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Dive deep into the worlds of transportation funding and marijuana policy, with everything you need to know all in one place. One dive, lots to catch in SL Online’s new Deep Dive section.
Declines, Disparities in Teen Births

Efforts to prevent teen pregnancy have been remarkably successful in recent years. The national teen birth rate reached a record low in 2015—22.3 births per 1,000 women ages 15 to 19. That’s down 64 percent since the most recent peak of 61.8 births per 1,000 teen girls in 1991.

The rates for all racial and ethnic groups reached record lows in 2015. Even groups with historically high rates experienced declines similar to or greater than the national average—70 percent among black teens, and 64 percent among Hispanic teens—since the early 1990s.

Yet despite these declines, the birth rate for black and Hispanic teens is still more than twice the rate for white teens nationally, and more than four times greater in some states. Disparities in the health status of babies born to teens also persist among racial and ethnic groups. In 2014, for example, black, Asian and Pacific Islander teens were more likely than other teen parents to have babies born three weeks or more prematurely.

Research from several sources suggests that efforts to reduce teen pregnancy—estimated to have cost the public $9.4 billion in 2010—can have significant social and economic benefits for teens and states.

Some states are addressing teen birth disparities by supporting evidence-based programs that have successfully reached young women and men at a higher risk of becoming parents. These programs may incorporate a combination of strategies that build relationship skills, encourage delaying sex and avoiding risky behaviors, and provide information and access to effective birth control options.

—Emily Heller and Kate Blackman

*Note: Inadequate data to calculate rate among black teens in Montana and Hispanic teens in Vermont.

Source for all data: Centers for Disease Control and Prevention.
**NCSL EXPERTISE**

“Collection obligations on out-of-state sellers are not an undue burden on interstate commerce and have resulted in the collection of millions of dollars of already-owed taxes.”

Max Behlke on state action to require out-of-state retailers to collect state sales taxes, on TaxNote.com.

“This is the most engaged we’ve ever seen legislators in education policy.”

Michelle Exstrom on interest in the ESSA, the new federal education law, in Education Week.

“A lot more states are taking actions to track heroin overdoses more closely ... because of all the attention from media and the public.”

Karmen Hanson on NBCNews.com

“It’s the only spot in the budget where costs can be pushed on to the end user.”

Dustin Weeden on college tuition’s role in state budgeting, on the PBS NewsHour.

“Wisconsin could be a leader.”

Sunny Deye on how Wisconsin (along with Maine) provides laptops or tablets to every high school freshman, on Wisconsin Public Radio.

**IDEAS**

**Reporting for Duty**

NCSL publishes thousands of reports, briefs, newsletters and webpages each year on the most pressing issues facing states. This report highlights state actions to reform how health services are delivered and paid for. To find this and other reports, visit ncsl.org and click on the Research tab.

**CONNECTIONS**

**Staff Skills**

This fall thousands of legislative staffers converged on cities across the nation to hone their skills at professional development seminars put on by NCSL’s nine professional staff associations. In addition to the groups below, seminars were held by the National Association of Legislative Fiscal Offices, the National Association of Legislative Information Technology, the National Legislative Program Evaluation Society, the Legal Services Staff Section and the Committee, Legal, Editorial and Research Staff Association. For more information on NCSL’s many resources for legislative staff, go to ncsl.org/legislativestaff.

From left, Texans Naomi Miller, chair of the Leadership Staff Section, Secretary of the Senate Patsy Spaw and Dennis Yoder, chair of the Legislative Information and Communications Staff Section, were all smiles during a reception following a full day of sessions and tours at the State Capitol in Austin.

The Legislative Research Librarians got to view documents from the Special Collections department of the Chicago Public Library during their fall meeting following NCSL’s 2016 Summit.

Missouri House staff showcased their state’s legislative publications and products during the fall meeting of the American Society of Legislative Clerks and Secretaries in Boise, Idaho.
AFFIE ELLIS (R) BECAME THE FIRST NATIVE AMERICAN WOMAN ELECTED TO THE WYOMING LEGISLATURE. The 38-year-old lobbyist and lawyer is an enrolled member of the Navajo Nation. She ran unopposed in the Republican primary and defeated veteran Senator Floyd Esquibel (D), who had served in the Legislature for 20 years. Two other women—Tara Nethercott (R) and Lisa Anselmi-Dalton (D)—won election to the Wyoming Senate. The territory of Wyoming, in 1869, was the first to grant unrestricted suffrage to women.

“How California goes, the rest of the country goes.”

California Senator Ed Hernandez (D) on his successful bill making the state the second (after Hawaii) to raise the smoking age to 21, in the Los Angeles Times.

WASHINGTON SENATOR ANDY HILL (R) DIED IN OCTOBER OF LUNG CANCER. He was 54. Hill—a non-smoker—was diagnosed in 2009 and participated in a clinical trial that put his disease in remission. The former Microsoft executive was elected to the Senate in 2010 and served as chair of the Senate Ways and Means Committee. He was the chief budget writer for the Republican Caucus. Hill was “one of the finest public servants the state of Washington ever knew,” said Senate Majority Leader Mark Schoesler (R).

JONATHAN C. BALL, DIRECTOR OF UTAH’S OFFICE OF THE LEGISLATIVE FISCAL ANALYST, IS THIS YEAR’S WINNER OF THE STEVEN D. GOLD AWARD. The award recognizes significant contributions to public financial management in intergovernmental relations and state and local finance. It is given annually by NCSL, the Association for Public Policy Analysis and Management and the National Tax Association in memory of Steven D. Gold, an active member of all three organizations who had an exemplary career as a state and local fiscal analyst.

“While I never really doubted he would win, it’s still hard for even me to believe. And I always believed.”

Texas Lt. Governor Dan Patrick (R), who chaired Donald Trump’s campaign in the state, on Trump’s victory, in the Austin American-Statesman.
EIGHTY-NINE-YEAR-OLD WISCONSIN SENATOR FRED RISSE (D) WAS RE-ELECTED TO HIS 17TH TERM in the Wisconsin Legislature Nov. 8. A World War II veteran, he is the longest serving legislator in the nation. First elected to the Assembly in 1956, he moved to the Senate in a special election in 1962, and has been reelected every four years since then. Rissier served as Senate president, president pro tem, minority leader and assistant minority leader during his long tenure. He was one of 14 Democratic lawmakers who left the state to deny Republicans a quorum when the Legislature was debating a bill to address a budget deficit and revoke collective bargaining in Wisconsin.

"We were ground zero in America.”

Representative Lou Lang (D) on Illinois’ dramatic increase in heroin abuse, which prompted him to form a bipartisan task force to study the issue, on NBC News.

ILHAN OMAR (D) WON HER RACE FOR THE MINNESOTA HOUSE TO BECOME THE FIRST SOMALI-AMERICAN LAWMAKER in the nation. The 34-year-old mother of three said she will bring the voice of young people, Muslims and young mothers looking for opportunities to the Legislature. Fleeing from the Somali civil war, she and her family spent four years in a refugee camp in Kenya before coming to the United States in 1997.

ANGELINE KOPKA (D), THE NATION’S OLDEST STATE LAWMAKER WHEN SHE RETIRED just two years ago from the New Hampshire House, has died. She was 100. Kopka began her legislative career in 2002, at age 86. She served five terms in the House before losing her seat in the 2010 election, which she won right back in 2012. She was, according to New Hampshire’s U.S. Senator Jeanne Shaheen (D), a “trailblazer.”

"I believe we should follow Alabama as closely as possible and get ourselves in line for litigation.”

Mississippi Representative Mark Baker (R) on how the state should, like its neighbor, enact a law to tax internet sales, in the Oxford Eagle.

ONE OF TENNESSEE’S TOWERING POLITICAL FIGURES SAID GOODBYE TO HIS COLLEAGUES at a reception punctuated with music and more than a few tears in November. Lt. Governor Ron Ramsey, a 24-year veteran of the Legislature, has served longer than any Republican speaker in state history. U.S. Representative Phil Roe (R) presented Ramsey with a Martin guitar from the Birthplace of Country Music Museum, which Ramsey was instrumental in building, and played “Will the Circle Be Unbroken,” while guests sang. “It’s been a great ride,” Ramsey said. “It’s time to come home.”

"I always felt like we were ground zero in America.”

Representative Lou Lang (D) on Illinois’ dramatic increase in heroin abuse, which prompted him to form a bipartisan task force to study the issue, on NBC News.
Opened and Closed

This year’s elections may be behind us, but discussions of financial disclosure requirements continue. Although no state requires candidates to release their tax returns, many contenders do as a matter of custom.

All but three states—Idaho, Michigan and Vermont—require state legislators to file personal financial disclosures, also called statements of economic interest. Most also require lawmakers to update these files annually.

Lawmakers usually are required to state their occupation, the sources of their income, the names of corporations in which they hold a position such as director or officer, the addresses of their property, the names of creditors and debtors and names of businesses in which they hold a financial interest. Income amounts are not required in 30 states; in the other 17, filers must disclose an amount or a range.

More than two-thirds of the states also require information about spouses and dependent children. Thirty-one states require disclosing any connections lawmakers or their family members have with state agencies; 18 also require disclosure of associations with lobbyists.

Twenty-six states require lawmakers whose work involves clients—attorneys, accountants, physicians, etc.—to disclose client information, though 19 states allow for exceptions.

How much of this information is open to the public varies as well. About one-third of the states do not make candidate information easily available to the public.

That needs to change, according John Wihbey and Mike Beaudet, professors at the Northeastern University School of Journalism. They argued, in a New York Times opinion piece, that “with trust in government at historic lows,” all elected officials with significant power, including state legislators, should be required to disclose their income sources and amounts.

California, Missouri, Rhode Island, South Dakota and Washington had financial disclosure referenda on the ballot this fall, but most dealt more with campaign financing than with disclosure of personal assets. In South Dakota, Measure 22 requires additional disclosures and greater reporting, along with other campaign finance changes. It was approved by almost 52 percent of the voters.

