Politics aside, legal immigrants arrive daily with dreams of new lives in a new home.
RESEARCHERS ARE ARMING THIS CELL TO BATTLE SOME OF THE MOST INSIDIOUS FORMS OF DISEASE.

BEAUTY, IT APPEARS, CAN BE A BEAST.

Scientists are pioneering advanced treatments to help dendritic cells activate immune T cells to attack the body’s most lethal illnesses. Welcome to the future of medicine. For all of us. GOBOLDLY
Scientists are pioneering advanced treatments to help dendritic cells activate immune T cells to attack the body’s most lethal illnesses. Researchers are arming this cell to battle some of the most insidious forms of disease.
Hate Groups Find Fertile Ground

How prevalent are hate groups in your state? Since the early 1990s, the Southern Poverty Law Center has published an annual map showing where hate groups operate. The SPLC defines hate groups as having “beliefs or practices that attack or malign an entire class of people, typically for their immutable characteristics.”

Their activities can include criminal acts, marches, rallies, speeches, meetings, leafleting or publishing. The SPLC compiled this information using the hate groups’ publications and websites, citizen and law enforcement reports, field sources and news reports.

Hate groups operate in every state—except Alaska and Hawaii—and the District of Columbia. By the SPLC’s last count, there were 917 nationwide.

—Magazine staff

Alt-right demonstrators prepare to enter Emancipation Park in Charlottesville, Virginia, during the Unite the Right rally in August.

An Upward Trend

The number of active hate groups in the United States peaked at 1,018 in 2011, then decreased sharply. Since 2014, however, the number has been on the rise.

Source: Southern Poverty Law Center
IDEAS

Making Occupational Licensing Work
NCSL, the National Governors Association’s Center for Best Practices and the Council of State Governments have announced the 11 states that will participate in a new initiative to improve occupational licensing policy. Participants from Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Nevada, Utah and Wisconsin will become experts in their state’s occupational licensing policies and learn about best practices in other states. The goal is to remove barriers to labor markets by improving the portability of certain professional licenses across state lines.

The project stems from a $7.5 million grant the three partner organizations received from the U.S. Department of Labor’s Employment and Training Administration. In addition to the 11-state consortium, the partners will provide research on the current state of the national occupational licensing landscape. To read more about occupational licensing issues, read the article in the January 2017 issue of State Legislatures magazine.

Tackling Transportation Funding
NCSL’s transportation policy team joined state lawmakers and others to discuss the nation’s transportation infrastructure needs and how to fund them at the American Road and Transportation Builders Association’s third annual workshop in Washington, D.C. From left, Montana Representative Frank Garner, Tennessee Senate Speaker Pro Tem Jim Tracy, Oregon Representative Brad Witt, and Rich Juliano of the ARTBA. Visit ncsl.org/magazine to find all kinds of resources in our Transportation Deep Dive, a one-stop shop for all the latest news on transportation policy trends and ideas.

CONNECTIONS

Global Reach
NCSL’s International Programs department serves as a liaison between U.S. state legislatures and their counterparts internationally, including organizations, foreign embassies, parliaments and legislatures, as well as domestic organizations with international interests. Based in NCSL’s Washington, D.C. office, the department conducts research, holds public policy forums, develops technical assistance projects, offers exchange programs and fellowships, and assists state legislators and staff in identifying international issues with local or regional implications. Above are a few of the 250 international professionals who attended the 2017 Legislative Summit in Boston. From left, Lunga Hogan-Msimang, parliamentary exchange program manager for the Gauteng Provincial Legislature in South Africa; Luciano Nunes Santos, assemblyman from Piauí, Brazil, and president of the National Union of State Legislators; Ivana Teixeira Bastos, assemblywoman from Bahia, Brazil; Jamie Caton, manager of political relations and public affairs, consulate general of Canada in Denver; NCSL International Programs director Kathy Brennan Wiggins; and Katherine Boyce, NCSL policy specialist.

EXPERTISE

“Moving to paper is absolutely the happening trend.”
Wendy Underhill on how some states are returning to paper ballots to reduce the threat of cyberattacks, in Governing.

“Basing those fees off of power is not an accurate proxy of use or damage caused [to roads].”
Kevin Pula on a Missouri study on charging vehicle registration fees according to the car’s fuel efficiency rather than engine power, which is used currently, in the St. Louis Post-Dispatch.

“Since professional athletes’ salaries and travel schedules are publicly available, they are ripe targets for state tax authorities.”
Jackson Brainerd on complicated state “jock taxes” athletes and others must pay on the income they earn while performing in a state they don’t live in, in Bloomberg BNA.

“This has been as much of a bipartisan approach to this type of program as you’re going to get.”
Josh Cunningham on Illinois’ tax-credit scholarship program to enable low-income students to attend private schools, in Education Week.

“If everyone was to come knocking on the door for treatment, they wouldn’t know where to put everybody.”
Karmen Hanson on the lack of capacity states would face if they were to expand involuntary commitment laws to combat the opioid epidemic, in USA Today.
Storms Leave States in Troubled Waters

Lawmakers Lend a Hand With Disaster Relief

As Hurricane Maria left Puerto Rico and the U.S. Virgin Islands, residents discovered the same problem that Houston and South Florida faced after hurricanes Harvey and Irma: Receding floodwaters exposed environmental contamination.

Floodwaters in Texas and Florida were fouled with toxic chemicals and sewage. After Harvey, pollutants from Superfund sites and chemical facilities in the Houston area mixed with floodwaters, leading Texas Governor Greg Abbott (R) to warn residents to stay out of the water. The EPA confirmed that 13 Superfund sites in Texas were flooded by Harvey and were “experiencing possible damage” due to the storm. The flooding caused explosions at the Arkema chemical plant in Crosby, Texas. Chemicals have washed up in neighborhoods, and poisonous globes of mercury have been found along the San Jacinto River, across from a hazardous waste site.

The Texas Commission on Environmental Quality issued guidance on the environmental hazards, including how to determine whether drinking water is safe and how to handle wastewater runoff. Some residents remain concerned, however, about industrial chemicals in the floodwaters still lingering in many parts of the Texas coast.

Abbott has said that a special session of the Legislature, which isn’t scheduled to meet again until January 2019, won’t be necessary to deal with Harvey recovery. In South Florida, the problem has been sewage. The region’s flat terrain requires wastewater pump stations to move sewage. When Irma struck the electrical grid, the pumps shut down, causing 6 million gallons of wastewater to spill into Miami’s Biscayne Bay. In Fort Lauderdale, a one-minute power outage at the sewage plant allowed 86,000 gallons of treated wastewater to spill into the Intracoastal Waterway. Orlando’s wastewater system flowed backward, leading to 10,000 gallons seeping out of manhole covers.

In the town of Miramar, the site of the largest raw sewage mess, 300,000 gallons of wastewater streamed from a broken pipe for more than a day, soaking front yards, seeping into the canal and requiring a large cleanup. Residents were concerned about well water being contaminated.

