Tackling Tuition

Children’s Savings Plans
Ignition Interlocks
Forestland Benefits
How can you be an ENVIRONMENTALIST and not support NUCLEAR ENERGY?

EILEEN CLAUSSEN
ENVIRONMENTAL POLICY LEADER & FORMER ASSISTANT SECRETARY OF STATE

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.

She knows that no single energy technology can meet our carbon reduction goals. However, nuclear energy produces more than 60% of America’s carbon-free electricity, preventing 2 billion tons of carbon each year. That’s the equivalent of capturing all emissions from nearly all of America’s automobiles.

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**State Legislatures**

NCSL’s national magazine of policy and politics

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**FEATURES**

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BY ROGER FILLION

Lawmakers continue to seek ways to help students and families as the cost of college soars.

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**A Degree of Savings Page 20**
BY JESSICA HATHAWAY

Savings accounts dedicated to paying for college can take the sting out of increasing tuitions and help develop the habit of saving.

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**Locked Out! Page 25**
BY ANNE TEIGEN

Today’s ignition interlock systems, along with better monitoring and stricter penalties, are making our roads safer.

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**Civics Education, Cyber-Style Page 30**

The Virginia General Assembly makes learning about government fun—and earns NCSL’s Kevin B. Harrington Award for Excellence in Democracy Education.

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Meet Vincent Prieto, Speaker of the New Jersey General Assembly

“If an elephant has a good memory, I have a five-elephant memory.”

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**OUR NEW ONLINE LOOK!**
For more of the policy news and analysis you rely on, visit State Legislatures online. It’s got a brand-new look that makes it easier to find additional in-depth information, video clips, comprehensive charts and graphs, and links to other resources. Stop by ncsl.org/magazine and have a look.
An opponent posts a derogatory and misleading remark about you on social media. You need to set the record straight. How do you respond?

Politics and social media can be a volatile mixture. Maintaining an ethical social media presence while balancing the demands of campaigning and public service is a great challenge. A post, comment, like or tweet might be perfectly appropriate for someone who doesn’t work in a legislature. But, for those of us who do, we should ask ourselves, “Can this be taken out of context?” If the answer is yes, it is best to refrain from posting. Don’t put yourself in a vulnerable position. Think, think again, then act. This slows the process down.

Everything about social media tends to promote knee-jerk reactions, which might be fine for celebrities and Internet personalities. But for elected officials and the staff they work with, thought and deliberation should go into how and when they use social media. Think, think again, and then act—or react.

Like email and other digital communication, social media lacks body language and tone of voice. Treat social media like email—give yourself time to collect your thoughts before posting or tweeting. Furthermore, avoid sarcasm. Without tone and body language, communication via social media is ripe to be skewed and taken out of context. Be cognizant of the message you are trying to convey and be very careful of the manner in which you choose to convey it. By avoiding the appearance of impropriety, you can avoid potential ethical problems altogether.

Social media is a great tool. It’s a wonderful way to connect with constituents and colleagues. But because it’s such a powerful tool, it must be handled with care. With power comes responsibility.

—Ethan Wilson

NEW! “Yes, No, Maybe So” will explore ethics in the world of state government. We’d love to hear your questions, comments or concerns. To submit a query, email ethan.wilson@ncsl.org.

Ethan Wilson is a policy associate in the Center for Ethics and Government at NCSL.
**SHORT TAKES ON NCSL NEWS**

**EXPERTISE**

“My guess is there’s going to be some type of bill to address prescription drug and opiate abuse at some level in every state.”
Karmen Hanson, referring to 2016 legislative sessions, on KCBX.

“I think what we’re seeing is lawmakers who are trying to strike a balance.”
Douglas Shinkle on weighing the benefits of drones against privacy and safety concerns, in equities.com.

“Legislators are super excited.”
Michelle Exstrom on state legislators’ reaction to the Every Student Succeeds Act, which gives states more control over education decisions, in Education Week.

“I anticipate we’re going to see a lot more action this year than we did last year.”
Kristy Hartman on whether states might change severance taxes on gas and oil producers in light of ongoing low oil prices, in Energy Intelligence.

**CONNECTIONS**

**Nuclear Options**
State legislative leaders traveled to Abu Dhabi in the United Arab Emirates in December to study the country’s emerging nuclear energy program. The delegation visited the U.S. Embassy, the Federal Authority for Nuclear Regulation and the Emirates Nuclear Energy Corporation before touring the Barakah Nuclear Power Plant, the world’s largest nuclear energy construction site.

North Carolina House Speaker Tim Moore and NCSL’s Kristy Hartman at the U.S. Embassy in Abu Dhabi.

State leaders with energy officials at the UAE’s Federal Authority for Nuclear Regulation.

**Schooled on School Leadership**
Members of the Maine Legislature’s Joint Education Standing Committee shadowed school principals in their districts as part of NCSL’s “A Day in the Life: Legislators Learning with School Principals” program. NCSL’s Kelly Latterman testified before the Legislative Task Force on School Leadership and plans to bring shadowing opportunities to other states.

From left, Senior Legislative Analyst Dr. Phillip McCarthy, Representative Paul Stearns, Representative Victoria Kornfield, Senator Brian Langley and NCSL’s Kelly Latterman.

**Indian Country Energy**

The Indian Country Energy and Infrastructure Working Group gathered in January at a meeting hosted by the Seminole Tribe of Florida and facilitated by NCSL. The group consists of 12 tribes, two Alaska Native nonprofits and the U.S. Department of Energy Office of Indian Energy. NCSL facilitates eight meetings per year to discuss energy policies and trends under an agreement with the office.

**SUPPORT**

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- Juvenile Justice Quarterly
- The News Reactor
- Plugged In
- Pretrial Quarterly
- Transport Report
- Women’s Legislative Network News
More Ups Than Downs

Every state improved in at least five of 42 specific health indicators used by The Commonwealth Fund to measure state health system performance. In the fund’s most recent scorecard, which looked at data from 2014, Connecticut, Hawaii, Massachusetts, Minnesota, New Hampshire, Rhode Island and Vermont received the highest scores, while Kentucky, Louisiana, Oklahoma, Rhode Island and Tennessee improved on the most indicators.

The report looks at statistics grouped under five broad health care areas: access and affordability, prevention and treatment, hospital use and costs, healthy lives, and equity issues. Among the highlights:

- Forty-five states lowered the rate of patients dying within 30 days of being discharged from the hospital following heart attacks, heart failure and pneumonia.
- Thirty-nine states lowered the rate of adults without insurance.
- Twenty-two states increased childhood vaccination rates by at least 3 percentage points.
- And 15 states and the District of Columbia decreased smoking rates among adults by 2 or 3 percentage points.

Still, challenges remain. Several states showed declines in preventive care, and every state experienced higher average premiums in employer-sponsored health insurance plans.

—Ashley Noble
Avoiding Two-Wheel Tangles

No matter how you spin it, bicycle commuting is on the rise. Between 2000 and 2012, the number of U.S. workers who traveled to work by bicycle increased by 60.8 percent, from about 488,000 to about 786,000, according to the Census Bureau. Although the total number of cycle commuters is still a fraction of the working population—there were roughly 140 million total workers during that same timeframe—the increase in bicycle commuting exceeded the percentage increase of all other travel modes during that 12-year period.

With this growth in cycling for transportation, as well as recreation, lawmakers are increasing their efforts to improve safety and reduce bicyclist deaths and injuries—at least 743 cyclists were killed and an estimated 48,000 injured in motor vehicle crashes in 2013, according to the latest National Highway Traffic Safety Administration numbers.

