We Can’t Reduce CO₂ Enough Without Nuclear Energy

The world has set ambitious clean air goals and American innovators, like Bill Gates, Leslie Dewan at Transatomic Power and Jose Reyes at NuScale Power, 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.

**Leslie Dewan**
Technology Innovator, Forbes 30 Under 30

*I’m developing innovative technology that recycles nuclear fuel to generate electricity. With nuclear energy, we can have both reliable electricity and clean air.*
What Great Leaders Do Page 14
BY TIM STOREY
Good leaders have an abundance of skills. Great leaders have mastered these 10.

Budget Chaos Page 20
BY ELAINE S. POVICH
Rancor between governors and legislatures causes record-breaking budget impasses in Illinois and Pennsylvania.

Budgeting for Results Page 25
BY ALLISON HILTZ AND LUKE MARTEL
The Results First budgeting approach helps lawmakers decide which programs are worth funding based on the facts.

Tales From the Top Page 30
BY KATIE FISCHER ZIEGLER
Women share their insight and advice on leading legislative bodies.

Lean on Me Page 38
BY IAN K. KULLGREN
Two Oregon lawmakers put partisan politics aside to battle a serious disease together.

Connecting Remotely Page 40
BY PAM GREENBERG
Technology is letting constituents who live far from the capitol testify at legislative hearings.

Everything You Always Wanted to Know About Redistricting* Page 44
BY WENDY UNDERHILL
*But didn’t know who to ask. Elections experts tackle the most frequently asked questions.

Birth of Liberty Page 52
BY MARK WOLF
Q&A with historian and author Dan Jones about the significance of the Magna Carta.
LETTERS

Comments from Constituents

Via Email:

Re. “More Than Just Hot Air,” May 2016

Maryland is not among the states that “debated, but did not pass” legislation relating to counterfeit air bags this year, as this article says. Two identical bills prohibiting the importation, manufacture, sale, installation, etc., of counterfeit and nonfunctional air bags—passed and were signed into law earlier this month.

April Morton
Maryland General Assembly
Counsel, Judicial Proceedings Committee

Your article raises an extraordinarily complex issue. Several thousand dangerous counterfeit air bags enter the commerce stream each year filled with random debris or even with nothing at all. Testing by Honda and NHTSA show that these air bags, when used to replace an original air bag during a repair, provide little to no protection to passengers. Federal law enforcement agencies have limited authority to combat this problem, which leaves the responsibility of protecting motorists to the states. Many states have laws prohibiting the installation of “fake” air bags, but not their sale. Currently, only 13 states prohibit the manufacture, importation or sale of these products.

Honda strongly supports state efforts to close this dangerous loophole, and encourages policymakers to visit our website at www.airbagaware.com.

Ed Cohen
Vice President, Government and Industry Relations, Honda North America Inc.

Via Twitter:

—Senator Erin Oban, North Dakota

SHORT TAKES

NCSL EXPERTISE

“It balances one of their most significant levers, which is funding, with one of their most significant responsibilities, which is accountability.”

Julie Bell on why legislators find performance-based funding of higher education appealing, in The Washington Post.

“You can’t tax something if it’s not legal, and states right now are [asking], ‘Is it legal?’”

Max Behlke on efforts to tax fantasy sports sites, in the State Net Capitol Journal.

“This trend has continued to pick up steam.”

Wendy Underhill on allowing voters to register online, in the Associated Press.

“It is one of the most comprehensive legislative efforts to date.”

Karmen Hanson on new regulations for e-cigarettes and vapor products in Washington, in The Olympian.

“COLAs are expensive benefits and will continue to be examined by legislatures as they reform pension plans.”


“There’s a good amount of evidence [that restorative practices work].”

Joellen Kralik on alternatives to suspending or expelling students for misbehaviors, in The Detroit Free Press.

SUPPORT

Women Making a Difference

Four outstanding women making their mark in their legislatures and communities are being recognized by NCSL’s Women’s Legislative Network. Clockwise from upper left, Illinois Senator Sue Rezin, Georgia Representative Valencia Stovall, Ohio Senator Sandra Williams and Pennsylvania Representative Marcy Toepel are the inaugural recipients of the network’s Women in Politics Making a Difference Awards. Each season—spring, summer, fall and winter—the awards will recognize four outstanding female legislators. For information, go to ncsl.org/magazine.

Expert Testimony

NCSL staffers Amber Widgery (center), and (on screen from left) Karmen Hanson and Meghan McCann testify before the Connecticut Commission on Children. They gave an overview of policy innovations addressing the alarming increase in heroin and prescription opioid abuse.
Searching for Solutions
Mississippi Senator Sampson Jackson (front left) and Florida Representative Cary Pigman (right) listen to a presentation on how to address the growing abuse of prescription painkillers, at an NCSL meeting in New Orleans.

IDEAS
An Urgent Call to Action
When a group of legislators and legislative staff embarked on a journey to discover why students around the world were outperforming American students, what they found was both alarming and hopeful. NCSL’s International Study Group is releasing its findings and recommendations in a provocative report, “From Mediocrity to Excellence: Why States Must Rebuild Education,” which will be released during the 2016 Legislative Summit in Chicago. It will be available at ncsl.org/magazine in mid-August.

Fighting Federal Pre-emption
According to Merriam-Webster, “pre-emption” is defined as “a doctrine in law according to which federal law supersedes state law when federal law is in conflict with a state law.” But there is another meaning—“a policy of launching a pre-emptive attack in order to prevent a suspected imminent attack.” Over the last six months, NCSL’s Washington, D.C., office has fought against several efforts to pre-empt state action. What’s the current state of engagement? We may lose a battle or two, but we aim to win the war.

Medical Malpractice
Earlier this year, the House Judiciary Committee pulled a bill that would have pre-empted long-standing state laws that address liability caps and other medical malpractice matters. NCSL staff have been working against this unnecessary legislation for more than a decade. In past years the legislation easily passed the House; this was the first time it failed in committee.

Drones
The Senate-passed version of the Federal Aviation Administration reauthorization contains pre-emptive language that would undo the work of 26 state legislatures regarding the use of unmanned aerial systems. NCSL staff worked with U.S. Senator Diane Feinstein from California to introduce a bipartisan amendment to strike the pre-emptive language.

Although there was widespread support for the proposal, it failed because it was part of a larger amendment package. Earlier this year, the House Transportation and Infrastructure Committee passed a six-year reauthorization that does not include the pre-emptive language. While the most recent extension expired July 15, Congress is expected to punt any final action on the FAA reauthorization until after the November elections.

Chemical Security Regulation
In May, Congress passed an update to the Toxic Substances Control Act that expands the authority of the federal Environmental Protection Agency to regulate a host of chemicals. To avoid outright pre-emption of state actions, the update grandfathered state laws enacted before 2003. It leaves open the possibility of pre-empting more recently enacted state laws, however. States may continue to regulate chemicals on the EPA’s “for further assessment” list (and request waivers to regulate chemicals not on the list) until final rules are issued on them.

Stay tuned. These and other pre-emption battles will continue, as will the NCSL charge!

—Molly Ramsdell

Advocacy
White House Welcome
Legislative leaders from across the country assembled in Washington, D.C., and visited the White House in June to discuss important issues affecting the states. Higher education, criminal justice reform, the Zika virus and opioid abuse were all on the table during meetings with the U.S. education secretary, the U.S. deputy attorney general and the director of Intergovernmental Affairs/deputy assistant to the president.
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Headed to Chicago for NCSL on August 8-11? Stop by the Thomson Reuters booth #806.
Voting for Upgrades

With all the attention the presidential campaigns are getting, it’s easy to forget what’s behind the scenes in every election: the administrators who make sure everything runs smoothly, and the technology that helps them achieve that goal. In 2014, the success of America’s elections depended on 730,930 poll workers, tens of thousands of full- or part-time election administrators and 371,600 voting machines, according to the U.S. Election Assistance Commission. The numbers are certain to be even larger this year.

Much of the technology we use to cast and tabulate our votes, however, is aging. The equipment still works—we’re not going to see mass machine failures in November—but as officials prepare for this year’s election, they’re thinking about the future. Much of the equipment will need to be replaced before the next presidential election in 2020. Some states are making changes already, and others likely will be soon.

The last time most states bought new voting equipment, it was with funds provided by the federal Help America Vote Act of 2002. Elections are run at the county or municipal levels in the U.S., so before the federal law, it was usually up to local jurisdictions to buy new equipment, and they did so on a rolling basis. Passage of the act changed that and led to mass equipment purchases, often facilitated by the state governments, which came to play more central roles in administering elections and selecting and paying for equipment. Now states are reconsidering the role they should play—if any—as they face the prospect of needing to replace that equipment.

Some states are reverting to local responsibility, while others are helping election jurisdictions buy new equipment. New Mexico and Maryland have made statewide purchases in the last couple of years, choosing the same type of equipment for every jurisdiction. New Mexico paid for the entire purchase with appropriations over two legislative sessions. Maryland paid for 50 percent, with counties footing the rest of the bill. In Colorado, some counties are buying new systems this year and others will move to the same systems over the next few years. The state negotiated the contract and selected the equipment and vendor, but counties will pay the bills. Rhode Island bought new equipment in June, and Arkansas, North Dakota and South Carolina are considering statewide purchases in the near future, depending on the availability of funds.

In Nebraska this year, a special legislative committee is studying election technology and the options for replacing equipment. A similar committee in South Carolina concluded its work earlier this year, and technology task forces have been proposed in Delaware, New Jersey and Pennsylvania. Even if they aren’t planning to replace equipment statewide, some states are still helping out where they can. In Missouri, for example, the secretary of state provided grant funds for counties seeking to upgrade. Minnesota and Utah considered similar funding proposals this year, but both failed. Mississippi has a dedicated fund, derived from annual report fees on limited liability companies that can be used to help counties acquire, maintain and repair voting equipment. The Louisiana secretary of state’s office uses proceeds from map sales to replenish its Voting Technology Fund. And finally, in some states where there is no state funding available—Florida and Kansas, for example—counties have joined together to negotiate better deals with equipment vendors.

—Katy Owens Hubler
A recent survey shows that financial education is not just an issue for children and students; adults struggle to manage money, too. Standard & Poor’s Global Financial Literacy Survey found that worldwide, only 1 in 3 adults are financially literate.

Financial literacy is defined as having the specific knowledge and understanding needed to manage money and build wealth. It includes knowing how to create and use a household budget and how to invest money wisely for retirement.

Leading the way were Denmark and Norway, where 71 percent of adults are financially literate. At 57 percent, the United States ranked 10th, right behind the Czech Republic and tied with Switzerland.

Among the wealthier nations, on average, 56 percent of adults age 35 or younger were financially literate, compared with 63 percent of those age 35 to 50. The survey found that financial literacy declined in older age groups. Literacy rates were lower for adults older than 50, and were lowest among those over 65.

Financial literacy training can be part of an overall strategy to increase economic security for lower-income families. It may include coaching and counseling on how to buy a house or start a business.

Although the majority of state legislation has focused on increasing financial education for children, Virginia legislators passed a bill this year requiring the Department of Corrections to offer inmates financial literacy information as part of their transition training prior to their release.

In 2015, Maine lawmakers continued funding for personal financial management assistance programs for senior citizens, to help them maintain their financial independence and avoid exploitation. Virginia enacted legislation last year that directs various state agencies to develop a plan to offer free information and financial literacy courses to residents receiving public assistance.

—Heather Morton

To play the game, you have to know the rules

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Partisan Divide Widens

In case you haven’t noticed, the gap is widening between the left and right. More Republicans and Democrats hold all-or-nothing, party-line views on policy topics and rarely, if ever, cross over to the other side. And the more politically involved people are, the worse it gets. A national survey conducted last fall by the Pew Research Center confirmed what many already believe: The percentage of Americans who hold a variety of conservative and liberal views is declining. Since 1994, the portion of survey respondents who hold a mix of attitudes, depending on the topic, has dropped from 49 percent to 38 percent.

Currently, 60 percent of Democrats and those who lean Democratic have consistently liberal or mostly liberal political values, double the portion in 1994. The share of Republicans and those who lean Republican with at least mostly conservative values has increased from 45 percent in 1994 to 53 percent today (with a dip to 31 percent in 2004).

The survey, like its predecessors from as far back as 1994, measured the “ideological consistency” of thousands of respondents according to their views on 10 issues, ranging from immigration to homosexuality, business regulation to military might. The answers confirm that existing partisan gaps have widened, particularly over the appropriate role for government in health care, poverty assistance, education, environmental protection and the economy.

What’s the Legislature’s Job?

Congress and state legislatures receive a lot of flak for their inability to pass most of the legislation pitched their way. FiscalNote, Inc., for example, recently ranked states on what they call a legislature’s “efficiency” at passing bills. But is the technology company’s assumption—that passing legislation is the desired goal for a legislature—a good one?

In some ways, yes. One of the main constitutional responsibilities of a legislature is to pass the laws necessary for the welfare of the state.

“Necessary” is the key word in the phrase, however. Just because a bill isn’t enacted doesn’t mean it wasn’t considered. Legislatures debate tens of thousands of bills a year, but less than a quarter receive the votes necessary to pass. Is that being inefficient? Some might argue that letting wasteful, unnecessary or unwise legislation die is far more responsible than enacting it.

A variety of internal and external factors may affect the amount of legislation introduced and passed in a session. They include:

- **Frequency of sessions.** Montana, Nevada, North Dakota and Texas hold regular sessions in odd-numbered years only.
- **Length of sessions.** Most are limited.
- **Restrictions on topics that may be considered.** In Arkansas, Connecticut, Louisiana, Maine, New Mexico, North Carolina and Wyoming, the legislature may consider only certain types of legislation during one year of a biennium.
- **Limits on the number of bills a legislator may introduce.** About 20 chambers have restrictions; in Colorado, it’s five a year.
- **Deadlines for introduction, and for committee or chamber consideration, of bills.** These limits are used to avoid end-of-session logjams.
- **Refiling practices for bills.** Also known as carryover, refiling occurs in half the states.
- **Party control of legislative chambers and governors’ offices.**
- **Economic health of the states and natural disasters.**
- **Volume of bills suggested by citizens.**

The list goes on. What do you think? How would you rate your legislature’s “efficiency”?

—Brenda Erickson

**The Widest Gaps**

These policy questions showed some of the greatest partisan differences. Percentages reflect the portion of each party who agree with the statement.