—Julie Lays

Fracas Over Fakes

Fake guns don’t kill people. But that doesn’t matter much to police officers when someone points a very real-looking imitation weapon at them.

Even the most experienced officers have trouble distinguishing a facsimile firearm from the real deal. Matters only get worse when an officer has just a fraction of a second to react, a suspect is moving or visibility is poor—or all of the above. Such circumstances can lead to tragedy, the latest being the fatal shooting by police in Columbus, Ohio, of Tyre King, a 13-year-old who pulled a BB gun that looked “practically identical” to the firearm officers use.

Since the late 1980s it’s been a federal offense “for any person to manufacture, enter into commerce, ship, transport or receive any toy, look-alike, or imitation firearm unless such firearm contains, or has affixed to it, a marking approved by the Secretary of Commerce.” An orange safety tip at the end of the barrel of some guns was adopted to help officers recognize a fake, but it can be removed or tampered with fairly easily.

Since 2011, officers have shot and killed at least six people brandishing real-looking fake guns. Research by The Associated Press found that, over the last two decades, at least 25 deaths nationwide involved look-alike guns mistaken by police for actual firearms.

The recent shooting deaths have led a growing number of state legislatures to consider their own regulation of fake guns. At least 11 states, Puerto Rico, the District of Columbia and many cities have laws or ordinances regulating the sale or use of imitation firearms.

Michigan and New Jersey are the latest states to consider bills on the topic. Michigan’s legislation would make it a misdemeanor to possess an imitation firearm in a public place; to “remove, disguise, cloak, cover, conceal, alter, obliterate or mask” the color markings required on imitation firearms; or to add color or markings on a real gun in a way that makes it look like an imitation.

New Jersey’s bill would ban toy guns unless they come in colors other than black, blue, silver or aluminum and have a 1-inch-thick orange stripe running down each side of the barrel. Such toys, excepting water guns, must also have a closed barrel.

—Kevin Frazzini
Overtime Overview

Twenty-one states are suing the U.S. Department of Labor over new overtime rules that make it likely that more state government employees will qualify for overtime pay.

The changes could be quite costly to state governments that employ more than 5 million people nationwide.

The states are seeking an injunction to prevent the new rules from going into effect on Dec. 1.

Under the federal Fair Labor Standards Act, adopted in 1938, regulations exempted certain “white collar” employees who made $23,660 or more a year from having to be paid overtime if they worked more than 40 hours a week.

The states argue the Department of Labor exceed its authority last May when it issued final rules that nearly doubled that salary—to $47,476 a year.

The Labor Department also raised the salary threshold for highly compensated employees—who aren’t eligible for overtime no matter their job duties—from $100,000 to $134,000 a year. The rules automatically update the salary level every three years for white collar and highly compensated employees.

The states claim Congress improperly delegated unlimited legislative authority to the Labor Department to make the rules.

The states argue they “cannot reasonably rely upon a corresponding increase in revenue” to make up the hike in pay and may be forced to reduce or eliminate some essential government services.

The states want to overturn Garcia v. San Antonio Metropolitan Transit Authority (1985) in which the court ruled the federal labor act applies to the states.

As in almost any lawsuit objecting to federal rules, the states argue the rules are “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.”

—Lisa Soronen

Nuclear Gets Zero Credit

Since 2013, six nuclear reactors in the U.S. have been closed, and another eight are scheduled to close in the coming years—often well before they’ve reached the end of their operational lives. Nuclear power provides almost 20 percent of the nation’s electricity, but factors such as competition from other energy sources and low demand growth are making it more challenging for nuclear to compete in the energy mix. Several states have placed restrictions on the construction of new nuclear power plants, often citing the need for a high-level waste storage and disposal solution.

There are policymakers, however, who believe the benefits of nuclear energy—reliability, carbon-free emissions and the economic contribution to states and local communities—outweigh the risks. They are looking for ways to help construct new nuclear plants and educate the public on nuclear issues. Currently, there are four new reactors under construction in Georgia and South Carolina that are scheduled to come online around 2020. In the near term, the goal of a number of policymakers is simply to retain the current fleet of nuclear plants by helping them recover operating costs.

Some states have considered mandates, similar to renewable portfolio standards, which would require that a certain percent of a utility’s electricity come from nuclear power. Recently, however, zero-emissions credits have seen the most traction. Similar to renewable energy credits, they are intended to reward nuclear plants based on the megawatt-hours of carbon-free electricity they generate. Ratepayers would pay for the subsidy through a charge on their bills.

Illinois and New York considered zero-emissions credits this year. In August, the New York Public Service Commission approved a program that is estimated to cost $965 million over its first two years—a little under $2 per month on the average customer’s bill. The compensation rate will rise or fall every two years based on several factors, including the social cost of carbon and market conditions. If overall electricity prices rise to a certain level, the subsidy would drop accordingly. One nuclear plant in New York has reversed its decision to shut down as a result of the policy, which does not require legislative approval. However, a number of groups have filed legal challenges.

In Illinois, a similar zero-emissions policy is in the hands of the General Assembly. Exelon Corp., which owns and operates all 11 reactors in the state, has said a policy fix needs to be put in place before the end of the year to keep three of its reactors online.

Although the nation’s first new nuclear reactor in almost two decades opened this fall in Tennessee, another reactor shut down in Nebraska, bringing the U.S. total to 99. Without regulatory changes, the number of operating nuclear reactors will likely fall to the lowest number since the 1980s.

—Kristy Hartman and Daniel Shea
After a tumultuous and bitter presidential campaign, with two of the most disliked candidates in recent history, voters sent a powerful message to politicians: Major change must come to Washington. And, they were willing to give Donald Trump, who often declared it was time to “drain the swamp,” the chance to do just that. Their message to state legislatures, however, was more like: Stay the course!

Clearly, many voters were fed up with politics, mad at politicians and disgusted with the campaign, which one focus group described as “garbage,” says Amy Walter, national editor for The Cook Political Report and frequent panelist for Fox, PBS and NBC.

But how wide and how deep that anger goes is unclear. Voters left the overall partisan landscape in state legislatures relatively unchanged. Only eight chambers shifted party control—well below the average flip of 12 per election cycle. And the turnover rate of legislative seats was just about average, at 25 percent. Furthermore, party control of states, legislatures, chambers and seats hardly moved.

In sum, it was a low-change, almost average election in the states.

That was undoubtedly a relief for GOP legislative leaders who only weeks before Election Day feared major losses. States have been under historically high GOP dominance for the past two years and, despite playing mostly defense throughout the long campaign season, the party will remain in the driver’s seat of state policy-making for at least two more years. Republicans even nudged up the tally of legislatures under their complete control from 30 to 32—the most in party history. And now they have a completely Republican government in Washington to work with as well.

The Numbers, Please

Even though Trump claimed a solid win in the Electoral College, Hillary Clinton appears to have narrowly edged him in the popular vote tally. It was a very, very close election at the top of the ticket. Reflecting that, Trump had meager coattails in legislative races. Republicans netted about 40 seats nationwide, marking the second smallest gain in legislatures by a winning president’s party since 1900. It should be noted that on eight occasions, presidential candidates had no proverbial coattails and lost legislative seats despite winning the White House.

At press time, the partisan control of the New York Senate was undetermined, because the race between John Brooks (D) and incumbent Michael Venditto (R) was too close to call and a recount looked inevitable. Excluding that district, Democrats and Republicans each won 31 seats in the chamber. The partisan tallies below do not reflect the Empire State Senate, though most observers of Albany politics expect that the chamber will continue to be led by a coalition of Republicans and a splinter group of Democrats known as the Independent Democratic Conference.

When sessions open in 2017, Republicans will control both legislative chambers in 32 states, and Democrats will control both chambers in 13 states. The number of divided legislatures fell to three, marking the lowest number of split legislatures since 1944.

All told, that’s 48 states because of New York’s undecided race and Nebraska’s nonpartisan, single-chamber legislature. Republicans now have the majority in 66 chambers, Democrats in 30 and the Connecticut Senate is tied at 18-18. Legislative seat totals tell the same story. When sessions gavel in, more than 4,160 Republican legislators will take the oath of office, holding 57.1 percent of all seats. That’s the most the party has held since the 1920 election.

Michael Steele, former head of the Republican National Committee, believes it’s important for his party to keep winning in the states. “You can only sustain national success from the bottom,” he says. “Until 2010, the emphasis was always the other way around.”
Under New Management

Despite GOP gains, Democrats had a few bright spots in the elections this year, especially in southwestern states where strong Latino turnout helped them capture three chambers. In Nevada, both chambers moved to the Democrats’ column. Silver State Democrats picked up one seat in the Senate to take the majority back, 11-10. In the Assembly, Democrats gained a 27-15 majority.

For the first time in Nevada’s history, both bodies of the Legislature will be led by African-Americans. Senator Aaron Ford was chosen by his peers to be the new majority leader, and the Assembly selected Jason Frierson as the new speaker.

In neighboring New Mexico, Democrats won back the House, which they lost in 2014, and will now control the body 38-32.

It had been far longer than two years since Republicans had controlled the Kentucky House. Democrats have run the Bluegrass State House for the past 94 years. But not anymore. Trump did extremely well in Kentucky, helping Republicans gain a sizable majority in the House—64 of 100 seats.

The new House speaker will be Jeff Hoover.

Matt Walter, president of the Republican State Leadership Committee, described the GOP gains in Kentucky as a big prize for the party, calling it the culmination of what we’ve seen growing in the states.
since at least 2010.” It was clear to him that voters wanted “change and solutions from their state capitols, where they supported conservative leadership.”

With their victory in the Kentucky House, Republicans finalized a 26-year takeover of Southern legislatures. All 30 legislative chambers in the South are now in GOP hands, a complete reversal from 1992, when every chamber in the South was under Democratic control. Nearly two-thirds of all state legislators in the South belong to the Republican party.

Republican also took over the Iowa Senate for the first time in a decade, making it one of the 24 states where the party now controls all of state government. Iowa was another state where Trump performed well, and is the state with the highest percentage of working-class white voters who were key to the president-elect’s success.