One of those strategies is to enact so-called safe-passing laws to make the roadways safer for those on two wheels. All states’ traffic laws derive from the Uniform Vehicle Code, which says drivers must keep a “safe distance” from cyclists when passing in the same lane. But the lack of specific guidelines with regard to motor vehicles and bicycles has led to confusion. In 1973, Wisconsin became the first state to enact a law requiring motorists to maintain 3 feet of distance when passing a cyclist. Since then, at least 26 states and the District of Columbia have enacted 3-foot passing laws, and two states have gone further. Pennsylvania drivers must give bicyclists 4 feet of space when passing, and, as of last year, South Dakota drivers must give riders 3 feet of space when passing on roads with posted speed limits of 35 miles per hour or less and at least 6 feet on roads where the limit is greater than 35.

Alabama and Wyoming, both of which enacted safe-passing laws in 2015, allow exceptions to their 3-foot requirement. Virginia clarified its law to allow drivers to cross a double line in order to pass a bicyclist, pedestrian or other non-motorized road user.

Do the new laws make the roads safer for cyclists? Enforcement is a challenge. Florida lawmakers, for example, passed a 3-foot law in 2006, but of the nearly 500 drivers cited in 2014 for passing bicyclists illegally, only eight were found guilty. The difficulty for officers is determining, sometimes at a glance, how much space is between a cyclist and a moving vehicle. Judges typically throw citations out because of insufficient evidence of wrongdoing, meaning motorists often are ticketed only when they actually hit a rider, according to advocacy groups like the League of American Bicyclists. To make enforcement easier, some in Florida want bicycles covered by the state’s Move Over Law, which requires drivers to move over a lane or reduce their speed to 20 mph below the limit if a law enforcement or an emergency vehicle is on the shoulder.

Still, according to advocates, 3-foot laws create a legal framework to protect cyclists, set a less arbitrary standard and raise awareness of the importance of safe passing. Those hoping new technology might help police officers to enforce the laws are watching the results of a first-in-the-nation test in Chattanooga, Tennessee, where the police department agreed to try out a device called BSMART (Bicyclist and Safe Monitoring Applied Radar Technology). Made by an Austin, Texas, software company, the device is about the size of a GPS unit and is mounted to the handlebars of officers’ bikes. It uses ultrasound to calculate the distance between the cyclist and passing vehicles. If a car passes at a distance of less than 36 inches, the officer can signal the driver to pull over, if the situation allows. Regardless, a separate camera mounted to the handlebars records the vehicle make and license plate numbers. Chattanooga judges have said that, if citations are issued, they will consider evidence from the new system.

—Kevin Frazzini and Douglas Shinkle
Go Ahead, Break and Enter

This is the time of year when many of us start dreaming of the hot, sunny summer just around the corner. But that heat comes with a few risks. One is what can happen when cars are locked up and left in the sun. Even when it’s only 75 degrees outside, within 20 minutes, the temperature inside a car can be above 100 degrees.

Nearly 40 children die every year from heat stroke after being left in hot cars. Last year, as of late September, that number was at 23, according to Kids and Cars, a nonprofit child safety organization. Animals are also at risk; hundreds die each year when they are left too long in closed-up cars, according to the American Veterinary Medical Foundation. There are 19 states with laws specifically making it illegal to leave a child unattended in a vehicle and to protect animals left in vehicles.

Legislatures in Delaware, Oklahoma, Virginia and Washington passed bills last year addressing the dangers of leaving children and animals unattended in hot cars. California, Florida, Iowa, Kentucky, Maryland, Missouri, Nebraska, New York, Ohio, Pennsylvania, South Carolina and Virginia have legislation pending this year.

Florida has four pieces of legislation pending on the topic, with two in the House and two in the Senate.

The new laws in Oklahoma, Tennessee and Virginia provide immunity from civil liability when an individual breaks into a car to rescue a child or animal. The legislation in Delaware and Washington requires a first responder or animal control officer to be the one to actually enter the car.

Thirty-four states have “good Samaritan” laws that may waive liability for people rescuing unattended children left in vehicles.

Washington’s new law also made it a civil infraction, subject to a fine, to leave an animal unattended in a car if leaving it could cause harm or death to the animal. Legislation introduced this year in Virginia relates specifically to rescuing companion animals left unattended in vehicles.

—Amanda Essex

Dental Dilemma

Medicaid covers dental care for all low-income children and millions of adults in all but four states, but having the coverage doesn’t necessarily result in receiving the care. Finding a dentist who participates in Medicaid can be difficult as only about a third of dentists do. The Medicaid reimbursement rates for dental care are relatively low. In addition, like with other services, 47 million Americans live in an area that lacks enough dentists to care for the population.

Waiting too long to see a dentist can result in a costly emergency room visit and a more serious disease. In fact, toothaches are one of the top reasons for emergency room visits, which doubled nationwide, from 1.1 million to 2.1 million, between 2000 and 2010, according to the American Dental Association.

Some believe a potential solution to the lack of available dental health care is to train and license midlevel “dental therapists” to perform some preventive and routine care that currently is reserved for only dentists. This would free up the dentists’ time for more complex cases. Therapists work in conjunction with a dentist but because they require less education, they are cheaper to train and employ.

Dental therapists are fairly common around the world, and interest in them is growing in the United States. Alaska was the first state to employ dental therapists, but Minnesota, in 2009, was the first to license them. A growing number of states—from California to Maine, Florida to Washington—have shown interest in the profession. And in August 2015, the Commission on Dental Accreditation adopted national standards for training programs.

The American Dental Association has taken a national stand against the midlevel dental provider model arguing that the one-size-fits-all approach is not a viable solution to the diverse set of barriers that impede millions from getting dental care. The dentist group argues that therapists’ lack of training can pose risks to patients with serious dental problems. It favors instead a broader package of initiatives that an emphasis on community coordinators to counsel patients on oral health and help them find a dentist.

—Zita Toth, NCSL intern
Treasure in the Trees

It’s not going out on a limb to say trees benefit humans and the natural environment—from timber and forest products to rural jobs to biomass feedstock to water, soil and air quality improvements.

As forests increasingly face threats from invasive insects, disease, wildfire, urban development and climate change, state policymakers are working to maintain and cultivate these resources to maximize their environmental, economic and human benefits.

More than two-thirds of all forestland in the United States is timberland, meaning it is capable of producing commercial hardwood or softwood. Southern states take the lead with the largest share of timberland in the country.

The forest industry makes up 4 percent of the total U.S. manufacturing GDP, helping drive the U.S. economy. According to the American Forest and Paper Association, the industry employs almost 950,000 workers and is a Top 10 manufacturing employer in 47 states.

Beyond timber and paper, forests yield significant “biomass” resources in roots, wood, bark and leaves that are the by-products from wildfire mitigation, forest thinning or timber harvests. Biomass can be burned to produce renewable electricity or heat and provided 5 percent of the energy used in the U.S. in 2014–46 percent of which was from forest biomass.

Forests also help regulate air quality, climate, water flow, water purity and erosion. Forests provide natural filtration and storage systems that process nearly two-thirds of the water supply in the country. Forest vegetation absorbs and stores carbon dioxide and other nutrients and sends oxygen back into the atmosphere. Through these processes, forests annually remove and store almost 15 percent of total U.S. carbon dioxide emissions—a quantity that offsets yearly emissions from 50 million vehicles.

New federal regulations to reduce greenhouse gas emissions—the Clean Power Plan—have brought carbon emissions and forests to national attention. While simply planting more forests cannot be a method of complying with these regulations, forest programs can play a complementary role in state compliance plans while also contributing to broader statewide carbon reduction strategies. For example, states can increase their renewable energy generation by using biomass for electricity. In 2015, Vermont required the development of a specific standard to determine when biomass energy could be considered renewable. States could also use revenue from the sale of carbon allowances or a carbon tax to fund sustainable forest initiatives that protect stored carbon and increase future sequestration, as California began in 2012.