<table>
<thead>
<tr>
<th>Issue</th>
<th>REPUBLICANS</th>
<th>DEMOCRATS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government is almost always wasteful and inefficient.</td>
<td>75%</td>
<td>40%</td>
</tr>
<tr>
<td>The government should do much more to help needy Americans, even if it means going deeper into debt.</td>
<td>31%</td>
<td>68%</td>
</tr>
<tr>
<td>The best way to ensure peace is through military strength.</td>
<td>58%</td>
<td>19%</td>
</tr>
<tr>
<td>Government regulation of business is necessary to protect the public interest.</td>
<td>34%</td>
<td>68%</td>
</tr>
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75% of heroin users first abuse prescription opioids.

Ask a physical therapist about safer ways to manage pain.

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Deadly Distractions

New York legislators are considering the use of a new device called the Textalyzer to combat distracted driving, which killed 3,179 people and injured an estimated 431,000 more in 2014.

Because text messaging requires a driver’s visual, manual and cognitive attention, it is one of the most potentially dangerous distractors. The National Highway Traffic Safety Administration estimates that crashes caused by distracted driving cost the United States approximately $175 billion a year.

Forty-six states, the District of Columbia, Puerto Rico, Guam and the U.S. Virgin Islands ban all drivers from text messaging. Two states prohibit only novice drivers from text messaging. Fourteen states prohibit the use of handheld devices by drivers, but no state completely bans the use of all electronic devices for all drivers. Penalties for texting while driving can be steep. In Alaska, for example, a violator faces a misdemeanor criminal charge; in Nebraska, a driver can be fined $200 and have points assessed against his or her license.

As texting has grown in popularity, state lawmakers have attempted to strengthen their laws and adopt tougher sanctions. Vermont toughened its hands-free law in 2015 so drivers no longer are allowed to use their devices while stopped at a red light or stop sign, and New York increased penalties for texting while driving to include suspending licenses of drivers under age 21.

Even with these laws in place, however, using mobile phones while driving is common. At any given daylight moment across America, approximately 660,000 drivers are using cellphones or manipulating electronic devices while driving, according NHTSA’s National Occupant Protection Use Survey.

New York lawmakers are considering a bill that would allow law enforcement officers to field-test the Textalyzer on a driver’s phone after a crash. It would determine whether the driver had used the phone to text or email before crashing. Failure to hand over the phone could lead to the suspension of the driver’s license.

Unlike the Breathalyzer, the Textalyzer isn’t preventive. It can’t deter someone from texting while driving. It would be used only at the scene of a crash. The bill states that the police would not have access to the contents of emails or texts; they would simply determine if and when the phone was used.

Opponents raise privacy concerns and question the Textalyzer’s reliability and accuracy. Drafters of the bipartisan legislation note “that while technology has created this grave danger, it also has the capacity to aid law enforcement in tackling and eradicating distracted driving caused by mobile telephones.”

If the bill becomes law, “people are going to be more afraid to put their hands on the cell phone,” says its sponsor, Assemblyman Félix W. Ortiz (D).

—Anne Teigen

Coming of Age
BY THE NUMBERS

How we manage aging may be the most consequential of all demographic trends, according to the U.S. Census Bureau.

14.5%
Portion of U.S. population age 65 years and older.

37
States in which more than a third of seniors live on less than 200% of the federal poverty level ($23,760).

47%
Portion of single elderly people who rely on Social Security for 90% or more of their income.

90%
Individuals age 65 and older who receive Social Security benefits.

29%
American households with members age 55 and older who have no retirement savings or defined-benefit plan.

40%
Portion of American men ages 63 to 69 who expect to be working in 2024, up from 26.8% in 1994.

$300,000
Average amount a senior loses to a financial scam.

$18,424
Annual health care spending per person age 65 and older (five times higher than for a child and three times that for a working-age person).

“Those are 1,000-plus New Mexicans who now have a stake and are getting involved in our civic government.”

New Mexico Representative Jeff Steinborn (D), who sponsored a successful bill to allow 17-year-olds to vote in primaries, in the Santa Fe New Mexican.

“Who’s keeping the lights on? That’s the bottom line if there is a cyberattack. How soon can you restart? How soon can you reboot? What is the emergency plan?”

Texas Representative Carol Alvarado (D), on how prepared Texas is for a cyberattack, on KVUE.

“A part-time legislature cannot input infinite items into a finite process and expect anything other than a breakdown.”

Minnesota Representative Gene Pelowski (DFL) on legislative reform, in the Winona Daily News.

THREE SETS OF FATHERS AND SONS ARE ON MONTANA’S NOVEMBER BALLOT. Five of the six are Republican candidates for the Legislature, and one hopes to become a district judge. House Majority Leader Keith Regier is running for the Senate, and his son Matt wants to succeed him in the House. Representative Greg Hertz is running for re-election, and his son Adam is running in a different House district. Representative Mike Cuffe wants to return to his seat, and his son Matthew is a candidate for district judge.

TWO LOUISIANA HOUSE REPUBLICANS ARE STEPPING DOWN just one year into their terms. Bryan Adams and Joe Lopinto backed Governor John Bel Edwards (D) in his upset victory over U.S. Senator David Vitter (R), and subsequently backed Edwards’ speaker candidate, Walt Leger (D), who lost to Taylor Barras (R). Supporting Edwards reportedly cost Adams and Lopinto their respective committee leadership posts. In Louisiana, House and Senate terms are four years, with a 12-year term limit.
“At a young age, you may not really understand the consequences of that debt.”

Indiana Representative Casey Cox (R) on a requirement that colleges accepting state aid inform students of their estimated total loan debt and future monthly payments, in Stateline.

“Laugh if you will but craft beer is considered to be an art form.”

Ohio Representative Mike Duffey (R) on his bill to eliminate the state’s alcohol limit for beer, which is currently at 12 percent, on Cleveland.com.

VERMONT SENATE PRESIDENT PRO TEM JOHN CAMPBELL (D) IS LEAVING THE LEGISLATURE after 16 years, and one of his key aides hopes to succeed him. Conor Kennedy, deputy chief of staff to Campbell for the last three years, plans to run in the Democratic primary for his boss’ seat. Kennedy, 26, served as a legislative aide at age 14, and was endorsed by Campbell as “a very special person” who will “help other people and help this state achieve the goals we set forth.” The House also will see a change in leadership, as Speaker Shap Smith (D) announced he will run for lieutenant governor.

CONNECTICUT SPEAKER BRENDAN SHARKEY (D) WILL NOT SEEK RE-ELECTION to what would have been his ninth term in the Assembly. Sharkey became speaker one month after the Sandy Hook Elementary School shootings and helped pass one the country’s most far-reaching gun laws. “It’s been a brutal four years,” he said of his speakership. Only two Connecticut speakers have served more than two terms. House Majority Leader Joe Aresimowicz is seeking the leadership post.

“We keep hearing access, access, access, but when you live in really rural areas you don’t have access. We need to do a better job focusing on that.”

Kentucky Senator Julie Raque Adams (R) at a 25th Children and Youth with Special Health Care Needs Awareness Day event, at kentucky.gov.

ALABAMA LIEUTENANT GOVERNOR KAY IVEY WAS NAMED TO A LIST OF “50 MOST INFLUENTIAL FEMALE REPUBLICANS” compiled by the media company Newsmax. Others named include Sarah Palin, Carly Fiorina and Condoleezza Rice. Ivey is the state’s first female Republican lieutenant governor, a post she’s held since 2010. She said she is “humbled to join the prestigious list of hardworking Republican women from across the nation” on the list.

TWO LOUISIANA HOUSE REPUBLICANS ARE STEPPING DOWN just one year into their terms. Bryan Adams and Joe Lopinto backed Governor John Bel Edwards (D) in his upset victory over U.S. Senator David Vitter (R), and subsequently backed Edwards’ speaker candidate, Walt Leger (D), who lost to Taylor Barras (R). Supporting Edwards reportedly cost Adams and Lopinto their respective committee leadership posts. In Louisiana, House and Senate terms are four years, with a 12-year term limit.
You may have read the words above and thought, “Thank goodness. Finally, someone has written an article on leadership.” OK… probably not. The truth is, there’s an ocean of advice out there for leaders and aspiring leaders. Just Google the word “leadership” and you get more than three-quarters of a billion hits! However, only a tiny fraction of them target leaders in state legislatures. Legislative leadership is different and one of the most complex of all roles. Legislative leaders wear several hats: leader of the state, leader of the chamber and leader of the caucus. And they manage those roles knowing they must always pay close attention to their most important constituency, the voters in their home district. They accept that the needs of, and demands from, these various constituencies sometimes will lead to conflicts that defy easy answers. It’s a complicated juggling act, and, frankly, relatively few people have the skills and experience to excel in the job and become truly great legislative leaders.

Plus, it has become more challenging over the past decade. The slow-growing national economy and budget woes have made it more difficult to address pressing state needs. Public opinion of elected officials hovers at record lows, making it tougher to recruit the best candidates for legislative service. Online critics with sizable followings pounce on every decision with biased vitriol. Pressure to raise campaign funds is at an all-time high.

It’s a tough job.

That’s why this unique role deserves thought and attention. No two legislative leaders approach challenges the same way. There is no one model for great leadership. And yet, truly extraordinary legislative leaders have mastered most, if not all, of these skills.
1. HAVE A VISION

“In order to lead a country or a company, you’ve got to get everybody on the same page, and you’ve got to be able to have a vision of where you’re going.”

—Jack Welch

Great leaders maintain a positive vision and keep others focused on the big picture and end goals. In the legislative environment, this often means assuring members, staff, lobbyists and the media that challenges are temporary and that there will be a positive outcome if everyone does their job and stays focused. Great leaders remain optimistic that the legislature can get the job done even in the face of seemingly impossible circumstances. They help set the goals that will define a successful session before it even starts. And they keep members focused on those goals despite infinite distractions.

Idaho Senate President Brent Hill (R), who wrote a book on leadership, recognizes the necessity of keeping his eyes on the end goal. “Sometimes we, as lawmakers, get so caught up in the everyday chaos of politics that it is difficult to stay focused on our most important goals. Unreasonable demands of constituents, biased criticism by the media and pressures from other elected officials drain our energy and generate cynicism. Legislative leaders can either fuel the commotion or provide the vision to see beyond pressing challenges and focus on the objectives that matter most.”

2. LISTEN MORE THAN TALK

“Courage is what it takes to stand up and speak; courage is also what it takes to sit down and listen.”

—Winston Churchill

A former legislative leader once said that the four most powerful words for a leader to say are, “What do you think?” Successful leaders ask questions two to three times more than they make statements, says Jim Collins, business guru and author of “Good to Great.” And they ask with authenticity. Effective leaders listen before sharing their opinions. They never talk just to demonstrate how much they know. People want to be heard, and great leaders listen. As the adage goes, humans have two ears and one mouth for a reason. That’s a good ratio to strive for—listen at least twice as much as you talk.

Hawaii Senate President Ron Kouchi (D) says listening is key to success. But one should also try to understand what people are hoping to convey with their words. “You have to get buy-in from your members to get things done, and the only way to get there is by listening and understanding what’s most important to them.”
3. COMMUNICATE EFFECTIVELY

“I’ve learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel.”

—Maya Angelou

Leadership pros know not to be too silent and inscrutable. That just creates a vacuum that fellow members must fill by guessing their leader’s positions and motives. The best leaders constantly inform their colleagues what they stand for. They hone the most powerful tool in the communication toolbox: storytelling. Stories inspire people and simplify problems. Effective storytelling reaches people on an emotional level, and that is how people make decisions about whom to follow and what to support. When leaders have important news to share, they get the word out quickly, increasingly through social media. People respect leaders who share information, even if it is bad news. Delaying bad news almost never works; unlike fine wine, it does not “age” well.

Speaker Bill Howell (R) is now in his eighth term as the leader of the Virginia House of Delegates. He is one of the most respected legislative leaders in the business today, and his success is partly due to his mastery of communication. “Your position is only as strong as your communication is clear,” he says. “It does not matter where you stand on an issue if people don’t understand it. Storytelling and real-life examples are compelling tools that allow leaders to connect with constituents and voters in an emotional way. As a leader, it is important to build a narrative, develop a trend and communicate your perspective in a creative way. The clearer you can be, the better off you will be.”

4. ASSEMBLE THE RIGHT TEAM

“The absolute most important trait of a great leader is putting the right people in the right seats in the organization.”

—Jim Collins

Choosing the right advisers, friends, committee chairs and staff is vital. Successful leaders take all the time possible to choose the right people for the right jobs. They find people they respect and trust. It is critical, since these people will reflect on them. Great leaders also purge the toxic team members, those who think they are smarter than everyone else, the whiners and the idea-killers. Effective leaders are strong enough to include people in their inner circle who can disagree with them and let them know when they are getting out of step with their followers. Groupthink in a small legislative leadership team is a fast track to trouble.

After John Hambrick (R) became speaker of the Nevada Assembly, he put together a leadership team based on what he had learned over a 30-year career in law enforcement, including being on the Presidential Protection Detail for the U.S. Secret Service, working as an agent for the Immigration and Naturalization Service and serving in the federal Inspector General’s office. “Any leadership team needs others who can fill in areas where the top leader is not as strong. It’s also an important goal to match the right people to the right job by looking at their past experience.”
5. BOUNCE BACK FROM DEFEAT

“I have not failed; I’ve just found 10,000 ways that don’t work.”
—Thomas Edison

Setbacks are inevitable. Elections are lost; bills are defeated. Great leaders do not let failures define them. They regroup, study what went wrong, learn from it and try again. Much of the business literature about leadership calls this trait “grit.” Exceptional leaders know that weathering hard times and absorbing tough blows will prepare them for the next challenge.

Iowa Senate Majority Leader Mike Gronstal (D) suffered a major defeat early in his legislative career when his caucus unceremoniously dumped him as its leader. Gronstal spent time reflecting on why he ran for office in the first place. “The whole point is to make a positive difference, and I decided that I could still do that despite such a major setback.” He is now in his third term as the Senate’s leader.

6. SEEK SOLUTIONS

“The person who agrees with you 80 percent of the time is a friend and an ally—not a 20 percent traitor.”
—Ronald Reagan

In this era of hyper-polarization, successful leaders continue to be the ones who build coalitions. Sometimes those coalitions are within one party or caucus. Other times, collaboration requires reaching out further. Great leaders find common ground with those who do not agree with them on every issue, but who might on some, or even one. They don’t burn bridges. When they have to tell people “no” (and great leaders do, a lot), they do it with grace and with an eye toward maintaining the relationship. They know that it is far more important to get something done than to simply prove a point.

Wisconsin Speaker Robin Vos (R) started his legislative career believing his job was mostly to vote no, to stop things from happening. He changed his focus because he wanted to get things done, and that meant working harder to “find out what people can support, not just what they oppose.” He learned that “you cannot accomplish anything by always being against everything.”
LEADERSHIP

**7. REMAIN CALM**

“When angry, count to 10 before you speak. If very angry, count to 100.”