Among the bigger surprises in the election was the flip of the Minnesota Senate. Republicans will have a narrow 34-33 advantage when the chamber convenes. The Minnesota Senate has become one of the most competitive chambers in the nation in recent years, changing hands in three of the last four elections.

Another stunner occurred in Connecticut, where Republicans garnered an 18-18 tie in the Senate, which has been controlled by Democrats since 1996. Democrats look to have the advantage in the chamber because tie votes are broken by the lieutenant governor, a Democrat.

The Delaware Senate will also be tied, but not until a vacancy occurs in early January when Senator Bethany Hall-Long (D) must resign to become the First State’s new lieutenant governor. At that point, the chamber will be tied 10-10 until a special election is held within 45 days.

In Washington, Democrats look like they have control of the Senate 25-24. But Senator Tim Sheldon (D) plans to side once again with Republicans in a coalition to run the body. NCSL counts the state as Democratic because there is a numeric majority of Democrats, but in actuality it is divided because of the coalition.

In Alaska, Democrats will benefit from a coalition to lead the House despite having only 17 seats in the 40-member chamber. Two Republicans and two independents joined forces with the minority party to elect Representative Bryce Edgmon (D) as the new speaker.

Although it was a disappointing year for the Democratic Party, Jessica Post, executive director of the Democratic Legislative Campaign Committee, was pleased with the developments in Alaska and with other party gains in Arizona, Florida, Idaho, Kansas, Maine, New Hampshire, Texas and Wyoming. “These down-ballot victo-
ries were a bright spot for Democrats in the 2016 elections," she says.

The brightest spot for the party may be Hawaii. Democrats now hold every seat in the Senate. It has been decades since either party was completely absent from a legislative chamber in the U.S.

**Governors, Too**

The election did not offer much excitement in gubernatorial races. Only 12 seats were at stake nationwide and at least half of them were safe for incumbents or their parties. Still, it was a good night for Republicans.

Incumbent Gary Herbert (R) cruised to a second term in Utah, and former Microsoft executive Doug Burgum (R) won his first term in North Dakota. Lt. Governor Eric Holcomb (R) won the race to succeed Vice President-elect Mike Pence as governor of Indiana.

In three competitive states, Republicans ultimately prevailed. Eric Greitens and Chris Sununu flipped Missouri and New Hampshire, respectively, for the GOP, even though pre-election polls showed their Democratic opponents leading. And Phil Scott (R) won the deep blue state of Vermont—no surprise to those who know the Green Mountain State has a history of electing Republican governors.

The only hiccup may turn out to be in North Carolina, where incumbent Pat McCrory (R) trailed Attorney General Roy Cooper (D) by less than 5,000 votes at press time. Absentee and overseas ballots had yet to be tallied.

The bright spots for the Democrats were wins by incumbents in Oregon and Washington and by John Carney in Delaware, which kept the state solidly in the D column. Tighter-than-expected races emerged in Montana and West Virginia, but Democrats prevailed in both states, keeping them in the blue column as well.

In the end, Republicans will wind up with either 33 or 34 governors. Thirty-four would match their 1922 peak, but either number would be the highest total since 1998.

**Total Control**

Overall control of states, combining the legislature and governor, did not change dramatically as a result of the 2016 election. Before the election, there were 22 Republican states, eight Democratic and 19 where the power was shared. With New York and North Carolina still to be decided, Republicans now claim full control in 24 states. Democrats are down to only six states, and one of those, Washington, is actually divided because of the coalition that runs the Senate. In 17 states, power is divided.

American voters have mostly opted to put Republicans in charge of state capitolcs as well as Washington. One big question remains: Will Republicans and Democrats be able to work together after such a bruising campaign? Aaron Ford, Nevada’s new Senate majority leader, is optimistic. “Notwithstanding the cantankerous and tough tone of the campaign,” he says, “we are ready to focus on opportunities to work with the other side to help expand the middle class.” That is a goal Ford says he shares with the state’s Republican governor, whom Ford calls a friend.

The governor has a vision for what he calls a “new Nevada,” and Ford says that his party and the Legislature are ready with a blueprint to work with the governor to make it a reality.

And, that is sure to be the case in other states as well. Good-bye 2016, lawmakers are moving ahead.

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**Women Stalled Below 25 percent**

Election Day did not turn out to be the historic event for women many may have expected. Even at the state level, women’s representation will be virtually unchanged. A preliminary count shows that there will be around 1,824 women serving in the 50 states in 2017. That number is subject to change somewhat, as there are some contests still uncalled and recounts pending.

The overall share of female legislators will be 24.7 percent. Though a record number of women ran for state legislative seats this year, and it will be the highest number of women ever, it is a very small increase from the 2016 numbers of 1,805 women and 24.4 percent.

The national share of women legislators reached 24 percent following the 2008 election, and 20 percent in 1992. For women to reach 25 percent—a quarter of all legislators—is a symbolic milestone that will have to wait for another election. The states with the highest percentages of women legislators are Arizona, Colorado, Nevada and Vermont. At the lower end are Mississippi, Oklahoma, West Virginia and Wyoming.

—Katie Ziegler

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**No Party for Presidents**

The number of state legislative seats gained or lost by the president’s party during his time in office.

<table>
<thead>
<tr>
<th>President</th>
<th>Party</th>
<th>Elections</th>
<th>Seats Won or Lost</th>
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<tr>
<td>John Kennedy</td>
<td>Democrat</td>
<td>1960, 1962</td>
<td>-414</td>
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<tr>
<td>Lyndon Johnson</td>
<td>Democrat</td>
<td>1964, 1966</td>
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<td>Gerald Ford</td>
<td>Republican</td>
<td>1974</td>
<td>-628</td>
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<tr>
<td>George H. W. Bush</td>
<td>Republican</td>
<td>1988, 1990</td>
<td>-21</td>
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Ballot Bonanza

Voters took on the role of policymakers for a slew of issues, from capital punishment to taxes.

BY WENDY UNDERHILL

No crystal ball can reveal with certainty what issues legislatures will take up in the future; prognosticators would do better looking at the most recent crop of ballot measures. This year, marijuana and firearms got the lion’s share of the press coverage, but issues around taxes, labor, economic development, infrastructure, education and health care funding were all on the ballot, too. It’s no stretch to say those topics will also be on lawmakers’ agendas in coming sessions.

Of note in Election 2016 was how the measures made it onto ballots: 72 were citizens’ initiatives—more than twice as many as in 2014, and the most since 2006. Legislatures, however, referred fewer than average issues to the voters to decide.

How did they fare? Voters said yes to a significantly greater number of ballot measures this year than on average. For those sent to the ballot by citizens, 73 percent passed, whereas the average over the last dozen years has been 45 percent. Legislatively referred measures always do better than citizen initiatives, and that was true this year as well: 83 percent were approved, higher than the average of 75 percent.

From a legislative perspective, though, citizen initiatives are second best. “By the time a bill comes to fruition [in the Legislature], it has gone through a very thorough examination, both policy-wise and fiscally,” says California Senate President Kevin de León (D). “Democracy by the people sounds good, but oftentimes there are very severe unintended consequences that do more harm than good. That’s why you have a legislative branch of government.”

Here’s what voters decided this year.

Money Matters, a Lot

Bonds did well. In fact, all 12 state bond measures passed. That means transportation infrastructure will be upgraded in Maine and Rhode Island. California and New Mexico will improve schools and libraries.

Tax increases did not fare as well, with only a handful getting approval. Voters said no to measures that would have increased the annual minimum tax on corporations with sales of more than $25 million in Oregon; eliminated the deductibility of federal income taxes when calculating corporate taxes in Louisiana; and upped the sales tax by 1 percent in Oklahoma.

Washington’s proposed carbon emissions tax also failed, as did Colorado’s stab at funding a state-based single-payer health plan.

Washington’s proposed carbon emissions tax also failed, as did Colorado’s stab at funding a state-based single-payer health plan.

Voters in Maine and California, however, said yes to increasing taxes on the wealthy. Maine added a 3 percent tax surcharge on annual incomes over $200,000, and California extended for 12 years a temporary tax increase passed in 2012 for earners in the $250K-or-more crowd.

Minimum Wage Popular

Citizens in Arizona, Colorado, Maine and Washington put minimum-wage increases before the voters, and all were successful. In Arizona, Colorado and Maine, the wage goes to $12 per hour, phased in over several years, while Washington’s tops out at $13.25. Colorado and Maine will index their minimum wages in the next decade.

The Arizona and Washington minimum-wage measures also require paid sick leave, which makes them the sixth and seventh states to adopt such policies.

In 2014, five states set minimum wages higher than the federal minimum of $7.25 per hour. South Dakota was one of them. The South Dakota Legislature tweaked it by lowering the minimum wage for workers under the age of 18 to allow teens to get a foothold in the job market. South Dakota voters rejected that change, so the state will return to a single minimum wage of $8.55 per hour. Twenty-nine states now have higher minimums than the federal government.

Right-to-work measures went both ways. Alabama voters decided to include the right to work in their constitution, whereas Virginia voters turned down a similar measure.
South Dakota voters turned down a plan that would have allowed unions in this right-to-work state to collect fees from nonmembers.

**Pot Is Hot; Tobacco Taxes Not**

Four states approved the medical use of marijuana: Arkansas, Florida, Montana and North Dakota. Over half of the states have now approved medicinal use.

Voters in California, Maine, Massachusetts and Nevada, where medical marijuana is already legal, said yes to regulated recreational use of marijuana for adults as well. Arizona was the lone state to turn down a similar initiative. With these newcomers, eight states plus D.C. now allow adult use of cannabis. Worth noting: All eight did so by citizen initiatives.

Marijuana remains on the federal Schedule I drug list, making it illegal. Whether President-elect Trump will continue the current Department of Justice decision not to pursue marijuana charges in legalized states is not known. If not, a state-federal debate is likely to follow.

