucky, a seven-member task force traveled the state in an intentional campaign that built coalitions and momentum for reform. We engaged stakeholders and got them on board.

**Malloy:** In South Carolina, we invited everyone to the table—police, prosecutors, the judiciary, probation, correction and interest groups—and made them part of the solution instead of part of the problem. Many worked on the reforms which resulted in a consensus bill. Using a data-driven and evidence-based approach pretty much takes the partisanship out of the equation.

**Neal:** The Georgia initiatives were also data-driven and collaborative. Because of that, two measures passed unanimously.

**How has your legislature reinvested the savings from reducing the prison population?**

**Seiler:** Up front, we appropriated $3.2 million for FY 2016 and $12.1 million for 2017. It will be used for community programs, more and better probation and parole supervision, and efforts to monitor and measure results. We included a half million dollars for county jails to encourage them to house inmates locally rather than sending them to state prison.

**Hancock:** California also offers an incentive to counties that successfully supervise some offenders. We split the savings achieved when somebody isn’t sent to state prison 50-50 with the county. The counties have been getting about half a million dollars a year. And to make the reinvestment sustainable, we wrote into the law that the savings must be reinvested in evidence-based practices to reduce recidivism. Also, voters passed Prop 47 in 2014, which reclassified many nonviolent felonies into misdemeanors, with money saved allocated to education and rehabilitation.

**Prozanski:** Oregon put $40 million into a performance grant for counties to demonstrate that state savings can be redirected to the local level. It was one of the largest investments being made to our counties at that time.

**Hopson:** Rather than money up front, the general premise in Mississippi’s reforms was to offset incarceration costs by having nonviolent offenders serve time under intensive community supervision rather than in prison. They can work, pay taxes and take care of their own living expenses while still being held accountable for their crimes.

**What kinds of results are you seeing?**

**Malloy:** We’ve closed three and a half prisons and have about 4,500 fewer people in our prison system. We’ve freed up beds for violent prisoners and are managing more nonviolent offenders in the community.

> “It’s about allowing people who can and will accept rehabilitation to become good, taxpaying citizens.”

MISSISSIPPI SENATOR BRIGGS HOPSON

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**States That Have Made Major Reforms in Sentencing and Corrections**

*Source: NCSL, December 2015*
An academic study showed that justice reinvestment has had economic and social benefits, which includes an estimated 982 people who were diverted from prison and are now in the workforce.

Tilley: We have several good indicators: The prison population is down, mandatory reentry supervision is working well and recidivism in Kentucky has trickled below the national average, while before we were well above it. Overall spending is down and supervision services have increased.

What are you doing to sustain the reform?

Seiler: We built in a legislative performance audit committee to gather information, track implementation and compile an annual report. While early in this process, we are working through challenges related to sharing data.

Neal: Certainly you build credibility with proper data collection and a system for measuring outcomes. A key to sustaining our work in Georgia is to see that the proper interventions and accountabilities remain in place. Absent that, people will be back in the system within a couple of years and we’ve just kicked the can down the road.

Prozanski: In Oregon we’ve got a bench of legislators and stakeholders who are mostly on the same page about reducing recidivism and improving public safety. We have put in place a system of measurements, like offender population, recidivism rates and spending. If we start seeing things not fall into place, we’ll look at why that is and tweak or adjust it.

What’s next?

Malloy: The oversight committee is working on a system for reinvestment, which we think will be needed for lasting results. When the governor signed this legislation he called it one of the most meaningful of his tenure, and predicted that its full significance will show in 20 years. So it’s incumbent on the General Assembly to be gatekeepers and carry forward the good that has been done.

Tilley: In Kentucky we need to look at our persistent felony offender laws, which in some cases have people who have committed minor offenses facing some substantial prison time. While we have experienced a lot of success, we might need to look at the deep end of the pool.

Hopson: We will continue to put public safety at the forefront of justice reinvestment. It’s about allowing people who can and will accept rehabilitation to become good, taxpaying citizens.

Neal: We are working on a next-generation assessment that will help us better identify needs and risks, and establish a “transition accountability plan” for offenders that includes programs in prison as well as upon release to community supervision. It’s good public policy both to prepare offenders to come back into the community and better prepare the community to be able to manage them.

Prozanski: We still have work to do on the reinvestment components, but I think that ongoing oversight and reliance on data will help define future actions.

