OVERDOSED ON OPIOIDS

TEEN PREGNANCY • STUDENT DATA • RETIREMENT SAVINGS
I’m developing innovative technology that recycles nuclear fuel to generate electricity. With nuclear energy, we can have both reliable electricity and clean air.

Leslie Dewan,
Technology Innovator, Forbes 30 Under 30

Can We Reduce CO₂ Without NUCLEAR ENERGY?

The world has set ambitious clean air goals and American innovators, like Leslie Dewan, Bill Gates and Jose Reyes, are developing advanced nuclear energy technologies to reduce carbon emissions. Nuclear energy produces 63% of America’s carbon-free electricity and they know it has a distinct role to play to meet future energy and clean air goals.

LEARN MORE
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#WhyNuclear
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“I love the fact that I get to be an ambassador for not only the South Carolina Senate, but for our state.”
In Memoriam

SENATOR DEBBIE SMITH
Former NCSL President

Nevada Senator Debbie Smith was a champion of education, a believer in the good of government, an extraordinary public servant, a devoted wife, mother and grandmother, a cherished colleague and friend.

She has been called a “giant of the Nevada Legislature,” and indeed this woman of indomitable spirit and courage whose battle with brain cancer ended Feb. 21, at age 60, won the admiration and respect of her constituents, colleagues on both sides of the aisle, and lawmakers in states across the nation.

Smith was diagnosed with operable brain cancer a year ago, just months into her presidency of NCSL. And although cancer slowed her down through two surgeries, radiation and rounds of chemotherapy, she continued to guide NCSL, even from her hospital bed. She laid the foundation for training programs for legislators and staff to ensure they perform at their very best, for efforts to reach every lawmaker in every state and engage them in NCSL, and for our strong advocacy work on behalf of the states in Washington, D.C.

Her disease couldn’t stop her from working tirelessly for her constituents. In April of last year, she returned triumphantly, with humor and style—wearing a purple wig and willingly showing off her scars—to the Senate chamber to pass a historic increase in education funding and legislation to protect children from bullying and abuse.

In her final official duty as NCSL president, Senator Smith addressed the Legislative Summit attendees in Seattle last August. “From accepting the presidency of this wonderful organization to fighting a devastating disease, my year has unfolded in ways I could never anticipate. It has proven what we all know in our hearts—that every day is precious, that the love of our family, friends and colleagues gives us strength to face the toughest challenges in life, whether they’re on the floor of the legislature, or in a hospital room far from home. ... You have supported me through a difficult period in my life, showing me encouragement and concern. And I will hold you in my heart because of it.”

Debbie Smith was elected to the Nevada Assembly in 2000, where she served as chair of the powerful Ways and Means Committee and as speaker pro tem. In 2012 she won her Senate seat and became assistant majority leader and chair of the Senate Finance Committee. Her love of education was the impetus for her public career. At age 22, she was elected to a rural Nevada school board and went on to be president of the Nevada PTA, a member of the National PTA Board and chair of the state Council to Establish Academic Standards.

U.S. Senate Minority Leader Harry Reid said Senator Smith was “the epitome of an ideal neighbor, friend and public servant. ... Despite her difficult year, her positive outlook on life was admirable to all. She was my friend and I will miss her.”

Governor Brian Sandoval ordered flags to fly at half-staff for a week. He said her “record of accomplishments and presence in the Nevada Legislature will remain unmatched in the years ahead. ... I will personally miss her greatly and Nevada will miss her leadership.”

NCSL Executive Director William Pound said, “Debbie Smith was an extraordinary person, a strong leader of NCSL and a good friend. Her legacy to NCSL and the nation’s legislatures will be remembered and valued always.”
“There’s no one-size-fits-all solution.”
Rich Williams on state efforts, such as requiring officers to wear body cameras, to improve accountability in policing, in the Chicago Tribune.

“I would say there’s some uncertainty there.”
Amanda Essex on the difficulty of regulating drones when new uses of them are developing all the time, in Morning Consult.

“A lot of it is going to depend on what happens in Tennessee.”
Dustin Weeden on states’ momentum to offer free community college after the results from Tennessee’s pioneering program come in, in The Washington Times.

“We are seeing a growing interest in nuclear legislation.”
Kristy Hartman on state efforts to expand nuclear energy, on isthmus.com.

“It is tricky to keep up with the costs of campaigning.”
Wendy Underhill on proposals to publicly fund campaigns despite the price tag, in The Baltimore Sun.

State Visits
NCSL President and Utah Senator Curt Bramble (on the right) traveled to Michigan to discuss pressing state issues and NCSL resources with Wolverine State lawmakers. He paused for a photo with Senate Assistant Majority Floor Leader Jim Stamas (left) and Governor Rick Snyder, who was on hand to discuss his funding proposal to address the Flint water crisis.

Lawmakers in Utah’s first-ever legislative women’s caucus, along with interns, pose in front of a painting of the state’s first Legislature, composed entirely of men. NCSL’s liaison to Utah, Stacy Householder, shared with the group the many professional development opportunities NCSL offers women.

Centennial State Reception
NCSL hosted a reception for its home-state legislature, the Colorado General Assembly. Enjoying the networking were (from upper left) Representative Tim Dore, aide Glory Wilkins, intern Alex Inscoe, Senator Jack Tate and Representative J. Paul Brown. Below is Senator Beth Martinez Humenik and Senator Larry Crowder with senior legislative attorney Jery Payne.

Webinars
Don’t miss the upcoming webinar “Exploring Justice System Responses to Older Teens and Young Adults,” on Thursday, April 14, at 2 p.m., EST. Go to ncsl.org to sign up and to find a schedule of upcoming webinars, as well as archived ones, such as:
• How States and Utilities Are Adapting to the Rapid Rise of Renewables
• The Age of Juvenile Court Jurisdiction
• The U.S. Refugee Resettlement Program
• Clean Power Plan Implementation
• A Preview of Education Week’s Quality Counts 2016
• Making the Costs of Tax Incentives More Predictable
• A Look at the Demographics of State Legislators
Closing the Door on Solitary Confinement

The use of solitary confinement of juveniles is being reassessed, as questions about its dangers grow. This form of punishment can include physical and social isolation in a cell for 22 to 24 hours a day, which can lead to depression, anxiety, psychosis and psychological and developmental harm, according to the American Academy of Child and Adolescent Psychiatry. Research also shows that more than half of all suicides in juvenile facilities occur while young people are held in isolation.

Proponents argue the use of isolation is an effective disciplinary measure that is necessary for the safety of staff and other juveniles, and for the security of the institution.

Nine state legislatures have passed new limits or prohibitions against the practice. Alaska, Connecticut, Maine, Nevada, New Jersey, New York, Oklahoma, West Virginia and Texas have passed laws, and measures have been introduced in California, Florida and Montana in the past two years.

The New Jersey law prohibits “room confinement” for more than two consecutive days for 15-year-olds, three days for those up to age 17 and five days for those older than 18. Other laws, such as Connecticut’s, prohibit any child from being held in solitary confinement at any time, but allow the use of “seclusion” periodically, as long as the young person is checked every 30 minutes.

At the federal level, a bipartisan group of senators introduced the Sentencing Reform and Corrections Act last October that, for the first time in decades, proposes significant changes to federal criminal and juvenile justice laws. If passed, it would limit the use of solitary confinement to situations in which a young person poses a serious and immediate threat of physical harm to himself or herself, or to others, and then only for periods of no more than three hours. The bill has passed out of the Senate Judiciary Committee. The

Juvenile Justice Information Exchange, last December, also called for an end to solitary confinement of young people, citing its damaging effects on kids.

Elsewhere, the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative (JDAI) revised its standards to prohibit the use of room confinement for discipline, punishment, administrative convenience, retaliation, staffing shortages or reasons other than as a temporary response to behavior that threatens immediate harm to a young person or others.

The Council of Juvenile Correctional Administrators has produced a toolkit on reducing isolation that includes an overview and definitions of the issues, a summary of the research and steps to take to limit its use. The council is also providing intensive technical assistance to help states reduce their use of isolation in youth facilities.

The issue continues to gain steam, making it likely that state legislatures will continue to study and address the impact of the practice as lawmakers seek to ensure the appropriateness of detention conditions for young people.