As for tobacco taxes, four states had increases on the ballot; however, only one was successful. California voters agreed to increase the tax on cigarettes from 87 cents to $2.87 as well as increase the tax on e-cigarettes. Similar measures, fell short in Colorado, North Dakota and Missouri.

**Gun Control and Capital Punishment**

 Firearms regulation has typically been handled via the legislative process, but in recent years—this one included—voters have played the determining role.

Measures to regulate firearms passed in three of the four states with them on the ballot. California’s successful proposition requires a background check when buying ammunition. Washington’s measure is an “extreme risk protection order,” which allows police or family to temporarily restrict a person’s access to firearms when immediate harm is likely. Nevada’s measure requires a background check before any firearm transfer, which is what Maine’s would have done, but it failed.

Proponents of capital punishment had a good year. California voters rejected abolishing it, and approved a measure to speed up the execution process. Oklahoma citizens amended their state constitution to specify that capital punishment is neither cruel nor unusual. And in Nebraska, the voters overturned a new statute that banned capital punishment, making it once again an option in the Cornhusker State.

**By and for the People**

Proponents of more campaign finance regulation were happy after the election, with four of five measures going their way. South Dakota’s measure included disclosure requirements, contribution limits and public financing of campaigns. Missouri passed contribution limits as well. California and Washington each approved measures to undo the Supreme Court’s *Citizens United* ruling, which prevents governments from limiting political spending by corporations and unions. These *Citizens United* measures have no teeth, but do take the temperature of the polity on campaign finance issues. The countervailing vote came from Washington, which rejected a proposal to allow state money to be used by individuals via vouchers to support the candidates of their choice.

In other democracy news, South Dakotans rejected a proposal to create a redistricting commission made up of an equal number of Democrats, Republicans and independents. They also said no to adopting a nonpartisan election system, in which all candidates run on the same ballot in the primary (without party affiliation listed), with the top two vote-getters advancing to the general election.

California voters said yes to requiring bills be made available on the internet at least 72 hours before lawmakers can pass them. Coloradans opted to create a presidential primary (to replace the caucuses and conventions the state has used in recent times), and to allow unaffiliated voters to participate in the party primary of their choice. And Maine became the first state to adopt ranked-choice voting. In the future, Mainers will list their choices for a position in ranked order. The lowest vote-getters will be eliminated until someone wins with a majority. No more plurality victories for candidates in the Pine Tree State.

**Stand Alones**

Oregon voters agreed to make it harder to buy and sell the body parts of endangered species, to direct lottery funds for outdoor education, and to require the legislature to fund dropout prevention programs.

Colorado citizens approved an aid-in-dying proposal. South Dakotans agreed to cap interest charges by payday lenders. California voters decided to give bilingual education another chance and to allow parole for nonviolent felons; but they weren’t willing to require adult film performers to use condoms when filming.

And with that, the voters have spoken. 

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**BY THE NUMBERS**

**Ballot Measures**

**Election 2016**

- **35** States with measures on the ballot.
- **154** Ballot measures nationwide.
- **84** Proposed constitutional amendments.
- **67** Proposed statutory changes.
- **72** Measures initiated by citizens.
- **45% vs. 73%** Average vs. this year’s approval rate of citizen initiatives.
- **75** Measures referred by legislatures.
- **75% vs. 83%** Average vs. this year’s approval rate of legislative referrals.
- **100%** Bond measures approved this year.
- **$313 million** Amount contributed to ballot issues in California, the highest in the nation.
1 **Zombies With Addresses**

There’s hope in the battle against zombies—zombie properties, that is, those vacant, often abandoned homes wasting away in foreclosure. A new Ohio law reduces the foreclosure process to as little as six months. It may be a model for other states. Supporters say the law safeguards owners’ property rights by requiring the presence of three of 11 factors—disconnected utilities, boarded-up or broken windows, unlocked doors, accumulated trash and vandalism, among them—before foreclosure can begin. As of September, nearly 5 percent of U.S. residential properties—more than 18,000 homes—in foreclosure were also vacant, according to RealtyTrac, which follows housing data. States with the most zombies were New Jersey (3,698), New York (3,556), Florida (2,528), Illinois (1,018) and Ohio (999).

2 **Whisker Whiz**

Lots of kids love their pets. But Rob Macmillan has a special place in his heart for the animals that end up in shelters. For the last two years, the 10-year-old, who lives with his family near Atlanta, has collected food and supplies for people who can’t afford to care for their pets. He profiles adoptable cats and dogs in a monthly magazine column and, through his website, robsrescues.com, advocates for the adoption of shelter pets. He recently discovered an ally: Georgia Representative Joe Wilkinson (R), who sponsored successful legislation this year designating the “adoptable dog” as the official state dog. Rob now has an idea for legislators across the country. “How about we try to make the state dog of all the states that don’t have a state dog a shelter dog?” he wrote in an email to NCSL.

3 **Gaps in Business Ownership**

Among the highlights of the Census Bureau’s inaugural Annual Survey of Entrepreneurs is a look at how women, minorities and veterans are doing in the world of business. Women, who represent just over half the U.S. population, owned about 1 in 5 of the nation’s 5.4 million companies with paid employees in 2014. Women owned 1.1 million employer firms; that’s 19.4 percent, and about a quarter of those (254,260) were minority-owned. Of the minority-women-owned employer companies, more than half were Asian-owned. Minorities owned 949,318 firms with paid employees, or 17.5 percent, and veterans owned 405,235, or 7.5 percent.

4 **Hospital Sticker Shock**

It’s a surprise no one just home from the hospital wants to get. After carefully choosing a facility in your insurer’s network, you receive a bill from a provider who works at the facility but is outside the network. It happens more often than you might think. In California, for example, nearly 1 in 4 patients treated at a hospital in the previous two years said they’d received an unexpected bill from an out-of-network provider, according to a 2015 Consumers Union survey. A new law in the Golden State limits what patients owe to no more than what they would have paid an in-network provider. Physicians’ pay is set at the amount the insurer normally pays a doctor on contract for such services or 125 percent of the Medicare rate, whichever is greater. Doctors may appeal disputes to an independent third party. The Consumers Union predicts other states will follow California’s lead next year.

5 **400 Years Young**

Mark your calendars for 2019, when Virginia will celebrate 400 years of representative democracy with “American Evolution,” a series of events and projects commemorating America’s ideals—self-government, diversity, opportunity—and engaging citizens, legislators and global leaders alike. It was in 1619 that the first legislature in the New World met in a church in Jamestown, Virginia. Called the General Assembly, its purpose was to pass laws and improve management of the settlement, which was established in 1607. Virginia House Majority Leader Kirkland Cox (R) and Senate Majority Leader Thomas Norment Jr. (R) are co-chairmen of the upcoming commemoration. Other assembly members and their clerks make up the steering committee. NCSL’s Trust for Representative Democracy, which will serve as a public partner to some of the events, will provide more information as the anniversary approaches.
An International Affair

International observers for U.S. elections? Some states want them, others don’t. In September, California enacted a new law giving international observers “uniform and nondiscriminatory access” to monitor election processes in the Golden State. These are the same kinds of observers that The Carter Center, the Organization for Security and Cooperation in Europe and other groups send to Belarus, Brazil, Botswana and other places around the globe. In 2014, Tennessee prohibited United Nations monitors from coming to the Volunteer State. Most states, however, don’t address international election observers at all.

Think Locally, Study Globally

Students can easily take on the world when they know more about it. A new study-abroad pilot program in the District of Columbia gives kids a firsthand look at other cultures. Launched this summer, the program sent 400 eighth- and 11th-grade students on fully paid trips to 12 countries, with funding from private contributions. Students in Costa Rica learned about farming and cooked on outdoor stoves; in Spain they practiced Spanish and learned about bartering in a market. The goal is to send every public school student in the District on two study-abroad trips before graduation. Individual schools across the country have partnered with private organizations to send kids abroad, but the scale of the District’s effort is a first.

AGs Take on Big Energy

U.S. attorneys general are taking on the energy industry over climate change. The top legal officers in 15 states, the District of Columbia and the U.S. Virgin Islands have formed a coalition called AGs United for Clean Power. The group’s goal, says New York Attorney General Eric Schneiderman, is to investigate whether fossil fuel companies and industry groups misled investors and the public about the dangers of climate change. More than 40 states used a similar strategy in the 1990s to show Big Tobacco knew its products were addictive and carcinogenic but did not communicate those risks to smokers. The group’s critics dismiss it as a disguised attempt to quash free speech and prosecute climate-change skeptics.

Nerd to the Core

Susan Cole, a librarian in Maryland’s Department of Legislative Services, recently competed on TV’s “Jeopardy!” When host Alex Trebeck asked what her favorite style of music was, she described nerdcore as “really catchy and fun ... It’s people who identify as nerdy, rapping about the things they love—video games, science fiction, having a hard time meeting romantic partners,” she said. “Losers, in other words,” Trebek replied. Cole laughed off the remark, then proved she’s no loser, winning three games of Jeopardy! and pocketing $67,800. Although he said he was “kidding,” Trebek later caught flak on social media from many. After all, “Jeopardy!” is a nerdy TV classic. For her part, Cole has no hard feelings. “It was a wonderful experience,” she said.
It’s never too early to start teaching a child.

BY MATTHEW WEYER

It’s an exciting time to be a little one. The importance of high-quality early childhood education has captured the nation’s attention. State legislators have been at the forefront of this trend. They introduced nearly 1,100 bills on early childhood education and passed nearly a third of them during the 2015 and 2016 sessions. The laws focus on students in preschool through third grade and address a range of issues, from accountability to teacher training and everything in between.

Funding’s Up

Early childhood education funding increased to nearly $7 billion nationwide during the 2015-16 school year, a 12 percent increase from the year before, thanks to legislation in 32 states and the District of Columbia.

Yet, even with more legislation, funding, research and public attention, preschool attendance rates still lag. Only about 10 percent of all 4-year-olds are enrolled in high-quality, full-day programs, but that rate varies greatly by ethnicity and income, according to the Center for American Progress.