Hancock: It’s a balancing act and a challenge to make the cultural shift from punishment to rehabilitation and prevention. We want people to come back as safe neighbors.
Piper Kerman is the author of “Orange Is the New Black: My Year in a Women’s Prison.” The best-selling memoir, which inspired the Netflix series, is about her incarceration and how that experience shaped her perspective of the criminal justice system. Kerman now serves on the board of the Women’s Prison Association and teaches creative writing to prisoners.

What is your message for state lawmakers?
To seriously reconsider our reliance on incarceration as a way of solving problems in the community—problems like substance abuse and addiction, mental illness and a host of other things that we inappropriately respond to with confinement in prisons and jails. Many of these social problems—which are very serious, and we do have to figure out how to address them—are not addressed by incarceration.

We also need to invest more attention and care to accountability measures in the community that work. Holding individual people accountable for their transgressions against the community is very important. I pled guilty to my offense when I was indicted and owning up to the harm that I caused was a very important part of my own experience. That said, thinking about prison or jail as the only way to hold a person accountable is probably a big mistake. The costs of incarceration, whether economic, social or human, are very great. We have to think about what return we are really getting when we lock somebody up.

What are your views on mandatory minimum sentences?
There is a great deal of consensus that the experiment with mandatory minimum sentencing has not been very successful. It has sent millions and millions of Americans to prison and jail and has saddled many Americans with a felony record. The truth of the matter is, especially when it comes to drug sentencing, drugs are cheaper, more readily available and more potent today than they were when we put those laws on the books. Those mandatory minimum sentences have not succeeded in reducing substance abuse and addiction in our communities.

What are some of the unique challenges women face in prison?
Three things drive women’s involvement in crime: a high incidence of mental illness, a high incidence of substance abuse and addiction, and a shocking degree of experience of sexual abuse or other physical abuse. Those kinds of traumas lead women into crime, and those traumas are really important when considering how the criminal justice system should hold women accountable and rehabilitate them. Too often, prisons only make those traumas worse. A real problem is women come out of prison in worse shape than when they went in.

Which disparities in prison do you feel should be addressed?
The data show that there are huge racial disparities in our criminal justice system. When we look to the criminal justice system, we see very clearly that not all Americans are being policed equally, they’re not being prosecuted equally, and they’re not being punished equally. I often say that the most unusual thing about my story is not that I committed a crime; it’s the fact that I was policed and prosecuted and ultimately punished with prison.
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

Does one’s socio-economic status make her any more or less prepared for prison life?

I entered prison with a history which included a safe and stable place to live, a very good public education, and I was fortunate to be able to go to college. Even though a correctional system can take away every single stitch of clothing you have, it can never take away your education, or the 10 years of professional experience I had. When I left prison I had all of those advantages to draw on to make my return to the community successful. Most of the women I did time with did not have those opportunities, and that’s also true for men. We have to look at things like educational deficit and big opportunity gaps when we think about the front end of the system, like policing and prosecution. We have to think about all of those systems which, when they don’t work well for low-income Americans, the chickens come home to roost in the criminal justice system.

How has going from an average kid to an inmate to a bestselling author affected your perspective on life?

The very first day in prison I immediately recognized that the experience I was having as a nonviolent drug offender sent to prison 10 years after committing my offense was not this unique thing happening just to me. My story is interesting to others because it helps put in context this American experiment with mass incarceration, which I think across the political spectrum people are recognizing has not really gone well for us. I’m very grateful to have had the opportunity to share my story and that it’s proved relevant to lots of other people. That was what I hoped for when I wrote the book.

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.
As sessions rev up and you find yourself with little time to ponder the big picture of why you chose to run for public office, heed these words of wisdom gleaned from your colleagues.

1. Honor the institution.
   Thomas Jefferson did it, and so did James Madison, George Washington, Alexander Hamilton and other builders of our governmental institutions. They worked tirelessly to make representative government work. Now, the well-being of your state legislature is in your hands. Preserve and protect it so it remains a strong, co-equal branch of government that citizens can respect. Legislative service is one of democracy’s worthiest pursuits. It is an important duty that deserves our time, attention and dedication.

   To work well, government requires a bond of trust between citizens and their representatives. To tear down government diminishes your ability to solve problems in the legislature. When you demean the institution, you demean yourself.