Many states recognize the value of forestland and have adopted policies intended to secure these resources for the future. Common approaches include state programs that pay landowners to keep their forests as forests, and cost-share programs that pay landowners to undertake management practices that prevent fire and improve forest health.

California’s Forest Legacy Program, for example, encourages the use of conservation easements to protect forestland from being developed for other uses. Participating landowners must prepare a management plan addressing various resources and, in return, may qualify for an income tax credit on the value of donated land.

Another approach provides landowners with tax incentives to encourage forest conservation and management. In North Carolina, as in several states, qualifying forest landowners can apply for property tax treatment based on the value of land in its current use, rather than its market value or development potential, which generally leads to tax savings.

Forests will continue to play a role in state policies as legislators and stakeholders work to get to the root of sustainable and comprehensive environmental and economic forest practices.

—Jocelyn Durkay and Jennifer Schultz
NEWSMAKERS

“He used to tell me the harder you work the luckier you get.”

The Iowa House’s first female speaker, Linda Upmeyer (R), referring to her late father, former Speaker Del Stromer, in The Gazette.

“Nobody’s Snapchatted me yet.”

Nebraska’s youngest senator, Matt Hansen (D), 28, in a Lincoln Journal Star article about Nebraska having the highest percentage of millennials of all state legislatures, according to an NCSL-Pew Charitable Trusts survey.

“We’re not just here working in this vacuum ... It’s important to put a face and a heart to the effect of what legislation does.”

Colorado Senate President Bill Cadman (R), reflecting on his last term, in the Colorado Springs Gazette.

THE LAST PERSON WHO INTERRUPTED THE 107-YEAR-OLD BASKETBALL RIVALRY BETWEEN BYU AND UTAH WAS HITLER. said Speaker Greg Hughes (R).

“I don’t think it rises to the same urgency as the last time the game was interrupted.”

He was referring to the announcement by BYU that Utah declined to play the game and bought out its contract for next season’s game. Hughes says lawmakers might mandate games between rival schools, adding, “There is, I think, broad frustration with this.” What caused all this? Utah alluded to a punch thrown this season when the two schools met on the court, but Hughes isn’t exactly buying it.

LOUISIANA HASN’T HAD A CONTESTED SPEAKER’S RACE SINCE 1984, and the House typically selects the candidate backed by the governor. Not this year. The Republican-controlled House repudiated newly elected Democratic Governor John Bel Edwards and his candidate, Representative Walt Leger (D), and elected Republican Representative Taylor Barras (R) instead. Barras won on the second ballot, after a fellow Republican, Representative Cameron Henry, withdrew from the three-way race. Leger was selected to serve as speaker pro tem.
Maryland Delegate Charles Sydnor III (D), on proposing to make juvenile court the “default” jurisdiction for juvenile offenders older than 16, after attending an NCSL meeting on juvenile justice reform, in The Baltimore Sun.

“We have a few ideas we came up with that meeting.”

Maryland Delegate Charles Sydnor III (D), on proposing to make juvenile court the “default” jurisdiction for juvenile offenders older than 16, after attending an NCSL meeting on juvenile justice reform, in The Baltimore Sun.

“There were a few ideas we came up with that meeting.”

Missouri Senator Rob Schaaf (R), who opposed the state’s attempt to prevent the St. Louis Rams from moving to Los Angeles by extending state bonds to help pay for a new stadium, in The New York Times.

“The state of Missouri is not designed to support NFL teams.”

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1

**Profusion of Plates**

With the number of specialty license plates in his state hitting 124, Florida Senator Jeff Brandes (R) decided it was time to act. He filed legislation that would require any group proposing a new plate to "pre-sell" 4,000 of them in a two-year period before they will be manufactured, the StaintPetersBlog reports. The current requirement is 1,000. The measure also would discontinue any existing specialty plate that falls below 4,000 issued in a 12-month period. That number also is now 1,000. The decision won't be easy. Specialty tags generated revenue of about $34 million in 2013, but law enforcement officials say the profusion of plates makes it harder for officers and crime witnesses to quickly identify a vehicle. Texas holds the record with 363 specialty plates.

2

**First in the South**

Louisiana became the first state in the Deep South to accept Medicaid funding under the Affordable Care Act when Governor John Bel Edwards (D) signed an executive order to expand health coverage on his second day in office. The expansion is expected to reach about 300,000 more residents, many of them employed but described as "in the gap"—too poor to buy private insurance but earning too much to qualify for Medicaid. Edwards' move brings to 31 the number of states (plus the District of Columbia) that have expanded Medicaid coverage under Obamacare.

3

**Conventional Wisdom**

Three Republican legislators from Missouri, Senators Bob Dixon and Jay Wasson, along with Representative Eric Burlison, have filed bills for Missouri to join the 27 states that have approved petitions calling for a constitutional convention. They want to pass a federal balanced budget amendment. "I think 80 percent of the problems my average constituent has with Washington, D.C., would be solved if Washington, D.C., had to balance their budget," Wasson told the Springfield News-Leader. Under Article V of the U.S. Constitution, two-thirds (or 34) of the states must approve a convention, but the document is vague in details on how the process would work. Critics fear such a convention could get out-of-hand, opening up the possibility of far-reaching and unpredictable amendment proposals.

4

**Keeping Kids Off E-Cigs**

Independence, rebellion and sex—all the stuff the tobacco industry used for years to sell its products—are enticing teens to try e-cigarettes, according to a new study from the Centers for Disease Control and Prevention. Seventy percent of teens have seen e-cigarette ads, putting them at a higher risk for trying the products, which are often purchased online. The rules for traditional tobacco ads—which are banned from TV and come with stern health warnings in print—don't currently apply to e-cigarette ads, but may under new FDA rules. The CDC says sales should be banned online and limited to places where teens aren't allowed, such as bars. Forty-eight states currently prohibit the sale of vapor and nicotine products to minors.

5

**Tracking 'Gift' Givers**

Following scandals that led to the resignations of two Missouri lawmakers last year, leaders have vowed to reform the state's ethics laws, the St. Louis Post-Dispatch reports. Missouri is the only state without limits on campaign contributions, lobbyist gifts or when a lawmaker can become a lobbyist. On the first day of the session, Representative Bart Korman (R) introduced a bill that would define sex between lobbyists and lawmakers or their staffs as "gifts" that must be reported to the state ethics commission. Legislators and staff married to lobbyists, or those in a relationship before registration, election or hiring, would be exempt from reporting.
**Accountability and Privacy**

Citing a desire to protect private citizens caught on camera at their “worst moment,” New Jersey Senate Deputy Majority Leader Paul Sarlo (D) is sponsoring a measure that would eliminate public access to police video and audio recordings, reports the news website NJ.com. The measure would make “law enforcement camera recordings,” along with 911 calls and transcripts, accessible only by court order. At least 14 states specifically address 911 call confidentiality in statute. Open records advocates oppose the move, saying disclosure of police recordings holds the government accountable.

**Cellphone Stings**

Saying privacy protections must keep pace with technology, Illinois lawmakers are among the latest to unveil legislation requiring police to get warrants before using cell site simulators. The devices, also known as cellphone trackers or “Stingrays,” mimic cellphone towers and can scan cellphones for data on calls and text messages, the Chicago Tribune reports. Critics say the trackers threaten privacy because they can access data not just from a single, targeted phone but from phones in a wide area. The Chicago Police Department argues that disclosing information about its use of the system could give criminals an advantage. A judge will decide whether department records should be made public. At least 12 states have enacted laws requiring warrants for tracker use, and legislation is pending in Congress.