Without a high-quality preschool education, some students will enter kindergarten behind their peers. Currently, African-American and Hispanic children are, on average, nine to 10 months behind their white classmates in math skills and seven to 12 months behind in reading, according to the National Institute for Early Education Research. These differences can persist throughout their K-12 careers.

So, what can lawmakers do?

1. Stop looking for a simple fix.

The idea of closing the achievement gap with a single solution is tantalizing. There are many examples of promising reforms: moving to full-day kindergarten, prohibiting suspensions and expulsions of preschoolers, improving student-teacher ratios. All have shown potential, but they rarely work in isolation. A school district, for example, may have a highly effective preschool, but if students move on to a mediocre half-day kindergarten program or a classroom bursting with a high student-teacher ratio, the benefits of the high-quality preschool can be lost.

Reforms should be systemic, focusing on the ways various elements overlap and support each other and providing incremental change.

Matthew Weyer is a policy specialist in NCSL’s Education Program.
Consider successful, evidence-based policies.

To identify what it takes to build high-quality early education systems, the nonpartisan Learning Policy Institute recently reviewed policy documents, studies and data from Michigan, North Carolina, Washington and West Virginia, then interviewed program administrators, teachers, parents, advocates and researchers. In its report “The Road to High-Quality Early Learning: Lessons from the States,” the institute describes five principles that led to success in those states.

- Prioritize quality and continuous improvement.
- Invest in training and coaching.
- Coordinate all birth-to-grade-three programs.
- Combine funding sources strategically to increase access and improve quality.
- Create broad-based coalitions and support.

Several states passed legislation this year that reflect some, if not all, of these principles. Tennessee lawmakers passed a law requiring all voluntary preschools to meet the criteria for a “highly qualified prekindergarten program” as identified by the department of education. The criteria include ensuring that elementary-grade instruction builds on pre-K classroom experiences, planning for

State Legislation on Early Childhood Education, 2015-16

- Enacted legislation
- Introduced bills
- No action

Note: Map does not reflect legislation pending or awaiting a governor’s signature as of Oct. 15, 2016.

Source: NCSL
 parent involvement and providing “relevant and meaningful professional development” opportunities for pre-K teachers.

Missouri recently passed legislation that creates a three-year pilot program to study and report on staff qualifications, instructional quality, professional development, health and safety standards, and family and community engagement, all in an effort to improve early learning quality.

During the 2016 session, Maryland lawmakers established a division of early childhood development within the state education department.

Utah increased the range of options available to parents in providing at-risk youths with the skills they need to succeed in school. The comprehensive bill was funded from a variety of sources, including income taxes, general funds and the Temporary Assistance for Needy Families fund. “The use of a variety of funding sources was fundamental to the passage of this legislation,” Utah Senator Ann Millner (R) says.

New York Senator Tony Avella (D) argues for involving the business community. “Promoting private investments in the early education system will serve to further improve early education policy and stimulate progress,” he says.

The Washington Legislature approved a bill to ensure that new teachers are assigned mentors to coach and encourage them and, hopefully, increase the likelihood they’ll stay in the profession. The mentorship program also is designed to attract more qualified applicants.

NCSL Goes to Preschool

NCSL has two new initiatives to help strengthen early education in a comprehensive way. SPREE. Eight state legislators, two legislative staffers and six educational researchers and early childhood education advocates formed the State Policy and Research for Early Education working group, known as SPREE, in 2016. The group’s charge is to create a policy framework for legislators to use to improve their early childhood education systems. The group will present successful strategies to meet the needs of the youngest learners. The framework, strategies and accompanying materials will be released in late 2017. SPREE is sponsored by the Heising-Simons Foundation.

Improving K-3 Quality. NCSL supported the Education Commission of the States in developing a database containing the many approaches states have taken to strengthen the K-3 continuum to prevent fadeout after preschool. It can be used to make 50-state comparisons and to identify broad goals and build consensus around a plan for the youngest learners.

Use ESSA’s flexibility to innovate.

Compared with No Child Left Behind, which has directed educational reform in this country since 2002, the Every Student Succeeds Act, or ESSA, offers states significantly more flexibility and potential funding options to reshape their early education systems and develop innovative approaches to old and new challenges.

When the law goes into effect in August 2017, more attention will focus on the transition from preschool to kindergarten and better coordination among pre-K teachers and school districts. States will be required to report the number and percentage of students enrolled in prekindergarten, and schools choosing to fund pre-K with Title I dollars will be required to develop and submit implementation plans.

New preschool development grants will be available, along with new professional development opportunities for teachers and new supports for dual-language learners—students learning English while still mastering their native language. Their numbers have been increasing steadily, and they now make up half of all English-language learners in the public K-12 system.

A comprehensive approach to reform best serves dual-language learners, since there are several areas to consider: the availability and quality of programs, language-screening services, professional development for teachers and administrators, efforts to involve parents, support for learning their native languages, transition to kindergarten and removal of barriers to access, such as non-translated enrollment materials and resources.

Think Big

With achievement gaps remaining, despite increased funding, lawmakers are considering all options to ensure that every child has an opportunity to receive a great education from the very beginning. Focusing on just one solution is unlikely to bring the positive, sustainable change needed. These three steps are a beginning.

It’s time to think big. “The next step should be to build upon and improve our current programs,” Indiana Representative Robert Behning (R) says. “If we fail to do this, we will continue to fall further behind our international competitors in preparing our students for the global workforce.”

With more flexibility from the federal government and better knowledge of what works—and what doesn’t—the opportunity to take a comprehensive, systemic approach to building the world’s best education system has never been better.
States are betting on gaming to score a revenue windfall.

BY JACKSON BRAINERD

States are betting on gaming to score a revenue windfall.

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With state budgets still lagging pre-recession revenue levels, lawmakers hope to score a windfall by expanding legal gaming. Revenues from gambling offer an appealing alternative to the politically unpopular, increasingly undoable and invariably conflict-laden effort to hike taxes. Gambling raised $27.7 billion in fiscal year 2015 for state and local governments. Sounds good. But it represents a relatively small portion of most state budgets, somewhere between 2 and 2.5 percent.

The lure of new revenue has played a role in the legalization and expansion of state gambling for years. Since 2001, casino gambling of some sort has spread from nine to 24 states. In the last eight years alone, six states have legalized casino operations, two have legalized racinos (racetracks with casinos) and two have legalized lotteries.

Several more legislatures considered, but did not pass, legislation to legalize or expand gaming this year. Lawmakers in three of the six states that do not have lotteries—Alabama, Hawaii and Mississippi—considered bills to allow them. And, although initiatives to allow casino gambling failed to make the ballots in Arkansas and Nebraska, initiatives to expand commercial casinos did make the ballots in Massachusetts, New Jersey and Rhode Island. Only Rhode Island’s passed, however.

Big Bucks! Quick Bucks!

Gambling certainly has the appearance of a cash cow. Revenue flows in for the first few years of legal gambling, but how long that growth continues is less predictable. Traditional forms of gambling are not doing much to boost state budgets in the long term, according to an April 2016 report by the Rockefeller Institute. Revenue from casinos and racinos increased only 1.1 percent between 2014 and 2015, while lottery revenues declined by 0.7 percent in real terms during that period.

If states are looking to gambling to balance their budgets, they may be rolling the dice themselves. “Future growth in gambling revenue will not keep pace with tax revenue or spending,” says Lucy Dadayan of the Rockefeller Institute. “If gambling revenue is intended to support part of the overall budget, gaps may emerge in future years.”

An Oxford Economics study found that casinos generated $38 billion in federal, state, local and gaming taxes in 2013. The UNLV Center for Gaming Research has also reported an eye-popping statistic: “In 2014, Americans spent over $70 billion on lottery tickets, more than they spent on music, books, sports tickets, video games and movie tickets combined.”

As state gaming tax collections suggest, however, the gambling industry is experiencing some fiscal sluggishness. Overall, commercial casino revenues have grown, though unevenly, every year since 2009. Yet, Caesars Entertainment Corp. is facing bankruptcy, and five casinos in Atlantic City have folded. The Trump Taj Mahal was the latest to close its doors, leaving 3,000 workers without jobs.

Not all of these problems can be pinned on the general economy; after all, personal incomes and consumer spending in the U.S. were gradually rising as these high-profile casinos were making headlines. Rather, market saturation, changing demographics and the popularity of online fantasy sports have been shaping the casino industry’s current landscape as well.

Competition is on the rise. When a Burger King restaurant opens across the street from a McDonald’s, it might bring in a few new diners with ads for, say, the new...
Mac n’ Cheetos. But it will also poach customers who otherwise would have eaten at the Golden Arches.

It’s this kind of turf battle many casinos are fighting. Increasingly, they battle for the same pool of gamblers, while the potential new pool of millennials gravitates toward more interactive games that require skill to play.

Those in the casino industry, however, see these factors as challenges rather than threats. The gaming industry, which exploded during the 1990s, is experiencing “maturation, not saturation,” says Andrew Smith, with the American Gaming Association. Competition is an inevitable part of any healthy free-market economy, and ultimately ensures the best possible customer experience, he says.

**Competition: Alive and Well**

The uptick in casino revenue in 2015 was due largely to the introduction of gambling in Maryland and Ohio, not to growth in existing gaming states. States looking to expand gambling face competition from other states’ commercial operations and the tribal industry, which had 425 casinos in 28 states at the end of 2012 and accounts for 41 percent of the total U.S. gaming industry. With so many options, growth comes more from “cannibalizing” neighboring states’ gaming activity than from creating large numbers of new players.

The numbers are particularly striking in the Northeast and Midwest. New Jersey’s commercial casino industry hemorrhaged money between 2006 and 2015, as revenue fell by half—from $5.2 billion to $2.6 billion, according to UNLV’s Center for Gaming Research. Meanwhile, New Jersey’s neighbors were winning. Pennsylvania opened casinos in late 2006, and revenues grew to $3.2 billion by 2015. Maryland’s share went from $50.8 million in 2011 to $419.6 million in 2015. In the Midwest, Indiana’s casino revenue fell from $2.8 billion in 2010 to $2.1 billion in 2015, while in Ohio, where casinos didn’t open until 2012, revenue grew to $1.6 billion in 2015.