—Thomas Jefferson

Great leaders keep their cool when things get hot. They stay calm when others freak out. It gives a leader a distinct advantage. The human brain is hardwired to fight or flee when challenged—in other words, to get defensive. The tendency to get defensive applies whether the challenge is physical, like being surprised by a snake, or verbal, like being slandered. Calm leaders function more efficiently. They are able to see more options to handle challenges, and they avoid doing or saying things they will regret.

Delaware Speaker Pete Schwartzkopf (D) understands this concept better than most because of his 25 years as a state police officer. During his career, he often had to make snap decisions, sometimes involving life and death. “Nothing we do in the legislature needs to be a snap decision. As a leader, I’ve developed my sense of patience. Nothing gets resolved with anger. You have to be the bigger person, the smarter person. You have to check your anger at the door and maintain relationships, because that’s how you get things done. Anger is counterproductive.”

**8. OPERATE WITH HONOR AND INTEGRITY**

“Always tell the truth. This will gratify some people and astonish the rest.”

—Mark Twain

Like it or not, leaders’ actions are intensely scrutinized. Leaders set the example and the tone about what behavior is acceptable and what crosses the ethical line. And when a leader brings dishonor to the institution, it is magnified by a thousand and destroys public trust in government. As the adage goes, “Trust is earned in drops and lost in buckets.”

Indiana House Speaker Brian Bosma (R) has seen the legislature suffer as the result of members acting badly. “The confidence and integrity of the institution is fundamental to our freedoms and to the democratic process. It is imperative that we as leaders steer clear of situations that will discredit the institution. We must hold ourselves to an even higher standard of integrity because our actions reflect not only the members of the legislature but the institution itself.”
9. COMMIT TO LEARNING

"Once you stop learning, you start dying."
—Albert Einstein

The world of the legislature and state policy is exceedingly complex and constantly changing. Successful leaders understand the importance of learning new information and theories. Learning keeps them sharp and gives them an advantage. Being a lifelong learner is one of the strongest indicators of success in the private sector. Great learners read books and listen to audiobooks; they push themselves to explore new hobbies and crafts; they travel to new and interesting places; they seek out people of different backgrounds. The best legislative leaders are the ones who know they still have much to learn.

When it comes to history, New Hampshire Senate President Pro Tempore Sharon Carson (R), is both a professor and a student. She knows the importance of understanding the past while serving in the present. “People tend to forget history, but I love to study it because we can learn from how our forefathers solved problems and learn how to avoid mistakes that they made.” She also loves to meet legislators from other states and learn from them. “Like any skill you might possess, legislative leaders need to refresh and update their leadership skills. Attending conferences and having discussions with your colleagues from around the nation lets you find out how they dealt with similar problems.”

10. USE HUMOR

“A sense of humor is part of the art of leadership, of getting along with people, of getting things done.”
—Dwight Eisenhower

Eisenhower also said, “Always take your job seriously, never yourself.” The work of legislators is very serious, and usually there is little to joke about. Leaders who know how to lighten the tone at the right moment, however, tend to be more successful than those who always keep a straight face. When leaders are good-natured and lighthearted, it boosts creativity and brings teams together. In fact, the two most admired qualities of leaders are a strong work ethic and a sense of humor, according to a study of more than 2,700 employees by the Bell Leadership Institute. Of course, humor can backfire if it’s demeaning to others.

In addition to being one of Colorado’s most experienced legislators, Senate President Bill Cadman (R) is known for his quick and creative wit. He understands that humor can be an effective way to move forward, if used productively. “Humor shortens the time it takes to build relationships, and success in politics and policy is all about relationships.”

Just the Beginning

Of course, this list could be much longer. Great leaders take care of themselves physically and mentally. They maintain a healthy sense of humility and take all of the praise that comes their way with a grain of salt. Great leaders recognize that their days as leaders are numbered and that they have a duty to leave the institution better for their having been at the helm.

Having the title of leader does not automatically make you a great one, or even a good one. But if you commit to working on the things above, that’s an excellent start on the journey to greatness.
Rancor between governors and legislatures causes record-breaking budget impasses in Illinois and Pennsylvania.

BY ELAINE S. POVICH

Take divided government, mix in red-hot tax issues, sprinkle with partisan politics, build on a base of pension liabilities, structural deficits and a dash of Great Recession hangovers, and you have the noxious stews that created the recent budget standoffs in Illinois and Pennsylvania.

Both states eclipsed the old record of “stop-the-clock” budget overtimes not seen since 2002, in Kentucky. The animosity between the Pennsylvania and Illinois legislatures controlled by one party with governors of the opposite party rose to a rolling boil. While Pennsylvania’s impasse finally came to an end in March, most big issues were left undressed. And, as this issue of State Legislatures went to press, Illinois continued with no budget for the second year in a row. Court challenges and stopgap funding measures kept both states going at a functional level, but the effects on state operations ranged from the critical, to the inconvenient, to the absurd.

It seemed like every week there was another real or threatened impact in one or both states—from closing schools, reducing college scholarships and cutting mental health services to eliminating license plate renewal reminders, cutting assistance for low-income burials and delaying payments to lottery winners, to name a few.

To get through the first half of the school year, before they finally received stopgap money, school districts and entities that service schools in Pennsylvania borrowed about $1 billion, resulting in up to $50 million in interest and fees that will have to be paid back to the lenders, according to state Auditor General Eugene DePasquale. County social service agencies made up some of the slack left by the lack of state funds by borrowing on the private market and using reserves, but the resulting uncertainty left employees, vendors and clients on edge.

“If you borrow, if you spend money out of your own investments, that’s a direct cost to the taxpayer,” says Doug Hill, executive director of the County Commissioners Association of Pennsylvania. “I don’t know of a single county that got a thank-you from the legislature, saying, ‘Thanks for doing that while we sat on the budget for six months.’”

In both states, however, the biggest bites of the budget apple—K-12 education, state employees, universities, public safety and prisons—continued to receive funding through the use of stopgap money or borrowing.

That, state lawmakers acknowledge, was a blessing and a curse.

Tens of thousands of state workers didn’t suddenly appear on the unemployment rolls, nor did hundreds of school buses sit idle in parking lots while children romped endlessly in back yards. If these big-ticket areas had been left unfunded, however, some believe that might have forced a timelier budget compromise.

No Pain, No Gain?

“If state employees weren’t getting paid, if the DMV wasn’t open and people couldn’t get driver’s licenses; that would have really changed things,” says Illinois Senator Daniel Biss (D).

“There’s no doubt it’s a double-edged sword, because it doesn’t bring everything to a head quicker,” agrees Pennsylvania House Majority Leader Dave Reed (R). “But on the flip side, there’s less interruption to the average person’s life who really isn’t spending every day thinking about the politics in Harrisburg, you know, they are just trying to go to work, or get their kids to school.”

“If the state had shut down, you better believe we would have had a budget by now—
“Lots of work has been done. Very little has changed.”

—Illinois Senator Daniel Biss, on month 11 without a budget agreement.

and everybody knows it,” says Illinois Senator Toi Hutchinson (D), chair of the Revenue Committee. But, she says, “We can’t even shut the state down right.”

Many of the other legislators in the two states, along with the governors, could not see precipitating mass suffering as they worked on their budget disagreements. They felt keeping kids in school, prisoners in prison and workers working was a better path.

It’s a good thing, says Biss, that Illinois Governor Bruce Rauner (R) signed the part of the Legislature’s budget proposal that kept schools open for the 2015-16 school year. Closing schools would have outraged people, Biss says. He represents an upper-middle class suburb of Chicago full of well-educated professionals who “would have been in the streets with a pitchfork and a torch if that education budget had been vetoed,” he says. “Instead, as engaged and as thoughtful as they are, 90 percent of them [didn’t] notice it.”

In March, a public opinion poll con-

“The average person ... isn’t spending every day thinking about the politics in Harrisburg, you know, they are just trying to go to work, or get their kids to school.”

—Pennsylvania House Majority Leader Dave Reed on how the impasse affected most residents.

How Common Are Late Budgets?

Budget battles, special sessions and potential government shutdowns always capture the public’s attention, but the vast majority of states, most of the time, complete their budget on-time and without a special session. Still, there is just a handful of states that have never had a late budget and have no provision in place to guide such an event.

Since 2002, at least 25 states have started a new fiscal year before passing a budget. When that happens, state governments deal with it in a variety of ways. Shutdowns are one way.

In most cases during a government shutdown, essential health and safety services continue, but all personnel working in nonessential areas are furloughed until an agreement is reached. This can be tough on employees’ incomes and a nuisance for residents left without some services.

Minnesota shut down for 20 days in 2011 as a result of the stalemate there causing a loss of $49.7 million in revenue, the Office of Management and Budget estimates. When New Jersey experienced an eight-day government shutdown in 2006, Atlantic City’s casinos were closed for the first time since they opened in 1978. And in the mid-2000s, Michigan shut down twice, for just a few hours each time.

Several states that face the prospect of passing late state budgets have provisions in place to deal with it. New Hampshire, North Carolina and Wisconsin passed budgets this year after the start of the fiscal year, but lawmakers avoided disasters in New Hampshire and North Carolina by passing temporary spending plans or continuing resolutions. In Wisconsin, a constitutional provision allowed spending to continue at the previous year’s funding level.

Massachusetts lawmakers occasionally pass a temporary spending plan for just a few days because the governor has 10 days to sign or veto the budget, even if it passes at 11:59 p.m. on June 30—the last day of the fiscal year.

In other states, court rulings over the decades have specified which areas must continue to receive funding in the absence of a new budget.

“If the state had shut down, you better believe we would have had a budget by now... But we can’t even shut the state down right.”

—Illinois Senator Toi Hutchinson on keeping visible services funded during the budget impasse.

—Erica MacKellar
firmed Biss’ observation. Only about a third of the registered voters surveyed by the Paul Simon Public Policy Institute at Southern Illinois University said they or someone in their immediate family was affected by the budget stalemate.

**Not Painless for All**

Yet incidents of critical programs lacking state funds kept popping up in both states throughout the dispute. Many were addressed—one at a time—but not all. In Pennsylvania, for example, county human services offices used reserves, borrowed money and scrimped along to pay for increased services for victims of child abuse or neglect. Reported cases have skyrocketed since legislation passed in the wake of the 2011 Jerry Sandusky child molestation scandal at Penn State.

Likewise, in Illinois, staff at mental health facilities had to juggle as fast as they could to keep their doors open without the state funds they normally get—funds that usually make up about 90 percent of their budgets.

“It’s been interesting,” says Ann Campen, chief operating and financial officer at the Tazwood Center for Wellness in Pekin, Illinois. “We now turn away anyone who can’t pay for services.” Campen blames the state government in total. “They know the problem—both sides of the aisle. They all shake their heads and say, ‘We wish there was something we could do.’”

Meanwhile, the two states continued to borrow, resulting in downgraded bond ratings, which in turn increased interest rates, adding to the states’ budget woes. Moody’s Investors Service downgraded Pennsylvania again in May, citing a structural deficit and a negative outlook. As for Illinois, it has the lowest bond rating of any state and was downgraded to two steps above “junk” level on June 9. That was the 16th downgrade since 2009. According to Moody’s, the long-running partisan standoff is impeding Illinois’ powers to increase revenue or constrain spending.

**The Players**

Both Rauner and Pennsylvania Governor Tom Wolf (D) are wealthy businessmen who put millions into their own 2014 races, and campaigned as “outsiders” who would shake up the establishment.

That, they did.

Both came to the executive office with little experience in public policy but promised to repair the damages done by their unpopular predecessors. They found out quickly that the top-down governance of the business world doesn’t necessarily work with legislative bodies—a coequal branch of government—especially when the other party has the majority.

**The Pennsylvania Predicament**

Despite the state’s $50 billion unfunded pension liability in 2014, Wolf campaigned against scaling back pension benefits for future state employees. Instead, to fund the pension plan and return $1 billion to school systems, he advocated taxing companies now using hydraulic fracturing to unearth oil and gas from Pennsylvan-
nia’s previously dormant coal fields. That appealed to Pennsylvania voters who had seen school funding cut by his predecessor, Tom Corbett (R), leading to overcrowded classrooms and a lack of art classes. Wolf also promised to address the state’s $2 billion structural deficit.

In addition to the structural budget deficit and underfunded pension system, disputes arose over taxes and school funding. Lawmakers were also on opposite sides of a couple of tangential but equally polarizing issues—privatizing liquor sales and providing property tax relief.

“Everyone starts with the attitude that we’re going to get things done,” says Pennsylvania Senate Majority Leader Jake Corman (R). “But it soon became all fight, fight, fight, as the governor tried to get everything done in the first year.”

The situation was exacerbated by the fact that Pennsylvania is recovering very slowly from the Great Recession, leaving tax revenue lagging.

The budget impasse finally ended in late March, when Wolf allowed what he called an “unbalanced” $6 billion appropriations bill to become law without his signature, completing work on the $30 billion budget for FY 2016, which also went into effect without his signature. The legislature then immediately began work on the FY 2017 budget, leaving many of the controversial issues unaddressed.

“In retrospect, could we have ended the budget impasse last June the way we finally ended it this April? Yes, we absolutely could have,” says Reed, the House majority leader. But there are some pretty major items still on the table that have now been pushed into this year’s discussion—liquor, pensions, property tax reform.”

Wolf agrees issues were left unresolved. “For years Harrisburg has kicked the can down the road, and irresponsible budgets have led to a large structural budget deficit and underfunded schools,” he said after he let the budget take effect. “I think all sides share the goal of moving the commonwealth forward, but we have to come up with solutions to really address our issues.”

“We have a very polarized legislature, more than in any time in modern history,” says Terry Madonna, director of the Franklin and Marshall College’s Center for Politics and Public Affairs. “We elected a liberal governor and an even more decidedly conservative legislature and never the middle shall meet.”

The college center’s poll found that although Pennsylvania’s registered voters blame both the governor and the legislature for the lengthy impasse, 50 percent hold the legislature most responsible, while only 35 percent blame the governor.

The Illinois Imbroglio

Although party control is reversed in Illinois, the polarization is similar to Pennsylvania’s, if not worse. Rauner campaigned on a “turnaround agenda.” A wealthy venture capitalist, Rauner pledged to disrupt the entrenched Democrats in the Illinois General Assembly, reform union bargaining rules, change the workers’ compensation system, modify regulation of business and reform tort law.

Rauner spent $28 million of his own money on his campaign and enraged Democrats by putting $20 million into the Republicans’ campaign fund ($10 million of his own and $10 million from two friends) after he was elected to help move his agenda. He also directed some of that money to favored primary candidates and, in a direct slap at veteran House Speaker Mike Madigan (D), had his allies help Madigan’s Democratic primary opponent, Jason Gonzales, who lost nonetheless.