**Remaining Independent**

The percentage of American voters who identify as political independents dipped in 2015 just slightly from the record high of the year before. At least 4 in 10 adults identified as independents last year, according to Gallup’s most recent poll. For the fifth year in a row, Democratic (29 percent) and Republican (26 percent) identification is at or near recent low points. The continued strength of political independence is likely related to Americans’ frustration with gridlock at the federal level, Gallup says. The good news for state lawmakers: 57 percent express a favorable view of their state government, according to a recent Pew Research Center survey.

**Not Impeachy Keen**

An effort to impeach the governor of Maine by some House members ended after it was obvious it would fail to get the needed number of votes in the Senate. The lawmakers cited eight allegations of abuse of power by Governor Paul LePage (R). The impeachment would have been the first in the state’s history. The allegations against the governor included preventing state officials from testifying and using state assets to force a community college president to resign. The governor’s voter approval rating is less than 40 percent, one of the lowest in the country. Every state except Oregon provides for the impeachment of governors, according to the National Governors Association.

**10 Million Tar Heels**

The number of U.S. states with at least 10 million residents grew to nine last year, according to the Census Bureau, which looked at population change over a one-year period ending in July 2015. North Carolina moved into that spot by adding 102,415 Tar Heels—an average of 281 people daily—ranking behind only Texas, Florida, California, Georgia and Washington in total residents gained. North Dakota’s population increased by 2.3 percent during that period, making it the nation’s fastest growing state for the fourth consecutive year. It was followed by Colorado and the District of Columbia. Losing residents were Connecticut, Illinois, Maine, Mississippi, New Mexico, Vermont and West Virginia. Total U.S. population increased by 0.79 percent over the period to 321.4 million.

**10**
Lawmakers continue to seek ways to help students and families as the costs of college soars.

BY ROGER FILLION

Austin Wright-Pettibone was walking to lunch last summer in Seattle when he got an email on his phone from a legislative staffer. Wright-Pettibone, a junior chemical engineering major at the University of Washington, had been lobbying the Legislature on behalf of the university’s student union. He and others appealed to lawmakers to pass a budget that would cut tuition at the state’s four-year colleges and universities.

“We got it!” the email read. Wright-Pettibone was “so relieved and happy, I cried,” he says. “It was the hallmark of what could be done in Washington state in higher education. I really hope this will start a conversation and lead to action in other statehouses.”

The tuition rollback passed by the Legislature shaved 5 percent off tuition this year. For Wright-Pettibone, it was “the first year I haven’t had to take out loans to go to school.” Next year, when the largest cuts kick in, he’ll save $1,611.

“I’ve been able to cut back on my working hours so I can now spend more time in the lab, which is preparing me to go to graduate school.”

Looking for Answers

Students like Wright-Pettibone and their families aren’t the only ones grappling with ever-escalating college tuition costs. So, too, are state legislators.

Crafting higher education finance policy is tricky, however. In effect, legislatures have three policy levers at their disposal: tuition, general appropriations and financial aid. Pulling one lever can often affect the other two. So it’s wise to consider how changes affect all three simultaneously.

No state has yet developed a comprehensive solution that keeps tuition costs under control and makes it possible for less well-off students to attend college. But efforts abound.

States have temporarily frozen or capped tuitions. Kansas lawmakers did so last year. Tennessee and Oregon offer free community college. Missouri ties tuition to the consumer price index. New York and South Carolina offer students tax credits for their tuition. Maryland uses corporate tax revenue for a tuition stabilization fund. And Illinois requires universities to offer a fixed tuition plan that guarantees a single annual tuition rate for the four years it should take to earn a degree.

There’s always the desire to find the perfect solution, but “I
Higher Education

don’t think anyone has a silver-bullet answer,” to slowing tuition rates, says Minnesota Representative Jim Knoblach (R), who chairs the Ways and Means Committee.

Tuition at public four-year institutions has risen faster than inflation every year since 1980. Since 1990, the national tuition average at public four-year institutions has skyrocketed more than 160 percent after adjusting for inflation. At two-year institutions, the national tuition average has doubled on a real basis.

Put another way, the national average for tuition at public four-year institutions jumped by $5,653—to $9,139 in 2014-15 from $3,486 in 1990-91. At public two-year institutions, the national average tuition increased by $1,692—to $3,347 from $1,655 during the same period.

Yet there’s an economic argument to be made for keeping college affordable, says Oregon Senator Mark Hass (D), a major proponent of his state’s free community college program. Students can gain vital skills needed to operate in today’s economy—and avoid standing in the unemployment line or living off food stamps.

“Poverty is expensive to all of us. When someone escapes poverty we’re all better off,” says Hass, who chairs the Finance and Revenue Committee.

More Than State Cuts

What’s fueling the increase? Take your pick. Many blame cuts in state funding. (Federal aid goes mostly to financial aid.) Since colleges can offset reductions in state spending with tuition hikes, cutting higher education spending is often one of a few options states have when balancing budgets. From 2010 through 2012, state and local funding levels were the lowest in 25 years, according to the State Higher Education Executive Officers Association.

The good news for colleges and universities is that, altogether, state and local funding for public higher education has increased during the last couple of years. It still remains lower than before the recession, however.

The ingredients underlying tuition hikes vary among states and institutions; and other factors play into the tuition-setting process as well. Enrollment growth and recessions have been two of the primary causes underlying tuition inflation in recent years. According to the National Center for Education Statistics, between 2002 and 2012, enrollment increased 24 percent, from 16.6 million to 20.6 million. Much of that growth was in full-time students.

Energy prices, debt service and decisions concerning compensation and benefits also can add to tuition hikes. In addition, competition for national rankings has caused institutions to upgrade facilities and technology and increase financial aid to attract the top students.

Efforts Abound

State legislatures are far from throwing in the towel, however. To make college affordable for low- and middle-income students, states have rolled out some innovative programs.

Maryland, for example, challenged out-of-control tuition in 2007, when lawmakers created a Higher Education Investment Fund to “invest in public higher education and workforce development” and “keep
tuition affordable for Maryland students and families.” It relies on corporate income tax revenues.

Then in 2010, lawmakers created a Tuition Stabilization Fund housed within the investment fund. It, too, receives corporate tax revenue. The 2010 legislation set the goal of limiting tuition hikes to no more than the three-year rolling average of increases in the state’s median income. The aim: Link tuition with families’ ability to pay.

The stabilization account—really a higher education rainy day fund—addresses both tuition policy and annual appropriations. When higher education appropriations dip, money from the stabilization fund is used to offset the drop—and limit tuition increases.

Since the beginning of the Great Recession, Maryland’s average state tuition at four-year institutions has increased 9 percent compared with 26 percent nationally.

Maryland’s fund directly targets tuition rates, as do other states’ efforts to freeze, roll back or even cut tuition. Other programs target students, especially those who simply can’t afford college, helping them earn a degree despite the increasing costs.

**A Promise to Scholars**

Even before tuition began to skyrocket, Indiana’s 21st Century Scholars program was helping low- and middle-income families send their children to college. According to Teresa Lubbers, the state’s higher education commissioner, participants are more likely than other students to be from a single parent home and the first child in their family to attend college.

Indiana students who meet the program’s income requirement—based on the Free Application for Federal Student Aid, or FAFSA—can enroll in the seventh or eighth grade. “We try to get students to understand that college is possible for them at an early age,” Lubbers, a former Republican senator, says.

To qualify, students must graduate from high school with at least a 2.5 grade-point average; swear off drugs, alcohol and crime; and participate in three activities annually intended to help them plan, prepare and pay for college. In return, students can receive up to four years of paid tuition at an Indiana college or university.

“It’s a contractual relationship,” Lubbers says.

According to the Indiana Commission for Higher Education, 76 percent of participants in 2014 enrolled in college right after high school compared with 42 percent of low-income students not in the program and 65 percent of all Indiana students.