   Try to appeal to the best instincts in the electorate, talk about what you stand for, what you intend to do during your time in office and then work as hard as you can to fulfill those promises. Remember why you ran for office—to make a difference, a difference for the better.

2. Take the high road.
   If it won’t “read well” tomorrow, don’t do it today. That’s the best rule to follow when judging those instances that are perfectly legal, but could look bad. Would you be embarrassed to see your actions reported in the newspaper? Make sure you understand your state’s ethics codes and adhere to them strictly. New legislators are rarely prepared for close scrutiny of their behavior. Nor do they recognize the impact of their behavior on the institution. It’s hard sometimes to find out “how to act,” but start with your state’s statutes on conflict of interest, campaign contributions and dealing with lobbyists. Avoid even the appearance of impropriety—always take the high road. Understanding legislative etiquette and ethical responsibilities is vital, not only to the institution and your constituents, but to yourself.

3. Master the rules.
   Play volleyball or tennis without knowing the rules? You know that you’ll lose. The same goes for legislating. You need to know the rules. Unfortunately, you can’t curl up with the rules like you can a good
novel. So it’s a good idea to carry them around with you to read as you see the process unfold. Soon they will start to make sense. Get to know experienced parliamentary experts (legislators and staff) and seek their advice routinely. And don’t ever fool yourself by presuming that you have conquered the rules—there’s always someone in your chamber who can challenge you.

4. Know where to get help.
   Get acquainted with staff members, not only legislative staff but key people in the governor’s office and cabinet offices. Look for expertise among members on both sides of the aisle. Other legislators have knowledge and experience—you can turn to them for advice and counsel, but you have to know who they are. Lobbyists also serve as resource people, but it’s important to ask for information on all sides of an issue. Remember, lobbyists are paid representatives whose job it is to sell a particular point of view.

   Trust legislative staff. When you have the opportunity to hire staff, surround yourself with the most intelligent, dedicated staff you can find. Set aside 20 minutes or so before every committee meeting to review the bills on the agenda with legislative staff. Sometimes that 20 minutes may have to be two or three days before the meeting, but it will help you prepare.

5. Manage your time.
   It’s the effective legislator’s creed: Organize, prioritize, commit to those things you consider important. If you can do this, you’ll be ahead of the pack. An effective legislator is punctual: Get to the floor on time, get to your appointments on time, get to your committee meetings on time.

   It’s the little things that trip you up—like deadlines. If you miss a bill filing, it could be a whole year before you can try again. If you’re late in filing campaign contributions (or don’t file at all), you might read about it in the paper or see it in your next opponent’s campaign brochure. So attend to the housekeeping chores.

6. Develop a specialty.
   You can’t be an expert in all things. Choose your policy pursuits so you do a few tasks very well. Be selective in the bills you introduce.

   Decide the issues you are going to specialize in and make a difference in two or three areas. Don’t try to be all things to all people. Pursue committee assignments in your areas of interest, get appointed to a task force and help negotiate an issue even if you aren’t the major sponsor of a bill. By being the point person on these issues, you will be the one members turn to for help and information. You will develop your negotiating skills and build your reputation as a serious lawmaker among your colleagues and outside the legislature.

7. Vote your conscience.
   Your constituents sent you to the legislature, and you must represent them. But you are also a trustee of your entire state. And you want to sleep at night. Sometimes a hot issue presents nearly irreconcilable conflicts among these responsibilities. But you still have to come to a decision and vote. It may not please everybody, but remember that you are the only person you have to live with 24 hours a day, every day. The voters have already decided that they approve of your basic philosophies and have chosen to place their trust in you.

   Make the commitment to communicate with your constituents about how you evaluate issues and arrive at decisions. That allows you not only to represent by listening, but to represent by leading, to help shape opinions. It will give you latitude with people who may not always agree with you, but who will respect you for thinking through issues.

8. Don’t burn bridges.
   It’s going to happen. You’re going to disagree and become upset and sometimes even dislike another legislator. But remember that today’s adversary may be tomorrow’s ally. If a person is not on your side of the fence today, you may both be there tomorrow. So learn how to disagree without being disagreeable. Don’t react emotionally or in anger on the floor to something someone has said. The things you say in these cases will come back to haunt you. You might create an unnecessary enemy, one thing you don’t need in the legislature.

   People don’t have to like you, but if they respect you and know you are going to play it straight, you’ll be all right. If you get up and hit someone in the nose, even metaphorically, it will likely cost you down the road.