The General Assembly—where Democrats currently outnumber Republicans 39-20 in the Senate and 71-47 in the House—has worked with Republican governors in recent history, including Jim Edgar and George Ryan in the 1990s. But Rauner is different. He came in riding a wave of what he thought was a mandate to change things with his pro-business agenda. He also allowed a 2011 temporary income tax hike to expire, dropping it from 5 percent to 3.75 percent. The corporate tax fell from 7 percent to 5.25 percent. These
changes, along with the delayed budget, resulted in the state spending $500 million more than it takes in every month, creating an estimated FY 2016 budget gap of $6.2 billion, according to the state comptroller.

Democratic lawmakers bristled at Rauner’s actions. “If you have a supermajority in one party and the governor of another party, the things that you want or hold hostage before you approve a budget have to be within reason; something you can expect the people in the other party to vote for,” says Senate President John J. Cullerton (D). Seeing Rauner offending their core constituency led them to cling even more tightly to unions and their ability to organize and contribute. And looming in the background, along with Illinois’ structural budget deficit, was the huge unfunded pension liability.

“There’s a real lack of trust between players,” says Illinois Senator Heather Steans (D). She says Rauner’s perceived attacks on unions and state employees unified the Democratic constituencies against him. “You consolidate them all against you, so it becomes a war, rather than an effort to compromise.”

Representative Patricia “Patti” Bellock (R), a Rauner supporter, says the governor is just sticking with his reforms “so he can face the people who put him in office wanting to change this state. We have all the data to prove our state is not doing well. We want to turn it around to say we are on a sound footing so businesses can come in our state.”

“Rauner represents change, a business approach,” says David Yepsen, director of the Paul Simon Public Policy Institute. “But he has no background in elective office and has … made a lot of enemies in the beginning—you can’t do that in Illinois.”

Rauner admitted things have not gone the way he envisioned.

“We knew change would be hard, but we didn’t know it would be this hard,” says the governor. He blames the “entrenched politicians,” who he says have run the state badly. “In the last decade, hundreds of thousands of manufacturing jobs have left the state, the unfunded pension liability ballooned to $111 billion, and the state’s credit rating tanked. Illinois needs pro-growth reforms to create jobs and grow the economy, as well as structural changes within government so tax dollars are working for taxpayers and not the government insiders.”

As the deadline for passing the FY 2017 budget without a three-fifths majority expired on June 1, there was political sniping in all directions in Springfield. Democrats were pitted against Democrats over a stop-gap education funding bill that some suggested was a “giveaway” to Chicago schools, while Republicans and Democrats continued to blame each other for the impasse.

Of the registered voters surveyed by the Paul Simon Institute, 84 percent said the state was on the “wrong track.” Rauner’s disapproval jumped from 31 percent in early in 2015, to 50 percent this year. The poll did not ask about the General Assembly’s approval.

With the two sides entrenched in both states and solutions evasive, the Paul Simon Institute’s Yepsen turned to humor.

“My solution for the problem in both Illinois and Pennsylvania is that the two states swap governors,” he says. “They are both well-to-do, and they’re both Dartmouth graduates.”
A cost-benefit analysis in 2007 by the Washington State Institute for Public Policy revealed that “youth who participated in Scared Straight programs were more likely to commit new crimes than those who did not participate,” according to one of the researchers. What’s more, although the upfront cost of Washington’s program was $67 per participant, recidivism meant the state was actually paying thousands of dollars more than that per participant for officers’ salaries, court filings, lost wages for victims and witnesses, and incarceration.

Scared Straight was adopted with enthusiasm in many states beginning in the 1970s as a way to deter crime among at-risk youths by putting them face to face with hardened, lifelong criminals. It seemed logical, doable, fiscally responsible and was widely supported on both sides of the aisle. But when the program’s costs and benefits were quantified by data, lawmakers could see that, despite its potential, it just didn’t provide the value they’d hoped it would.

Shaking Things Up

The program’s ineffectiveness might have gone unnoticed if not for the policy group’s study, which caught the eye of The Pew Charitable Trusts and the John D. and Catherine T. MacArthur Foundation.

“We knew that Washington state was shaking things up and that more states could benefit from applying a cost-benefit analysis to their programs,” says Pew’s Gary VanLandingham. “But no real processes existed for states to learn the best practices to conduct these complex analyses, or to share information, so each state was doing things a little bit differently.” Officials nationwide were eager to find support from and share experiences with others using this fiscal tool.

In 2010, the nonprofits launched the Pew-MacArthur Results First Initiative using Washington state’s approach as a model. Coupling cost-benefit analysis with related means of assessing programmatic costs and effectiveness, the project partners with state and county governments, offering a free toolkit that enables policymakers to direct public funds to activities that deliver high returns and to eliminate or restructure programs found wanting.

Borrowing From Bankers

Cost-benefit analysis has long been used in the world of finance, of course, but it’s becoming increasingly popular in the public sector as well. All states and the District of Columbia did at least one cost-benefit analysis between 2008 and 2011, according to Pew research, though use of the method varied widely.

The Results First approach is unique in that it provides officials with the latest topical research, a plan customized for their state or county government and technical assistance to make it work. In the three years following the Great Recession, 22 states partnered with Results First, customizing Washington state’s model to reflect their own needs.

Through the spring of 2016, these states reported using the Results First approach to save millions of dollars and achieve better long-term returns on investment. The savings took many forms, including eliminating wasteful spending, improving program delivery and targeting recipients more efficiently.

What It Offers

Results First is both a tool and a process that is continually reviewed, refined and improved upon. According to Pew, partner states receive access to software and research, along with:

- **Training and assistance.** Results First experts provide site visits, webinars and conference calls to help states develop their own cost-benefit models.
- **Information sharing.** The project hosts several meetings every year where staff and policymakers can share their experiences using the model. Listservs, reports and other web resources are available to all participants.
- **Standardized approach.** Results First is based on an established cost-benefit model.
that can be customized and used to analyze a range of programs.

- **Quality assurance.** Experts review participating states’ cost-benefit models to ensure they meet best practices and that the project’s model has been appropriately adapted.

  The outcome can be a win-win-win: Lawmakers show measurable success, taxpayers see money being spent effectively and program recipients receive effective services.

  Results First is “the closest thing to a silver bullet that exists,” says Representative Toby Barker (R) of Mississippi, one of the project’s partner states.

**Who’s Using It?**

**MISSISSIPPI**

The state passed the Performance Budget and Strategic Planning Act in 1994 to improve its budgeting practices. The goal was to craft budgets based on program results and link the results to statewide priorities, such as accessible higher education, improved public health and safety, and economic development.

Lawmakers learned the data they collected couldn’t always provide an accurate picture of program performance because the focus was on quantity, not quality. To address the challenge, they teamed up with Results First in 2012 to evaluate four programs.

What they learned was eye-opening. Although 51 studies, for example, showed drug courts were successful at reducing recidivism, a Results First analysis showed Mississippi’s program was ineffective because the consistency of services varied from one state circuit district to the next.

“When drug courts are implemented with fidelity to the literature, they work and produce a positive return on investment,” says Barker, who chairs the Performance Based Budgeting Committee.

To ensure program consistency, and to eliminate uncertainty about whether data meet the standards of qualifying evidence,
the Legislature statutorily defined “evidence-based program” in 2014. The state has now fully implemented Results First.

NEW MEXICO

Having mandated performance-based budgeting with the Accountability in Government Act of 1999, it was little surprise that New Mexico lawmakers were among the first to join Results First. According to Representative Patty A. Lundstrom (D), New Mexico was one of many states where revenue growth was not keeping pace with rising costs. “Our key problems were a lack of cooperation among agencies, no consistent data collection and major turf protection,” she says.

The model quickly yielded results. An examination of human services programs identified policies that could reduce child maltreatment by 25 percent. In total, the program has targeted more than $100 million to evidence-based programs.

“Results First has helped build our capacity to provide legislators with upfront investment advice before appropriations are made,” says Charles Sallee, deputy director of the Legislative Finance Committee. Legislators now have the tools they need before they start building the policies.

VERMONT

Vermont was another early adopter of Results First, though it has taken a measured approach to implementation. The state began in 2011 with a pilot program addressing criminal justice. It used the Results First model to evaluate per-student funding at the Community High School of Vermont, which helps people in custody earn diplomas.

Encouraged by its success, lawmakers expanded the model to include child welfare, substance abuse and mental health programs. The state’s gradual entrance into evidence-based policymaking is in part a result of its limited resources. “Unlike other legislatures across the country, we lack critical staff support and the capacity to do the kind of research and accountability that the job really demands,” says Senator Becca Balint (D). With the support of Results First, data-driven decision making has become a priority.

Endless Possibilities

Policymaking is a balancing act, requiring lawmakers to weigh competing values when deciding what to fund and where to cut. Relying on evidence, as Results First does, and not anecdotes can help mitigate partisanship by putting the focus on data, rather than on ideological assumptions. But the approach requires buy-in from everyone involved, including legislators and executive agencies. Without it, implementation of the model’s recommendations can be delayed by conflict.

When everyone’s on board, however, most policymaking bodies are able to collectively define what successful programs should look like and what challenges they may face. Results First is “not just changing the decisions you make, you’re changing how you make decisions,” Mississippi’s Barker says.

Defining Terms

After adopting the Results First framework, Mississippi lawmakers soon discovered that stakeholders all regarded their favorite programs as “evidence-based.” In response, they codified some definitions:

1. “Evidence-based program” shall mean a program or practice that has had multiple-site, random-controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.
2. “Research-based program” shall mean a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.
3. “Promising practice” shall mean a practice that presents, based upon preliminary information, potential for becoming a research-based or evidence-based program or practice.

Senator Becca Balint
Vermont

Representative Patty Lundstrom
New Mexico
Fantasy Regulations
Lawmakers in Colorado, Mississippi and Missouri are the latest to enact legislation regulating the daily fantasy sports industry. Besides defining such terms as “fantasy sports contest,” the new laws require fantasy sports websites to register with the state and maintain records of their operations, and they establish basic consumer protections. Mississippi’s law is unique in that it repeals itself July 1 of next year, by which time the state may act to toughen its regulations. If it takes no action, daily fantasy sports would again be illegal in the state. Indiana, Tennessee and Virginia also enacted fantasy contest laws this year.

Getting Out the Teen Vote
A new elections law in New Mexico allows 17-year-olds to vote in primaries as long as they will turn 18 before the general election. At press time, the state’s first group of eligible young voters numbered 1,267. Of the 17-year-olds who had registered to vote in the June primaries, 874 were Democrats and 393 were Republicans. Another 316 teens registered but could not cast a ballot because they did not align themselves with either major political party. New Mexico’s primaries are open only to voters registered as Democrats or Republicans. New Mexico follows Indiana, Kansas, Minnesota, Nevada and Wyoming, all of which have approved similar laws.

Lost in Translation
A new Maryland law, sponsored by Senator Cheryl Kagan (D) and signed by Governor Larry Hogan (R), will help to lower the language barrier some new residents face by requiring state agencies to translate their public websites into languages spoken by at least 3 percent of the state’s population, based on the most recent census data. So far, Google Translate links have been built into the sites of at least 20 agencies, including the Departments of Natural Resources; Transportation; and Labor, Licensing and Regulation.

Aloha, Tax Credits
A bill that would make Hawaii the first state to offer farmers a tax break to help cover the cost of getting certified as organic awaits Governor David Ige’s signature. The cost of the certification, which is issued by the U.S. Department of Agriculture, can range from a few hundred to several thousand dollars—enough that small, qualified producers often forgo the process. The legislation would give farmers up to $50,000 in credits for certain expenses, including application fees, inspection costs and equipment or supplies needed to produce organic products. The state would give $2 million in tax breaks annually. Minnesota lawmakers are considering a bill that would offer farmers grants of up to $750 to cover certification costs. The federal government will cover up to 75 percent of the costs, up to $750.

Public Domain
Coloradans gained a new appreciation for the third Saturday in May when the General Assembly designated it State Public Lands Day. The law, passed with bipartisan support, recognizes “the significant contributions that national, state and local public lands within Colorado make to wildlife, recreation, the economy, and to Coloradans’ quality of life.” The state’s federal lands alone—24 million acres of mountains, deserts, forests and grasslands—annually contribute 125,000 jobs and $13.2 billion in revenue to the outdoor recreation economy. The state holiday is the first of its kind nationally, falling ahead of National Public Lands Day, on Sept. 24.
**Handle With Care**

It’s been almost two years since Michael Brown was killed by police in Ferguson, Mo., and questions persist about exactly what happened that day. That situation and others in which police were not wearing body cameras opened a national conversation on transparency and accountability in policing. At least 28 states and the District of Columbia have since passed laws on body cameras. Fifteen of them addressed how footage from body cameras can be accessed by the public under open record laws. The goal of the bills is to balance the need for police transparency with the privacy rights of individuals. Missouri is the latest to pass legislation. Its law restricts public access to footage while investigations are ongoing, and afterward if recorded at locations where “one would have a reasonable expectation of privacy,” such as inside schools, homes and medical facilities. The governor was considering whether to sign the proposal at press time.

**Assets’ Afterlife**

When we trade emails with friends or post our latest vacation pictures on social media, the last thing most of us think about is what might happen to those “digital assets” when we die. Michigan Representative Anthony Forlini (R) has thought about it, though. His recently enacted legislation treats digital images, emails, eBooks and music from social media and website accounts like other assets by allowing the owners to designate who can access those accounts after they die. Nine other states have passed similar laws.

**Sandwich Scrap**

The New Jersey Legislature is considering two bills to settle a long-running debate: Is the official state sandwich called the pork roll, egg and cheese, or the Taylor Ham, egg and cheese? The main ingredient, a processed meat product, is “pork roll” to most southern New Jerseyans and “Taylor Ham” to northerners, according to The Trentonian. John Taylor (R), a senator and entrepreneur, sold the first pork roll in Trenton in 1856, according to NJ.com. He ruled the market until butcher George Washington Case came along with his own recipe in 1870. A sandwich showdown was born. As lawmakers chew over the competing bills—one makes pork roll official, the other Taylor Ham—they’ll have help from residents, who can weigh in via an online poll.

**Sunday Blues**

Some Minnesotans are backing the blue—one of the state’s blue laws, that is. The House has decided to let the state’s 158-year-old ban on Sunday liquor store sales stand. Supporters say the law gives small, locally owned liquor store workers a day off and keeps them competitive with large chain stores. The law has a few exceptions, however. It allows craft breweries and microdistilleries to make limited Sunday sales, and for restaurants and bars to serve alcohol with municipal approval. Opponents say it’s common sense to allow liquor store sales on Sunday. Border cities, they argue, lose business to neighboring states, all of which allow some degree of sales on Sundays. Minnesota is one of a dozen states that still have Prohibition-era bans on Sunday sales.