Oklahoma has a similar program, dubbed Oklahoma’s Promise. It permits eighth-, ninth- and 10th-grade students from families with an income below $50,000 to receive a college tuition scholarship for any public college or university in the state. The program also will fund a portion of the tuition at any accredited private institution in the state. Like Indiana, Oklahoma requires high school students to maintain a 2.5 GPA, shun drugs and alcohol and stay clear of serious trouble.

**Free Community College**

In 2014, Tennessee lawmakers approved pioneering legislation creating the statewide Tennessee Promise—a scholarship and mentoring program designed to make it more likely that high school students will get into college and succeed.

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**WHO PAYS?**

The portion of college costs paid by families and students versus states since 1991.

Source: State Higher Education Executive Officers Association, SSOB.
The program is what President Obama used as a model for his America’s College Promise proposal, which he announced last year. It seeks to make at least two years of community college for responsible students as universal as high school.

The Tennessee program gives all recent high school grads the chance to attend one of the state’s 13 community colleges, 27 colleges of applied technology or another eligible institution offering an associate degree program—without paying tuition or mandatory fees, such as lab fees.

The scholarships are so-called last-dollar grants: Students must first use all other sources of financial aid, including federal Pell Grants, Tennessee HOPE scholarships and other grants received through the Tennessee Student Assistant Award program. If all the other sources of aid combined don’t cover tuition and mandatory costs, then students will receive a Promise scholarship for the unmet tuition and costs.

In the fall of 2015, roughly 90 percent of public high school seniors—more than 58,000—had filled out scholarship applications.

According to state data, the number of students enrolled in Tennessee’s community colleges last fall was 25 percent higher than in 2014, before the statewide Tennessee Promise program began. The number of students enrolled in technical colleges surged 20 percent in the same period.

“We’re seeing huge enrollment jumps,” Tennessee Representative Harry Brooks (R), who chairs the Education Administration and Planning Committee, says.

Under the program—which extends from a student’s high school senior year into the first semester of college—every student receives a mentor to help meet application deadlines and prepare for college. Research shows that at-risk students who work with a mentor are significantly more likely to want to attend college and ultimately enroll in degree programs. “That is the key to involvement in the future,” Brooks says.

Tennessee Promise participants also

No More Than Four

It can be costly for students who don’t graduate on time—in terms of extra tuition and expenses plus forgone pay. So some states dangle financial sweeteners to encourage students to graduate on time.

“The best and most efficient degree is a timely degree,” says Teresa Lubbers, Indiana’s higher education commissioner. According to her agency, only 30 percent of Indiana students finish a bachelor’s degree within four years, and only 10 percent earn an associate degree within two years.

How much will an extra year of college set you back? It can cost an Indiana student nearly $50,000 in tuition, lost wages and related costs, according to Lubbers’ agency. Staying in school prevents students from “reaping the benefit of that degree,” she says.

To encourage financial aid recipients to carry full loads so they can graduate on time, Indiana overhauled its grant programs in 2013. Students who receive aid through the 21st Century Scholars program, for example, now must complete at least 30 credit hours during the academic year to keep it. “I sometimes refer to this as tough love,” Lubbers says. “But it’s still love at the end of the day in terms of the metrics we have for students to earn the maximum financial aid.”

The Frank O’Bannon grants, another scholarship program for low-income students in Indiana, also encourages students to complete at least 30 credits during one academic year. But the program adds an incentive: cash. Students who complete at least 30 hours get a few hundred dollars more than students who finish only 24. They receive an even more when they complete 39 credit hours each year. That bonus amounted to an extra $1,300 during the 2014-15 academic year, when there were 46,090 scholarship recipients.

Massachusetts is finishing a similar pilot program that began in 2012 targeting low-income students. The Massachusetts Completion Incentive Grant Fund awards students more aid for each credit hour completed. A student who completes 12 credit hours during a semester, for example, earns $700 or $1,000 for 15 credit hours.
The Consumer Technology Association (CTA)™ Innovation Scorecard ranks each state by its willingness to welcome innovation—such as aerial drones and the sharing economy—through smart policy that supports our nation’s entrepreneurs, whether a small startup or global tech leader.

Does your state welcome innovation?
must complete eight hours of community service each term they’re enrolled, as well as maintain a year-end GPA of at least 2.0.

Last year, Oregon followed suit, becoming the second state to offer a free statewide community college program beginning this fall. To qualify, students must be Oregon residents, enroll in a community college within six months of graduating from high school or passing the high school equivalency exam, have a high school GPA of 2.5 or higher and complete the financial aid application.

Each eligible Oregon Promise student receives a minimum grant of $1,000 annually—even if state and federal grants fully cover the student’s tuition—for educational costs such as textbooks. In addition, each recipient must pay $50 a term to enroll in courses. Students can be enrolled part time or full time at any of the 17 community colleges in the state.

To win passage of the bill, Oregon’s Hass put the argument in economic terms, using state figures to support his case. Some 70,000 Oregonians between the ages of 18 and 24 lack both a job and a post-secondary education, which costs the state about $14,000 a year in social services and indirect costs to support each of them.

“A year of community college is a lot cheaper than a lifetime of food stamps,” Hass says. “The business model is easy to see.” The legislation passed both houses with bipartisan support.

Lawmakers in Minnesota decided to take things a little slower. They agreed on a scaled-down pilot program after opting not to make community college free by eliminating tuition. “I’m OK with experimenting with the pilot,” Minnesota’s Knoblach says. “Realistically, it’s hard to imagine we’re going to have enough money to give free tuition to everyone.”

The $8.5 million, two-year pilot will start this fall and is expected to serve an estimated 1,300 students. It will cover any tuition and fees not covered by other state or federal grants.

The program is open to students who enroll in high-demand job training programs, ranging from accounting and law enforcement to applied engineering technology. Recipients must have an adjusted gross family income of less than $90,000, and enroll within two years of completing high school or passing an equivalency test. The pilot also includes a mentoring program.

**The Freeze Option**

Minnesota lawmakers also agreed to freeze community and technical college tuition at existing levels for the current 2015-16 academic year and cut it by 1 percent next year.

Several states have frozen tuition in recent years, although a study by the California Legislative Analyst’s Office found that, following a freeze, tuition often shoots right back up.

Tuition cuts are far more unusual, which is why Washington’s action is notable. Washington legislators agreed to cut tuition at all public colleges and universities over the next two years. This year, tuitions were reduced 5 percent in all Washington higher ed institutions. This fall, tuition will be lowered an additional 10 percent at large research universities and 15 percent at regional four-year universities, and frozen at community colleges.

In addition, future tuition increases—starting in 2017—will be tied to changes in the median family wage. It’s another effort at trying to tie tuition increases to the ability of families to pay.

**The Search Continues**

Plenty of other approaches are being tried across the nation. And it’s probably a safe bet that lawmakers will continue to look for new ideas to keep tuition down and college affordable as they debate how much money is necessary, and where it should come from, to maintain the world’s best higher education institutions.
Savings accounts dedicated to paying for college can take the sting out of increasing tuitions and help develop the habit of saving.

BY JESSICA HATHAWAY

If current tuition rate increases continue, a child born this year will have to pay an estimated $215,064 for a four-year degree at a public college or university. Today, those costs average $110,408, according to SavingforCollege.com.

These increases are pushing higher education out of the reach of many Americans, especially since less than half of parents with children under age 18 have started saving for college, according to the private student-loan provider Sallie Mae.

To encourage parents—especially those with low incomes—to begin saving early, some states offer children’s savings accounts. The rules and structure vary by state, but generally, they are long-term savings accounts that can be opened for a child when he or she is born. Most states also offer incentives for deposits and tax exemptions, deductions or deferrals on the earnings.

Increasing Assets

The concept of these accounts emerged in the 1990s with the asset-development movement, which held that increasing a low-income family’s assets, not just its income, promotes better long-term financial stability.