Expanding gaming always introduces the threat of cannibalization. Rhode Island’s proposed new casino, for example, is to be built very close to the state’s border with Massachusetts to offset the loss of revenue to a tribal casino opening in Taunton, Massachusetts. How will that affect gaming in the surrounding areas? The ratings agency Fitch has expressed concerns about the impact it could have on the remaining casinos in Atlantic City.

**So Yesterday**

Certain lottery games appear to be growing stale. The Texas Lottery Commission, for example, reported that Powerball participation rates dropped 14.6 percent from 2013 to 2014, then another 20.1 percent from 2014 to 2015. Analysts cite “jackpot fatigue” to explain lethargic revenue. When jackpots become mind-bogglingly large—like the Powerball’s record $1.59 billion cash prize last January—players scoff at the chance to win a paltry multi-million-dollar award.

Casinos are shifting to more interactive games by replacing slot machines with table games such as blackjack, craps and roulette. This affects revenue in the 20 states with commercial casinos that offer only table games, since they’re typically taxed at a much lower rate than slot machines. In Pennsylvania, for example, slots are taxed at 54 percent, while table games are taxed at 16 percent. Even though the state’s gambling operators made less money overall in 2014, their after-tax income was the same as in 2013 because more people played table games.

“The trend of revenue shifting from gaming machines to table games is expected to continue across the nation,” according to the accounting and consulting firm RubinBrown. “We are already seeing this trend emerge in Maryland, where both Maryland Live! and Horseshoe Baltimore are replacing gaming machines with table games to accommodate the increased demand.”

**Web Wagering**

States also lose revenue when gamblers wager online. A report commissioned by the Pennsylvania Legislative Budget and Finance Committee noted that, “in 2012, iGaming revenues from U.S. residents were $3 billion, and online poker revenues were $212 million, the vast majority of this flowing to offshore betting companies.”

Even though the U.S. Department of Justice decided in 2011 that the Wire Act of 1961 outlawed only sports betting, not gambling over the internet, states have been slow to legalize and regulate it. Delaware, Nevada and New Jersey are the only states that allow iGaming. Still, iGaming and limited-stakes gaming accounted for most
younger.

Thirds of players are 35 or older. Research has shown that nearly two-thirds of players are 35 or older. Massachusetts Senator Jennifer Flanagan (D) says. "That means we'll never win anytime soon," Massachusetts Senator Jennifer Flanagan (D) says.

Online lotteries are gradually appearing in the states as well. In 2016, Kentucky joined Georgia, Illinois and Michigan as the only states to allow online lotteries. Six states considered them in 2015, and Massachusetts did so in 2016. Minnesota began selling lottery tickets online in 2014, only to suspend sales the next year after opponents raised concerns about predatory gambling. Michigan's online lottery has projected it will bring in an additional $480 million for the state's School Aid Fund over eight years. Georgia's lottery reported $1.3 billion in online game sales in FY 2014, but did not report a number for FY 2015. Six states considered them in 2015, and Massachusetts did so in 2016. Minnesota began selling lottery tickets online in 2014, only to suspend sales the next year after opponents raised concerns about predatory gambling. Michigan's online lottery has projected it will bring in an additional $480 million for the state's School Aid Fund over eight years. Georgia's lottery reported $1.3 billion in online game sales in FY 2014, but did not report a number for FY 2015.

**Reaching Millennials**

As with casinos, the "millennial problem" also affects lotteries. "Simply put, millennials don't play the lottery, and won't anytime soon," Massachusetts Senator Jennifer Flanagan (D) says.

What millennials do play is daily fantasy sports. Research has shown that nearly two-thirds of players are 35 or younger.

Are fantasy sports a form of online gambling? Legal opinions vary. States have been quicker to address the legalization and regulation of fantasy sports, in most cases by exempting them from laws that apply to illegal forms of gambling. In 2016 alone, 33 states had introduced measures to legalize the game, and, as of October, eight had enacted them. The regulation of fantasy sports, however, seems unlikely to result in a windfall of new revenue.

Projections for the industry suggest that total annual revenue will reach $2.5 billion by 2020. Most state legislation thus far includes only upfront fees, with a taxation component yet to be factored in. The office of New York Governor Andrew Cuomo (D) estimated the state's yield from a recently enacted bill to legalize and regulate daily fantasy sports to be $4 million. A fiscal impact statement for Indiana's fantasy sports bill projected the state would take in between $250,000 and $3.75 million in initial licensing fees.

For its part, the industry sees opportunity for growth. More casino operators and gaming manufacturers are "stepping up their games," says Smith of the gaming association. The casinos are bringing in more creative games, better shows, better food and better customer service. On the horizon, he says, are variable-payback games in which winnings depend in part on skills, rather than luck. Another idea new to the U.S., though popular in Asia, is stadium-style blackjack, in which as many as 150 players use individual electronic terminals in a game run by a live dealer.

**Looking Ahead**

Expanding gaming opportunities generates plenty of interest, but it's not without naysayers. Some casino operators want to reduce competition—Sheldon Adelson’s Sands Bethlehem, for example, is lobbying against online gambling in Pennsylvania—while some citizens and interest groups have ethical concerns about government-sponsored gambling.

But just as gambling has been dogged since America’s colonial days by accusations of negatively impacting society, it has also been perennially pursued as a revenue-raising tool.

The expansion of gaming has certainly benefited many state budgets in the short term, but it has also caused gaming activity to dwindle in states that have historically relied on it for revenue. While online gaming and daily fantasy sports can surely replenish some of these losses, it is uncertain whether they’ll do much to improve the long-term ability of legal gambling to meet revenue expectations and support state budgets.

States might want to heed the advice they offer citizens: Play responsibly.

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**Gambling Jargon**

**Casino**: A room or building where gambling games are played. (Also the title of an epic crime drama starring Robert De Niro and Joe Pesci.)

**Daily fantasy sports**: A subset of fantasy sports that finishes competitions over the span of a day or week. In traditional fantasy sports, competitions last the length of an entire season.

**Fantasy sports**: Online game in which participants assemble imaginary or virtual teams of real players of a professional sport. These teams compete based on the statistical performance of the selected players in actual games. The performances are converted into points that are compiled and totaled according to a roster selected by each fantasy team’s manager.

**Internet gambling/iGaming**: Online gambling opportunities include poker, casino games, sports betting and lotteries.

**Jackpot fatigue**: The lack of interest in gambling by lottery players and other gamblers when lottery jackpots are relatively small. Players tend to wait until jackpots are loaded before playing.

**Limited stakes gaming**: Games in which a limit is placed on the amount that can be wagered. Typically includes video gaming or video lottery terminals.

**Racino**: Combined racetrack and casino.

**Table games**: Games like blackjack, craps and roulette that are played on a table and operated by one or more live dealers, such as a croupier or poker dealer.
Several upcoming Supreme Court cases will have an impact on states.

BY LISA SORONEN

The U.S. Supreme Court is still down one justice, but its docket is right on schedule. It’s more than half full, which is typical for this time of year. Six cases in particular will directly affect at least some of the states. Interestingly, the court agreed to decide the religion and the takings cases before Justice Antonin Scalia’s death last winter.

Trinity Lutheran Church of Columbia v. Pauley

The court will decide whether Missouri can refuse to provide a state grant to a religious preschool to resurface its playground, based on the state’s “super-Establishment Clause.” Such clauses include prohibitions against aid to churches and religious schools that exceed the requirements of the federal Establishment Clause; they are on the books in 35 states, according to the National Constitution Center.

The Missouri Department of Natural Resources offers grants to “qualifying organizations” to purchase recycled tires to resurface playgrounds. The DNR refused to give a playground grant to Trinity Lutheran’s preschool, citing the super-Establishment Clause.

Trinity Lutheran argues that excluding it from an “otherwise neutral and secular aid program” violates the U.S. Constitution’s Free Exercise and Equal Protection clauses, which may supersede Missouri’s super-Establishment Clause.

In Locke v. Davey (2004), the court upheld the Washington Legislature’s decision to prohibit post-secondary students from using public scholarships to receive a degree in theology, based on its super-Establishment Clause. A lower court concluded Locke applies in the Trinity case: “Trinity Church seeks to compel the direct grant of public funds to churches, another of the ‘hallmarks of an established religion.’”

Endrew F. v. Douglas County School District

Per the Individuals with Disabilities Education Act, parents may enroll children with a disability in a private school and receive reimbursement from the public school if the public school was unable to provide the child a FAPE—that is, a free and appropriate public education. A FAPE must be “reasonably cal-
about what is said or done during deliberations. The no-impeachment rule, however, prevented them from testifying. Peña-Rodriguez argued before the Colorado Supreme Court that barring this information violated his Sixth Amendment right to be tried by an “impartial” jury. The state’s high court disagreed.

The U.S. Supreme Court ruled in two previous cases that the federal no-impeachment rule is constitutional when it bars admission of information about what occurred during deliberations. The information barred in Tanner v. United States in 1987 was that the jury was said to be “one big party,” where several jurors used drugs and alcohol. In Warger v. Shauers, in 2014, a juror in a car-crash case said in deliberations that her daughter had once caused a car accident and, had she been sued, it would have “ruined her life.”

**Expressions Hair Design v. Schneiderman**

The issue in Expressions is whether state statutes prohibiting vendors from charging more to credit-card customers violate the First Amendment.

The Second Circuit Appeals Court concluded that New York’s law doesn’t regulate speech and therefore doesn’t violate the First Amendment. “What Section 518 regulates—all that it regulates—is the difference between a seller’s sticker price and the ultimate price that it charges to credit-card customers.”

Ten states and Puerto Rico prohibit credit-card surcharges.