**Barrel Ban Banished**

By passing what Colorado Representative Jessie Danielson (D) called a “commonsense water-conservation measure,” the General Assembly turned the arid state’s rain-barrel outlaws into upstanding citizens. Not that many of them knew they were breaking the law by collecting precipitation from their rooftops—or that they faced a (rarely enforced) $500 fine for doing so. The law, which failed last year, is a compromise between urban conservationists and farmers concerned about their water rights. It states that “a rain barrel does not constitute a water right” and requires the state engineer to track adoption and usage among homeowners. In return, homeowners may collect up to 110 gallons for outdoor use. Until the law was enacted, Colorado was the only state to generally ban the use of rain barrels.
Women share their advice and insight on leading legislative bodies.

BY KATIE FISCHER ZIEGLER

The role of women in politics is making headlines this summer, but even though women make up a majority of the U.S. population, their representation in state legislatures doesn’t reflect it.

Only 24.5 percent of state legislators today are women, though the number of women serving varies widely by state. There are even fewer women—about 16 percent—in the top 350 legislative leadership positions.

Well aware of their limited numbers, many female leaders stress the immeasurable value of having strong role models for women who aspire to positions of influence.

“Over the years, I have felt that we should want the best candidate for a job, whether that’s a woman or man,” says Iowa Representative Linda Upmeyer (R), the state’s first female speaker. That changed when she started getting letters from moms who talked about

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Oregon currently has four women in leadership positions. Two of them are, from left, Senate President Pro Tem Diane Rosenbaum and Senate Majority Leader Ginny Burdick. The other two are House Speaker Tina Kotek and House Majority Leader Jennifer Williamson. Oregon has had five female speakers, more than any state.
how their daughters responded when they saw her in the news. “It occurred to me that if little girls don’t see women in some of these positions, they will never hold a vision in their minds of women doing those jobs,” she says. “They won’t see themselves in those positions.”

**Building Unity**

Once in positions of power, women have to engage others, create unity and earn respect, just like their male counterparts. How they achieve those goals may either reflect their gender or simply their varied personalities.

Good leaders know that assembling strong decision-making teams requires “building relationships and working with people in difficult times,” says Upmeyer, who was a nurse practitioner before her election to the House. But teamwork is also a balancing act, says Oregon Senate President Pro Tem Diane Rosenbaum (D). An effective team is one “where people are strong individuals but where they also feel they can accomplish more as a group than any one person can alone,” she says.

For Wyoming Representative Rosie Berger (R), the majority floor leader, fostering an environment where “smart, able people are empowered to bring their very best ideas to the table.” is a priority.

Many women seek the opinions and advice of others, including team members. “I don’t determine a course of action until I’ve gotten a lot of feedback from a broad array of people,” says Minnesota House Majority Leader Joyce Peppin (R). And that requires listening.

Oregon Representative Jennifer Williamson (D), the House majority leader, says women leaders she’s

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### 2016 Data

| Total female leaders in 50 states | 58 |
| Percentage of leaders who are women | 16.6% |
| Democrats | 34 |
| Republicans | 24 |
| Speakers of the House | 4 |
| Speakers Pro Tem | 6 |
| House Majority Leaders | 11 |
| House Minority Leaders | 5 |
| Senate Presidents | 7 |
| Senate Presidents Pro Tem | 11 |
| Senate Majority Leaders | 4 |
| Senate Minority Leaders | 10 |
| Female leaders in U.S. territories | 3.2% |
| Percentage of female legislators who are leaders (58 leaders out of 1,809 women) | 5.2% |
| Percentage of male legislators who are leaders (292 leaders out of 5,574 men) |
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- Wisconsin
worked with have been more likely to listen than some of her male counterparts. “They have more of a tendency to collaborate,” she says. “There is no question that a decision will be made, but women may take in more input from team members.”

Oregon’s Senate Majority Leader Ginny Burdick (D) agrees. A positive, safe team environment is one where people listen. “I want to really be able to listen very carefully to people who come from places that are quite different from where I come from,” she says.

Former New Hampshire House Speaker Terie Norelli (D) would look for ways to personally connect with members when they were in session. “I’d send them a little note on the floor. I’d send flowers if somebody was in the hospital. I think sometimes those care and feeding styles are more common for women than for men.”

It never hurts to play a supportive role. “I believe in helping other members achieve their goals, whether that’s being elected, passing legislation, or getting a specific policy matter out there for conversation,” says Florida House Majority Leader Dana Young (R). “I earn respect from my members by working for them. And I have never asked someone to do something that I was not willing to do myself.”

Is There a Female Factor?

Good female leaders possess many of the same skills as their male counterparts, though women tend to prefer tackling issues by using a team approach built on trust and consensus.

“It is important for women in Oregon to see their women leaders take up issues that matter to them,” Williamson says. So, female members of the House Democratic Caucus teamed up to publicize a women’s economic agenda during the 2014 election. Their goal was to discuss caucus priorities in terms of how they affected women across the state.

“Women in low-wage jobs—to hear their situation held up as something we need to address, that doesn’t happen often,” Williamson says.

The Wyoming House currently is the country’s only chamber with women in both leadership roles—Berger, the majority leader and Representative Mary Throne (D), the minority leader.

Their friendship—built on long-established trust and respect, despite their different philosophies and views on issues—benefits the whole Legislature, Throne says. The two have even pledged to take no action that would damage the other’s leadership role.

“The floor has run smoother,” Berger says, during her tenure with Throne. Perhaps that’s because they know each other so well, says Throne, that they “don’t have to talk to each other that much.”

All the female leaders stressed the importance of having both women and men in leadership roles, and reported collegial and productive relationships with the men in their chambers.

Occasionally, though, men’s expectations will be challenged. “There were times people thought I wouldn’t be as tough as I was,” Norelli says. “Sometimes that caught people off guard.” A woman may have a softer style, she says, but that doesn’t necessarily mean she’ll be easy to push around.

Young cautions women aspiring to leadership against defining themselves by their gender. “We should just be the best that we can be, and always realize that we can improve,” she says. “Hopefully, that will result in really fantastic leadership for our state.”

Burdick also avoids making generalizations about gender. “Whether you are a man or a woman,” she says, “you are not the star of the show. You are the leader of the team.”

The Workload Doesn’t Lessen

Upmeyer is in the unique position of occupying the same leadership role as her late father, Delwyn Stromer, who was Iowa’s House speaker in the early 1980s. “Oftentimes,” she says, “we can look at people who had great opportunities and think, ‘Wow, they were really lucky.’ But I remember growing up, my dad would always remind me that the harder you worked, the luckier you got. That’s proven true all across my career. Hard work pays off.”

Still, Upmeyer was “a little surprised”
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by the amount of administrative work the speaker was responsible for. The increased workload was “a new thing” for Wyoming’s Berger as well. “As you go up the ladder in leadership, it seems that you really become more like a CEO of a company,” Berger says.

For Minnesota’s Peppin, moving into leadership was an eye-opener because it meant “dealing with member relations—getting to know members in a deeper sense and helping them work through disagreements on different issues.”

It takes a lot of patience. “Building relationships with other members, with lobbyists, with constituents, doesn’t happen overnight,” Peppin says. “It may take a few sessions.”

In Oregon, Burdick was first elected when the Democrats were in the minority. “I was grateful that I came in under those circumstances,” she says. “When you come in as a member of the minority, if you don’t learn how to relate with people, talk to people, get people on your side and really try to find common ground with people who are different from you, you don’t get anywhere,” she says.

“If you come in with the majority and someone hands you a gavel, you can make the mistake of thinking that you’re quite a skilled legislator. And it may not be true, because those skills are sometimes developed more deeply when you don’t have the gavel,” Burdick says.

The Importance of Your Word

Young’s grandfather, Randolph Hodges, was president of the Florida Senate in the 1960s, and she has always remembered his key piece of advice: “Be very, very careful about giving your word. Once you give your word, that is your bond, and you can never break it.” Unfortunately, she adds, not everyone in the legislative arena behaves that way.

“Being able to discern when an individual is being dishonest, and dealing with that, is important,” Young says. “You’ve got to know who you can rely on. If someone is dishonest, there has to be a consequence. Being strong enough to impose those consequences is a very important skill for any legislator.”

Women who want to advance into leadership roles need a healthy dose of self-confidence, Upmeyer says. “One of the things that always stands out to me is that men get up in the morning and look in the mirror and whatever they want to be, they can see it. Women look in the mirror and are thinking about what needs to get done in the day. Women have to be asked to run for office or for leadership.”

That hesitation among women is pervasive and troubling, says Peppin, who’s encountered it when she talks to potential candidates for the Minnesota Legislature. “Women will be concerned about issues, but they will try to find other people to run. Women need to think, Maybe I’m the person that is needed. Maybe it is me that can make the biggest difference.”

Moving into leadership roles also depends on the leaders who are already there, New Hampshire’s Norelli says. “The best opportunities come for women when there are people in leadership, whether they’re women or men, who are open to helping to advance women. So the best thing is to make sure you’re supporting a leader, the No. 1 leader, who is not just open to diversity, but actually committed to diversity.”

Making a Difference

“I think women tend to bring a level of passion to politics that we don’t always see from men,” Berger says. “Particularly when it comes to issues that are personal to them, or that they have experienced firsthand.” She and Throne are encouraged by the enthusiasm they’ve seen in women who have participated in Wyoming’s Leap into Leadership, a program that familiarizes women with all the state and local leadership opportunities available. The group’s training programs help strengthen and develop the skills necessary to engage in leadership at all levels.

Williamson encourages women to let their experiences shape their work. “Women run for office because they have a set of values that drives them, that are often different from men. Women need to be empowered to share this. We don’t have to try to fit our stories in a traditional box in order to be good policymakers.”

No one says it’s easy. “These positions are challenging, no doubt,” says Rosenbaum of Oregon. “People make huge sacrifices in order to run in the first place, in order to stay in office, to play these leadership roles.”

But it is “overwhelmingly worth it,” she says, “particularly when you see progress being made to affect the lives of people. I would encourage other women to consider this a part of what they want to do.”

The Mountain Ahead

The numbers of women in legislatures, in leadership and in higher office are growing—but slowly. Norelli is concerned that while New Hampshire has a female governor, two female senators and a female congresswoman, there are no women among the current legislative leaders or executive councilors.

“It is still something we have to be very conscious of and actively recruit women to run,” she says. “I want to continue to see more women in the legislature, because from there come the leaders, and from there very often come the candidates for higher up the ballot.”

Will female state legislators finally surpass the 25 percent mark after this year’s election? NCSL will be watching, and counting, in November.
Without technology, bills would still become laws, but it would take a very long time.

Everything about the legislative process—and making lawmakers’ activities transparent to constituents—depends on technology. The PCs, phones, software applications, networks, websites, email systems, printers, display boards and webcasts are available because information technology professionals have worked closely with vendors, state agencies, legislators and legislative staff to provide the tools everyone needs to accomplish their work.

Providing these tools requires many skills. Network administrators, application developers, business analysts, database administrators, testers, trainers, project managers, support staff, web designers, acquisition specialists and IT security staff may be supporting 100 servers, 100 applications, 600 mailboxes, 700 PCs and tablets and multiple networks at the same time. Some state legislatures accomplish all this with an IT staff as small as four, others with a staff numbering close to 100. Depending on the size of your state’s staff, IT professionals could be filling one or more of those roles. Here are three ways we put our skills to use.

~1~

We provide what the legislature needs.

Our goal is to provide you with the tools you need to do your job, while saving you time to focus on your priorities. Your requests aren’t “IT projects”—they are business projects that use technology to improve legislative operations and foster citizen involvement in government. Such projects proceed most effectively when you explain what you want to achieve and provide feedback along the way.

We’ll help you find solutions that realize your goals within the constraints of available technology, time and costs.

A Bill Becomes Law

Here’s how IT makes it work:

1. Representative Otto B. Alaw reads email from Connie Stituent, who says, “There oughta be a law...”

2. Otto and William Drafter search databases for relevant statutes and draft a bill.

3. William files approved draft in document management system.

4. In drafting shop, official version is formatted and sent through workflow software for proofing.
STATE LEGISLATURES
JULY/AUGUST 2016

WHAT STAFF KNOW

~2~

Together we are stewards of legislative data.

The legislature owns the data. Although the vast majority of legislative data is public, keeping it accurate is crucial. Every day, IT staffers perform many tasks to protect the integrity of the data. Safeguarding the network, software and data requires an effort from all of us. Awareness and good stewardship in the legislative community are essential.

~3~

Enterprise IT is different from consumer IT.

The legislature has rules and procedures; budgets for legislative IT hardware and software are limited; certain services must conform to legislative schedules; vendors’ support cycles require software patches and hardware upgrades; staff numbers are sometimes small; technology changes constantly—all these factors can make IT departments appear inflexible and reluctant to take on new work.

We always want to say yes; however, sometimes we have too much on our plates. Other times, legislative leadership must make policy decisions before IT staff can proceed. We strive to provide cost-effective solutions that are also sustainable.

IT plays an ever-greater role in the way you and your staff serve your constituents. The members of NALIT are happy to be your partners in providing that service.

What Is NALIT?
The National Association of Legislative Information Technology is one of NCSL’s 12 national professional development organizations for legislative staff. NALIT members enjoy sharing innovative ideas and creative solutions with each other to help improve the effectiveness and efficiency of legislatures. Members have the opportunity to network with IT colleagues from around the country through training seminars, the Legislative Summit, webinars and a listserv. Participants at NALIT’s professional development seminar in Indianapolis, Sept. 12-15, will receive a briefing and tour of the Indiana State House and have the opportunity to attend a variety of sessions on security, management and support, cloud computing, agile programming, video streaming and more. For more information, go to www.ncsl.org/magazine or email NCSL’s liaison to NALIT at pam.greenberg@ncsl.org.

What Staff Know
This is the second in a series dedicated to the little-known and sometimes misunderstood work performed by the more than 30,000 legislative staff employees in state capitals across the country.

5. Sam Staffer in the clerk’s office processes bill for introduction. When he hits the “publish” button, it appears on the legislature’s public website.

6. House Speaker Holden D. Gavel opens the introduction calendar on his console. When the bill is read, he hits “referred.”

7. Bill moves via software on networks and servers to committees and floors of both chambers.

8. If passed, the bill then goes to Governor Ike N. Vito for his signature.
Two Oregon lawmakers put partisan politics aside to battle a grave disease together.