“There’s still fecal matter that seems to be floating,” one resident noted.

The Florida Department of Health cautioned residents to avoid areas affected by sewage and make certain septic systems were functioning.

Before the storm, the EPA estimated that necessary upgrades to Florida’s wastewater systems would cost the state $18.4 billion. After Irma, the need for those upgrades is even more urgent.

This is not the first time that Superfund sites have been struck by a hurricane. Super-storm Sandy flooded New Jersey and New York, both home to numerous toxic sites. Chemicals from the sites placed an additional burden on the EPA and the states to make certain that receding floodwaters were not contaminated.

“There’s lots of local contamination that happens in a major storm,” says Tom Burke, who once worked at the New Jersey Department of Environmental Protection and the EPA. “I think, in retrospect, the New York and New Jersey metropolitan area was very lucky that in many sites the caps held, and the contamination was luckily not major.”

The full extent of Irma’s damage remains to be seen, but the storm already has exacted high costs to people and property. By late September, at least 42 deaths in Florida had been attributed to the storm, and 32 state agencies had spent more than $273,522,000 on preparation and recovery efforts, according to The Associated Press. By comparison, the final tally for Hurricane Matthew, which hit the state in October last year, was about $269,000,000.

Florida Governor Rick Scott (R) and state lawmakers had not determined whether a special session was necessary to tackle storm-related issues.

—Doug Farquhar
Another Strategy in the Opioid Battle

limiting opioid prescriptions has emerged as one of the most recent policy trends for state lawmakers who are scrambling to reduce the ongoing high rates of addiction, overdose and death from both legal and illegal opioids.

Almost half of the opioid-related deaths in the U.S.—42 of 91 daily—involve a prescription painkiller. Despite recent declines, opioid prescribing rates remain nearly three times higher than 1999 levels, according to the Centers for Disease Control and Prevention.

Using opioids to treat acute pain can lead to long-term use, and the risks increase based on the length or dose of the initial prescription, according to the CDC.

In response to the crisis, Massachusetts lawmakers enacted comprehensive legislation in 2016 that included a first-in-the-nation limit on initial opioid prescriptions to a seven-day supply. In just over a year, 16 states have followed with similar limits or guidelines.

Most of these laws limit first-time opioid prescriptions to a seven-day supply, though some set the limit at three, five or 14 days.

Six legislatures have enacted bills in the last two years directing or authorizing other entities—typically, health provider boards (medical or nursing boards, for example) or the state health official—to set the limits or provide the guidelines.

Federal agencies and health care providers also are responding to the crisis. In March 2016, the CDC released the “Guideline for Prescribing Opioids for Chronic Pain,” a voluntary set of recommendations for providers. A new report finds that the declines in opioid prescribing rates “suggest that health care providers have responded, becoming more cautious in their opioid prescribing practices.”

Between July and September, the CDC awarded more than $40 million to states to help them fight the opioid epidemic. With federal and state resources, lawmakers and other leaders will continue to craft innovative policies to address this persistent public health problem.

—Kate Blackman

Homemade Cookies Make a Comeback

Food freedom laws ease regulations on the production and sale of homemade and locally grown foods. They exempt producers from what supporters say is a burden of permits, inspections and licensing requirements, and give consumers the freedom to buy foods not inspected by the state. Three legislatures have adopted them, and several more are considering the idea.

Wyoming’s Food Freedom Act, from 2015, was the first of its kind. It exempted many homemade foods from licensing requirements and allowed farmers to sell directly to consumers.

“Wyoming has had roaring success [with the law], and we continue to capitalize on those aspects,” says Wyoming Senator Tyler Lindholm (R), the bill’s lead sponsor.

The Legislature amended the act this year, clarifying which homemade products are exempt from regulations, and adding rabbit and fish to the exempted list. The amendment also permits state agencies to provide assistance, consultation and inspection services when requested. Producers may now sell inspected and uninspected foods side by side at farmers markets, farms and ranches, as long as they are sold at separate cash registers.

Critics say food freedom laws may endanger consumers by giving them a sense that inspections are unneeded. An editorial in Wyoming’s Tribune-Eagle warned that the law could create “an outbreak of food poisoning and threaten the lives of children, the elderly and pregnant women as well as make the rest of the state sick.”

North Dakota lawmakers also enacted a food freedom law this year. It allows unlicensed, uninspected producers to sell all foods, except meat, meat products and raw dairy products, directly to consumers. (Federal law prohibits the unregulated sale of meat and meat products.) The new law allows producers to sell up to 1,000 domestic fowl of their own raising every year without regulation. Other foods that require refrigeration, such as baked goods containing cream, custard or cheese, must be labeled with this statement: “This product is made in a home kitchen that is not inspected by the state or local health department.”

Maine’s Act to Recognize Local Control Regarding Food Systems allows local governments to exempt producers of food sold and consumed locally from state licensing and inspection requirements. Food produced for wholesale or retail distribution, however, “must be grown, produced or processed in compliance with all applicable state and federal laws, rules and regulations.” The bill is the first to give control of food produced and sold locally to municipal governments.

Legislators have introduced similar bills in California, Florida, Hawaii, Illinois, Mississippi, Missouri, Montana, New Jersey, South Dakota, Utah and Virginia.

—Kristina Ellis
Alaska Representative Bryce Edgmon (D) has replaced Mike Chenault (R) as speaker of the Alaska House. Chenault, a four-term speaker who stepped down from his post this year, has filed a letter of intent to run for governor. He was first elected in 2002 and became speaker in 2009. Three Republicans voted with a coalition of Democrats in January to organize the House under Democratic control.

“Some are saying about us, ‘They are no Hamilton. They are no Jefferson.’ No, we are not. But we are the stewards now. They found the courage to stand up, and now it’s our turn.”

Arizona Representative Kelly Townsend (R) on the first national convention of states in more than 150 years, at the Arizona Capitol, from azcentral.com.

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“When we turn the Forest Service over to the bird and bunny lovers and the tree huggers and the rock lickers, we’ve turned our history over. ...We are going to lose our wildlife and we are going to lose our scenery, the very thing you people wanted to try to protect. It’s just plain stupidity.”

Utah Representative Mike Noel (R) on the cause of the recent wildfires, in the Chicago Tribune.

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Arizona Representative Kelly Townsend (R) on the first national convention of states in more than 150 years, at the Arizona Capitol, from azcentral.com.
Wisconsin Assembly Democrats elected Representative Gordon Hintz to replace Representative Peter Barca (D), who has led the caucus since 2011 when Republicans took control of the chamber. With 35 members in the 99-member chamber, the Democrats are at their lowest numbers since 1957. Hintz has served in the Assembly since 2016. Barca stepped down after he voted with Republicans to support a $3 billion tax incentive program for a technology group his caucus opposed.

Maine Senate Majority Leader Garrett Mason (R) announced a bid for governor. The 32-year-old leader joins a field of 16 candidates. If elected, he would be the youngest governor, by five months, in Maine history. Mason’s mother, first term Representative Gina Mason, died unexpectedly in September.