At least four states offer statewide children’s savings account initiatives. Some seed them with an initial deposit that varies in size from $500 in Maine to $50 in Nevada. Most also offer incentives for parents, relatives and, eventually, the children themselves to continue making deposits—such as matching contributions. Several programs include age-appropriate budgeting and personal financial education for both the parents and the children.

Seeding the accounts, matching deposits and managing the assets can be costly, however, and is not the role of state government, some say.

Representative Richard Barry (R) of New Hampshire cosponsored legislation to create a pilot program in 2015. “I think of it very highly and will support it as long as it is not government-funded. I’d love to have private funding for it,” he says. About 80 percent of state-level children’s savings accounts are managed by the more traditional, tax-advantaged 529 savings plan administrators. Businesses, private foundations and philanthropic organizations also provide some financial support.

Getting families to save for college can make a real difference. Low- and moderate-income children with college savings of as little as $500
are three times more likely to enroll in college and four times more likely to graduate, according to research by the Corporation for Enterprise Development.

Watching Oklahoma

The verdict on the long-term effects of children’s savings accounts may not be reached for a few years, but a pilot program in Oklahoma has begun to reveal clues. It has attracted national attention as the first state project to offer the accounts on a large scale.

The pilot study, which the Sooner State is conducting with significant funding from the Ford Foundation, and in partnership with the Center for Social Development at Washington University in St. Louis, is called SEED for Oklahoma Kids, or SEED OK. Between 2008 and 2011, the program opened 529 savings accounts for a random sample of newborns from low-income families. Each account was seeded with an initial deposit of $1,000. The program also provided parents with financial education and a $100 incentive to open their own 529 account for their child.

The children from the study are still in elementary school, but initial assessments have found that, compared with families not in the program, parents of the children who received the seeded accounts have opened more of their own 529 accounts and have set aside more savings.

On evaluations, children with savings accounts score higher on social and emotional development, and their parents express higher expectations for their children’s education and fewer mental health issues than those without an account.

A Variety of Efforts

Across the country, state-supported programs are up and running in Connecticut, Maine, Nevada and Rhode Island, according to the Federal Reserve Bank of Boston and the University of Kansas Center on Assets, Education and Inclusion.

Lawmakers in Massachusetts, Montana and Vermont have proposed legislation to start similar programs. New Hampshire is working on a pilot program, and New York is studying the feasibility of starting one. Some states offer more limited programs, while others provide additional incentives to low- and moderate-income families.

In addition to state-sponsored accounts, a growing number of programs are administered by municipalities and public-private partnerships. Privately funded children’s
New England and Beyond

New England can boast of several children’s savings account initiatives, all of them motivated by the success of the Harold Alfond College Challenge in Maine. One, the Children’s Savings Account Consortium, is supported by the Federal Reserve Bank of Boston. The consortium works to increase children’s savings account programs and to share resources across the region. Its efforts have paid off. Every New England state is now considering a children’s savings account program, with each at different stages in the process.

The Alfond Challenge received national attention in 2008 when it offered every child $500 through a savings account. Parents initially were required to enroll in the state’s 529 plan to receive the $500 but, despite the offer of free money for college, only about 40 percent of children were enrolled. Administrators switched to a universal, opt-out enrollment system in 2014, ensuring the roughly 12,500 babies born annually in Maine get enrolled—unless their parents opt out of the offer.

Finally, the 1:1 Fund, administered by the Corporation for Enterprise Development, helps low-income families save for college while giving them “the confidence that post-secondary education is a real and attainable goal,” according to the corporation’s website. The fund helps kids save for college by matching their contributions to children’s savings accounts, dollar-for-dollar. The fund works with college savings programs in 12 states, soliciting donations, large or small, from anyone who wants to participate.

savings accounts do not need legislative approval but have found support among legislators. “The role of a legislator,” says Anthony Poore, of the Regional and Community Outreach department at the Federal Reserve Bank of Boston, “has been a fundraiser, a champion, an awareness-raiser. … Regardless of which side of the aisle you happen to sit on, children’s savings accounts speak well.” The bank supports the accounts as part of its initiative to build a workforce prepared for the future.

Differences in the Details

In 2008, Maine launched the nation’s first statewide universal children’s savings account program and offered all parents a $500 grant to start saving for their infants’ college education. Today, the state has the nation’s most generous program, with the money deposited automatically into an account created for every newborn. The Harold Alfond Foundation, a private philanthropy, funds the grants.

Nebraska’s College Kick Start Program, administered by the state treasurer’s office, opens a 529 account with $50 for every public school child entering kindergarten. Instead of taxpayers’ money, the program uses a portion of the fees paid by financial institutions managing the funds to seed every account. Nearly 90,000 children in Nebraska now have an account.

As part of its children’s savings account initiative, Rhode Island offers a $100 “CollegeBoundbaby” grant to parents who open a state-sponsored 529 account for a child within the baby’s first year of life or adoption. There are no income restrictions, so the $100 grant is available to any child in the state. The investment firm AllianceBernstein manages the state’s 529 accounts and funds the $100 seed grants.

Connecticut lawmakers created the Higher Education Trust Baby Scholars program in 2014, using money from a defunct scholarship fund established in the treasurer’s office and contributions from taxpayers who choose to divert some of their tax refund to the program. It’s open to any child born or adopted in the state. Parents have a year to enroll their children and receive the initial $100 grant. If an additional $150 is deposited into the account by the time the children are 4 years old, they receive a matching grant.

Representative Mary Stuart Gile (D) of New Hampshire became interested in the accounts after reading an article that described San Francisco’s Kindergarten to College, or K2C, program. The city opens a Citibank account seeded with $50 from city and county funds for every child entering kindergarten in the San Francisco Unified School District. Children eligible for free or reduced lunch receive an extra $50 in their accounts. Incentives encourage participants to save even more.

Visiting the program in San Francisco was enough to convince Giles to bring the idea home to New Hampshire. “It’s working there,” she says, “the parents are really saving.” Giles sponsored legislation in 2014 to conduct a similar pilot program just to “get the ball rolling.”

Vermont passed legislation last year to establish a savings program and is currently raising money from the private sector to fund the accounts. Subaru of New England, the first major donor, gave $25,000 to the effort.

Indiana’s Wabash County Promise program has partnered with the Wabash County YMCA, the county school district, local businesses, organizations, churches and individuals to open 529 accounts. When children register for school, they receive an account with $25 from Parkview Health. Anyone who contributes to a child’s account is offered a 20 percent state income tax credit for the amount, up to $1,000. The program has expanded into another seven counties in Indiana.
Hopeful Results

It’s too soon to measure the effectiveness of these programs. “Legislatures don’t have 18 years to see if, in fact, a policy works,” says Poore, of the Boston Fed. “But what we can do is start building in interim measures” that will give a sense of the program’s effectiveness after a few years.

Assessments by researchers from the Center for Social Development have found that kids with a savings account:

• Perform better academically, particularly in math and reading.
• Are seven times more likely to enroll in college and complete a degree.
• Are less likely to accrue financial debt from higher education.
• Have a better understanding of money matters, improving their long-term financial stability.

It’s unknown how many kids will go on to college simply because they had a children’s savings account. But with the cost of college increasing twice as fast as the inflation rate, it’s never too early to start saving and building the assets needed for a degree. If a savings account encourages parents and children to develop a lifelong habit of saving, that can’t hurt either.

Are children’s savings accounts the final answer to rising tuition rates? No, but they may help keep the dream of attending college alive for low- and moderate-income students. Who knows, maybe one of those kids will get a fine education and figure out how to make higher education a little more affordable. 

Percent of parents who believe college is an investment in their children’s future.

89%

Percent of parents who doubt they will be able to save enough for college.