BY IAN K. KULLGREN

Ian K. Kullgren, a reporter for Politico, wrote this story for The Oregonian/OregonLive. Reprinted with permission.

Lean on Me

Ian K. Kullgren, a reporter for Politico, wrote this story for The Oregonian/OregonLive. Reprinted with permission.
seem more different.

Brian Clem, a Democrat.

Oregon Representative Vic Gilliam, left, a Republican, faces ALS with the support of his good friend and colleague, Oregon Representative Brian Clem, a Democrat.

has his daughter, Rebecca, who works in his office as a legislative aide. And of course, there’s Clem.

Friends and Opposites

Outwardly, Gilliam and Clem couldn’t seem more different.

Gilliam, 62, looks like Republican royalty: sport coats, crisp white shirts, ties and shined loafers. He has a chiseled jawline and a presidential helmet of dark hair. He used to moonlight as an actor. One of his last roles, in January, saw him on “Portlandia” as Fred Armisen’s uncle.

Clem, 43, looks like a surfer who wandered into a suit. He’s gone bald and wears a Hawaiian necklace and Buddhist prayer beads on his wrist. And ties? Never.

In 2009, the two were assigned to the same committee, working on bills together.

A year later, they endorsed each other for re-election. In 2014, Clem even drove Gilliam around his district, putting up signs to fend off a primary challenger. Gilliam had been getting heat from his opponent for palling around with Democrats—specifically Clem—so Clem wore a hood and an Oregon State hat to disguise himself.

Then last summer, Gilliam asked Clem to get breakfast.

When the letters “ALS” came out, Clem knew what it meant. His mother-in-law had died from it. He broke down right there in the booth.

Clem felt lost. “It was like getting shot,” Clem said. Clem had been thinking about quitting the legislature. His businesses weren’t doing well. He was nearly broke and away from his daughter too much. He thought it might be time to take a better-paying job as a lobbyist.

So he did what desperate people do: He prayed. “What I think of as God answered the question,” Clem said: “You have more to do here. You have to help him. However long he wants to stay, you have to help him.”

When session started, Clem was there. He held doors for Gilliam, carried his books to daily floor sessions, walked him to committee meetings and helped him in and out of cars. They read daily devotionals together, discussing the lessons of Jesus.

But Clem wanted to do more.

The Statue Plot

Behind the scenes, Clem hatched a plan to deliver one of Gilliam’s most fervent wishes: to replace one of the two statues every state gets in the U.S. Capitol with one of former Oregon U.S. Senator Mark Hatfield.

Gilliam had worked for Hatfield for six years; the Republican inspired his pursuit of public service. When Gilliam’s draft number was called in 1972, it was a Hatfield speech that calmed him down. After hearing him speak in Portland, Gilliam decided he’d go into politics if he survived. He would work for that man.

As luck had it, President Richard Nixon brought the troops home, and Gilliam never went to Vietnam. Instead, he went to see Hatfield speak every chance he could, begging the senator to hire him. Finally, Hatfield did. Gilliam spent five years on Capitol Hill, and one in Oregon as a field director.

He returned to Oregon in 1982 with heightened ambitions and an inflated ego. He would become a state representative, he was sure, then work his way to the U.S. House, serving alongside Hatfield in the Senate. Gilliam ran twice and lost in the primaries.

Devastated, he quit politics.

Eighteen years later, he got a call from his brother, a freshly re-elected state representative who was leaving because of his health. Would Gilliam be interested?

Gilliam was sworn in on the House floor in January 2007. In the chamber was none other than his idol: Hatfield.

When Hatfield died in 2011 at age 89, a few lawmakers—especially Gilliam—thought he’d be a logical replacement for one of Oregon’s statues. Bills were drafted only to die. The idea never took off. This year, knowing Gilliam’s health was in doubt, Clem was determined to make sure it did. Gilliam and Clem drafted a bill that would have commissioned two new statues: Hatfield’s and one for Chief Joseph, the resistance leader of the Nez Perce tribe.

As the session wore on, Clem scurried among lawmakers’ offices, gathering support. The bill passed the House but got held up in the Senate. With diplomacy getting them nowhere, Gilliam and Clem quietly put together a nuclear option.

As dusk fell March 2 at the end of a tense day, House Speaker Tina Kotek (D) called a recess. House members gathered outside the chamber. Slowly, Gilliam began to walk with his cane, marching toward the Senate, nearly all of the 60 House members in tow. The group pressed through the Senate chamber and into Senate President Peter Courtney’s (D) office, demanding Gilliam receive an audience. They flooded Courtney’s lobby and the hallway outside—a bicameral clash unlike anything anyone at the Capitol had seen.

But Gilliam’s pitch to Courtney fell flat.

“He was angry, he was exasperated, he was vocal, and I couldn’t get him back in a conversation,” Gilliam said. “I don’t know that we actually talked about the statue.”

The next day, the legislature adjourned. Clem and Gilliam say they’ll try again in 2017, that is if everything goes well for them in the fall.

“Obviously, the voters have to say OK to both of us,” Clem said, chuckling. Gilliam wryly concurred.
Technology is letting constituents who live far from the capitol testify at legislative hearings.

BY PAM GREENBERG

In January 2015, Pateros School District Superintendent Lois Davies drove some 250 miles from her home in northern Washington to the Capitol in Olympia to testify in favor of a measure to help schools recover from natural disasters—like the 2014 wildfires that destroyed 131 homes in her district and caused $2 million in damages to the high school.

Returning home in a snowstorm, Davies was seriously injured in a car accident on Stevens Pass. She spent more than a month in the hospital and was off work for six months. Although the Senate had begun a pilot project that year to let the public participate in some committee hearings by videoconference, the committee that took Davies’ testimony was not yet part of the project.

Much had changed by the end of the year: Six standing committees had conducted 19 hearings at six sites in Spokane, Wenatchee and Pasco, with 44 witnesses participating. The hearings were held at educational facilities.

This year, the Senate expanded video-testimony options to all committees and has approved equipment upgrades. Washington is now among a handful of states using new communication tools to make it easier for remote constituents to be part of the legislative process.

Pioneering States

Alaska and Nevada pioneered remote committee hearings. It’s easy to see why. Alaska’s borders are nearly as far apart as those of the entire lower 48 states. To bridge the distance, Alaska began holding remote hearings for residents in 1978, when the Legislature established a teleconference network. In 2014, more than 4,000 citizens participated remotely in 5,000 hours of legislative teleconferences.

In Nevada, only about 2 percent of the state’s population lives in Carson City, the state capital. Seventy-six percent live in the Las Vegas metro area, some 400 miles away. The Legislature began videoconferencing hearings between the two cities in 1991. In 2015, 737 committee meetings were videoconferenced, with a total of 6,699 citizens attending.

Other states, including Michigan and the Virginia Senate, hold occasional remote hearings, typically at the request of a committee chair and for issues especially relevant to residents outside the capital city. This year, for example, Michigan Senator Tom Casperson (R), sponsor of a bill that would encourage out-of-state residents to hunt and fish in Michigan, held hear-

Pam Greenberg follows technology issues for NCSL.

Senator Tom Casperson
Michigan
two sites were designated initially), with 55 witnesses participating. The pilot was considered a success, and was expanded to four sites this year.

One of the first remote hearings in 2016 was on a bill to fund full-day kindergarten. The sponsor, Senator Andy Kerr (D), a social studies teacher, had heard from people all over the state who felt passionately about the issue, but would face difficulties making a trip to the Capitol.

“A teacher in Grand Junction or Durango who wants to testify on a bill being heard on a Monday afternoon,” he says, “would have to leave on a Sunday, drive to Denver, spend Sunday night at a hotel, testify Monday afternoon and then either drive back late or stay another night in Denver. Either way, they might be missing three days of school.”

Colorado winter weather adds to the difficulties. On the day of the hearing, a major snowstorm closed schools and highways across the state. The hearing went forward, however, with witnesses testifying remotely from Durango, Alamosa, Trinidad and Grand Junction.

“Without remote testimony, there are some who otherwise wouldn’t have testified,” Kerr says. “We tend to hear from the same people over and over again when we’re at the Capitol. For example, 90 percent of all kids in Denver Public Schools have full-day kindergarten, but throughout the rest of the state, only 75 percent do. It’s important to get rural perspectives. We’re hearing from different voices.”

**Nebraska**

The Nebraska Legislature partnered with Nebraska Educational TV in 2015 to offer videoconferencing at more than a dozen sites that use the technology for distance learning. The Legislature outfitted two hearing rooms with cameras and gave committee chairs the option to hold remote hearings. The project looked questionable the first year, when no one made requests. But it took off in following years with about six remote hearings held during each of the legislative sessions.

Senator John Stinner (R) was one of the first to request a remote hearing on a bill. He had been hearing constituent concerns about an oil and gas company’s application to deposit 10,000 barrels of wastewater from Colorado fracturing operations into a well in Sioux County, Neb. The company’s heavy trucks would have to travel the local roads every day.

Instead of asking residents to drive 400 miles for three to five minutes of testimony, Stinner got approval from the Natural Resources Committee chair to hold a remote hearing in neighboring Scotts Bluff County. About 40 people attended, and some 20 testified. Most people feel part of the process, they were ranchers or landowners with property near the proposed well site.

As one resident said in his testimony,
Early Efforts

Several states in the 1990s authorized studies or conducted pilot projects using videoconferencing for public hearings. In several of these states, projects did not go forward or were discontinued due to costs, scheduling conflicts at the remote facilities (for example, universities with multiple groups competing for videoconferencing equipment) or lower than anticipated public participation.

As costs of videoconferencing technologies have dropped, and as desktop software tools such as Skype and GoToWebinar have become widely available and easy to use, some of the barriers to videoconferencing have fallen. Numerous states now bring in experts via videoconference to testify for a committee.

“I live on the highway. I have friends, family, people that work for me that live on Highway 29. It’s not a very big highway, and it’s not going to support 160 trucks a day.” Others shared concerns about water quality. Nonprofit, government and industry representatives also weighed in on both sides.

The process worked well, Stinner says, both for those involved and in terms of the technology. “I guarantee only four or five people could’ve driven down” to Lincoln, the capital, he says. “People feel part of the process; they feel their voice is being heard. It gives everyone a chance to weigh in, and they start to understand what the other opinions may be.”

Stinner believes remote testimony works especially well for issues of consequence in areas outside Lincoln and for selected statewide issues. “It’s critical if you’re going to do this to go to the media and get the word out. You have to pick the issues. We have some hotly contested statewide issues also, but we have to get the word out.”

Kerr also sees the need to spread the word as a growing pain with remote testimony. He relies on interested individuals, especially those in the state’s remote areas who can help inform others. He’s also publicized hearings on social media.

Hawaii

The Hawaii Senate Neighbor Island Videoconferencing Pilot Project, begun in 2014, also has experienced growing pains. Just one committee room has the technology necessary for remote testimony. The project is continuing with limited use in one committee through this year.

Hawaiians do not travel to a specific site to offer testimony; instead, they need a newer computer with a webcam, microphone and a reliable broadband connection to participate. They must complete an online application form and submit written testimony electronically to the committee at least 24 hours before the hearing. They then receive a hyperlink to join the hearing on their computers by teleconference.

The Senate’s website has information about system requirements and how to use the GoToWebinar software, but it also hints at the difficulty some might have with the technology. The goal, the site explains, is “to expand the project in the future to cover more committees, more hearings and perhaps a wider audience; however, initially, this pilot project will be limited and will require the patience and understanding of all senators and staff, as well as the public.”

The Hawaii House began a similar project in one committee this year. Representative Nicole Lowen (D), who helped test the system, sponsored a bill that would have created a committee to develop remote testimony procedures for both chambers.

“It’s a huge burden,” she says, “when our constituents on the neighbor islands have to pay for a plane ticket, hotel room and rental car just to get a few minutes of time to speak in front of a committee.”

At a recent demonstration for legislators and staffers, Lowen, at the Capitol in Honolulu on the island of Oahu, videoconferenced with David Case, a resident of Kailua-Kona on Hawaii, about 170 miles, or a 40-minute flight, away.

“This is great,” Case said during the demonstration. “It seems to do everything

Posting Policies

Nebraska

Written policy addresses some of the questions that arise with remote testimony:

• A request for videoconferencing must be received by the chair of the executive board at least two weeks before the proposed hearing date.
• The bill’s sponsor and the chair of the committee must agree to videoconference a hearing, and have approval from the chair of the executive board.
• The subject of the bill, resolution or interim study must have statewide interest or have a significant interest to citizens at the remote locations.
• At the start of a videoconferenced hearing, the committee chair should cover how the hearing will be conducted, including the amount of time each site will be allowed to present testimony; the process for signing the testifier sheet; the use, if any, of a timer or light system; the handling of exhibits; the time the remote site closes, if necessary; and the consequences of disrupting testimony.

Colorado

Information and a list of bills available for remote testimony are available on the General Assembly’s website; those wishing to testify remotely must fill out an online form. In addition:

• Legislators’ requests for remote testimony must be approved by legislative leadership in each caucus.
• For a site to be available for remote testimony, at least one witness must be registered to testify at the site at least 24 hours before the hearing.
• Additional witnesses may continue to sign up online to testify until one hour before the scheduled hearing time, and may sign up at the remote testimony site until public testimony on the bill concludes.
you want and need the process to do. It’s certainly preferable to spending $200 to $300 [on airfare] and taking up a whole day to testify for two or three minutes before a committee at the Legislature.”

Although Lowen’s bill passed the House Committee on Finance, it was ultimately unsuccessful.

**What’s Next?**
Legislatures lead all branches of government in allowing the public to listen to or watch their proceedings from home. All 50 states offer audio or video webcasts of floor proceedings, and 41 states webcast committee hearings, with more doing so every year. At least 10 legislatures have online systems that allow residents to vote on bills and provide comments.

*The more people involved, the better chance we’ll get good legislation.*
—SENATOR ANDY KERR, COLORADO

What’s next, especially if the costs, staffing or technical and procedural burdens of remote hearings are considered too high, or if they cannot attract or sustain the interest of constituents?

Some, like Washington Senator Cyrus Habib (D), propose making the process even easier. He is sponsoring a bill that would let people record YouTube-type video testimony—at their convenience and using their own devices—for legislators to view before voting on a measure.

It seems likely that lawmakers will continue to search for ways to make remote testimony work. Kerr, of Colorado, says constituent input is an integral part of the committee process. “I think every bill should have the underlying opportunity to be heard remotely,” he says. “The more people involved, the better chance we’ll get good legislation. It does cost more, and it takes staff to run the technology, but at the end of the day, it’s a cost that’s certainly worth it.”