The Tennessee House will lose its two longest serving members at the end of 2018. Representative Steve McDaniel (R) has served for 29 years and announced he will not seek a 16th term in office. McDaniel, currently deputy speaker, sponsored the Heritage Protection Act to preserve statues and other artifacts associated with the Confederacy. Longtime House member and Speaker Beth Harwell (R) is also leaving to pursue the office of governor.

Illinois House Majority Leader Barbara Flynn Currie (D) is retiring after 40 years in the legislature. Elected in 1978, Currie became the state’s first female majority leader in 1998, a post she’s held for 20 years. Currie is the latest member to join an exodus from the Illinois legislature that includes 10 other House Democrats, 11 House Republicans, three Senate Republicans and three Senate Democrats—28 in all—so far.

Florida Senator Bill Galvano (R) will wield the gavel as Senate president in 2018. The Republican caucus named him Senate-president-designate in late October. He will replace Senator Joe Negron, who is term-limited. Galvano was elected in 2012 and chairs the Senate Higher Education Appropriations Subcommittee.

“Drones can easily be used to smuggle dangerous contraband like drugs, weapons and cell phones inside prisons.”

Michigan Representative John Chirkun (D) on his bill to prohibit the flying of drones near state prisons and other government buildings, from housedems.com.

“There’s no legitimate reason why these weapons should be in private ownership. ... Congress has been completely derelict in its duty with responding to the public health crisis of gun violence in this country.”

Massachusetts Representative David Linsky (D), shortly after the Las Vegas shooting in October, in the Milford Daily Press.
Given the persistent focus on illegal immigration in the public dialogue, it may be surprising to learn that most immigrants come to the United States legally. They come to marry, to rejoin family and to work. Some come to seek haven from persecution or natural disasters.

As the baby boomer generation retires at a rate of 10,000 workers a day, immigrants are also filling niches within the U.S. economy in both high- and low-wage jobs.

They create small businesses for their families in the restaurant and hospitality industries and fill seasonal shortages in agriculture and meatpacking, returning year after year. Some help address the growing demands in areas such as health care.

And throughout U.S. history, politicians and citizens debate whether immigrants take jobs away from Americans, lower wages and fail to adopt American values.

Who is coming to America currently? What role do they play in our economy and communities? How are state lawmakers responding?

Who Are America’s Immigrants?

Each year, about a million immigrants arrive here legally. In 2015, 679,000 of them were relatives of U.S. citizens, 144,000 gained permanent work visas, 70,000 were refugees, and 47,000 received “diversity” visas because they were from countries with low emigration rates to the U.S.

The 44.2 million foreign-born residents living in the U.S. in fiscal year 2017 comprise 13.7 percent of the total population. About half, or 20 million, have become naturalized citizens and make up 6 percent of the population. One-fourth, or 13.1 million, are legal noncitizens (4 percent of total population).

About 11.1 million U.S. residents (down from a high of 12.2 million in 2007) have come here illegally or have overstayed their visas, with an estimated 300,000 to 400,000 illegal immigrants arriving and leaving each year.

They make up 3 percent of the U.S. population. Most come from Mexico (56 percent), Guatemala (7 percent), El Salvador (4 percent), Honduras (3 percent) and China (2 percent).

In 2015, most of the immigrants who became permanent residents and received green cards were from Mexico, China, India, the Philippines and Cuba, while a majority of the refugees accepted into the country were fleeing from Myanmar, Iraq, Somalia, Congo and Bhutan.

Finally, a substantial number of foreigners enter the United States with temporary visas to study or work. About 3.7 million were admitted in 2015 to work in areas such as agricultural or seasonal work, or specialty occupations.
such as high tech or health care. Another 2 million visas were issued to students.

**Who’s in Charge?**

The federal government determines how many immigrants are permitted to enter the United States and the conditions for their stay. But, in general, immigration policy, has evolved into a shared responsibility among local, state and federal governments.

Since Congress passed the last major reform of legal and illegal immigration 30 years ago, it has been unsuccessful in bringing the system up to date. In recent years, states and localities have taken on additional responsibilities in both immigration enforcement and immigrant integration.

The Deferred Action for Childhood Arrivals, or DACA program, was established by the Obama administration in 2012. It has allowed around 800,000 young unauthorized immigrants (who had lived in the U.S. since 2007, and who had no criminal record) to apply for temporary legal status. This protected them from being deported for two years and was renewable. It neither granted permanent legal immigration status nor offered a pathway to citizenship.

Opponents criticize the program as an executive overreach into legislative authority since Obama implemented it without going through Congress. Earlier this year, 10 state attorneys general threatened to sue the Trump administration if the program was not terminated, which was countered by about 20 state attorneys general writing in support of it.

In September, the U.S. Department of Homeland Security rescinded the DACA program with a six-month phaseout to allow Congress to act to save it. U.S. Attorney General Jeff Sessions argued the program has encouraged illegal immigration, denied jobs to hundreds of thousands of Americans and put our nation at risk for more crime.

David Bier, an immigration policy analyst at the Cato Institute, agrees that the program was implemented wrongly, but argues in an article in The Washington Post that the administration’s “correct response, however—for economic reasons and security reasons, but above all for moral reasons—would have been to actively push for Congress to enact the program.” He debunks the arguments Sessions gave as not based on the facts. “If we’re going to debate the merits of DACA, we should know what we’re talking about,” he writes.

Bipartisan legislation entitled the Dream Act of 2017, has been introduced in both

### How Many?

Immigrants comprise 13 percent of the total U.S. population.

- **Native Born U.S. Citizens**: 278.8 million (87%)
- **Naturalized Citizens**: 20 million (6%)
- **Legal Noncitizens**: 13.1 million (4%)
- **Unauthorized Immigrants**: 11.1 million (3%)
- **U.S. Population**: 323 million

*Source: Migration Policy Institute, 2017*
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States Respond With Action

After DACA’s implementation, state legislatures debated what government services—in the areas of education, health, human services and licensing—the program’s young recipients, as well as unauthorized immigrants in general, should be eligible to receive.

All states now issue driver’s licenses to DACA recipients. California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, New Mexico, Nevada, Utah, Vermont, Washington and the District of Columbia also issue licenses to unauthorized immigrants if they provide certain documentation.

Twenty states offer in-state tuition to unauthorized immigrant students, 16 by state legislative action and four by state university systems action. Seven states and the District of Columbia offer state-funded financial aid to unauthorized immigrant students.

Alabama and South Carolina allow DACA recipients to enroll in public colleges and universities but prohibit undocumented students from doing so, and some institutions in Alabama allow DACA recipients to receive in-state tuition rates.

Tennessee Representative Mark White (R) introduced a bill for the third year in a row this year to allow in-state tuition rates to students whose parents brought them to the country illegally. “It is a basic, Republican, conservative position to support a person who is willing to get up every morning, go to work, go to school and better their lives. That is what we have been about as a party all my life,” he says.