—Anne Teigen and Sarah Brown
REAL ID Gets Real

The U.S. Department of Homeland Security released an updated timeline earlier this year for the final phase of REAL ID. Beginning Jan. 22, 2018, passengers with a driver’s license issued by a state that is still not compliant with the REAL ID Act and has not been granted an extension will need to show an alternative form of acceptable identification for domestic air travel. Starting on Oct. 1, 2020, every traveler will need a REAL ID-compliant license or another acceptable form of identification to fly domestically.

Currently, the Department of Homeland Security recognizes 22 states and the District of Columbia as fully compliant. Most of the remaining states and territories have received an extension through Oct. 10, 2016. Several states are noncompliant. The department continues to grant one-year extensions, which may be renewed if a state demonstrates continued progress toward compliance.

Reality Check

Less than half the states and territories are in full compliance with REAL ID requirements.

Along the Road to Compliance

- Fully compliant
- Operating under an extension
- Not compliant

Note: In addition, Michigan, Minnesota, New York, Vermont and Washington issue enhanced driver’s licenses (EDL) to citizens as an acceptable document for entering the country from Canada, Mexico and Caribbean nations. EDLs are considered to be REAL ID compliant.

Source: NCSL, March 1, 2016.

Which States Best Typify U.S.?

In election years, some question the outsized influence of the early primary states. Is it fair that some campaigns never make it beyond Iowa or New Hampshire? How representative of the entire U.S. population are those states—or any state, for that matter? That’s the question addressed in the recent report “Electorate Representation Index: Which States Most Closely Resemble the U.S.?”

To determine which states most closely resemble the sociodemographic anatomy of the United States, analysts with the personal finance website Wallet Hub compared statistics from each of the states with the entire U.S. in five categories—sociodemographics, economy, education, religion and public opinion. Here are a few of the results.

States That Most Resemble the U.S. Average

- Overall: Illinois, Florida, Michigan, Arizona, Pennsylvania
- By education: North Carolina, Georgia, Illinois, Rhode Island, Florida
- By public opinion: Michigan, Florida, Pennsylvania, Illinois, Iowa

States That Least Resemble the U.S. Average

- Overall: Maine, Tennessee, Arkansas, New Hampshire, Utah
- By education: Colorado, Wyoming, Massachusetts, Utah, West Virginia
- By public opinion: Wyoming, Massachusetts, Mississippi, Vermont, Alabama

e Go to ncsl.org/magazine to read the full report.
Frustrated by Congress’ unwillingness to act on remote sales tax collection, a group of lawmakers, with support from the National Conference of State Legislatures, is encouraging states to take action in their own legislative chambers to solve the problem.

At issue is the unfair tax advantage out-of-state retailers have over brick-and-mortar shops. The Supreme Court ruled in a 1992 case that a state cannot require out-of-state retailers to collect sales taxes from consumers unless the company has either property or employees in the state. The court reasoned that it was too complicated for sellers to comply with the various sales tax systems of every state where they made sales.

States responded with the Streamlined Sales Tax Project to simplify and modernize sales and use tax administration among the states. To date, 24 states have signed on to the project’s Streamlined Sales and Use Tax Agreement, which has collected more than $1 billion from voluntary sellers since going into effect in 2005.

Still, the revenue lost is substantial. In 2008, states went without an estimated $18 billion in uncollected taxes from out-of-state sales, $7.7 billion of which were from online sales, according to NCSL research. That figure climbed to about $23 billion in 2012, with almost half of that coming from Internet transactions.

The Marketplace Fairness Act of 2013 would have closed the tax loophole by providing states that complied with certain simplification requirements the authority to collect the taxes they are owed. The U.S. Senate passed the measure by a substantial bipartisan margin. But because of opposition in the U.S. House, it has languished for more than 21 months in the House Judiciary Committee without receiving a hearing. The committee also has failed to consider a more substantive legislative proposal introduced by U.S. Representative Jason Chaffetz (R) of Utah, the Remote Transactions Parity Act.

Now, a group of state legislators believes it’s time to act. NCSL President and Utah Senator Curt Bramble (R) is leading a national drive to encourage lawmakers to pass legislation requiring companies to collect taxes on Internet sales and remit them to the states. He estimates Utah is losing between $80 million and $350 million in tax revenue annually. The legislators worked with NCSL’s Task Force on State and Local Taxation to produce a package of legislative proposals. Broadly, the group’s goals include:

• Enacting legislation with the intent of reversing the Supreme Court’s 1992 Quill decision.
• Expanding the types of businesses states can require to collect and remit taxes.
• Expanding collection requirements to marketplace providers.
• Expanding state reporting and registration requirements.

Taken together, these suggested measures are intended to solve a decades-old problem. Whether Congress acts or the Supreme Court rules, states will continue to work toward a solution.

—Kevin Frazzini
A deadly opioid epidemic sweeping the country has lawmakers working hard to find solutions.

BY JANE HOBACK

State legislators are battling a lethal epidemic that is killing more people a year than motor vehicle crashes. More than 47,000 Americans died of a drug overdose in 2014—18,900 from prescription painkillers and 10,600 from heroin, according to the American Society of Addiction Medicine. Heroin overdoses alone have quadrupled since 2000.

“Everybody knows someone who’s been affected—a family member, a friend, an acquaintance,” says New Hampshire Senator Jeb Bradley (R), who chaired a task force on the epidemic last year.

There is also the expense. The total annual costs to society associated with prescription opioid abuse was estimated at $55 billion in a study published in Pain Medicine in 2011. The estimate includes health care and criminal justice costs and the loss of productivity in workplaces.

The responses from statehouses as well as from the federal government reflect a growing concern about how to stem the tide.

President Barack Obama called for an increase in funding earlier this year to expand treatment and prevention programs, crack down on illegal sales and improve access to the opioid antagonist naloxone. And at press time, U.S. senators were debating the level of funding for the Comprehensive Addiction and Recovery Act.

State legislators from both sides of the aisle are working to enact comprehensive packages of legislation to address this widespread problem, which transcends politics and blurs the boundaries separating the public policy areas of criminal justice, international drug trafficking, social services and health care.

“This isn’t about normal procedure, or partisan politics. It’s a life-or-death, literally, a life-or-death situation,” says Alaska Senator Johnny Ellis (D).

A Two-Pronged Problem

Looking at data from 2014, the Centers for Disease Control and Prevention recently reported that the “opioid overdose epidemic includes two distinct but interrelated trends: a

What Are Opioids?

Opioids are a class of drugs that act on the nervous system to relieve pain. Long-term use can lead to physical dependence and withdrawal symptoms when stopped. Opioids are classified as narcotics and include illegal heroin as well as legal prescription pain relievers such as morphine, codeine, methadone, oxycodone, hydrocodone, fentanyl and hydromorphone. You might know them better by their trade names: OxyContin, Percodan, Percocet, Vicodin, Lortab, Norco, Fentora, Dilaudid and others.
15-year increase in overdose deaths involving prescription opioid pain relievers and a recent surge in illicit opioid overdose deaths, driven largely by heroin.”

Overdoses of both kinds of opioids—pain pills and all forms of heroin—have surged, but several studies have found the increase in heroin use began before tighter restrictions were placed on prescription opioids.

Abuse of opioid pain relievers is the strongest risk factor for heroin abuse. According to the CDC, 75 percent of new heroin users were first addicted to pain pills. But it is unclear whether a crackdown on the availability of prescription pain relievers has led to the rise in heroin use.

It appears more likely that an increase in the availability of heroin in the U.S., along with lower prices and greater purity, have all contributed to the rising rates of abuse and death, according to the CDC.

“It’s become the drug of choice. People are using it instead of marijuana or crystal meth,” says Illinois Representative Lou Lang (D). “The cost of heroin is so low that you can get high for $5. You can’t get high on marijuana for $5.”

**Attack on Many Fronts**

Increasingly, states are treating the problem as a public health issue that requires a multi-pronged response.

There’s a balance to maintain. “We need to curb abuse,” says New Mexico Senator Craig Brandt (R). “At the same time, we need to make sure we don’t make it more difficult for those who need pain medication to receive it,” says the disabled veteran who lives with chronic pain.

Bradley, from New Hampshire, says there are several areas to consider. “We can make the situation better, but it’s a combination of beefed-up law enforcement to arrest drug dealers, better education, and prevention and treatment programs—and some personal responsibility, too.”