**Ivy v. Morath**

The high court will decide when state and local governments must ensure that a private entity complies with the Americans with Disabilities Act. The act states that no qualified individual with a disability may be excluded from participation in or be denied the benefits of a public entity’s “services, programs or activities.”

To obtain a driver’s license in Texas, people under age 25 must attend a private, state-licensed driver education school. When deaf students could not find any driver education school that could accommodate them, they sued the Texas Education Agency, citing the ADA.

The Fifth Circuit concluded that the federal law does not apply to the Texas Education Agency because private schools were providing the “services, programs or activities,” not the state agency.

**Murr v. Wisconsin**

In this case, the justices will decide whether certain merger provisions in state law and local ordinances resulted in the unconstitutional taking of property.

In St. Croix County, Wisconsin, the Murr family owned contiguous lots that together were just under 1 acre in size. The family built a cabin on one lot; the other was undeveloped. A county ordinance treats commonly owned adjacent lots of less than an acre as a single lot and prohibits the development or sale of adjacent lots under common ownership that are less than 1 acre total.

When the Murrs were denied a variance to use or sell their lots separately, they claimed the ordinance resulted in an unconstitutional, uncompensated taking of their property by the government.

The Takings Clause of the Fifth Amendment requires the government to pay “just compensation” any time it “takes” private property, depending on the impact on the “parcel as a whole.” If the regulation affects only a small part of the parcel with little impact on its overall value, it is likely not to be ruled a taking, and no compensation is required.

The Wisconsin Court of Appeals ruled there was no taking in this case. It considered the value of both lots and determined the Murrs’ property retained significant value despite being merged.

**More to Come?**

Notably absent from the court’s docket are three types of cases that always interest the states: big controversies, pre-emptions and bread-and-butter issues—namely Fourth Amendment searches and employment. The court has plenty of time and space on its docket, though. Don’t be surprised if it adds a case or two from one of these categories.
10 Books Every Legislator Should Read

As the end of the year approaches, the time to start brainstorming New Year’s resolutions draws near. A new gym membership or a healthier diet will help your body, and a newly reorganized garage should calm your psyche. But hopefully, for your mind, you’ll squeeze in some time for reading. We asked a bevy of legislative experts, leaders and staff, along with NCSL officers and directors, what reading material—besides this magazine, of course—should be on every legislator’s nightstand. Here, in no particular order, are their top 10 recommendations.

“TEAM OF RIVALS,” BY DORIS KEARNS GOODWIN
Amid the fratricidal carnage of the Civil War, it was Lincoln and the “team of rivals” in his cabinet who held the Union together. Goodwin details how this unlikely president channeled his enemies’ talents into cooperation, winning the war despite searing acrimony nationally and within his own administration.

“GOOD TO GREAT,” BY JIM COLLINS
Although focused on the private sector, the acclaimed management expert presents the characteristics that make any kind of organization great. Collins’ research stands alone in its thoroughness and scope, providing paradigm-shattering insight into leadership, organization and results.

“THE COMPLETE CALVIN AND HOBBES,” BY BILL WATTERSON
The comic strip “Calvin and Hobbes” ended in 1995, when Watterson retired. But the rollicking adventures of Calvin, a rambunctious 6-year-old, and Hobbes, his pet tiger (known to everyone else as a stuffed animal) live on in this collection. Political scientist James Q. Wilson described the strip as “our only popular explication of the moral philosophy of Aristotle.” Thankfully, it’s also a lot of fun.

“THE EVOLUTION OF AMERICAN LEGISLATURES,” BY PEVERILL SQUIRE
For the true legislative junkie, this book offers a meticulous history of state legislatures. Beginning with the colonial legislatures, influenced heavily by British traditions, Squire charts the course of their evolution into uniquely American institutions. Nearly every component of modern legislatures—the committee system, staffing, procedures, etc.—traces its heritage to this centuries-long transformation. Drawing on this wealth of historical analysis, Squire concludes with his take on possible changes still to come.

Julie Lays, State Legislatures editor, and Kevin Frazzini, assistant editor, compiled this list.
“ENGINES OF DEMOCRACY,” BY ALAN ROSENTHAL

No list would be complete without something from the late, great Alan Rosenthal of Rutgers University. Rosenthal was the pre-eminent observer of state legislatures, and his final book distills his vast knowledge of policymaking. Also notable among the more than 20 titles he wrote or co-authored are “Legislative Life,” a comprehensive look at all things related to legislatures; “The Decline of Representative Democracy,” a sobering look at the forces threatening the institution; and “Heavy Lifting: The Job of the American Legislature,” his take on what makes a good legislature.

“LEVEL THREE LEADERSHIP” (FIFTH EDITION), BY JAMES CLAWSON

A staple in MBA programs, the “Level Three” model espouses leading based on values and worldview. As opposed to primitive “command and control” styles, this strategy steers organizational behavior, influences change and motivates people to perform at their highest level.

“The 7 Habits of Highly Effective People,” by Stephen Covey

This classic best-seller is still relevant for a simple reason: It ignores trends and pop psychology in its step-by-step guide to solving personal and professional problems with fairness, integrity, service and human dignity. Also mentioned was another Covey book, “Principle-Centered Leadership.”

“No List Is Exhaustive

If you’ve already read all 10 of these, here’s a dozen more to consider.

“I Rose Like a Rocket: The Political Education of Theodore Roosevelt,” by Paul Grondahl

“The End of Inequality,” by Stephen Ansolabehere and James Snyder Jr.

“Storm Over the States,” by Terry Sanford

“Miracle at Philadelphia,” by Catherine Drinker Bowen

“1776,” by David McCullough

“The Killer Angels: The Classic Novel of the Civil War” (part of a trilogy), by Michael Shaara

“Give and Take: A Revolutionary Approach to Success,” by Adam Grant

“Zen and the Art of Motorcycle Maintenance: An Inquiry into Values,” by Robert Pirsig

“Profiles in Courage,” by John F. Kennedy

“David and Goliath: Underdogs, Misfits and the Art of Battling Giants,” by Malcolm Gladwell

“Master of the Senate: The Years of Lyndon Johnson” (third of four volumes), by Robert Caro

“Leadership on the Line,” by Ronald Heifetz and Marty Linsky

Will any of these make your list of resolutions? Do you have other recommendations? If you’ve read a book you think should have made this list, please let us know.
Optimism is the all-pervasive quality you have to have if you’re going to be an explorer.

Hampton Sides is the author of such acclaimed nonfiction best-sellers as “Americana,” “Blood and Thunder” and “Hellhound on His Trail.” He is an editor-at-large for Outside Magazine and a frequent contributor to National Geographic and other magazines. He teaches narrative nonfiction at Colorado College, where he is the journalist in residence.

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He addressed legislative leaders at NCSL’s Legislative Summit in Chicago about the leadership qualities displayed by the protagonists of his latest thriller, “In the Kingdom of Ice,” which describes the heroic 1879 Arctic voyage of the USS Jeannette.

Your latest book recounts a harrowing story. Set the stage for us.

This was the Gilded Age. America was beginning to flex its muscles on the world stage and to compete with the European powers. It was a time of polar fever, when the world was trying to figure out what the heck was up there at the top of the world. So the U.S. Navy, in cooperation with an eccentric and very wealthy man named James Gordon Bennett Jr., publisher of the New York Herald, decided to team up and try to sail to the North Pole, past our recent acquisition from Russia—Alaska—by way of warm water currents they believed to be up there.
What did they think they would find?
There was a theory that, at the top of the world, beyond the ice, there was warm water, something called the Open Polar Sea. Obviously a wrong idea, completely wrong, dangerously wrong. They left in the summer of 1879 from San Francisco thinking they might reach the North Pole. The ship was crammed with all the latest American inventions, like telephones and telegraphs, telegraph wires and lights that Edison had just invented.

What they found instead was ice, and they drifted in the icepack for over two years until the ship finally sank to the bottom of the Arctic Ocean and the men were out on the ice, trying to figure out a way to get home. That’s really when the story of leadership and comradeship and all of these incredible qualities started to emerge.

How did Capt. George W. De Long’s leadership skills play out?
De Long’s extensive planning was the first sign of his leadership. As much as we might think that this was a crazy and half-cocked mission, nothing could be further from the truth. Before they set off, he read everything, he had the best maps, the best charts, the best scientists, consulted everybody, had enough food for three years, researched everything.

How was competition relevant to survival?
Obviously, the men needed to stick together after the ship sank, but the best way to organize that, De Long decided, was to divide them into groups that would compete with each other. He essentially created rivalries. Each group had its own songs, its own flag, its own motto, its own leader. By creating this kind of friendly rivalry among them, he was able to goad and encourage them to go farther across the icepack during that summer of 1881 as they tried to make their way toward open water.

He kept them busy, busy every single day taking a lot of scientific measurements, hunting, doing exercises out on the ice. It kept their minds active, and it produced many, many logbooks full of scientific data that ended up in the National Archives in Washington—and now is being studied by Arctic scientists who are interested in the history of global warming. It has provided this amazing baseline of information for climatologists.

Why was a sense of play important to all this?
In any of these stories where things are really grim and gothic and difficult, and there’s all this striving and all this stress, I’ve found there are people like De Long who, even in the worst of circumstances, can have a sense of humor and a sense of play.

He understood that was important. There were musicals and there was a printing press they used to print a newspaper with lots of jokes and limericks and wordplay and puns.

De Long, in his journals, and all the other participants talk about how amazing it is and how lucky they are to be in this part of the world that no man has ever seen before. They’re like little kids pinching themselves because they’re so excited to be somewhere where no one else has ever been. So that sense of wonder seems to be an important characteristic in getting people through these ordeals.

You write about the importance of the captain’s humility.
A lot of Navy captains—and this was particularly true of the British admiralty—were characterized by arrogance and hubris, like we can just transport Victorian English society into the ice and we’ll have tea every day and we’ll live and dress like Brits.

De Long understood that he needed to take into account the knowledge base of the Inuit, of the people who had been living there for millennia. They knew how to survive; they knew how to live in the wilderness of the Arctic. And so you see time and time again how he relied on the two Inuit hunters who were on board the ship, in terms of their knowledge of hunting, their knowledge of the weather, their knowledge of how to dress and how to deal with the dogs.