Others, like White’s colleague Representative Judd Matheny (R), feel the country and the state of Tennessee have been “more than generous” in letting the students receive the same K-12 public education as native-born children.

“[This] bill will lead to an influx of noncitizen students into our education system,” Matheny said before the bill was voted down in committee.

Another area states have addressed is professional licensing. Florida and Illinois allow eligible DACA recipients to receive law licenses. The New York Board of Regents allows eligible DACA recipients to receive professional licenses and some teacher certifications. Nebraska issues certain professional and commercial licenses to eligible recipients. California allows unauthorized immigrants to receive professional licenses if all other requirements are met.

Immigrants Become Lawmakers

Minnesota Representative Ilhan Omar

Fleeing civil war, Minnesota Representative Ilhan Omar (D) and her family escaped Somalia and spent four years in a refugee camp in Kenya before resettling in Minnesota. She became policy director at an organization to encourage East African women to become civic leaders, and in 2016 ran for office herself, becoming the nation’s first Somali-American state legislator. She currently serves on the civil law, higher education, and government finance committees in the Minnesota House.

She hopes to “make our democracy more vibrant, more inclusive, more accessible and transparent.”

California Senator Janet Nguyen

Born in Vietnam, California Senator Janet Nguyen (R) also passed through refugee camps before settling in California in 1981. She served on the Garden Grove City Council and the Orange County Board of Supervisors before becoming the first Vietnamese-American to be elected to the California Senate in 2014. She serves on the health, governance and finance, human services and veterans committees.

‘Never in my entire life did I think I would become a state senator. It’s the coolest thing. That’s the American dream. That’s what America is about.’

Immigrants’ Economic Impact

In the public debates over who should be admitted to the U.S., some argue immigrants take jobs away from Americans and depress wages because they are willing to work for less. They question whether immigrants receive more in government services than they pay for in taxes.

Studies show, however, that immigrants pay their share of sales, property and income taxes and have positive effects on economic growth and business development.

In 2016, the National Academies of Sciences, Engineering and Medicine set out to examine the fiscal and economic consequences of immigrants at the national and state levels, using a snapshot of time from 2011 to 2013.

“In synthesizing hundreds of studies, in the long term, there is little negative impact of immigrants overall on wages or employment,” says The Urban Institute’s Kim Rueben, a participant in the NAS study.

But in the short term, “There is some compelling evidence of impact on some groups, like recent immigrants and those without a high school degree who are at the bottom of the wage scale,” she says.

Other findings from the study include:

- First-generation immigrants cost more than native-born residents, mainly at the state and local levels, in part due to the costs of educating their children. When these second-generation children grow up, however, they are among the strongest economic and fiscal contributors in the U.S. population, contributing more in taxes than their parents or the native population.
- Immigrants have higher representation in certain occupations requiring high levels of education (science, technology, engineering and health).
- The children of immigrants working in low-status jobs find substantially better paying jobs than their parents had.
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Undocumented workers, as a group, tend to get low-paying jobs that don’t require certifications.

“Immigrants arrive in their prime working years and help fill the jobs that Americans leave as they age out of the workforce,” writes Rueben. “Skilled foreign-born workers boost innovation and productivity, hold more patents, and are more likely to start new businesses than native-born Americans.”

Rueben goes on to say that government spending and revenues related to immigrants are roughly the same as for the native-born. Children cost more for education, workers pay more in taxes, and older people receive retirement benefits.

Looking specifically at the refugee population, a new report from the National Bureau of Economic Research found that the longer refugees live in this country, the better their economic situation becomes. Refugees who arrived as adults (18 to 45 years old) contributed, on average, $21,000 more in taxes than they received in benefits after 20 years in the U.S.

Do Immigrants Become Americans?

How well do immigrants successfully integrate into the nation’s social, economic, and civic life? Do they learn English, become self-sufficient, and adopt American values?

Another National Academies of Sciences study, completed in 2015, found that the level of educational attainment, English ability, and income improved the more immigrants were integrated into American life.

The study found that today’s immigrants appear to be learning English as fast or faster than earlier waves of immigrants. In general, immigrants’ incomes improved the longer they lived in the United States, although more slowly for Hispanic immigrants than for others.

Researchers also discovered that when immigrants arrive, they are less likely to die from cardiovascular disease and cancer, and they have fewer chronic health conditions, lower infant mortality, and obesity rates, and a longer life expectancy than native-born Americans. Over time, however, as they integrate into American life, these advantages decline.

And finally, the study found first-generation immigrant communities to have lower rates of crime and violence than comparable nonimmigrant neighborhoods. But in the second and third generations, crime rates increase and resemble those of the general population.

Steps to a Solution

While the federal government has been stalled on immigration reform, state legislatures across the country have continued to work on local immigration challenges and solutions.

“States are coming up with innovative ways to address immigration issues—in education, health care, and economic development—that the federal government seems to ignore,” says Florida Senator René García (R).

Each year, over the last decade or so, state legislatures have considered an average of 1,300 bills and resolutions on immigration and have enacted an average of 200 of them.

This year, lawmakers in 47 states and the District of Columbia enacted 133 laws and 195 resolutions on immigration, almost twice as many as in 2016.

Many of the laws are budget related, but the rest address all kinds of areas. Examples range from requiring employers to use the federal E-Verify internet-based system to validate new hires to authorizing a seal of bi-literate on high school diplomas.

State lawmakers are also assessing their role in immigration enforcement, debating sanctuary policies that limit cooperation with federal immigration authorities and detainer policies that help identify potentially deportable people.

“You’re seeing this state legislation come up because the feds haven’t fixed the issue, so states are taking the lead,” says Nevada Senator Mo Denis (D).

Ultimately, however, immigration is a national responsibility that requires a national solution. It’s time to align our economic and security needs for the 21st century.

The good news is there are plenty of lessons and best practices that can be drawn from state legislatures’ experiences to build strong economies and safe communities.
**STATELINE**

1. **Bump-Fire Stock Bans**
   The man who fatally shot 58 people and injured hundreds more in Las Vegas had equipped at least a dozen of his semi-automatic weapons with “bump-fire stock” modifications, which increase the weapons’ rate of fire. The devices are legal throughout the United States under federal law, though several states restrict their use. California and New York ban them. Massachusetts, Michigan, Minnesota, New Jersey and Oregon prohibit devices that allow automatic fire or weapons that fire multiple rounds with a single, continuous trigger pull. In addition, seven states and the District of Columbia have assault weapons bans that could be interpreted to include bump stocks as well.

2. **Get It on Paper**
   After federal officials found that Russia targeted voting systems in 21 states during the 2016 presidential election, some state and local election agencies are returning to paper ballots. Virginia election officials announced in September that they would stop using electronic voting machines, and Georgia launched a pilot program to use paper ballots. Security officials said that vote counting was not affected during the election but warned the attacks will continue. Iowa and Virginia passed bills this year to require post-election audits comparing paper ballots with electronic votes. Several states considered similar legislation. The aging of America’s electronic voting equipment only adds to the security woes.