In the United States, health care providers wrote 259 million prescriptions for painkillers in 2012, enough for every American adult to have a bottle of pills.

To reduce overprescribing of opioids, nearly every state has strengthened its prescription drug monitoring program. Improvements have included making programs mandatory, ensuring

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**OPIOIDS**

**By the Numbers**

**7.9 and 9**
Rate of opioid deaths per 100,000, in 2013 and 2014

**63%**
Increase in heroin use from 2002 to 2013

**26%**
Increase in heroin overdoses from 2013 to 2014

**9%**
Increase in drug overdose deaths from opioids from 2013 to 2014

**100%**
Increase in drug overdose deaths involving synthetic opioids, between 2013 and 2014, including prescription fentanyl and illegally manufactured acetyl fentanyl

**45%**
Proportion of heroin users who also abuse prescription opioid painkillers

**400%**
**265%**
Increase among women (top number) who overdosed on prescription pain relievers compared with men, between 1999 and 2010

**It Matters Where You Live**

The number of opioid pain pill prescriptions written per 100 residents varies by state. Per-capita costs from prescription opioid abuse vary as well. The 10 states with the highest per-capita cost are called out in yellow.

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Sources: CDC Vitalsigns, July 2014; IMS, National Prescription Audit (NPA tm), 2012.
“We need to curb abuse. At the same time, we need to make sure we don’t make it more difficult for those who need pain medication to receive it.”

NEW MEXICO SENATOR CRAIG BRANDT

that information in the prescription database is current and requiring prescriber education on using a drug monitoring program. Current information and informed use of these programs can reduce “doctor shopping,” a tactic used by some patients to obtain several prescriptions from more than one physician without triggering concerns about misuse.

States along with the Affordable Care Act have expanded substance abuse treatment and required insurance to cover it. A handful of states have passed syringe exchange programs, and others have initiated drug take-back programs for unused medication. A lot of attention has gone toward increasing access to naloxone: 45 states passed legislation in the past five years that varies from authorizing law enforcement and other emergency personnel to carry naloxone, to allowing sales of the drug without a prescription.

“The goal of everybody is to make sure we have something safe and effective and available throughout the state,” said Alaska Representative Paul Seaton (R) during debate over pending legislation to make naloxone easier to obtain.

To encourage people to call 911 or otherwise seek medical attention, for themselves and others, 34 states and the District of Columbia have enacted Good Samaritan laws. These provisions provide immunity from prosecution for certain offenses, assuaging fears a person may have about calling authorities.

The scope of immunity varies by state. Some laws are restricted to a few offenses while others provide immunity from all controlled substance violations, including violations of pretrial release and probation conditions.

“We couldn’t fix the problem by arresting everyone,” says former Representative John Tilley (D) from Kentucky, who helped enact legislation before becoming the state’s justice and public safety secretary. “SB 192 is a comprehensive piece of legislation that eliminates barriers to treatment and will save lives.”

A New Approach: Treatment

Treatment for opioid addiction encompasses a wide variety of approaches, but increasingly states are authorizing medication-assisted treatment that combines behavioral therapy with medication that can relieve withdrawal symptoms and psychological cravings associated with addiction. Studies have shown medication-assisted treatment can reduce recidivism rates.

In 2015, lawmakers in Indiana and New York authorized courts to order medication-assisted treatment as a condition of diversion. Indiana and five other states also passed legislation increasing access to medication-assisted treatment for people who are incarcerated or have recently been released.

States have also been expanding access to existing treatment by increasing funding. West Virginia Governor Earl Ray Tomblin (D) established an advisory council on substance abuse in 2011, and since 2013 the Legislature has allocated $39 million to drug treatment programs, doubling available resources.

Additional state attention has been focused on expanding diversion, programs that provide an alternative to traditional criminal justice proceedings. Twenty-six state legislatures have passed laws to create pretrial diversion options, including drug courts that help those with substance abuse

Up and Up

The rates of drug-poisoning deaths in the U.S. from opioid analgesics and heroin between 1999 and 2014.

Note: Each year a small number of deaths involve both opioid analgesics and heroin. Those are included in both rates. And the specific drugs involved in approximately one-fifth of drug-poisoning deaths are unknown but may involve opioid analgesics or heroin.

issues get treatment in lieu of incarceration.

Other states have established diversion programs and drug courts without legislation. The legislature in New Hampshire is expected to expand state diversion options this session by increasing funding for drug courts.

In addition to diversion, states have lowered penalties for possession of small amounts of drugs while maintaining or increasing penalties for larger quantities and drug trafficking offenses.

Referring to Kentucky’s new law, Tilley says, “You can’t find any evidence to suggest that sentence lengths deter drug abuse, especially when you are facing a heroin epidemic, but traffickers deserve an appropriate sentence and they will feel the brunt of this law in Kentucky.”

Working Together

“Illinois is ground zero for the heroin crisis in America,” which is hitting “every community in Illinois,” says Lang. “ Constituents are dying.” Lawmakers worked on comprehensive legislation last year to attack the problem and overrode a partial veto by the governor to enact the Heroin Crisis Act.

Lang says the bill, with Representative John Anthony (R) as co-sponsor, had bipartisan support from the beginning. “We wanted to make sure we didn’t let politics get in the way. I’m a Democrat from a suburb of Chicago. Anthony’s from central Illinois and an ex-cop,” Lang says. “I feel satisfied that we passed a good piece of legislation. I hope it has the intended impact.” It resulted from the work of a task force, which developed recommendations after holding hearings across the state on the epidemic and how best to attack it.

New Hampshire has also been hit especially hard by the overdose epidemic. “With almost 800 people having died from heroin and opioid overdoses in the last two years, in a state of 1.3 million people, that’s just a staggering number of folks who are friends and neighbors who have succumbed to this terrible affliction,” says Bradley. “The son of a couple I know passed away from a heroin overdose. He and my son knew each other in school. Nobody is insulated.”

This year the New Hampshire General Court passed Bradley’s bill, a comprehensive measure that modified criminal penalties, strengthened the state’s prescription drug monitoring program, enhanced prevention measures and education, and increased access to treatment.

“It’s been a pretty good, seamless bipartisan process,” Bradley says. “Everybody realized the eyes of New Hampshire were on us and we had to do our work and get this legislation out.”

CDC Grants to States

Recognizing that the overdose epidemic requires a multifaceted approach, and that “states are key partners in our efforts on the front lines to prevent overdose deaths,” U.S. Secretary of Health and Human Services Sylvia M. Burwell announced in September that 16 states will receive extra funding to aid in their fight against prescription drug overdoses.

The Centers for Disease Control and Prevention launched its $20 million grant program with four-year awards of up to $4 million each to Arizona, California, Illinois, Kentucky, Nebraska, New Mexico,
North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Vermont and Wisconsin.

The funding is intended to help those states expand their prescription drug monitoring programs; educate providers, health insurers and patients about the risk of prescription drug overdose; and respond rapidly to emerging drug overdose issues. The funding also can be used for investigating and responding to the connection between prescription opioid use and heroin abuse.

Kentucky plans to use its $4 million on a partnership involving the state’s Injury Prevention and Research Center, the Department of Public Health and the University of Kentucky’s College of Public Health. The project will combine academic investigation with practical public health initiatives. Illinois, which received $3.6 million, will track heroin morbidity and mortality rates and analyze prescribing and overdose trends in “high-burden” communities.

California received $3.7 million to address problems that have hit particularly hard in several rural northern communities as well as the large urban areas across the state.

Julie Nagasako of the California Department of Public Health says officials in government, local communities, the health system, law enforcement and education are working together to address the issue. Officials will identify communities that could benefit from greater attention, and ask, “How can we share and use the data at both the provider and community level to target intervention and prevent overdose and misuse?”

The state also will roll out pilot programs to help doctors who prescribe opioids to approach pain management in a more comprehensive way. Nagasako says the purpose is to pinpoint promising policy solutions for the state legislature to consider.

From California to Maine, no state is immune from opioid abuse, and each has enacted legislation addressing some aspect of the problem. But an issue this complicated requires an attack on many fronts. “No legislation will solve the problem totally,” says New Hampshire’s Bradley. “There’s a whole range of things that are going to get us out of this.”