How did he maintain such optimism?
It’s probably the all-pervasive quality you have to have if you’re going to be an explorer, if you’re going to be someone going deliberately into harm’s way. De Long had it. On every page of his journal, you see a tendency to understate the misery, to exaggerate the good qualities of the day. He had this motto: nil desperandum, which is Latin for “never despair.” It was kind of an infectious optimism that all the men came to share, even on days when, obviously, they probably shouldn’t have been optimistic. It was sort of hardwired into De Long’s personality, and it comes across in those journals.

I believe when every other quality we’ve just talked about failed, that sense of optimism was still there, and it really is what got them through this.

Editor’s note: This interview is part of a series of conversations with interesting national personalities. It has been edited for length and clarity. The opinions expressed herein are not necessarily NCSL’s.
A generous campaign donor becomes increasingly insistent that you prioritize his interests over those of contributors who gave less. Do you bump his project to the top of your to-do list? You’re in a hurry and there are no other cars on the road. Do you drive faster than the speed limit?

These questions force us to think about what we value. In my law school class on professional responsibility and ethics, the professor likened the constraints that affect us when we make ethical decisions to two separate and distinct “floors”—a moral floor and a legal floor.

His idea was this: In all but extreme situations, our decisions are determined by the location of those floors relative to each other. The legal floor generally is static and is imputed upon us by the simple fact that it is law. As law-abiding citizens, we dare not make decisions that break the law—or go below the legal floor—for fear of the consequences we might face.

The moral floor is different. It need not, and often does not, align with the legal floor. Its location is different for everyone. On any matter, or in any decision-making process, your moral floor may fall above or below the legal floor.

You may have no moral problem, for example, exceeding the speed limit in the situation above. This might indicate your moral floor falls below the legal floor. “If the road is empty, no one is getting hurt,” you might say. Conversely, our moral floor might be above the legal floor. Perhaps, in the same example, you feel constrained from speeding because you believe society benefits when people respect the rules, especially when no one is looking. Your moral floor is limiting, or anchoring, your behavior.

What will happen the next time your moral floor falls above the legal floor, or vice versa? What will you think about in making that decision? Try pinpointing where these floors exist in relation to each other. Perhaps you can find a pattern to your decision making and use that knowledge going forward.

—Ethan Wilson

Ethan Wilson is a policy specialist in the Center for Ethics in Government at NCSL. Have you dealt with an ethical dilemma recently? We’d love to hear about that or other questions or comments on ethics. Email Ethan at ethan.wilson@ncsl.org.
It’s no surprise Brian Bosma became a legislator. His father, Charles, served 21 years as a legislative leader in the Indiana House and Senate. Bosma grew up discussing state issues and visiting the Statehouse often. He was elected to the House in 1986 and first elected speaker in 2004. He is a graduate of the Purdue University School of Engineering and Indiana University School of Law.

What are your legislative priorities this session? Our top priority will be continuing our 12-year history of balanced budgets without general tax increases, while still maintaining our state’s AAA credit rating and investing in our key priorities like education and infrastructure. Right behind that will be a long-term funding solution for Indiana’s roads and bridges.

Who inspired you to run for office? I grew up in a family that placed a high premium on public service. My grandparents were immigrants. My dad was a World War II combat veteran, my mom a schoolteacher. Our dinner table discussions were about giving back to the nation and state that had been so generous to us. We were expected to give back to our community.

What characteristics are essential to good leadership? I firmly believe that integrity is the very core of leadership. Coaching legend John Wooden once said that ability may get you to the top, but it takes integrity to stay there. The electorate must have confidence in its democratically elected leaders. For that we have to be transparent in our legislative and private dealings.

What motivated you to found Bosma Enterprises for the Blind, and what does it do? My dad was a compassionate conservative way before it was cool. When he passed away in 1984, the state named a building that housed its blind workshop after him. During my first legislative session in 1987, I was informed that the program was being cut. So five of us founded a fledgling nonprofit to take it over. We have 120 blind and visually impaired employees ranging from production employees to graphic artists and industrial engineers. It’s a real privatization success story, and there are a lot of professionals on the staff at Bosma Enterprises to thank for that.

What's next, now that elections are over? I think there are a few lessons to be learned. First, politics matters. It’s not a game. It affects real people now and in the future. Democracy is a not a spectator sport. We are a great country—the best country in the world—but we clearly have our problems, many of them emanating out of Washington, D.C. Leadership must come from the states. The states are the laboratories of innovation and we have to double down on our work.

How do you stay at the top of your game? Every time I get overburdened with the problems that are incumbent on state leaders, I tend to get myself outside. We live in the woods and I love that. We hike our state parks, we get on horseback, I flyfish and we have a couple of nice bikes we like to ride. That outdoor physical activity is a real steam-relief valve for me. I’ve got a great wife, the angel of my life, who does a very good job of keeping me centered on what’s really important.

What would surprise people most to learn about you? I am just a regular Hoosier kid. I grew up in an agricultural setting. At age 20, I had a small fleet of ice cream trucks that I ran out of our family dairy business. I ultimately sold that fleet of four to pay for my first two years of law school. So I got my entrepreneurial experience honestly and my understanding of regulatory burdens and small-business challenges early on.

Which books are on your nightstand? I’m a history nut and I had the chance to go to the Normandy beaches earlier this year. I consumed Stephen Ambrose’s “D-Day,” his second volume, “Citizen Soldiers,” and his follow-up, “Band of Brothers.” But I’ve just cleared those off my nightstand and Bruce Catton’s “The Civil War” is there now.

How does history influence your work today? History is filled with lessons of bravery, innovation, consternation and failure. It is an underutilized leadership tool today. My hope is that young leaders will consume those lessons learned in history. To give you an example, Joshua Chamberlain, the Maine Lt. colonel on the left flank of the Union line at Gettysburg, who was a college professor, didn’t have orders sufficient to defend his position and he ran out of ammunition. So, in the face of a Rebel charge that could have been the end of the battle, he ordered his men to fix bayonets and charge.

What final words would you like to leave with our readers? I often say, when our team is faced with what may seem like insurmountable challenges: The Republic will survive. This nation has a nearly two-and-a-half-century history of success and of service around the world. So we will survive, we will thrive, we will get through the rough times. Again, states have to lead the way.
# National Arts Awards

Honoring the Philanthropic Community and Arts Leadership

<table>
<thead>
<tr>
<th>Award</th>
<th>Recipient</th>
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<tbody>
<tr>
<td>2016 BCA Hall of Fame Award</td>
<td>Doug Aitken</td>
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<td>Legacy Award</td>
<td>Tony Bennett</td>
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<tr>
<td>Legacy Award</td>
<td>Susan and David Goode</td>
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<td>Arts Education Award</td>
<td>The Mr. Holland’s Opus Foundation</td>
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<td>Young Artist Award</td>
<td>Esperanza Spalding</td>
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<td>Philanthropy in the Arts Award</td>
<td>Roselyne Chroman Swig</td>
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# Business Committee for the Arts BCA 10

Honoring the Business Community

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<th>Sponsor</th>
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<tr>
<td>Aetna</td>
<td>2016 BCA Hall of Fame Award</td>
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<td>Austin Energy</td>
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<td>Badger Meter</td>
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<td>Robert Buchsbaum, CEO</td>
<td>Blick Art Materials 2016 BCA Leadership Award</td>
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<td>CopperPoint Insurance Companies</td>
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<td>M Powered Strategies, Inc.</td>
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# Annual Leadership Awards

Honoring Arts Community Leaders and Partners

<table>
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<tr>
<th>Organization</th>
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<tr>
<td>ArtsMemphis</td>
<td>ArtsMemphis Community Engagement Fellowship</td>
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<td></td>
<td>The Robert E. Gard Award for the Arts in Community Life</td>
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<tr>
<td>Brad Erickson, Executive Director, Theatre Bay Area</td>
<td>Alene Vaikanas State Arts Advocacy Award</td>
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<tr>
<td>Flora Maria Garcia, President &amp; CEO, United Arts of Central Florida</td>
<td>Michael Newton Award for Innovative Arts Funding</td>
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<tr>
<td>Barbara Goldstein, Independent Consultant</td>
<td>Barbara Goldstein &amp; Associates Public Art Network Award</td>
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<tr>
<td>Laura Perille, CEO</td>
<td>EdVestors Arts Education Award</td>
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| Mary Anne Phan | NABE Foundation/Americans for the Arts Scholarship Award

# Public Leadership in the Arts Awards

Honoring Elected Officials and Artist Advocates

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<tr>
<th>Elected Official</th>
<th>Award</th>
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<tr>
<td>Michael Spring, Senior Advisor, Office of the Mayor, Director, Miami-Dade County Department of Cultural Affairs</td>
<td>Selina Roberts Ottum Award for Arts Leadership</td>
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<tr>
<td>Octavia Yearwood, Arts Educator and CEO</td>
<td>American Express Emerging Leaders Award</td>
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| Rep. Suzanne Bonamici (OR-1) | National Award for Congressional Arts Leadership

# Public Leadership in the Arts Awards

Honoring Elected Officials and Artist Advocates

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<tr>
<td>King County, WA Executive Dow Constantine</td>
<td>Public Leadership in the Arts Award for Local Arts Leadership</td>
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<tr>
<td>Orlando, FL Mayor Buddy Dyer</td>
<td>Public Leadership in the Arts Award for Local Arts Leadership</td>
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# Americans for the Arts Thanks

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(1) Scholarship presented in conjunction with the NABE Foundation, the charitable arm of the National Association for Business Economics (NABE). (2) Presented in conjunction with the National Lieutenant Governors Association. (3) Presented in conjunction with the National Conference of State Legislatures. (4) Presented in conjunction with the National Conference of State Legislatures. (5) Presented in conjunction with the National Conference of State Legislatures. (6) Presented in conjunction with the National Conference of State Legislatures.