3. **Of Protests and Punishment**
   In one of the year’s more striking examples of state-level partisan division, Republican legislators in 20 statehouses introduced—and six legislatures approved—new restrictions on the right to assemble and protest, USA Today reports. Arkansas, for example, passed an “anti-loitering” bill. Oklahoma made certain types of trespassing punishable by up to 10 years in jail. In Minnesota, an attempt to stiffen penalties for actions already subject to fines, like blocking access to freeways or airports, was vetoed by the Democratic governor. Critics say the bills are intended to silence dissent; supporters say demonstrators who disrupt traffic, damage public property or risk public safety go too far.

4. **Citizens’ Shopping Carts**
   You can buy shoes, food, music and tires online, so why not government services, like paying taxes, buying a fishing license or renewing a vehicle registration? Some technology officers envision one-stop, Amazon-like portals for all state services, Pew’s Stateline reports. Customers log on and create a profile that includes their personal information and a credit card number. They can browse for services and pay in a single transaction, saving time and money. The idea lowers costs for states, too, but it’s not without challenges, namely corralling the services of many agencies on one site and protecting customers’ data. Michigan, Ohio and Utah are leading the way with pilot projects.

5. **Towers of Power**
   Environmentally friendly economic boosters or property-value killers—attitudes toward wind turbines blow hot and cold. When Indiana lawmakers heard testimony on a bill to more tightly regulate the towering power generators, opponents said the machines hurt property values and that residents need more notice when a wind farm project is being considered. Supporters cited wind’s cost effectiveness as a free, clean, renewable energy source. The legislation ultimately failed, but is hardly gone with the wind. It could blow back again as soon as January, when lawmakers reconvene.
Sanctuary State Laws

In the hours before ending their 2017 session, California lawmakers passed the nation’s most far-reaching sanctuary state law. It limits who state and local law enforcement agencies can hold, question and transfer at the request of federal immigration authorities, the Los Angeles Times reports. Imported from Europe in the 1800s to embellish ponds in the Northeast, the swans have become established in bays and lakes in the Mid-Atlantic, the Great Lakes region and the Pacific Northwest. Their aggressive behavior and unstoppable appetites often disturb local ecosystems, displacing such native species as tundra and trumpeter swans. Six states now have mute-swan-removal policies ranging from shooting or gassing the adults to shaking their eggs, which prevents them from hatching.

Abortion Ban Blocked

A federal judge permanently struck down parts of an Indiana law passed last year that would have banned certain abortions and added requirements to all abortion cases. The law, which then-Governor Mike Pence (R) signed in April 2016, would have banned abortions sought because of a fetus’ genetic abnormalities, race, gender or ancestry; required that abortion providers tell women that the state prohibits such abortions; and specified that aborted fetuses be buried or cremated. The judge found the three provisions to be unconstitutional and in conflict with rulings by other courts, including the U.S. Supreme Court. Indiana Attorney General Curtis Hill said he plans to appeal.

Off Label, Not Off Limits

This year, Arizona became the first state to let drugmakers communicate directly with doctors and insurers about alternative uses of FDA-approved prescription drugs. Until recently, the FDA has not allowed manufacturers to promote so-called off-label uses—though doctors may prescribe alternative uses. New FDA Commissioner Scott Gottlieb supports loosening the rules and says the manufacturers are best qualified to inform others about their products. Critics say the risks of patients using drugs in untested ways are too great. Industry observers expect other states to consider bills similar to Arizona’s.

Marijuana and Fatal Crashes

The number of drivers involved in fatal crashes in Colorado who tested positive for marijuana jumped 145 percent—from 47 in 2013 to 115 in 2016. The Denver Post reports that the trend coincides with the state’s legalization of recreational marijuana, beginning with adult use in late 2012, followed by sales in 2014. Transportation and public safety officials, however, say the increase in fatalities cannot be linked with certainty to legalized marijuana. Other findings: More drivers in fatal crashes are testing positive for marijuana and nothing else (52 percent in 2014, 69 percent in 2016). The average age of drivers in deadly crashes in 2015 who tested positive was about 35; a quarter were over 40.
NCSL Legislative Staff Week
Dec. 4–8, 2017

“Access to NCSL’s subject matter experts has boosted my confidence and makes me look smart!”

LORE CHRISTOPHER,
DIRECTOR OF HUMAN RESOURCES, OREGON

“I’ve had the opportunity to connect with peers from all over the country through NCSL. This has allowed me access to knowledge and information that has greatly helped me succeed in my legislative career.”

JOEL REDDING,
CHIEF INFORMATION OFFICER, KENTUCKY

“NCSL offers excellent research support and great opportunities for professional development. I am able to do a better job because of NCSL’s support.”

JULIA COVINGTON,
REFERENCE LIBRARIAN, NORTH CAROLINA

Legislative staff—the defenders of the institution, the guardians of the legislative process, the backstage stalwarts who keep democracy rolling—seldom get the attention they deserve. Many staff like it that way. But NCSL knows how vital they are to every state legislature. So we’ve designated the first week of December as LEGISLATIVE STAFF WEEK. We celebrate your contributions, appreciate your hard work and encourage each one of you to get involved in NCSL. We are your organization, too. Enjoy these stories about legislative staff, and look for more on NCSL’s website, blog, social media pages, and the Our American States podcast.

NCSL Legislative Staff: A Winning Team

Raúl Burciaga, NCSL’s immediate past staff chair, jokes that when he was 3 or 4 years old he dreamed of one day being a legislative staffer. After all, what kid doesn’t? Of course, the truth is few adults, let alone children, are even aware there are people working hard behind the scenes to do research, revise codes, create civic education programs, ensure that websites and computer networks run smoothly—or any of the myriad other tasks staffers perform to keep the wheels of state government turning.

Chuck Truesdell, fiscal analyst with Kentucky’s Legislative Research Commission and current NCSL staff chair, can relate. He quips, “My parents still think I work for the governor.” Burciaga was in law school in his 40s when he asked a fellow student who worked in New Mexico’s Legislative Council Service what he actually did. “Well,” the friend said, “we draft legislation and staff interim committees.”

“Great!” Burciaga responded. Boring! he thought. Little did he know then that he would become that agency’s director, a position he still holds today—with more enthusiasm, of course.

As seasoned legislative staffers, these NCSL leaders know the value the organization offers legislative staff through its various services.

• A network of policy experts and a database full of state policy research—available 24/7.
• Enriching annual professional development seminars for each of NCSL’s staff professional organizations.
• Engaging webinars that share innovative ideas and best practices designed specifically for staff.
• The Legislative Staff Management Institute—the pre-eminent professional development seminar for legislative staff.
• State Legislatures magazine which showcases legislative staff to a national audience.

NCSL has a lot more to do with and for legislative staff, and has many new things planned for 2018. Burciaga and Truesdell invite you to get involved. NCSL is your organization. Make it work for you!
The Making of a Manager

BY BRIAN WEBERG

Top legislative bosses have mastered these essential traits.