Source: CDC, 2011.
Alaska lost “a great parliamentarian and a master wordsmith” when Representative Max Gruenberg (D) died in February, said Representative Chris Tuck (D). As one of the longest serving members of the Legislature, Gruenberg had earned bipartisan respect for his skill in crafting legislation. “He was a walking encyclopedia,” said Speaker of the House Mike Chenault (R). “He’d make bills better. His fingerprints are probably on more Alaska law than any other legislator or governor.” Gruenberg had served in the Alaska House since 1985, with a break between 1993 and 2003, with two terms as House majority leader. He was 72.

Arizona Senate President Andy Biggs (R) is running for the congressional seat currently held by U.S. Representative Matt Salmon (R), who is not seeking re-election. Biggs, who was elected to the Senate in 2010 following eight years in the House, became leader in 2012. Salmon, who said he is retiring at the end of the year to spend more time with his family, has already endorsed his successor: He’s chairman of Biggs’ campaign.

The Democrats’ numbers in the Alaska Senate got even smaller when Senator Donny Olson (D) recently announced he will caucus with Republicans, decreasing to four the number of Democrats in the 20-member Senate. Olson, a doctor and pilot who has served in the Senate since 2001, had previously caucused with the GOP, but switched to the minority in 2015. Olson said his constituents were concerned about potential budget cuts to his district. His move puts the Democrats in peril of losing committee seats. Under the Legislature’s rules, minority members can participate in committees only if their numbers comprise 25 percent of the total body. Olson’s move puts the minority at 20 percent.

“Quit worrying about trying to legislate nostalgia.”
Nebraska Senator Ken Schilz (NP), to those who opposed his bill to remove the ban on meatpackers owning hogs, in the Omaha World Herald.

“Ultimately, it’s about being a responsible adult.”
Hawaii Senator Will Espero (D) on packaging medical marijuana edibles safely, in The Associated Press.

Hawaii Senator Gil Kahele (D) died in January at the age of 73. Senate President Ron Kouchi (D) described him as “a quiet, humble man … who carried himself with class and dignity” and always had a joke or a kind word to say. Many considered him the ‘tutu’ (Hawaiian for ‘grandparent’) of the Senate, said Senate Majority Leader Kalani English (D). “When things would get heated, he would always have a cooling effect. It was like your grandparents coming in and saying, ‘Settle down, everyone.’” Kahele had served in the Senate since 2011 and was chair of the Senate Tourism and International Affairs Committee and vice chair of Higher Education and the Arts. In February, Governor David Ige (D) appointed Kaialii Kahele, his son, to fill the seat until a special election is held in November.
"I don’t think anybody is going to be influenced by a fine meal."
Virginia Senator Richard H. Black (R) on exempting “food and beverages” from the definition of gifts in a bill to tweak last year’s ethics reforms, in the Richmond Times Dispatch.

"The Louisiana Senate believes it is imperative that we engage our young people in the process of representative democracy."
Louisiana Senator Barrow Peacock (R), who visited every school in his district and whose chamber is part of NCSL’s America’s Legislators Back to School program, in the Bossier Press-Tribune.

"When we pay someone, we expect a higher degree of reliability, productivity and professionalism."
New Mexico Representative Dr. Terry McMillan (R) on his proposal to pay legislators a base salary, in the Santa Fe New Mexican.

"I think the words ‘ban’ and ‘moratorium’ are the two most anti-business words in the English language."
Vermont Representative Anthony Klein (D) on a proposal to ban industrial wind projects, in the Burlington Free Press.

Ohio Senate Republicans elected two members to their leadership team as the session began. Senator Larry Obhof is the second in command after his unanimous election to serve as president pro tem, replacing Senator Chris Widener, who resigned his seat. Obhof was majority whip and is considered the front-runner in the contest to succeed Senate President Keith Faber, who is term-limited, in 2017. Senator Gayle Manning is the new whip.

After refusing to apologize to House Majority Leader Brian Gosch (R) for calling him “pond scum,” and being barred from a caucus meeting because of it, South Dakota Representative Lee Schoenbeck (R) resigned his seat just days before the session ended. Schoenbeck argued with Gosch over the governor’s proposal to increase teachers’ pay through a boost in the sales tax. The bill had failed by one vote and Schoenbeck wanted it reconsidered. The bill passed later. Schoenbeck and Gosch both ran for the majority leader post in the fall.

"The Louisiana Senate believes it is imperative that we engage our young people in the process of representative democracy."
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"When we pay someone, we expect a higher degree of reliability, productivity and professionalism."
New Mexico Representative Dr. Terry McMillan (R) on his proposal to pay legislators a base salary, in the Santa Fe New Mexican.
1 **Straight Outta Michigan**
Michigan is the latest state to eliminate straight-party voting—the popular, convenient option of supporting an entire ticket of one party’s candidates with a single mark. “It’s time to put people over politics,” Governor Rick Snyder (R) said in a statement after signing the bill. The new law requires voters to mark their choices for each office individually. Responding to concerns from clerks that removing the straight-vote option will cause longer lines at the polls, lawmakers included $5 million for additional voting booths and tabulators. Lawmakers also made the law immune from a referendum. Voters have twice preserved straight-ticket voting in referendums, most recently in 2001. Forty other states have ended straight-ticket voting.

2 **A Tale of Two Users**
Not all cannabis users are alike, according to a new survey by the RAND Corporation. Whereas past studies have focused on special groups—cancer patients, for example—the RAND researchers looked at use among the general population in four states that have legalized medical marijuana: Colorado, New Mexico, Oregon and Washington. Among the findings: About 86 percent of people who report having used cannabis for medical purposes also use it recreationally. Medical users consume more of the drug (in grams) and spend more money on it per month than recreational users. Medical users are also more likely to vaporize the drug or consume it in edibles, such as cookies or brownies. They are less likely than recreational users, however, to consume cannabis and alcohol simultaneously, which some studies have shown increases the likelihood of driving drunk. Twenty-three states, the District of Columbia and Guam allow marijuana to be used for medical purposes.

3 **Campus Speech**
Two measures pending in the Washington Legislature address lawmakers’ concerns that free speech is being stifled on some college campuses. The Academic Bill of Rights, as Representative Matt Manweller (R) named his bill, aims to create a “marketplace of ideas” and help students “learn tolerance.” The bill would, for example, ensure that school administrators don’t unreasonably restrict students’ use of outdoor areas of a campus for “expressive activity,” such as peaceful assembly, and don’t take punitive action, such as denying tenure, against faculty members for not using trigger warnings—that is, forewarning that assigned material might elicit an uncomfortable emotional response. Senator Joe Fain (R) introduced a separate bill that would prevent administrators from controlling content in school newspapers.

4 **Sooner Suds**
A group called Oklahomans for Modern Laws wants to make strong beer and wine available in the state’s grocery and convenience stores. Members are gathering signatures to place a state question on November’s ballot. If voters approve, the change would be a boon to the Sooner economy, the group says. A trade association for independent beer wholesalers hasn’t formally backed the proposal but supports the expanded sale of strong beer; the state’s retail liquor association, however, says the measure would hurt package stores. In the Legislature, a group is working on a separate, yet-to-be-finalized constitutional amendment that would modernize the state’s alcohol laws yet “have a broad base of support from across the industry,” Senator Clark Jolley (R) says. Regardless, a quick change is unlikely: It was 1959 before Oklahomans ended Prohibition in their state—though they weren’t the last to do so. Mississippians held on until 1966.

5 **States Stay Tough on Iran**
The landmark agreement reached last year to curtail Iran’s nuclear ambitions led the United States and other world powers to lift oil and financial sanctions imposed during the George W. Bush administration. But in 20-plus U.S. states, Iran still faces restrictions because of opposition to the deal and Iran’s continued presence on the U.S. State Department’s list of countries that sponsor terrorism. State laws prevent public pension funds from investing in companies that do business with some sectors of the Iranian economy, and more than 10 states also prohibit some or all government agencies from contracting with companies that trade with Iran. No state that currently imposes restrictions is moving to repeal them, and in Tennessee and Virginia, which do not have sanctions, lawmakers recently considered divestment measures. The Tennessee bills are pending; the Virginia bill failed.
6

Milk in the Raw
A raw deal is a good deal for some folks. Maryland lawmakers, led by Delegate Dan Morhaim (D) and House Minority Leader Nic Kipke (R), are considering a bipartisan measure that would let dairy farmers sell raw milk, but only to consumers who are partial owners of the cows. Maryland and 18 other states currently prohibit the sale of raw milk to consumers—that is, milk that hasn’t been pasteurized to eliminate Salmonella, E. coli, Listeria and other dangerous bacteria. In 31 states, consumers can buy unprocessed milk at a farmers market or store, or through a cow share program. Supporters say raw milk is more naturally nutritious and can help those with digestive issues; however, the U.S. Food and Drug Administration and Centers for Disease Control and Prevention report no nutritional difference after pasteurization. Some farmers worry that an outbreak of foodborne illness could hurt their industry.