Lois Davies, the Washington school superintendent, would no doubt agree.

**Questions to Consider**

Remote public hearings raise a number of procedural and logistical questions. What happens if the technology fails? How will open meeting and notice requirements be met? Will all legislators and the public be able to see and hear all testimony being given? Before conducting remote hearings, the Washington Senate developed a comprehensive set of questions on hearing management, staffing, public participation, security and information technology:

- Will remote testimony be subject to the same rules and procedures as in-person testimony (timers, handouts, personal information, decorum)?
- Will the chair have the ability to mute remote testifiers?
- Who will staff remote sites, what will be their responsibilities and how will they be trained?
- How will committee staff in on-campus hearings communicate privately with remote staff?
- How will remote staff manage crowds and hearing disruptions?
- Will there be dedicated security staff at remote sites?
- What is the appropriate response when a remote connection is lost? Should the hearing be postponed or continued until the connection is restored?

**How Much Does It Cost?**

Washington spent about $7,000 initially for a portable videoconferencing system. Another $209,000 was approved for future upgrades. Legislative audio-visual technicians expanded their work to support and install the equipment; 170 staff hours were dedicated to the pilot project. Community college and university systems made their equipment and rooms available at no cost.

Colorado allocated $135,000 and one full-time employee for implementation. The legislature also pays $30 per hour for each remote site.

For Nebraska, implementation ran about $55,000. The Legislature pays $80 per hour for the videoconference facilities.
Everywhere You Always Wanted to Know About

Elections experts tackle the most frequently asked questions.

BY WENDY UNDERHILL

What is “the purest of political blood sports”? Redistricting, according to The New York Times. Drawing new boundary lines for political districts can be contentious, messy and at times even combative. It’s a process that’s both simple and complex.

Simple in that it embodies a four-word rule: “one person, one vote.” That’s been the law of the land since 1962, when the U.S. Supreme Court determined in Baker v. Carr that, if each person’s vote must carry the same weight, states could not go decades without redrawing their legislative district lines.

In Tennessee, where the case originated, legislative redistricting hadn’t been done since 1901. With unequal growth across the state, the number of constituents in each district had come to vary widely. And the Volunteer State was not unique. The ruling was followed by a series of cases nationwide, setting the stage for modern-day redistricting.

The process is complex in that drawing the lines while meeting myriad requirements and criteria requires healthy skills in math, technology, law and the political art of compromise. At least, those are the skills the experts need—but they live and breathe redistricting all decade long.

For everyone else who seeks a sound but not too detailed knowledge of the process, here are some answers to frequently asked questions.

Who Cares About Redistricting?

Everyone who cares about public policy has a stake in redistricting because it sets the stage for elections. “It doesn’t matter whether you are a partisan Democrat or Republican, or if you are interested in a single issue, such as shelters for abused women, the way the map turns out is going to affect how willing people are to advance your programs of interest,” says Ted Booth, general counsel for the Mississippi Joint Committee on Performance Evaluation and Expenditure Review.

Who’s in Charge?

Redistricting is a core legislative function. “Nobody can make a decision better than those who are serving in a legislature,” says Mississippi Representative Bill Denny (R). “Who is going to know the culture of the district better than they do? I can tell you the people are different on the coast than in the north side of my state. Who is going to represent them better than the representative from that district?”

Denny’s opinion is shared by most legislators, regardless of party affiliation. Even so, over several years, states have handed redistricting over to commissions. In the 2020 cycle, commissions will rework legislative districts in at least 13 states and congressional districts in at least nine.

Commissions aren’t inherently less political or more successful than legislatures at drawing the lines, however. It all depends on who serves on the commission, what criteria they must abide by and whether a successful vote must
include some minority party support. Since 2000, new commissions have all incorporated some form of bipartisan structure. New York voters, for example, recently approved a bipartisan advisory commission to recommend legislative and congressional districts. And in Ohio, the former commission was recently replaced with a bipartisan one, and the rules were changed for redrawing and adopting legislative districts.

This year, residents of South Dakota will soon vote on whether to use a commission for legislative redistricting. Illinois has a similar measure, but it faced a legal challenge and was on hold at press time.

**What Have the Courts Ruled?**

Redistricting is a perennial issue in the U.S. Supreme Court. There’s always another case, another wrinkle, another argument. Decisions last year and so far this year have all preserved the status quo.

The court, for example, confirmed in *Arizona State Legislature v. Arizona Independent Redistricting Commission*, that it’s acceptable for a state to hand over responsibility for line drawing to a commission through a citizens’ initiative.

In *Harris v. Arizona Independent Redistricting Commission*, the court ruled that it’s OK to have some unintentional population variation in legislative districts based on partisanship.

The court let the Virginia General Assembly’s map remain as drawn when it decided not to hear *Wittman v. Personhuballah*, citing a total “lack of evidence” the congressional challengers were harmed by the legislature’s redrawn maps.

“I think it’s good we’ve had these decisions saying the way we’ve been doing redistricting is fine,” says Peter Wattson, a national redistricting expert and former Minnesota legislative staffer. “This does not mean the court is closing the door on something new in the future.”

When a legislature or commission fails in its mission to draw lines—which happens frequently—the courts play backup and do the work themselves. In some states with mixed party control, like Minnesota, the courts have drawn the maps for several decades.

**What’s the Census Bureau’s Role?**

The U.S. Census Bureau takes the first step in the process. When the bureau releases its first data on state populations after the decennial national count, we will quickly learn where congressional seats will be added or eliminated.

It will take until April 1, 2021, however, for the bureau to release detailed state data. These files include how many people live in each “census block,” the bureau’s smallest unit of geography, and are sent to every governor and legislative leader and to the public body responsible for legislative redistricting. With that data, the maps are created.

Traditionally, all states have used the “total population” census figure to draw their maps. A challenge to that measure was rejected this year by the U.S. Supreme Court in *Evenwel v. Abbott*.

The case did not say, however, that using other population bases, such as citizens of voting age, is unacceptable. Wattson says “that’s a truck that’s barreling down” on some states, where alternative population measures may yet be proposed.

While no states have tried to use a base other than total population, a few routinely tweak census data to account for people who are living in group quarters, such as students, military personnel and prisoners.

**What’s the Debate Over Prisoners?**

On Census Day, where inmates’ officially live is counted differently across the states. It can be the prison address, a home address or no address.

The method used—like everything relating to redistricting—has political consequences. If inmates are counted at the prison, rural areas where facilities often are located get a population boost, while the more urban communities where many prisoners come from show a decline. That results in a slight redistribution of political power to the prison districts.

Although most states count inmates at their prison locations, California, Dela-
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The court said the Alabama Legislature relied too heavily on racial considerations in drawing its lines in 2012. This led to a too-heavy concentration of African Americans in some of the state’s legislative districts.

But how heavy is too heavy? Rather than mechanically preserving a certain percentage of minority voters in a district, the court said, the state should have taken account of “all significant circumstances” (such as how whites and blacks had historically voted in those districts) to determine whether minority voters could continue to elect the candidate of their choice in a district, even if the district had a lower percentage of minority voters than before.

Race can be a factor in drawing lines, but cannot be the predominant factor, unless narrowly tailored to achieve a compelling interest, such as complying with the Voting Rights Act.

The court recently agreed to hear Bethune-Hill v. Virginia State Board of Elections, which may address how to determine when race is being used as a “predominant factor.”

What Role Does Partisanship Play?

Racial gerrymandering is a good segue into partisan gerrymandering—the deliberate drawing of district boundaries to secure an advantage for one political party.

Undeniably, partisanship is part of the map-drawing process, and both parties try to craft maps that will help their members.

“You cannot take politics out of redistricting, the quintessential political exercise,” says Bruce Adelson, CEO of Federal Compliance Consulting. “The Supreme Court has never said how far you can go, but they’ve given some clues. Partisanship may be the next battleground in redistricting.”

In Maryland, for example, Republicans have chafed at the lines drawn by the Democrats, who control the General Assembly. “The majority in the legislature put together maps that were advantageous to the majority, which is what every majority in the nation has done,” says Delegate Kirill Reznik (D). “The perception was that something was done that was improper, and in politics, perception can become reality. If that perception made everyday citizens who vote and participate in politics think that their participation didn’t matter, that was a problem.”

What’s the solution? For Reznik, and others, the answer is to use a commission. He’s introduced a bill to do just that. Some see commissions as a way to quiet the partisan storm. But there are other options as well.

In Iowa, for example, legislative staff draw the lines without access to information about candidates’ or incumbents’ residences, or other political data.

Florida voters said yes to a 2010 citizens’ initiative to add these words to its constitution: “No apportionment plan or district shall be drawn with the intent to favor or disfavor a political party or an incumbent.”

That might seem simple enough, but since the first maps drawn under this language were produced in 2012, the Florida Supreme Court has had to interpret the new directive eight times.

At least nine states considered legislation this year to establish new criteria, such as competitiveness, when drawing maps. None have passed, though an effort in Nebraska came close.

“I have been studying and researching ways to improve the redistricting process, and for me it’s important to have a higher degree of public trust with the maps that are drawn in the future,” says Nebraska Senator John Murante (NP), a conservative. He’s working on a way to “streamline and create a degree of separation between politicians and the drawing of maps.”

Perhaps the next action on partisanship in the redistricting process will come from the courts. Watch for the ruling in Wisconsin’s Whitford v. Nichol case, being heard in federal court this summer. It may be the first time a state’s maps are rejected specifically on partisanship.

So there you have it. Redistricting in a nutshell. Simple, but complex. And usually contentious.
Deputy Assistant to the President and Director of Intergovernmental Affairs

Jerry Abramson oversees the Obama administration’s domestic agenda with state, city, county and tribal elected officials. He came to the White House from Kentucky, where he served as lieutenant governor and as mayor of Louisville.

How has your experience at the state and local levels helped prepare you for your current role at the White House?

My job is two-fold: to advocate for the president’s domestic agenda and to explain how this administration’s initiatives and policies positively impact state and local communities. In addition, my role is to interact with state, local and tribal elected officials on issues that are of concern to them, and, when I see a trend, ensure that the appropriate agency or cabinet becomes aware of that concern (and takes action).

There have been very few issues that I have dealt with here at the White House that I have not experienced in my city, county and state roles. I’m in a unique position where I can share the mistakes I’ve made and successes I’ve had to assist elected officials in their communities.

What are the administration’s biggest accomplishments when it comes to the state-federal partnership?

The president charged me with not only creating an open communication between states and the White House, but also with enabling legislators and statewide elected officials to be confident that their opinions on issues are heard by the decision makers here in the administration. So I think my success isn’t necessarily measured in one or two big moments but really in how doggedly my office and I are pursuing every issue, large and small, every day. I know what it’s like to have an issue that’s a huge deal for your state or community and how important it is to know that someone is hearing—and channeling—your unique perspective and getting it into the federal decision-making process. That’s how I measure my success.

As we head into the final months of this administration, what issues is the White House looking for state legislatures to assist with?

Zika, gun violence prevention, criminal justice reform, free community college, minimum wage, sick leave, family leave, early childhood funding, workforce training, Trans-Pacific Partnership, opioids—everything that’s on the domestic agenda. We’ve done a huge amount over the past seven and a half years, but we have “miles to go before we sleep.”

What advice would you give to your successor?

My advice to the next president is to select people for the Office of Intergovernmental Affairs who have served in state and local government. I really believe that—because they bring a perspective and a sensitivity to the issues as only an elected city, county or state official could. I would also say don’t lecture and local elected officials, put your listening ears on, understand what they’re saying and articulate their positions at each meeting on domestic issues that you attend inside the administration. That’s your job.

One of NCSL’s top priorities is passing e-fairness legislation. Can the White House be helpful on this issue?

Yes! The president supports leveling the playing field for local small-business retailers that are in competition every day with large out-of-state online companies. He strongly supported the Marketplace Fairness Act passed by the Senate in 2013 that would have required big online sellers and catalog retailers to collect sales taxes. We agree with states that it’s unfair not just for small businesses, but also for cities and states that are unable to fully invest in K-12 education, police and fire protection, access to affordable health care, and road and bridge repair because of an unfair advantage currently enjoyed by big out-of-state online companies.

Has the administration given any more consideration to its proposal to modify the tax-exempt status of municipal bonds, which would raise issuance costs on infrastructure projects for state and local governments?

The administration’s goal is to improve financing for state and local governments so that we can make the necessary investments to strengthen America’s infrastructure. It’s why the president’s budget proposes America Fast Forward Bonds, which will provide more efficient financing for state and local infrastructure investments, while reforming the treatment of tax-exempt bonds for only the very highest-income Americans. The proposal on tax-exempt bonds is part of broader tax reform that would curtail the benefit that the highest-income taxpayers receive from major “tax expenditures,” including the tax exclusion for municipal bond interest. Under the budget proposal, taxpayers in the highest tax brackets would receive the same tax savings from tax-exempt bonds as bondholders in the 28 percent tax bracket, but not more. In other words, they would receive a tax benefit worth 28 cents for every dollar of bond interest.
they receive, maintaining a substantial tax incentive to purchase municipal bonds.

The budget also proposes establishing America Fast Forward Bonds as an optional alternative to traditional tax-exempt bonds. They would build upon the proven success of Build America Bonds, which provided an efficient financing tool for state and local governments during 2009 and 2010. The option to issue direct-pay America Fast Forward Bonds would directly lower borrowing costs for issuers and attract a broader investment base.

**What are the president’s plans for criminal justice reform and how will they affect states?**

With 2.2 million people behind bars, compared to 500,000 just 30 years ago, and it is estimated that our country spends a staggering $80 billion each year to keep people locked up. Since Day 1, the president has believed that making meaningful sentencing reform, taking steps to reduce repeat offenders and supporting law enforcement are all crucial to improving public safety, reducing incarceration costs and making our criminal justice system fairer. The president has worked with Congress to advance this issue by signing the Fair Sentencing Act, which reduced the disparity between crack and powder cocaine sentences. And while only congressional legislation can bring about broad and lasting change, this administration has taken further steps, including: implementing the Department of Justice’s “Smart on Crime” initiative; creating the Task Force on 21st Century Policing, whose report set forth concrete recommendations for improving trust between law enforcement and communities; commuting the sentences of 348 men and women who were incarcerated under outdated and unduly harsh sentencing laws; and directing DOJ to address the overuse of solitary confinement.

We will continue to focus on improving the re-entry process for the tens of millions of incarcerated individuals, making policing and criminal justice data more accurate and transparent, and working with Congress on bipartisan legislation to address overly long mandatory minimum sentences for nonviolent drug-related crimes.