The bad boss—we’ve all had one. Good ones, too, one hopes. There’s no question that the culture of state legislative agencies (all organizations, for that matter) is defined by the behavior of their managers. Unfortunately, too few legislative managers focus on their management roles and responsibilities, instead sticking to the specialization, knowledge and skills they mastered on their way up the career ladder. And too few legislative staff groups recognize, train and promote staff based on their abilities to be good managers.

NCSL has studied the role of staff in many states and conducted numerous workshops on manager performance. The patterns are clear, and the consequences are real. When staff groups ignore the critical need to promote and reward good managers, they become vulnerable to legislators’ dissatisfaction with their services, higher employee turnover and a decline in overall effectiveness.

“Replacing a boss who is in the lower 10th percentile of boss quality with one who is at the 90th percentile increases a team’s total output by about the same amount as would adding one worker to a nine-member team,” write the authors of the 2014 paper “The Value of Bosses.” And numerous national surveys and studies, from the Gallup Poll to the Society for Human Resource Management, agree: The top reason employees quit their jobs is dissatisfaction with their bosses, not their paychecks.

Here are six vital traits great managers share.

Great Communication Skills

“Communication is the act of the recipient.”

Peter Drucker, author and management guru

Legislative staff want and need communication with their managers that is clearly articulated, rich in content and relevant to the work. In too many legislative workplaces, managers fall short.

Much of the communication deficit appears to be rooted in the adage that “information is power” and in similarly outdated “need to know” and “in the loop” notions about information ownership, hierarchy and distribution. Communication is an everyday job, with many nuances requiring skill and practice to perfect. Great communicators:

Focus on key messages. Effective managers are selective in what they communicate. They don’t spam employees with repetitious emails, announcements and content that is not central to the work and goals of the group. Instead, they focus on what is meaningful and important for their employees to know to succeed. When managers ensure their employees know all they need to know about their work and workplace, everyone benefits.

Make it personal. No amount of email, memoranda or forms can substitute for face time between managers and their employees. Managers who are accessible and who make time for conversations about goals, performance, problem solving or brainstorming foster trust and engagement with employees and within their organizations.

Listen intently. Employees want to know their manager is not just hearing words, but is really listening to the message. Validation is crucial to keeping employees engaged. “Active listening” helps all parties leave a conversation...
believing they’ve been heard. In “The 7 Habits of Highly Effective People,” Stephen Covey writes that managers should “seek first to understand, then to be understood.” That begins with listening.

Professionalism

“Professional is not a label you give yourself—it’s a description you hope others will apply to you.”

David Maister, author and management expert

If an organization values professionalism, its managers need to reflect that in everything they do. For most organizations, professionalism means observing shared principles of excellence, integrity, decorum and respect for employees. In state legislatures, it also means showing respect for the legislative institution.

Most legislative staff groups have policies and norms that define what “professionalism” means. Professional conduct may connect to ethics, language, interpersonal conduct and appearance. Whatever these norms may be, managers are the standard-bearers for professionalism. As the saying goes, managers must “walk the talk” about values. Professional managers stay above the fray and through their actions demonstrate a fair, open and balanced approach to workplace issues and challenges.

When managers violate key values of professionalism, they diminish their effectiveness, threaten employee engagement and morale, and tarnish the image of their work group.

Consistency

“Employees, like customers, respond best when management acts in a predictable, not capricious, manner.”

Victor Lipman, Forbes Magazine

Legislative work sometimes can be chaotic and often is filled with uncertainty. In this environment, a manager’s consistent behavior helps employees navigate each day and every challenge. Employees know that important underlying assumptions about their work are solid and that their manager’s support is steady.

“In the places I go there are things that I see That I never could spell if I stopped with the Z.”

Theodor Geisel’s book “On Beyond Zebra,” published in 1955, was a call to kids (and adults) to explore ideas and possibilities beyond the boundaries of traditional thought and practice. Geisel, better known as Dr. Seuss, was decades ahead of his time and popularized the notion that important discoveries were waiting for those who dared to break the rules.

Today’s research on effective management is moving us “beyond zebra” and into fascinating new fields connected to discoveries in brain science and the keys to human motivation. Two authors stand out in this area and deserve the attention of those who aspire to be great managers.

In his book “Drive,” Dan Pink summarizes studies on human motivation that turn traditional concepts of rewards and performance upside down. His work shows that for today’s knowledge workers (including most legislative employees), the old “carrots and sticks” formula simply doesn’t motivate. Instead, the more intrinsic concepts of autonomy, mastery and purpose appear to be much more potent predictors of employee engagement and performance.

Pink defines these performance drivers like this:

- **Autonomy** — the desire to be self-directed
- **Mastery** — the urge to get better at things
- **Purpose** — the desire to contribute to something important

Managers who build workplace cultures of fairness and opportunity can leap forward from that foundation to address Pink’s formula for enhanced productivity and employee engagement.

David Rock’s research and writing follow similar themes. His SCARF model includes “five domains [that] activate either the ‘primary reward’ or ‘primary threat’ circuitry [and associated networks] of the brain.” Rock argues that awareness of these domains, if applied to the manager-employee relationship (or any relationship), can have a profound impact on behavior and performance. The five domains are:

- **Status** — relative importance to others
- **Certainty** — being able to predict the future
- **Autonomy** — a sense of control over events
- **Relatedness** — a sense of safety with others
- **Fairness** — a perception of fair exchanges between people

Employees who sense that management decisions, behaviors and policies threaten them in any of these five domains are more likely to drop out, underperform or struggle. If they feel supported in these areas, however, they are more likely to achieve new levels of engagement and productivity.

“The SCARF model points to more creative ways of motivating that may not just be cheaper, but also stronger and more sustainable,” Rock writes.

Note the parallels between Rock’s and Pink’s models. Their research suggests that traditional top-down, control-and-command management styles might be demotivating for today’s knowledge workers.
Great managers strive to be consistent in everything they do as communicators, planners and motivators, and as enforcers of office rules and policies. Consistency and fairness are different things, but when managers are consistently fair with employees, they build trust and foster employee engagement—key goals for every manager.

**Approachability**

“Being unapproachable, prickly or guarded shuts people up and shuts them down, cutting off information flow and collaboration vital for a team to do its best work.”

David Peck, executive coach

Approachable bosses build trust and develop positive relationships so that employees feel comfortable bringing them ideas and solutions, or seeking encouragement when their work is challenging. Accessible managers are routinely present at their employees’ workplace. Tom Peters, author of “In Search of Excellence” (cited by some as the best business book of all time), called it “management by walking around.” Great managers know what’s going on with their employees. They also have a sense of the big picture. In the case of state legislatures, great managers are politically astute and in the know about trends and issues that may affect their office and staff.