7

Culling the Harvest
Concerned that efforts to collect early ballots and turn them in to elections officials—sometimes known as “ballot harvesting”—are susceptible to fraud, Arizona Representative Michelle Ugenti-Rita (R) proposed a bill that would make it a felony for anyone but a family member, roommate, caregiver, postal worker or candidate to collect early ballots from another person. “It protects the integrity of our electoral process,” she said. Critics say the measure would limit voter participation, exclude poor and Latino voters and turn volunteers collecting early ballots into felons. The measure resurrects part of a 2013 election law that was overturned by voters. At least 14 states restrict who can return a ballot and how many ballots they can collect.

8

‘Ban the Box’
Among the many challenges people face when trying to re-enter the workforce after serving time in prison is “the box”—the one on employment applications next to the question about having a criminal history. If they’re honest and check the box, they fear employers won’t give them an interview. A measure in Colorado would extend the ban on asking about criminal history on state government job applications to the private sector. Background checks would be delayed until after an applicant has been offered an interview, though employers required by law to do checks would be exempt. Seven states have similar “ban the box” laws.

9

Phantom Memorabilia
The actor Mark Hamill has seen it all too often: movie fans with posters or other memorabilia they bought believing the items were signed by him. Hamill, who portrayed Luke Skywalker in four “Star Wars” films, including last year’s “The Force Awakens,” says the signatures often are fake. “The public is being swindled on a daily basis and the numbers are huge,” he told the Los Angeles Times. Now, like a Jedi fighting for justice, Hamill is teaming up with California Assemblywoman Ling Ling Chang (R) to extend a law that currently applies only to sports memorabilia to all autographed collectibles. The bill would require dealers to provide certificates of authenticity for signed memorabilia sold in the state, and allow conned consumers to recoup up to 10 times the cost of a forged item in court. For wary fans, this could be “A New Hope.”

10

UnCandid Cameras
By overriding the veto of Governor Pat McCrory (R), North Carolina lawmakers made their state the eighth to enact a so-called “ag-gag” law, which bans undercover recordings on farms and in slaughterhouses—a technique long used by whistle-blowers to reveal illicit activity. The Tar Heel law goes further than others, though, because it covers all of the state’s workplaces, including nursing homes, day care centers and veterans’ facilities. Violators can be sued by businesses for “bad publicity” and may face a fine of $5,000 for every day spent secretly recording. The law exempts people who report abuses to their bosses or a state agency. Supporters say the point is to discourage people from going straight to the media. But to critics, including McCrory, the law imperils an effective means of getting information to the public.
Mississippi and Arkansas are leading the country in a new effort to prevent unplanned pregnancies among young adults.

By Kate Blackman

Mississippi Senator Sally Doty (R) was surprised to learn that the majority of teen pregnancies occur in 18- and 19-year-olds. “That is just not what you think when you hear ‘teen pregnancy,’” she says. “The myth out there is that it’s all these young girls, but it’s not. It’s our older teens.”

She learned about the extent of the problem and some promising efforts by community colleges to tackle the issue while serving on the governor’s task force on teen pregnancy prevention. Higher education seemed the ideal place to focus efforts “so we could have the most effect.”

Doty drafted pioneering legislation that requires community colleges and universities to develop a plan to address unplanned pregnancy. Many states have educational programs aimed at adolescents in middle or high school, but post-secondary efforts have been limited to individual colleges. No state had ever tried a similar statewide approach to address the high rate of pregnancy among this age group.

The act delineated eight different areas the plan should address—such as incorporating information on preventing an unplanned pregnancy into orientation and “student success courses,” raising awareness through academic classes, collaborating with health care centers and identifying ways to support student parents—but it was not prescriptive in the details, leaving most decisions up to the colleges.

“We have a great system of community colleges in Mississippi … and they are the experts in the field of reaching 18- and 19-year-olds,” Doty says. “We didn’t want to tell them what would be best for their schools. We wanted them to come up with their own individualized plans.”

The bill passed in 2014. Doty says many of her legislative colleagues also were surprised by the statistics and in favor of taking a different approach. Doty also credits the bill’s passage to the governor’s support. “You don’t see too many Republican governors, or any governors at all, saying they want to address teen pregnancy,” she says.

Arkansas Joins In

The Arkansas General Assembly followed Mississippi’s lead by passing a nearly identical bill in 2015. Representative Deborah Ferguson (D), one of the bill’s sponsors, was surprised, like
Doty, that three-fourths of the teen pregnancies in her state involved 18- and 19-year-olds. “I probably watch too much reality TV—but I thought it was ‘16 and Pregnant,’” she says, referring to the MTV series. “That was a shocking statistic for me.”

Ferguson learned about Mississippi’s bill at a forum hosted by the National Campaign to Prevent Teen and Unplanned Pregnancy and decided to support a similar effort in her home state. Ferguson and Representative Robin Lundstrum (R) sponsored the legislation, which, like Mississippi’s, requires colleges to develop a plan to address unplanned pregnancy.

“No sense in reinventing the wheel,” Ferguson says.

In both states, the bills easily won bipartisan support and made these two Southern states—among those with the highest teen pregnancy rates in the nation—leaders in prevention efforts.

**Keeping Goals Alive**

In Mississippi and Arkansas—and across the nation—18- and 19-year-olds account for around 70 percent of teen pregnancies and births. About 180,000 babies were born to this age group nationally in 2014. These young people are typically finishing high school and, if not going straight into the job market, are entering community colleges or four-year universities. An unplanned pregnancy can not only disrupt the educational and career goals of the young parents, but also hinder their children’s prospects in the future.

“Being a college student is difficult enough as it is,” says Kell Smith, director of communications and legislative services for the Mississippi Community College Board, citing challenges such as tuition cost and time management. “When you throw an unplanned pregnancy into the equation, it makes it that much more difficult.”

The data illustrate this dynamic. Nationally, nearly 1 in 10 female community college students drop out because of unplanned motherhood. Among students who have children after enrolling in community college, 61 percent do not complete their degrees. It’s not that the students don’t recognize the potential difficulties—80 percent report that having a child while in school would make it more challenging to achieve

**Oh, Baby!**

The rates of births to 18- and 19-year-olds in 2014

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**TEEN PREGNANCY**

*By the Numbers*

<table>
<thead>
<tr>
<th>Statistic</th>
<th>Value</th>
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<tbody>
<tr>
<td>1 in 4</td>
<td>Teens who will get pregnant by age 20</td>
</tr>
<tr>
<td>1 in 5</td>
<td>Teen moms who will have a second child before age 20</td>
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<tr>
<td>72%</td>
<td>Proportion of teen births to 18- and 19-year-olds</td>
</tr>
<tr>
<td>$9.4 billion</td>
<td>Annual cost to taxpayers associated with teen childbearing</td>
</tr>
<tr>
<td>51%</td>
<td>Percent of all pregnancies that are unplanned</td>
</tr>
<tr>
<td>61%</td>
<td>Decrease in teen birth rate since 1991</td>
</tr>
<tr>
<td>89%</td>
<td>Proportion of teen births to unmarried women</td>
</tr>
<tr>
<td>64%</td>
<td>Percent of high school students who have had sex by the 12th grade</td>
</tr>
<tr>
<td>61%</td>
<td>Proportion of community college students who don’t complete a degree after having a child</td>
</tr>
</tbody>
</table>

Sources: The National Campaign to Prevent Teen and Unplanned Pregnancy, 2016; and the Centers for Disease Control and Prevention, 2015.
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?
Post-secondary education is becoming increasingly important to young people’s career and financial success. It also has implications for the competitiveness of a state’s workforce. “In today’s global economy, it is not good enough to have just a high school diploma,” Smith says.