Realizing that the vast majority of people who encounter the justice system do so at the state and local levels, we are also actively engaging our state partners to help them achieve similar reforms. As an example, since the president announced that the federal government would “ban the box” on job applications for federal positions, eight states—from New York to Oklahoma—have done the same. As legislators consider potential bills, we encourage them to contact us.

**How does the administration plan to work with state legislatures to ensure a chosen nuclear waste site has the host state’s full support?**

Our Intergovernmental Affairs partners at the Department of Energy are always willing to satisfy any request for a meeting or conference call, and to answer any questions asked about the administration’s plans. Being responsive to state legislatures has been a priority, both because host jurisdictions are our partners and because overall public trust is a prerequisite to success. Currently, DOE is in the first phase of developing a consent-based process, and is seeking broad input from the public and interested parties on what elements are most important to consider. The input received in this phase will directly affect the design of a consent-based process for working with potential host communities in the future. Honestly, if you have comments, let our office know.

**What’s next for you?**

Time will tell, but my wife and I have made the decision that I will be returning to Louisville for the next chapter—I’m going home!
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**YES, NO, MAYBE SO**

What is legislative immunity?

Legislative immunity is a topic that many people, legislators included, do not know a lot about. According to separation of powers provisions, legislative immunity prohibits the executive and judicial branches from interfering with the operation of the legislative branch beyond the powers given in each state’s constitution. The protections were designed to ensure that ideas are debated freely during the legislative process without concern for censorship or adverse consequences.

Legislative immunity “confers a privilege on legislators from inquiry into their legislative acts or into the motivation for actual performance of legislative acts that are clearly part of the legislative process,” as the Rhode Island Supreme Court put it in *Irons v. Rhode Island Ethics Commission*. Essentially, immunity protects legislators from being questioned about certain legislative actions by an entity outside the legislative branch.

But how exactly those legislative actions are defined is vigorously debated, at times creating tension between branches of government.

Certainly, legislative immunity is not a get-out-of-jail-free card, and there are limits to the legal protection it provides. Criminal behavior, for example, is generally not protected. But some courts have found that executive branch regulators must take a hands-off approach when it comes to applying ethics laws to members of the legislature, in their capacity as legislators, unless a constitutional provision states otherwise. Depending on the circumstances and the jurisprudence in a given state, oversight of certain legislative actions might have to be performed by the legislative branch, and the legislative branch alone.

—Ethan Wilson

Want to know more? Be sure to attend the session “Privilege and Immunity: Protecting the Legislative Process,” at NCSL’s 2016 Legislative Summit in Chicago on Monday, Aug. 8, 1–2:15 p.m. Contact Ethan Wilson at ethan.wilson@ncsl.org.

**IN THE REAL WORLD: Does immunity mean lawmakers are …**

**… above the law?**

No. Two years ago in Minnesota, for example, the secretary of state stopped issuing the “legislative immunity” cards carried by lawmakers, who considered them a prized perk, according to the Star Tribune. Historically, the cards were issued to keep powerful interests from arresting lawmakers to prevent them from voting, the newspaper reports. But the cards caused confusion and raised concern that legislators could avoid arrests for drunken driving or other illegal behavior. The attorney general clarified that “legislators have no immunity from arrest for criminal activity, including the crime of driving while intoxicated.”

**… protected from malicious litigation?**

Yes. At least 43 states have provisions similar to the U.S. Constitution’s “speech or debate” clause, which protects lawmakers from having to answer questions in court about what they have said or done in their capacity as legislators. The protection ensures that legislators are able to do their work without being pressured or threatened by interests among the executive or judicial branches, or the public, who might be hostile toward particular legislation.
Mark Wolf is an NCSL publications editor.

Historian and author Dan Jones says the genetics of the Magna Carta are embedded in the Declaration of Independence and other great founding documents.

By Mark Wolf

It was 16 years ago when Dan Jones walked into his supervisor’s office at the University of Cambridge to begin work on his history degree. He was to receive an essay question each week, the first one being, “What was the issue between King John and the barons?”

“I thought it was going to be three days’ work and I’ll never have to think about the Magna Carta again,” Jones says.

Well, not quite. Jones, a London-based journalist, historian and author, wrote the recent book “Magna Carta: The Birth of Liberty” (Viking, $27.95) to coincide with the 800th anniversary of the document known as the “Great Charter.”

The Magna Carta was a peace treaty brokered in 1215 between England’s King John and rebellious barons. It was in force for about two months, then was reissued several times over the next few years. It stands as one of history’s most influential documents. Why does it endure?

The afterlife of the Magna Carta is the key, the constant reinvention and transformation of a symbol of values and ideas that has transcended those 800 years of history. It asks questions that had been thought about before the Magna Carta and that we’re thinking about today: How much tax do we want to pay? What is the power of government agents to arrest certain groups of citizens? Do we want to pay for costs of fighting foreign wars? All these questions have remained relevant, and we find them all in one place in the Magna Carta.

When it was first issued, the Magna Carta applied to only about 20 percent of the population. Did it have any impact on the lives of regular people in 1215?

It applied only to free men; it didn’t apply to women, although women are mentioned, mostly as widows. It didn’t apply to the unfree. People would have felt the practical effects of the Magna Carta very powerfully in the back half of 1215, but not as if they were emancipated or granted a long schedule of rights. Its failure in late August 1215 produced a vicious civil war with foreign nationals that, through no fault of their own, saw their property destroyed and their families murdered by mercenaries. As a result the barons invited a new king to come over from France the following year.

What was the role of the Church of England in Magna Carta?

One of the reasons King John had built up so much hostility in the country was his treatment of the church in an age when the politics of the church were very close to the politics of the state. John was able to divert 100,000 pounds of church wealth into his own war chest. He didn’t seem to be worried about excommunication until the point that it looked as if the pope was working with the French king to depose John as an excommunicate, as a heretic. John decided for entirely pragmatic reasons that excommunication had to end.

What were John’s motives for agreeing to the Magna Carta?

I have no doubt that he was just stalling for time. He had to come to the negotiating table because the barons had managed to take London, and he was cut off from his treasuries at the Tower of London and Westminster. He needed time to gather his forces against his enemies. It would have represented the most astonishing change in character to have granted the Magna Carta and really to have meant it. That was not his style, and I don’t believe anyone believed he had any intention of honoring his oath.

You chronicle a particularly brutal battle, John’s defeat in the Battle of Bouvines in northern France...
in 1215. What was the nature of warfare then?

Battles were very rare. They were extremely uncertain affairs and no one wanted to fight them. The risk of commanders and leaders dying was great. Siegecraft was the way things proceeded. It was a much more stable way of fighting in which rules could be laid down. It was effectively a war of attrition. They were rarely able to knock the castle down. It was just a waiting game. Either the attackers would go away, or the inhabitants of the castle would surrender. The siege of Rochester castle [in southeastern England, also in 1215] proceeded differently because John, to his credit, managed to actually bring down part of the castle by tunneling underneath and burning it out with pig fat. That was a pretty extraordinary thing to do. One of the reasons I enjoyed writing about this particular year was its extraordinary military action. Rochester castle was stunning as a siege, and provides a great means of getting inside the business of warfare: What actually happens in a siege? What are you really throwing in those catapults? Bee hives? Dead animals? Messages?

Why have so many founding historical documents explicitly paraphrased the language of the Magna Carta?

The Declaration of Independence followed near-identical complaints made against King John in the Magna Carta 561 years earlier. The text, which is so sort of technical in many instances suddenly burns bright. There are those incredible clauses—that no man will be exiled or outlawed, except by the law of the land or judgment of his peers, and that no man will be denied the right of justice. My sense is that, at the time, these were kind of vague fumblings for an underlying principle. Partly because of the vagueness of those clauses, they’ve come to be timeless and they’ve done a good job enduring as the guiding ethos of the government: It should proceed by the rule of law and should provide justice equally and impartially. The Magna Carta is a good place to start in searching for historical examples of subjects standing up to a king who was in their view a tyrant. The American founders looked upon the example and drew upon the language.

What is the Magna Carta’s legacy?

In terms of its broader legacy, it is amazing how many different directions the Magna Carta has shot off in, how many times it has been invoked over the years, from the Founding Fathers to Nelson Mandela [in his 1964 trial] to Eleanor Roosevelt in the Universal Declaration of Human Rights after World War II. Personally, I find the language of the founding documents of the U.S. to be much more moving, elegant, and poetic, possibly because they were written in English, and possibly because we are closer in time and in mindset to the Founding Fathers than we are to the rebel barons of the 13th century. It’s almost like the genetic code of the Magna Carta exists in the fragments that you see embedded in these great documents that brought the United States into existence.

Go to ncsl.org/magazine for more information.
The State of the Staffs

About every five years, NCSL counts the number of staff employed by each state legislature. We’ve been doing this since 1979, when legislatures were in the midst of major institutional reforms that fueled a dramatic expansion of staff resources. These charts provide a glimpse of trends between 1979 and 2015.

Notably, the growth spurt that began in the reform era is over. Staff numbers are up in some states, but the total number of permanent, year-round legislative staff, which climbed sharply through the 1980s, topped out in the mid-1990s and began a slow retreat that continues today. Their session-only counterparts have been declining in number since 1979.

What hasn’t changed much is that the states with the largest permanent, year-round staffs in 1979—New York, Pennsylvania, California, Texas and Florida—also had the largest staffs in 2015. Only their ranking order has changed. Likewise, the list of states with the smallest permanent staffs in 2015 included Idaho, South Dakota, Vermont, North Dakota and Wyoming. Only Idaho is new to the list since 1979, replacing Delaware.

—Brian Weberg

### PERMANENT OR SESSION ONLY STAFF

From 1979 to the mid-1990s, the numbers of staff in two main categories—permanent, year-round employees and those employed during session only—were on divergent paths. Both are now in decline.

### UPS AND DOWNS

Although the total number of legislative staff has increased since 1979, 18 states have fewer staff now than in 1979.

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<tr>
<th>STATE</th>
<th>Staff Totals: 2015</th>
<th>1979</th>
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<tbody>
<tr>
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<tr>
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<tr>
<td>Connecticut</td>
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<tr>
<td>Delaware</td>
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<td>107</td>
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<tr>
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<tr>
<td>Georgia</td>
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### LEGISLATIVE STAFF BY THE NUMBERS

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<tr>
<th>31,678</th>
<th>46%</th>
<th>4 in 10</th>
<th>2%</th>
<th>36</th>
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</thead>
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<tr>
<td>Staff employed by the 50 legislatures</td>
<td>Portion of staff who are partisan, up from about 43 percent in 2009</td>
<td>Number of staffers collectively employed by the 10 full-time legislatures</td>
<td>Portion of all staff who work in Idaho, North Dakota, South Dakota, Vermont or Wyoming</td>
<td>Number of full-time staff in Wyoming, the nation’s smallest</td>
</tr>
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</table>

Robin Vos was elected speaker of the Wisconsin State Assembly in 2013. He owns Rojos Popcorn, a popcorn packaging company, along with several other small businesses. Vos received a bachelor’s degree in political science from the University of Wisconsin–Whitewater. He was a Racine County Supervisor before being elected to the Assembly in 2004.

**What is your most important legislative priority?**
Passing a budget that meets our demands with the littlest possible taken from taxpayers. This past session we were able to actually increase funding for public education and continue to invest in our priorities like environmental protection, Medicaid and BadgerCare. At the same time, we were able to continue a freeze on property taxes, reduce income taxes, and freeze college tuition for the next two years.

**What challenges do you face leading a large Republican majority?**
Trying to get 63 Type A personalities to have common goals. For the most part, we’ve been able to do that. I prefer to have the opportunity to get great consensus, which can last over time, as opposed to trying to pass things on a one-vote margin and worrying about the next election rolling back everything.

**With U.S. House Speaker Paul Ryan being your congressman, and Republican National Committee Chair Reince Priebus your college roommate, what kind of advice are you giving them about the presidential election?**
Oh, my goodness.
Four of us lived together in college: Reince Priebus; myself; Andy Speth, Paul Ryan’s chief of staff; and Jim Ladwig, our county executive who now is in state politics. All of us had a passion for politics, and it’s interesting that we are each at a different level of government: party, federal, state and local. Paul Ryan is a conservative visionary who understands that you have to get things done, that we’re elected to lead and not just be a barometer or a windmill for the rest of the country. And Reince has taken a pretty difficult hand and steered a steady ship. The party leaders are doing everything they can to get the race in the right place for Cleveland.

**What’s the most important federal issue for states?**
It’s either the federal government taking away states’ decision-making authority or it’s unfunded mandates. I say let NCSL have a voice in the federal process so that we can become partners in making decisions that are sustainable in the long run—not let people who have never been in state government and don’t understand it make decisions we have to ultimately deal with.

**Does Ryan hear that message from you?**
Yes, I think he does. This is a nonpartisan topic. That’s one of the good things about NCSL: On topics of local control and making sure the federal government doesn’t mandate things on us, usually Democrats and Republicans find consensus inside NCSL to stand together. That makes our voice in Washington even more powerful and hopefully a little louder, so we get heard.

**How would Trump and Clinton presidencies each affect the states?**
I take Donald Trump at his word that he wants to devolve power away from Washington and give more decision-making to the states. My concern about Hillary Clinton is the opposite, that having been a creature of Washington for most of her adult life, she has an inclination to think that people in Washington know better than people in Arkansas or Wisconsin or California.

**What would surprise people most to learn about you?**
That I actually enjoy talking to people who come from other states, other backgrounds, and who have different philosophies. It helps me think through my own positions. One of my favorite times in the legislature was with a guy named Mark Pocan. He was as liberal as I am conservative. My dog’s name was Reagan, his dog’s name was Che, after Che Guevara. He is gay, I am not. We came from two different worlds but struck up a friendship because we realized we had more in common with our love for politics than the public would have imagined.

**Do you have future political plans?**
Frankly, no. I love being speaker. I think people who focus on their next job usually do a bad job at the one that they’re in. After I am done being speaker, I anticipate going back to my business and enjoying a quieter, more peaceful life, where I can yell at the TV and not worry about the outcome.

**Do you have any final words you’d like to share?**
When I first was elected, I thought NCSL was just a bunch of liberals. But I was challenged by fellow Republican leaders to give NCSL a chance. I did, and I have found that not to be the case. The meetings are thoughtful, the people are incredibly interesting, the topics are varied. So for anybody who doubts that NCSL plays fair, they should call me because I’ll set them straight.
Have a question about the beer industry? With roots dating back to 1862, the Beer Institute represents brewers, beer importers and allied supply industries before Congress, state legislatures, the media and others. You can learn more about the beer industry, and answer your questions about complex industry issues, by calling the Beer Institute at (202) 737-BEER (2337), or by visiting BeerInstitute.org.

Nobody knows the beer industry better than the Beer Institute.