Great managers don’t barricade themselves in their offices, emerging only for food or to use the facilities. An approachable manager has an open-door policy and a reputation for being a good listener, having a calm voice and engaging with employees in an authentic and consistent manner. Good managers take a real interest in the lives of their employees, and get to know their staff to understand them on a more personal level.

**Composure**

“Composure is a behavior that people respond to instantly.”

David Spungin, leadership consultant

Most of us have worked for a boss, or have witnessed one, who lost his or her cool when the going got tough or when caught off guard. If it was an isolated event, we probably let it go. But when managers routinely blow up under stress, employees lose confidence in them. Volatile managers can leave employees feeling insecure about their jobs and disengaged from the mission of the work group or office.

Managers who are consistently calm under pressure send a different signal. They instill confidence, trust and loyalty among their employees. This is where managers become leaders. Through their behaviors (not just their words), they define the office culture and set expectations about how to weather the tough moments and work together to solve problems.

Managers who keep their cool recognize the power of their emotions and have learned to keep them in check. They may count to 10 or take five deep breaths or practice yoga or meditation, but by whatever means, they have learned to stop themselves before they blow up. They recognize that moments of stress are opportunities to reinforce workplace values and demonstrate standards of behavior for the entire team.

**Self-Awareness**

Along with our strengths, we all have biases, preferences, emotional baggage and other traits that color the way we work, make decisions and interact with others. When managers become more aware of how their personality traits, experiences and biases affect their decision-making and their approach to people and work, they take a giant leap toward becoming great leaders.

When employees develop similar awareness, a new dynamic is possible for understanding and solving problems and for appreciating the contributions of everyone on the team.

The Myers-Briggs Type Indicator, Strengthsfinder, professional coaching and similar tools help managers and teams enhance self-awareness and discover new ways to communicate; they can promote understanding and diminish the tendency to make things personal.

Managers who spend time developing self-awareness make an investment that can pay off for everyone. If they embrace the values, practices and behaviors outlined above, they’re bound for greatness in their roles, and their workplaces are destined to be the best they can be.
In the fast-paced environment of the legislature, committee staff are a bit like stage managers in the theater, working behind the scenes to keep everyone on task and on message.

Legislative committees perform two vital functions: They conduct hearings where bills are debated and fine-tuned before they go to the full body, and they provide a forum for citizens to voice concerns regarding legislation.

Committee staff make certain that the chair has what he or she needs to hold hearings, that committee members know what’s coming next and that witnesses are ready to speak.

Although committee staff roles differ by state, all staff strive to ensure that the chair and the committee members are prepared to examine the issues. What does it take to do the job effectively? Here’s what committee staff want you to know.

1. We Conduct Thoughtful Analysis.
   We provide objective and thorough analysis of bills. We gather detailed background material and summarize it for lawmakers, always striving to give all the various perspectives. We advise the chair on where there are areas of consensus. We also research existing laws to help understand the possible effects and unintended consequences lurking within newly proposed legislation. We aren’t psychics, but we try to prepare members for potential problems that may arise during public meetings that could derail a meeting or cause controversy.

Kae Warnock is NCSL’s staff liaison to the Research, Editorial, Legal and Committee Staff professional association.

2. We Help the Chair Run the Meeting.
   We support the work of the chair. To ensure the chair is the expert on the committee, we do thorough research and provide concise information on the subject matter at hand. We help the chair set the agenda, deliver bills and amendments, and write the committee report. We also assist the chair with parliamentary questions.

3. We Provide Meaningful Testimony.
   We are experts in the policy area under the committee’s jurisdiction. And, we know who to bring to the discussion to help the chair allocate time wisely and manage testimony fairly, even when tensions run high. We know the lay of the land—and where the land mines are buried! We can line up the needed testimony and brief witnesses so that their statements are timely and relevant. Working under the direction of the chair, we help ensure that the testimony given is not “stacked” and that all sides of an issue are heard.

What Is RELACS?
The Research, Editorial, Legal and Committee Staff professional association, known as RELACS, is dedicated to fostering professional development and communication among legislative staff who provide research, editing, legal services, committee staffing, bill drafting, code revision, administrative rules review and compilation, policy analysis and constituent services.

If you work in one of these areas, you are automatically a member.
Learn more at ncsl.org/relacs.

4. We Support the Committee.
   We know what it takes to run a committee smoothly. We make sure committee members have the information they need to ask the right questions and get to the heart of the issues. We work hard to ensure that committees receive the best data, meet their deadlines and report action on bills accurately. Our role is to be problem solvers for the committee.

5. We Know the Rules.
   We rarely opine about them in public, but we know the rules and the process well. This ensures that meetings are conducted openly and that committees use their investigative powers properly. We prefer to work with chairs and members individually to understand what they want to accomplish, before giving them advice. Some of us even write scripts for committee members who are unfamiliar with the rules of order used to conduct meetings.
The use of committees in American state legislatures had a slow start. Standing committees, as we know them today, were rare in the colonies. Massachusetts had one. Delaware, Georgia and New York each had two. Only Virginia had a whole system of six committees in place by the time of the American Revolution—a fact well known to the man who conceived the state capitol’s design.

“The system became so central to the legislative process that when Thomas Jefferson sketched plans for a new capitol building in 1776, he designed separate rooms for each of the six standing committees,” writes historian Mark Wenger in the Virginia Magazine of History and Biography, the quarterly journal of the Virginia Historical Society.

Legislatures have come a long way since then, as standing committees are now central to the lawmaking process. Today, some states use many (55 in the Illinois House), while others get by with just a few (six in the Maryland Senate).

“Every legislative house should have enough committees to enable it to develop some expertise in different subject areas, and to examine individual proposals in detail,” the Citizen Conference on State Legislatures stated in 1971, “but it should not have so many committees that it becomes difficult or impossible to relate different bills and proposals to one another, and to consider them in terms of a single, unified policy.”

States use committees to streamline the process. It’s where the public “has its say” and where the committee, with everyone in the room, hashes out the details. As Bryant R. Howe, deputy director of the Utah Office of Legislative Research and General Counsel, puts it: “Size, setting, lighting, layout, technology, ADA access, remote access technology (like they have in Alaska and Nevada), AV systems, adequate public seating, lines of sight, a quality PA system and location are all factors that make up having an optimum legislative committee room and therefore an optimum legislative committee meeting. Location matters—in real estate and in legislatures.”

As Varied as Legislative Chambers

“While legislative chambers tend to be magnificent halls, legislative committee rooms favor functionality over opulence. The very setup of the room helps set the tone for the meeting,” says Scott Maddrea, deputy clerk of committee operations for the Virginia House of Delegates, who has done extensive work on the history of committees.

“We have large committee rooms with elevated daises that set a tone of formality that can be intimidating and adversarial,” he says. “I have seen freshman members get light-headed and weak in the knees the first time they present a bill.” The state also has smaller rooms with oblong tables that convey a spirit of cooperation, and a moderately sized room with a U-shaped dais that strikes a balance somewhere in between.