In addition to curtailing students’ educational goals and limiting their future earnings potential, unplanned births also affect states’ bottom lines. Young mothers and their children are more likely than others to live in poverty or depend on public assistance programs. And children born to teen parents are less likely than their peers to earn a high school diploma—around 66 percent compared with 81 percent.

When factoring in the estimated costs to the health care, foster care and justice systems, along with the lower wages and reduced earnings associated with less education, teen childbearing cost U.S. taxpayers at least $9.4 billion in 2010, according to the National Campaign to Prevent Teen and Unplanned Pregnancy. In Arkansas and Mississippi, those costs were $129 million and $137 million, respectively.

**The Plan Moves Forward**

To create its plan, Mississippi’s working group met in summer 2014 with a broad group of stakeholders from across the state, listening to experts, sharing information and engaging in discussions. “We all know [teen pregnancy] is a problem ... but when we saw the impact it had on our state, that’s when we really started to take notice,” says Adam Breerwood, president-elect of Pearl River Community College and co-chair of the working group. “This is going to be a generational problem for years to come if we don’t start to curtail some of this.”

In November 2014, as directed by the legislation, the group submitted its report to the Legislature. It emphasized the “3 C’s: clinics, curriculum and counseling,” says Smith, of the state’s Community College Board, and it offered strategies and options for colleges to choose from in each of the eight areas identified in the act.

The attention to clinics relates to providing student health services on campus or in the community. Through a survey, the group found that only five community colleges had health clinics, Smith says. The group also incorporated unplanned pregnancy topics into its curricula, and provided for counseling to “educate students on decisions they make and how they can affect not just their own future, but also the future of their children and their family,” he says.

The report provides a framework—or road map—to guide each college or university when deciding what is most appropriate for its students. The working group asked for $50,000 for each community college and university to carry out its plan. Last year, the Mississippi Legislature appropriated a total of $250,000 for all 15 community colleges, which was distributed based on the size of the institution.

So far, the majority of the community colleges have incorporated unplanned pregnancy prevention efforts into class curricula to educate students, says Smith. They have also used funds to bring in speakers and experts, hire part-time nurses and create promotional or marketing materials to build awareness of the risks and consequences of unplanned pregnancy.

At Pearl River Community College, Breerwood says officials hit the ground running. They enlisted student groups to help raise awareness about unplanned pregnancy and how students’ daily decisions can affect their futures.

The college brought in nurses, hosted orientation sessions, conducted dorm meetings, held a concert and even put on a race as part of the activities this past fall. “It had to take a full college effort,” Breerwood says, including the students, because “that’s who the other students are going to listen to.”

Data on how successful the community colleges’ efforts were will be available this summer. So far, students appear to find the information valuable.

As part of Hinds Community College’s efforts, students participated in online lessons about unplanned pregnancy and college completion developed by the National Campaign to Prevent Teen and Unplanned Pregnancy. One student wrote in the evaluation: “I am a single parent of two kids. I understood every statement and wish I would have known about this … sooner. As of now, I am taking all precautions to prevent any other pregnancies until marriage.”

Doty, Breerwood and Smith say they’ve made progress in the state. “I think we have made a tremendous impact this fall,” Breerwood says. He hears it “in the conversations our students are having.”

**Looking Ahead**

Breerwood has big ideas for the future, from hiring a new employee dedicated to student retention and unplanned pregnancy to including other members of the community in the conversation, like high school students, to learn about the issues.

Although many of the efforts in Mississippi to date have been low- or no-cost, the future success of some of these ideas may depend on the Legislature. Community colleges are asking for $750,000 this year—an additional $500,000 to continue their work. An economic analysis of the budget request estimates that the efforts could save Mississippi $541,000 annually in state agency spending, which could then be used for other programs.

Arkansas’ working group submitted its plan in November 2015, and will begin implementing it in the fall, says Ferguson.

“It is neat that Mississippi is leading the way on this,” says Smith, with the Mississippi Community College Board. “You have two states in the South that recognize, first of all, the importance of higher education, and second, the issues that could prevent someone from earning an associate or a bachelor’s degree, and we’re working toward addressing those, which will only help the state in the long run.”
Jon Meacham  HISTORIAN, EDITOR, AUTHOR

“Great political leaders—Thomas Jefferson, FDR, Eisenhower, Reagan—were always in tune with the cultural currents of the time.”

P
residential historian Jon Meacham is a contributing editor to Time magazine and executive editor and executive vice president of Random House. He is the author of “Destiny and Power: The American Odyssey of George Herbert Walker Bush,” “Thomas Jefferson: The Art of Power” and “American Lion: Andrew Jackson in the White House,” for which he won the Pulitzer Prize in 2009. Meacham is a member of the Council on Foreign Relations and of the board of the Society of American Historians. He regularly appears on TV as a commentator on politics, history and religious faith in America. A native of Chattanooga, Tenn., he studied English literature at The University of the South in nearby Sewanee and holds several honorary doctorates.

What can state legislators learn from Thomas Jefferson?

Jefferson is often seen as a philosopher and architect, some sort of figure above politics in many ways, and in many senses he wanted to be seen that way. But for 40 years, from 1769 until he left the White House in 1809, he was a practicing politician. He sought office, he held office, he pretended he didn’t want office—all the themes that continue to unfold in our political life. But he understood that however philosophically attuned he was to the culture and currents of his time, if he were only philosophical, that put him in a different category. He would have less impact. It foreclosed the possibilities to put those ideas into wide action. His ability to amass power, hold on to it, exercise it in a real cut-and-thrust, everyday legislative arena was what made him truly great.

Could Jefferson be elected in today’s political landscape?

Well, he was elected then and it was different, but it was a difference I think of degree, not of kind. Remember, Jefferson and Adams ran in the first contested presidential election, in 1776. The negative ads at the time—and they didn’t come from a super PAC—gave voters a choice: You could have Adams and God or Jefferson and no God. So those of us who think that either FOX or MSNBC created this are wrong. This has gone on for a long time.

Jefferson’s temperament was such that he would have a very hard time with the hyper-criticism of the moment. He would read all the Twitter feeds about himself, and it would drive him crazy.

When you read Jefferson’s letters and think about him, he was probably too thin-skinned for his chosen profession. I suspect some of your members may have something in common with that. One of the reasons I admire politicians so much is their capacity to get in the arena, put up with people kicking them in the shins just for the hell of it.

In studying George H.W. Bush, what did you learn that surprised you?

He’s the last of a kind: the last president of the World War II generation, the first president of the post-Cold War era, and the last president to make a decided choice to go contrary to his own political interest when he broke his “no new taxes” pledge in 1990.

He’s a man who signed up on his 18th birthday to become a naval aviator, was shot down at 20 and lost two of his crew mates, went through Yale in two and a half years, built a business, started running for office in 1964, lost two Senate races, lost a presidential race, but just kept going, kept going. It’s a story of great public service, but also ferocious ambition. This is one of the most competitive men who ever drew breath, who hides it brilliantly, but it has always been an effort to hide it.

One of the fun things about writing biographies is reading old report cards. On Bush’s high school report cards, his teachers’ comments are wonderfully prescient: He gets so intense over everything, he worries too much, he tries to hide it and be cool, but you can tell he’s really worried. That’s a theme that runs throughout. He’s really a giant of 20th century history, and he deserves a moment on the stage by himself.

What can Bush’s story teach us about moving beyond gridlock—in D.C. and between D.C. and the states?

Three things happened, more or less on his watch, and they were a little bit beyond his control. One was the rise of reflexive partisanship, the idea that a House Republican Caucus would be more interested in a House majority than in the success of a Republican president. If you talk to Newt Gingrich, if you talk to Vin Weber, they’re pretty honest that their goal was to break the 40-year lock the Democrats had on the House. Because

Tim Storey, director of NCSL’s Leaders Services and Legislative Training, conducted this interview.
George Bush was not helping them do that, they made the decision they did. That was totally beyond George Bush’s life experience—that a Republican caucus would turn on a Republican president for its own partisan ends. So a rise of reflexive partisanship was one.

Another was the rise of cable news. Commentary became more constant. You had CNN’s Capital Gang. You had the beginning of the world we know now—incessant chatter with politics treated more like a sports event.