9. Keep your word.
   Ben Franklin was right. Honesty is the best policy in life and in the legislature. A legislator’s effectiveness and reputation are only as good as his or her word. Without truth there can be no trust. If you promise someone your vote, deliver. A good working relationship, whether with your fellow legislators or your constituents, depends on their ability to believe what you say.

   Sometimes after you have promised to vote a certain way, you will get additional information that changes your mind. When this happens, tell the people you need to that you’ve changed your mind. Remember, credibility is the coin of the realm around the legislature, and you can’t be effective if you are perceived as untrustworthy.

10. Be careful what you agree to.
   The casual co-sponsorship of bills promises minor rewards and major headaches. When in doubt, don’t. Be careful not to let socializing on the floor,
friendship and trust come before scrutiny of a bill. Too often, you’ll end up having to vote against a bill that you’ve signed on to sponsor. One protection is a 24-hour waiting period. No matter how much you like a person and normally trust that person’s views, make sure you understand the bill. Take time to decide. If they really want you as one of the sponsors, they’ll wait a day.

Remember, it’s hard to build a bond with your constituents simply through press releases. A press release tends to put the best light on something you’ve done without really sharing how you arrived at the decision. If you have any writing skills at all and you care about policy, it’s well worth the time to write a weekly column for your constituents and the news media. It’s important to think through the issues before a decision and to explain to your constituents—either before or after you vote—how you got there yourself.

1. **Don’t hog the mike.**

When you make a speech on the floor, always prepare in advance and make sure your topic is something important to you. Don’t talk about everything. Even if you are an expert in everything, you risk wearing out your welcome everywhere if you feel the need to hold forth on every bill. For some years in the Wisconsin House, the most effective legislator was a member who spoke at the mike only three or four times during the session. Yet when he rose to speak, all eyes were on him. When he spoke everyone listened.

2. **Stay in touch with your constituents.**

Try to develop and maintain good contact with your constituents. This is an overwhelming task, but it’s critical. Return phone calls, answer letters, have town meetings or whatever it takes to let your constituents know who you are and that you are approachable and responsible to the people you represent. Besides, it makes the job a lot more interesting if you really know the people you represent.

3. **Be a problem solver.**

Controversial, even inflammatory issues will arise in your district. Use your skills and your office to help the community find solutions. Whether it’s a new prison or road repair, work with the state agencies and local governments to find the best answer for all. Don’t take sides on clearly local issues, but serve as a resource for information to help find the best solution. Call on the experience and knowledge of members who have served longer than you, ask questions, do research, show you can be a positive influence in the community.

4. **Work with the media.**

Your relationship with the media doesn’t have to be adversarial. Recognize that reporters have a responsibility to keep the public informed and that they take that charge seriously. Be aggressive. Contact reporters regularly to inform them about your position on issues and the work you are doing. Focus on the policy process and the issues, not just on partisan differences and conflict. Present information that is easy to understand and use. Know your local newspapers’ deadlines. Call writers back promptly. Don’t expect them to use your press releases if you avoid their phone calls.

When the media do a good job, acknowledge it. At the same time, don’t hesitate to ask for corrections of distortions in facts or other errors in stories.

5. **Stop and smell the roses**

In politics it’s a struggle to maintain a normal private life. Politicians can be tempted to take family members for granted, to treat them as appendages, decorations on campaign literature, free help when envelopes need to be licked. Sometimes it’s hard to resist self-importance. The thought flickers in the back of the politician’s mind: I shouldn’t have to carry out the trash, make the bed, mow the lawn. The grand responsibilities and acclaim that come with holding public office can be unhealthy substitutes for intimacy, ordinary friendships and meeting the simple responsibilities of life. Busyness can crowd out reflection. The attention of others can substitute for an interior life.

Don’t forget to take care of yourself. Eat right. Get some steady exercise. And make time for yourself. You may decide to set a time to be home every night of the session: For example, no more legislative activities after 9:30. Time at home for yourself can also translate into time for preparation and reflection.
Dan Patrick
Texas Lieutenant Governor

Dan Patrick (R) was elected to the Texas Senate in 2006 and became lieutenant governor in 2014, but he first made a name for himself on the airwaves as the host of a conservative talk radio show. Patrick is the author of a Christian best-seller and producer of the film “The Heart of Texas,” voted the best movie made in Texas in 2009.