59%

Percent of parents who feel overwhelmed about saving for college.

29%

Source: Sallie Mae, How America Saves for College, 2015
Today’s ignition interlock systems, along with better monitoring and stricter penalties, are making our roads safer.

BY ANNE TEIGEN

Drunk drivers continue to be a major safety threat on America’s roadways. Despite myriad efforts by state, federal and local governments, along with improvements in vehicle technology, about 10,000 people die every year on the nation’s roads and highways because people who have been drinking choose to drive.

Although the proportion of traffic fatalities caused by intoxicated drivers has decreased from more than half of all crashes in 1986 to just a third in 2014, 1 in 8 people surveyed by AAA in 2014 admitted to driving even when they thought their blood alcohol content (BAC) was over the legal limit. Indeed, approximately 1 million impaired drivers are convicted annually in the United States.

Recognizing the dangers of impaired driving, state legislators have continued not only to refine state laws and programs, but also to embrace technology that can help limit repeat offenses by convicted drunken drivers.

One now-widespread technological option is the ignition interlock. Interlock devices connect to a car’s starter system and do not allow the car to start if a preset level of alcohol—typically well below the illegal level of .08—is detected in the driver’s breath. Along with public awareness campaigns, the devices have been effective in preventing drunken driving by repeat offenders. Use of ignition interlocks can reduce the rate of re-arrests for driving under the influence by up to 70 percent, according to a 2014 Government Accountability Office report. “Taking a license away from offenders does not keep them from driving in general, and it certainly does not stop them from driving drunk. Installing a device that won’t let them start their car, on the other hand, does both…” says Alabama Representative Allen Farley (R).

New and Improved

Today’s ignition interlocks are not the same as the ones used 30 years ago, however. The old systems often mistook cigarette smoke, perfume and breath-fresheners for alcohol, resulting in many false pos-
Research and development have improved the reliability of the devices, which now use fuel cell units calibrated to be more accurate and consistent. The devices are smaller, more affordable and less susceptible to tampering. All new devices require periodic retesting while the car is running to ensure that the driver is not drinking once the car is started, and many are also equipped with cameras to verify that the right person is targeted.

**States Drive Safety**

California was the first state to establish an ignition interlock program when lawmakers passed the Farr-Davis Safety Act of 1986, authorizing the use of interlocks as a condition of DUI probation. In the 30 years since that four-county pilot program and its 584 probationers began, the effort to combat drunken driving has grown to include all 50 states with the help of ignition interlock technology.

Lawmakers nationwide have passed legislation allowing or requiring the use of interlock devices for certain drunken driving offenses. Twenty-five states require or strongly encourage all convicted drunken driving offenders, including first offenders, to have interlock devices installed. Alabama, Delaware, Mississippi and New Hampshire passed mandatory-use requirements for first-time offenders in 2014; Arkansas and Texas enacted legislation in 2015. And California’s four-county program was recently extended.

Other states require only repeat offenders or drivers who were arrested with a high BAC to have the devices installed in their vehicles. And some states allow judicial discretion in requiring interlocks. The length of time a device must be in a vehicle varies from three months to two years.

**Requirements Versus Reality**

Now that all states have passed ignition interlock laws, the focus has switched to concerns about how well the laws are carried out. There are discrepancies between the number of people required to install the devices and the number of interlocks actually installed.

The 2014 GAO report noted that the percentage of offenders who actually install an interlock when ordered to is low. The ratio of currently installed interlocks to impaired driving convictions is about 32 percent. Some of this difference can be explained by the fact that only half the states require installations for all convicted drunken drivers, including first-timers. But another factor is a lack of resources to ensure that offenders have interlocks installed shortly after conviction.

Many court systems or state motor vehicle departments simply lack the resources necessary to enforce the use of interlock systems consistently. Some states require offenders to pay fees or penalties to be eligible to install ignition interlocks; but many drivers who cannot afford them simply do not have them installed. Other states require a year-long license suspension before an offender is eligible to install an interlock, but when drivers learn there is little risk in being caught driving with a suspended license, many never install the interlock.

A recent report by the Centers for Disease Control and Prevention and the National Highway Traffic Safety Adminis-
The CDC report also found that strong and swift penalties are effective for offenders who skip out on installing required devices. If a driver is caught driving without an interlock in Kansas, for example, the entire interlock suspension period starts over. Maryland imposes criminal sanctions—home monitoring or jail time—if an offender is caught driving a vehicle not equipped with an interlock. In Michigan, an offender’s car can be impounded if the interlock is not installed.

Creating Consequences

When interlock programs started, there were no consequences for offenders who tried to start their cars after they had been drinking. Along with ignoring requirements to install the systems, offenders also found ways to manipulate the devices to get around their use. Interlock lockouts and circumventions of the systems were rarely punished.

Many states are moving toward more comprehensive monitoring. Washington requires offenders who want to restore their full license privileges to install interlocks and use them for the required time period and to complete the final four months without violations, as certified by the interlock vendors.

New Hampshire provisions require an offender to go 120 days with no reported fails on the interlock before the device can be removed. Offenders in Vermont will get three months added to their interlock requirement if they make three attempts to start a vehicle with a BAC of .04 or greater.

This year, Wisconsin is considering a bill that would integrate many of the CDC report’s suggestions to increase the rate of interlock installations and to enforce their use. The measure would create an interlock-restricted operator’s license for DUI offenders, tying the interlock to the driver, not the vehicle. It would increase penalties by making it a criminal offense, rather than a traffic infraction, for a driver who is supposed to have an interlock installed to be caught operating a vehicle not equipped with the device. The bill also would increase monitoring by requiring an offender to show proof of installation on the vehicle he or she will operate and proof of insurance before the license can be issued.

Finding the Funds

Adequate funding and data collection are vital to successful interlock programs. Many states have a reserve to pay for program administration. In West Virginia, for example, offenders must pay a $100 fee that goes into the Driver’s Rehabilitation Fund, which is used to pay administrative expenses and to help indigent offenders install and maintain interlock devices.

Lawmakers also are updating their records so many state and local agencies have coordinated data systems to help determine which offenders are required to install interlocks and to report violators. For example, the seven interlock providers in Illinois use a standardized form when reporting to the secretary of state, reducing confusion and streamlining the information the state receives from the companies.

“Drunk driving recidivism is a real problem in Wisconsin,” Senator Van Wanggaard (R), one of the bill’s co-sponsors, said in a news release. “By creating incentives to install [interlocks] and comply with installation orders, we can increase compliance and reduce drunk driving.”

Lasting Impact

The country has come a long way since 584 probationers in California installed interlock devices in 1985. Estimates peg the number of vehicles across the United States with the devices installed today at more than 320,000. Along with greater incentives for offenders, better monitoring and stricter penalties, today’s improved interlock devices have made a big impact on road safety. Still, the technology cannot prevent all alcohol-related traffic crashes because drunken driving is a complex problem for which there is no simple solution.

State lawmakers will have to continue their search for complementary strategies to ensure that only sober drivers ever sit behind the steering wheel while cruising down America’s roadways.
Legal services staff strive to protect the integrity of state statutes. They are the first line of defense against ambiguous laws and unintended consequences.

Legal services staff are the attorneys, bill drafters and editors who write bills, revise the code, conduct legal research, review administrative rules, litigate cases, compile and publish the statutes and administrative rules, provide legal support for redistricting and committee work, and more.

Although we work invisibly—our work is powerful.

1. **We write for a living.**

Our primary purpose is to draft and edit bills that accomplish the goals of the sponsors. As attorneys, revisers and editors for the legislature, we do not make policy. Our challenge is to figure out how to implement policy through the law.

We must consider all the ways a statute might be interpreted—or misinterpreted—by the courts and those who will carry out its purpose.