And the third thing that changed—and Bill Clinton is the apotheosis—is this idea of confessional politics, that he would feel your pain. George H.W. Bush is one of the most sensitive men I’ve ever known, but he would never show that in public. He just thought the presidency itself required a different level of dignity.

Do we overstate the current polarized political gridlock?

It’s worse than it’s been in a long time. We had more cooperation in the ’50s and early part of the ’60s than we do now. Is it as bad as it was in the 1850s? Maybe statistically you could argue that, but I think today is more like the ’30s. I think we have an ideology of opposition that has become reflexive. People are willing to wait longer, stall until there can be a shift. No former president or governor, I suspect, would say they always got what they wanted 100 percent of the time; you’re not supposed to.

What happened? I think it’s this idea of free agency. Interestingly, party gridlock has rarely been so strong, and yet party has rarely mattered so little in terms of your loyalty. You have a donor class that is arguably more important than the old traditional party structure, along with the proliferation of money, which has an insidious effect, if not an explicit one.

So what can change it?

If you look at things historically, it’s a great executive leader and cooperative legislative leaders who are willing to trust the executive on a couple of big things. If you don’t have those ingredients in the cocktail, then you’re not going to have a cocktail.

When you have a Ronald Reagan or a Lyndon Johnson in ’64-’65, you have someone who respects the legislative side, works it very hard and tends to get a couple of big things done—and a couple of big things is as good as it’s going to get.

What does it take to become a great leader?

I think patience. The greatest leaders have had a capacity for personal patience that is genuinely remarkable. Look at Ronald Reagan. He started his public life in the ’50s and was elected president in 1980. He ran three times, was able to hone his ideas and read all the time.

There are others. George H.W. Bush went from losing a Senate seat to being U.N. ambassador, chairman of the Republican National Committee, ambassador to China, director of the CIA, vice president. He was patient, but he fought for each of those jobs along the way.

I think great political leaders—Thomas Jefferson, FDR, Eisenhower, Reagan—were always in tune with the cultural currents of the time. They knew what everybody else was reading. They read what was on the best-seller list.

I don’t think a great leader can know too much history. Harry Truman once said, “The only new thing in the world is the history you don’t know.”

What do you think about how history is taught today?

I’m very old-fashioned about this, perhaps unsurprisingly. I think learning the dates and the facts is essential because you can’t make sense of what you don’t know. Understanding history gives you the capacity to judge how worried you really should be about current problem X or problem Y.

If you know about William Jennings Bryan and Henry Wallace and Ross Perot, that may help you put the popularity of Donald Trump in context. Is he Ross Perot? Is this a populist uprising, or is this like what Rich Hofstadter wrote in “The Paranoid Style in American Politics”? Is it nativist? You can’t answer the question if you don’t have the tools, so knowing what happened in the past at least gives you the capacity to assess how much to be concerned.

Anything else you’d say to state legislators?

Stay in the fight. It’s so important.

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.
modified ethics laws are extremely important to know, understand and follow. But what happens when you find yourself faced with circumstances that are not directly addressed in a code of ethics. What do you do then?

When faced with situations such as these, your personal values, or moral compass, must guide your decisions and actions. Family, friends, experiences (both good and bad), interactions and faith all play significant roles in the development of values. And while much can be learned from studying and thinking about these factors individually, taken together, they create something much more profound—an ethical culture.

Ethics are relative, however. They are grounded in values, and values are different for everyone. From family to family, neighborhood to neighborhood, and state to state, ethical cultures vary, based on the population, interests, sense of public trust and other factors. What is considered normal behavior by one group may be seen as abnormal by others.

This dynamic and robust mixture of values, cultures and norms is why we see so many differences in state ethics laws. Some ethics laws and frameworks that work effectively in one state may not work as well in another.

Yes, in ethics there’s plenty of black and white; some conduct is clearly improper and proscribed by law. But more often, the law is unclear or silent and the ethical path is clouded in gray with many confusing turns and twists from which to choose. When we find ourselves on that path, we must grab our personal moral compass and let our values guide us.

—Ethan Wilson

Ethan Wilson is a policy associate in the Center for Ethics and Government at NCSL.
It’s a balancing act when it comes to who should be allowed to use, manage and dispose of the vast amount of student data piling up in cyberspace.

BY SUNNY DEYE

Oklahoma Representative David Brumbaugh (R) was concerned when he learned that students’ personal information might be shared with private, out-of-state companies without the parents’ or guardians’ knowledge or consent.

“I had been hearing more and more from parents about the data schools gather on our children, what is passed on to the state and federal governments, and how that data could be used—and by whom,” Brumbaugh says.

What he heard prompted him to introduce legislation in 2013. “It was the critical first step in developing a set of comprehensive and strict privacy controls on student data collected by Oklahoma’s public school system,” he says.

The Student DATA Act prohibits releasing student information without state approval to ensure that the Education Department releases only aggregated data and nothing that can be linked to a student. Little did he know then that his bill would be the first of what has become a wave of measures addressing how states, districts, schools and online service providers use, manage and dispose of student data.

Twenty-one states followed Oklahoma’s lead and passed 26 bills in 2014, reflecting the increasing complexity of protecting the privacy of student data. Last year, 15 states passed 28 bills addressing a range of related policy issues, gathering the best ideas from other states into comprehensive legislation.

There are many good reasons to collect and use data. Parents can use the information to support their kids’ academic growth at home. Teachers use data to design effective instruction and individualized lessons. Policymakers use data to allocate resources fairly and craft important laws.

There are also, however, plenty of reasons to ensure that student data are stored safely.

The digital revolution is changing the nature and quantity of student data. Gone are the days when student files were stored in a locked cabinet in the school office and shredded or recycled on a reg-
“Just like we keep kids physically safe in schools, we need to do the same with their information online.”

SENATOR JOHN ALBERS, GEORGIA

ular schedule. Today, student information is stored on school and district computers, in state education department databases and across the Internet with a variety of online service providers. Managers face a dynamic, ever-growing mountain of data stored on multiple platforms, with many users and owners, that is much more difficult to protect.

Digital Data—A Whole Different Thing

The digital revolution is also changing learning environments. Schools, libraries, museums and community centers are upgrading technology so young people can access digital tools throughout the day, creating new opportunities to learn at any time, any place and any pace.

Georgia, for example, is moving away from traditional textbooks and striving to be “all digital by 2020,” says Georgia Senator John Albers (R). Digital textbooks don’t go out of date, he says, and will be less expensive in the long run than printed textbooks, which “you can’t search and you can’t zoom in and zoom out of. You can’t use textbooks to do a virtual science experiment or an interactive video, which can give you immediate remediation.”

What Albers likes most about digital textbooks, he says, is that they’re the “great equalizer” for all students, no matter whether they’re urban or rural, rich or poor. “Technology—with unlimited access for all students—bridges the gap and allows students to do more.”

But along with all those digital tools come concerns about privacy and transparency. As a result, many state lawmakers have followed Oklahoma’s lead in modifying their own data standards to ensure students know what is being collected about them and what is being done to protect their privacy.

“Just like we keep kids physically safe
in schools,” says Albers, “we need to do the same with their information online.”

Online assessment vendors defend their practices as secure. They usually collect only anonymous demographic information—race, gender, economic status, languages spoken, etc., and nothing that is personally identifiable, like Social Security numbers, home or online addresses, social media accounts, criminal history or any other “nonacademic information,” including gun ownership or sexual behavior. “We want to be very clear and transparent about the types of data we do not collect,” an official from the company that conducts Colorado’s education assessments told attendees at a public hearing in February, as reported in the Colorado Springs Gazette.

“There’s no stealth technology or monitoring, no cameras on devices during testing and no keyboard monitoring.”

**State Policy Approaches**

As these issues become increasingly complex, state legislatures are structuring legislation so that the people who need it can obtain complete and relevant information in a timely manner, without violating students’ privacy. Policies vary but, generally, require schools to maintain some level of transparency for students and their parents by clearly communicating to families what kind of information they collect, why they collect it, how they use it, with whom they share it and how they protect it. Legislation also usually clarifies that students, parents, schools and policymakers can use students’ personal data to support their learning and assist their teachers.

Georgia took a direct approach, giving parents the rights to the records the school or local board of education maintains on their children. They can request electronic copies at any time. “Parents have a right to review any data they have,” says Georgia Senator John Albers (R). “It’s part of good transparency.”