How did you get into radio?
I still have my ninth-grade project on careers, when I said I wanted to be a disc jockey and a television reporter. I worked my way through college as a disc jockey on a country music station before country was cool. Later I moved to Houston, retired from television, went into private business and then bought a radio station in 1988. This was in the mid-’80s when Houston went bust. I loved this little old station, and a guy named Rush Limbaugh called one day. I can detect a good, conservative voice when I hear it, so I put Rush on the radio in ’88. We were one of the first big cities that put him on the air and I still have that radio station today. Rush really helped us grow from a little station that was in bankruptcy to a successful radio station.

Has talk radio helped shape policy?
Oh, it’s had a dramatic impact. Before Rush, the talk hosts seldom talked about politics or God, or anything that was controversial. Rush smashed that mold. A lot of people, particularly conservative Republicans, heard a guy who was suddenly saying what they were thinking. And so many people got engaged in the political process. That grew 20 years later into the tea party movement. Today, voters are more sophisticated, more informed, more independent than they’ve ever been on the Republican side. And that’s a good thing. The more people know about government, the better government we have.

How did your radio experience help in getting elected?
Doing political talk radio for 15 years before I ran for office, I knew what was on the minds of the people because they called every day. So when I ran for office, I had a closer relationship with the people—understanding what they wanted us to accomplish—than those who were in office and who were running against me.

How would you describe a good leader?
Keep your campaign promises and keep your word, and never compromise on your principles. Learn to work with others by—sometimes it takes some time—convincing them that voting on a particular issue is what their constituents want as much as your constituents. I learned early on to go out of my way to help other people be successful. Very often, a senator or a representative or a statewide official will have already made up their mind that they’re going to support you, but they hold back that support for leverage to get something they want. I took a different position. I would listen to what was important to members and if it was consistent with my principles and values—didn’t increase the size of government or raise taxes—I just told them: Count on my vote. I didn’t hold back my support for leverage later. At the same time, if I didn’t support their issue, I was a firm no and they knew where I stood. I didn’t play games.

What is your top legislative priority now?
To secure the border, because the federal government is not doing the job. We increased funding from a little over $300 million a year to $800 million in this budget. That was a campaign pledge I made. That is still the driving issue for the people of America and Texas. It is reflected in our presidential race and even more so today with the threat of terrorism. Washington must reform the legal immigration system because no one should have to come to America in the back of an 18-wheeler and suffocate, or drown in the river, or if they get here, live in the shadows. People need to come to this country with dignity and that means the border has to be secure.

Who do you look up to?
My father—a hard-working, blue collar guy, drove a truck. He was a leader, typical World War II generation, dropped out of high school, went to the South Pacific, fought for freedom, and with the greatest generation helped build America. I also look up to Ronald Reagan, Thomas Jefferson. And leading and guiding me always is Jesus Christ. I always say at the beginning of a speech: I’m a Christian first, conservative second, Republican third.

What book is on your night stand?
“Jesus Calling.” It’s scripture for every day, in layman’s language. There hasn’t been a day when there’s not something that it applies to. To prove the point: Last Jan. 20 was my inauguration, and the first line of Jan. 20: “Approach this day with the awareness of who is boss.”

Are there any final words you’d like to leave with readers?
Yes. Anyone who is reading this article who wants to work hard and make America great, come on down to Texas. Because we’re the America that all America used to be.
Advertising apples as oranges? Such type of misleading advertising occurs with health care services, too. In some states, the term “physical therapy” is misrepresented or inappropriately advertised to the public by individuals who are not licensed as physical therapists. This characterization is misleading to the public, illegal in some states, and an issue of public protection for patients who think they are under the care of a licensed physical therapist, but in reality are not.

“Physical therapy” is not a generic term—it describes the care provided by or under the direction of licensed physical therapists. When people seek “physical therapy” they deserve to know their care is in the hands of a licensed physical therapist. Other health care providers might share some of the same treatment techniques or rehabilitative procedures used by physical therapists, but the care should only be described or advertised as “physical therapy” or “physiotherapy” when provided by or under the direction of a licensed physical therapist.

While two health care professions may share common elements, labeling them the same thing is not right—it’s like comparing apples to oranges.

To obtain information about what you can do to ensure your constituents have term protection for “physical therapy” in your state, please contact the American Physical Therapy Association State Government Affairs Department at 800/999-2782 ext. 3161.