We work to ensure the language in the law carries out the intended goals of the legislature. Instead of looking at language with one argument or one set of interests in mind, our goal is to predict the many different ways it might be interpreted.

So, the drafting advice we give, and the editing and revising changes we make, are intended to result in statutes that are as clean, clear, understandable and, yes, even elegant, as they can be. Although we work invisibly—statutory text has no bylines—our work is powerful.

2. **We are guardians of the statutes.**

We sweat the small stuff because the challenges of making statutory language clear, complete, concise, coherent and congruent with existing law are many, requiring deep knowledge within our own disciplines. We relish the challenge!

We work almost exclusively in the statutes, and we address constitutional issues.
on a regular basis. Many of us are responsible for revising the statutes, which may include reviewing the laws that are enacted and incorporating them into the code; eliminating repealed provisions; and checking for errors and making recommendations to remove obsolete provisions.

We do all of this without making substantive changes to the law. Substantive change is the role of the legislature; technical accuracy is the role of legal services staff.

Our duty is to the legislature.

We work for the legislature because we believe in the legislative process. We are committed to serving the legislative institution and are honored to serve the legislators who represent the people of our state.

When it comes to doing our jobs, we really are nonpartisan. Only a small number of legislative attorneys serve as partisan staff.

We are one group of legislative staff who, in most states, play a front-line role in interacting with legislators and sometimes the public in committee, on the floor, and in drafting or stakeholder meetings. We recognize our responsibility to uphold civility in the legislative process, to maintain a high degree of professionalism in serving legislators and the public, and to help raise the level of respect for legislators and the legislative institution.

We are legal services staff.

What Staff Know

This the first in a series of articles dedicated to sharing information about the little-known and sometimes misunderstood work more than 30,000 legislative staff perform in state capitals around the country. Although they are extremely important to state legislatures, staff make a conscious effort to remain behind the scenes. This series gives them an opportunity to shine a little light on their role in the legislative process.
Civic Education, Cyber-Style

Civic education is:

A) Not relevant today
B) An easy A with a boring teacher to fulfill a high school requirement
C) Virginia’s Capitol Classroom

Correct answer: C

If you picked A or B, turn on your computer and visit the Virginia General Assembly’s Capitol Classroom. Find out how engaging, interesting and just plain fun civic education can be—not to mention educational.

Inspired, conceived and run by four legislative staffers, the Capitol Classroom opens the door to a legislative world that embraces history—Thomas Jefferson designed the state capitol and modeled it after an ancient Roman temple in Nimes, France; emblems—the state dog is the foxhound, the beverage is milk, the bird is the Northern Cardinal; and civics programs—from NCSL’s America’s Legislators Back to School Program, to Project Citizen and internships for high school, college and graduate students. It also has virtual tours of the capitol, ways to find your assemblyman and senator, board games on how a bill becomes a law, and puzzles and activities, including a civics IQ test.

It’s all designed to help kids—and adults—understand how representative democracy works. It represents a Virginia tradition that began with Jefferson himself—the idea that citizens have a responsibility to participate in their government. The Virginia General Assembly is committed to the idea and states it on its website:

“Active citizen participation is an integral part of a functioning representative democracy. Members of the General Assembly want and need citizen input when crafting laws. ...Your role in the democratic process of government does not end at the polls.” By sharing their opinions, citizens help lawmakers resolve issues and evaluate proposals, the site adds.

Capitol Classroom clearly supports the commitment to educating citizens—from the youngest to the oldest. The General Assembly was recognized for its contributions to civic education when it received NCSL’s Kevin B. Harrington Award for Excellence in Democracy Education. The four legislative staffers received special recognition for their role in making the website creative, appealing and a model of civic outreach. Bladen Finch is director of the Senate Page Program and civics coordinator; Nathan Hatfield is assistant clerk of the Senate; Jeffry Finch is deputy clerk of the House; and Jay Pearson is director of the House Information and Communication Services. Together, the four organize, package and market the multitude of resources and programs promoting civic education on the site.
Vincent Prieto

Speaker of the New Jersey General Assembly

Vincent Prieto was elected to the New Jersey General Assembly in 2004 and served as deputy majority whip and budget committee chair before becoming speaker in 2014. Born in Cuba, Prieto was 10 when he immigrated to the United States with his mother. Before his election, he earned certifications in construction code and fire technology. He currently serves as a construction code official for the town of Secaucus.

What is your legislative priority in 2016 and why?
Our Transportation Trust Fund. It’s so important for us because we’re a corridor state. We get a lot of traffic through here—that’s what makes New Jersey attractive for businesses to locate here. By putting revenue into our old, aging infrastructure and by putting people to work in construction jobs, this will spur our economy.

How has being an immigrant affected your perspective on public policy?
I see everything from both sides of the equation. I see why there’s a need for a lot of safety-net programs to lend a helping hand to people. But at the same time, I see all the incentives that we do in business to keep some type of a balance. When we got here, a lot of people helped us, so that has given me the drive to help people and make it a better place. So I apply that to how I work on getting legislation done. “Good” legislation is something everybody can live with. So you strive for good—that way everybody gets something. I’m not a glass-half-full or glass-half-empty kind of guy. I say if you have a little bit of water in the glass, you can always quench your thirst.

Are you an example of the American Dream and does it still exist?
I definitely think I am, and I think it definitely does. If you work hard enough here, you have all the opportunities. In New Jersey you have a thorough and efficient education that our constitution mandates. So we are giving you those resources and tools to arm yourselves to go to the next level. I’ve gotten to places that I never would have envisioned. The American Dream is achievable. It’s not easy. Nobody’s going to hand you anything. You’ve got to work for it.

What does it take to be an effective leader?
It’s a combination of things. It’s being willing to make tough decisions, but also being willing to listen. And it’s the ability to compromise. Sometimes for people compromise is, “You come to my side,” but it’s really somewhere in the middle. I don’t mind going beyond the middle, but you always have to get something. It should be about who is going to benefit from what you’re trying to accomplish.

What made you decide to run for the legislature?
Politics found me. I had to leave college in the late ’70s and go into the trades, and I went back to school at night to get my certifications. My business was in the town I had grown up in and what we did there was sort of a community outreach. There were a lot of people that didn’t speak the language who would come and talk to me. If somebody needed to set up a doctor’s appointment, I would do that for them. If somebody didn’t have heat, I would call up the town hall and talk to somebody.

There was a potential opening in the legislature, and I was approached and asked if I would be interested in running for it. People said I’d be a good fit because the 32nd legislative district at the time was the second largest Hispanic-minority district in the state and had never been represented by a Latino. I got sworn in in 2004 and we’re here today.

As speaker no less.
I guess they had a good vision for me—that I could do a good job.

How do you stay at the top of your game?
My wife would say that I’m a workaholic. I would say that I just enjoy working and I’ve never stopped. I read the bills myself. I like to know the issues. I have that ability to switch gears from one thing to another and put them in different compartments. If an elephant has a good memory, I have a five-elephant memory. I don’t write down a lot of stuff. My speeches on the floor, I do them without notes and a lot of people say that that’s amazing. For me, I enjoy it. It comes from my heart.

Staying on top of your game means being a student of the game—knowing what the rules are—and being mindful that it’s not about you.

Who do you look up to as a role model?
My role model was my mom. This was a lady that had a tough life. She came from Cuba, she had a fourth-grade education. She educated herself, she was always reading, and she wanted to give me a better life.

What would surprise people most to learn about you?
I’ve dabbled in a lot of things. I’ve tried to be the best at whatever I’ve ever done. I am a former bodybuilder. I actually won the Mr. New Jersey title back in ’93, and I did martial arts for 20 years before that.

Do you still work out?
Me and my wife, we walk every day. She actually works out with me and she body-builds with me, too, even after we had kids. It’s a family affair.
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