**Who Owns the Data?**

Parents and students. In Utah, families even receive virtual backpacks to keep track of it all. Utah introduced the country to the “student achievement backpack” concept when the Legislature passed a 2013 bill that gives access to a student’s secure and confidential electronic records to the parent or guardian. An authorized user may only access data that is relevant to the user’s school or district. The backpack concept keeps the digital record with the student through his or her educational development, while giving parents or students some control over who can access the information.

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**What Is Student Data?**

Teachers, school administrators, online educational service providers and government agencies collect data on students in many formats, though the type of data, and who can access it, varies. The data include:

- Academic information—growth, courses taken, enrollment locations, grades, graduation status
- Assessments—results from quizzes, tests, and interim and annual evaluations
- Actions and activities—attendance, behavioral citations, extracurricular activities, program participation
- Demographics—age, race, gender, economic status, special education needs
- Teacher observations and interactions
- Homework from students
- Educational applications that track students’ work online

**New Problem, New Solutions**

Thirty-three states have passed legislation in the last three years to protect the privacy of students’ personal data.

- **2013**
- **2014**
- **2015**
- **2014 and 2015**

Source: NCSL, 2016.
Albers says the bill had two purposes: to address student data privacy and digital classrooms. He says the key points of the law include:

- Officials at the state Department of Education must create an inventory of what data they’re collecting and why. Supporters of the law want to avoid collecting certain information (for example, religious preference or political affiliation) just because it’s always been done that way.

- Any state agency or city or school system that houses student data must have a good security plan in place—the same type of plan that exists for financial and health care information.

- Service providers are prohibited from using data for any purpose—such as profiling or target advertising—other than educating the student.

Virginia’s new law requires the state Department of Education to develop and annually update a model security plan for the protection of student data held by school districts or divisions that includes guidelines on who has access to student data, how frequently privacy and security audits should be conducted and what procedures to follow in the event of a breach, among other concerns.

Maryland’s Student Data Privacy Act of 2015 requires operators of Internet sites, services and applications to protect certain student information from unauthorized use, to maintain security procedures and to delete certain student data. Sponsor Delegate Anne Kaiser (D) says the law aims to ensure that safeguards are in place when contracts are signed.

Nobody can disagree with the premise of protecting student data, she says. “This bill helps ensure that there won’t be targeted advertising due to a student’s activity online.”

The Issue Lives On

Protecting student data isn’t a one-time event. Even in states where legislation has been enacted and security measures are now in place, there are ongoing efforts to help districts and schools comply with new laws. In Oklahoma, where lawmakers inspired nationwide activity on student data privacy in 2013, work is underway to add protections.

Oklahoma Representative Jason Nelson (R), who co-sponsored Brumbaugh’s 2013 bill, conducted an interim study in 2015 to continue the conversation about keeping student data safe. Brumbaugh supports the effort. “It’s one thing to be the first ones out there, but another to be sure we are advancing the core concepts and building upon successes,” he says.

“Instead of using the data for policy and policy promotion, we need to spend more time helping local districts disseminate and use data to benefit learning while providing security for students and families.”

The Data Quality Campaign and the Consortium for School Networking developed 10 Student Data Principles to guide the use and protection of students’ personal information. Read all 10 at ncsl.org/magazine.
Avoiding a Retirement Bust

National Retirement Planning Week is April 11-15, during which the National Retirement Planning Coalition will be offering several opportunities for Americans to focus on their future financial goals and how to achieve them. It comes at a good time. Americans are living longer but their retirement savings aren’t keeping up. Many retirement accounts are running dangerously low. Fewer workers have traditional pensions. And Americans worry about the future of Social Security. Now more than ever before, saving for retirement is vital.

In a recent Federal Reserve survey, 31 percent of people who had yet to retire reported they had no retirement savings or pension, and of those with household incomes less than $40,000 a year, 55 percent said they plan to keep working as long as possible or not ever retire.

Having a retirement plan through work is key to whether people save for retirement. Today, only about half of private sector U.S. workers are active in one, according to The Pew Charitable Trusts, but the availability of plans and participation in them varies considerably by state.

Since 2012, lawmakers in more than half the states have considered different kinds of initiatives to encourage their constituents to save for retirement. Proposals range from setting up state-sponsored individual retirement account programs to creating voluntary retirement plan marketplaces for small businesses to connect with private sector providers.

—Anna Petrini

The proportion on workers who have access to a retirement plan at work varies among states.

<table>
<thead>
<tr>
<th>Region</th>
<th>Access</th>
<th>Participation</th>
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<tbody>
<tr>
<td>Northeast</td>
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<td>52%</td>
</tr>
<tr>
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<tr>
<td>South</td>
<td>54%</td>
<td>46%</td>
</tr>
<tr>
<td>West</td>
<td>55%</td>
<td>47%</td>
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The average annual living expenses of a 65-year-old who reties today is projected to far outpace Social Security income every year for at least the next 30.

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In addition to his job with the South Carolina Senate, Chuck Williams is president of the National Legislative Services and Security Association and a chaplain’s assistant in the Air National Guard, where he’s served for almost 20 years. During two tours of duty since 9/11, Williams cared for wounded U.S. and coalition personnel at Landstuhl Regional Medical Center in Germany. He studied political science at Spartanburg Methodist College and the University of South Carolina.

What have you learned from being involved in the National Legislative Services and Security Association? First, that it’s a tremendous job. We provide a valuable service to our states and our legislatures. We’re one and the same with regard to common issues we all face: the mentally ill, social media, crowd control at public demonstrations, active shooters and more.

How did you get your job? With a lot of luck. I was a page here in the South Carolina Senate when a position became available in security. My intent was to try to go to a federal agency, but I got to working here full time and the position just grew. I love the people I work with, I love the job and it just kept getting better and better.

What are the most important and enjoyable parts of your job? Security is No. 1—to make sure that everybody is safe. But for me, I enjoy talking to people. I work directly with the members, staff, lobbyists and our visitors. You’d be amazed at the number of folks who have lived their whole lives in this state but have been to the Statehouse only once or twice in their entire lives. I love the fact that I get to be an ambassador for not only the Senate, but for our state.

Did last year’s shooting at Charleston’s Emanuel AME church—which took the life of Senator Clementa Pinckney—affect the way you approach your job? It made us all more vigilant, because if that can happen in a church—which is a place where people come to pray together—it can happen here. This is everyone’s state capitol. It is a place where there are differences of opinion and there are a lot of hot-button issues across the country right now. You want to take care of that in a diplomatic way. You don’t ever want any kind of violence. This is a place where the legislative process can and should happen and be free from any type of danger.

Are you more cautious now about certain visitors? We have a group that comes here every year and the misconception is that its members are potentially harmful, but I shake their hands and hug them. People say they don’t understand why I’m hanging out with those guys. But the bigger picture is that if something does go bad, I’d much rather have those folks on my side than against me.

How did your military service prepare you for this job? It made me very compassionate. I was deployed twice, to a regional medical center in Germany where the troops from Iraq and Afghanistan are brought for treatment. So I’ve seen a lot of different injuries. It’s made me more appreciative of the rights that we have here—freedom of speech and all the different things that go along with that. It’s made me much more grateful for our country and for my state.

How did you comfort the wounded? It was a ministry of presence, being there for people thousands of miles away from their parents and loved ones. I also was a liaison between their families and friends and the military. It was one of the toughest periods in my life, but also one of the most rewarding experiences I’ve ever had.

How has your job changed over time? Everything now revolves around social media and the Internet. We have to make sure we know what’s going on. Just the other day I went to the website [of a group planning a demonstration] to see how many people they were planning to have here and what, from a law enforcement standpoint, we might need to do to prepare for them.

What is the biggest misconception people have about sergeants-at-arms? We wear a lot of different hats. We take our jobs seriously and try to make sure that everyone is safe, but we also have our human side. We feel that the people we serve and work with are family and we want to take care of them.

What final words would you like to leave with readers? The legislative process is a total team effort. I’m just one small cog in the wheel that makes the legislative process work. And I would tell people to get involved with NCSL. Get involved in your staff section. Get to know your peers and become a mentor to someone else, give them someone to look up to.

Jane Carroll Andrade, a program director in NCSL’s Communications Division, conducted this interview, which has been edited for length.
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