Many committee rooms have benefitted from capitol renovations that beautifully reflect the décor and style of the historic buildings they occupy. Some rooms even have a special history.

The current Michigan Senate Appropriations Committee room, for example, was once the Old Supreme Court Chamber, where the justices ruled in the famous Kalamazoo School Case of 1874 that taxes could be collected to pay for public high schools. The ruling had a ripple effect that profoundly changed American education. And in Wyoming, legislative committees will soon be meeting in a renovated area that was originally the Territorial House Chamber in which the state constitutional convention and significant suffrage debates took place. It’s a grand two-story room with stained-glass laylight ceiling panels and a chandelier.

Our state capitols and legislative buildings are national treasures. But what they house is even more important: democracy in action. When making laws becomes rather ugly, legislators might benefit from pausing long enough to look around. They might see some beautiful reminders of what the Founding Fathers had in mind and how far this experiment with democracy has come.
ALCOHOL

Cut, Color and Chardonnay?

“There are no more stupid laws than the ones that date back to prohibition.”
—SENATOR DIANE SAVINO, NEW YORK

“There are no more stupid laws than the ones that date back to prohibition.”
—SENATOR SCOTT WILK, CALIFORNIA

Some believe a merlot and a massage go as well together as a beer and a football game.

O

n any Sunday afternoon during football season, it’s a sure bet that a fair number of adults attending professional games will buy and consume a beer or two or three while at the stadium. Every National Football League stadium is licensed to sell alcohol. Millions more fans watch the games at home or at one of the thousands of bars, restaurants or brewpubs licensed to sell alcohol as well.

In fact, going to restaurants and bars to watch football is about as popular as attending the games in person, according to BeerBoard, a company that monitors more than 50,000 draft beer lines at licensed locations. During the first Sunday of the 2017 NFL season, BeerBoard reported that total beer consumption nationwide rose 36.6 percent from the week before.

The alcoholic beverage industry is on a winning streak. Where and when you can sip a shiraz or down a pale ale is expanding way beyond the local pub. An economic impact study for the American Beverage Licensees, a trade association representing U.S. beer, wine and spirits retailers, found that the industry generated $295.4 billion in total economic activity in 2016, paid $25.3 billion in federal taxes, supported 1.94 million jobs directly and contributed to another 4.27 million jobs indirectly.

Widening the Watering Hole

While drinking alcohol at a football game may not be unusual, drinking in some other places is, or at least was, until recently. States have begun licensing businesses outside the traditional food-and-beverage and sports industries to sell or serve alcohol—places like movie theaters, hair salons, spa resorts and art galleries.

For movie theaters, the hope is that alcohol will turn the tide of flat or declining attendance. Along with alcohol sales, theater owners have turned to reserved stadium seating with reclining seats to entice people to leave the comfort of homes equipped with on-demand Netflix and cozy couches for a few hours at the movies.

AMC Theatres, the largest U.S. movie chain, has even partnered with Hollywood film studios to create themed drinks, which recently included a Fifty Shades cocktail during the showing of “Fifty Shades Darker,” and a concoction called the Pennywise, inspired by this fall’s thriller “It.”

More than 30 states and local governments now allow movie theaters to sell alcohol through stand-alone bars or full-service restaurants.

Delaware, for example, licenses theater operators to serve drinks within the theater or where movies are being shown. But, to obtain a license, an operator must:

• Sell the alcoholic drinks at a bar or location separated from other food and drinks.
• Limit sales to only one alcoholic beverage at a time per age-verified customer, up to two total per patron per movie.
• Install video cameras in every auditorium to supervise patrons from a central location during movie showings.
• Require employees to attend an alcohol service training program.
• Have a trained employee walk through

BY HEATHER MORTON

Heather Morton tracks alcohol issues for NCSL.
the theater auditorium during each movie showing.

In New York, all Broadway theaters may sell alcoholic beverages, but when it comes to movie theaters, only dine-in ones qualify, if they have a kitchen and a chef serving meals. During the 2017 legislative session, lawmakers debated bills to help the craft beverage industry and small independent movie theaters by allowing the State Liquor Authority to issue beer and wine licenses to all movie theaters.

“There are no more stupid laws than the ones that date back to prohibition,” Senate bill sponsor Diane Savino (D) told the Legislative Gazette. “You can go into a live theater and buy a drink, but you can’t buy a drink in a movie theater. This has to change.”

Critics expressed concern that allowing alcohol into movie theaters could result in drunken movie patrons and make it easier for adults to buy alcohol on behalf of minors. New York Assembly Speaker Carl Heastie (D) announced in June that the Assembly would not support the bills because of his concerns about children sitting next to people consuming alcohol.

Movie theater owners in Oklahoma fared better. They have more than a year to prepare before a law goes into effect allowing them to sell cocktails, wine and beer.

Licenses will be awarded beginning Oct. 1, 2018; until then, movie theaters can sell only low-alcohol beer. Getting licensed will require theater operators to check patrons’ ages and identify those who may consume alcohol with a wristband or hand stamp. This requirement applies only to theaters where children under the legal drinking age are allowed in.

A Snip and a Sip

Movie theaters are not the only businesses looking to expand into alcohol service. Many beauty salons and spas like to serve their clients a glass of wine or a mug of beer during a haircut or other beauty treatment. Legislatures in seven states—California, Maryland, Mississippi, Utah, Virginia, Washington and West Virginia—have passed bills authorizing salons, barbershops and spas to serve alcohol.

California’s law, passed in 2016, stipulates that beauty salons or barbershops (and limousine and hot air balloon operators) may serve alcohol without obtaining a license or permit if:

- The salon or shop serves no more than 12 ounces of beer or six ounces of wine to each customer.
- The drink is free and served during business hours and no later than 10 p.m.
- The salon or shop is in good standing with the state Board of Barbering and Cosmetology.

“Going to the barber or the beauty salon is an experience. It is not uncommon for a customer to be offered a glass of wine or a beer,” says Senator Scott Wilk (R), who was an assemblyman at the time he co-sponsored the bill. “These businesses—many of whom are small, mom-and-pop shops—want to make sure their customers thoroughly enjoy their visit. AB 1322 limits the offering to one beverage to ensure the safety of both the patron and other customers.”

Many of these businesses already had been serving complimentary alcohol believing that, since it was free, they didn’t need a license. But, technically, it was illegal. “The regulations say unless you charge for the beverage and you are fully licensed, you may not serve,” Assemblyman Tom Daly (D), Wilk’s co-sponsor, told ABC News. “So, there’s a gray area in the law, and the law needs to be modernized.”

Critics worry that not requiring all businesses to get a license will lead to more alcohol-related problems. “We are outraged that the Legislature and governor ... have failed to regulate alcohol consumption at 42,000 beauty salons and barbershops,” says Richard Zaldivar, co-chair of the California Alcohol Policy Alliance. The orga-
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nization estimates that the new law will increase the number of venues allowed to serve alcohol by 41 percent.

In addition, opponents point out that the legislation makes no provision for age requirements or responsible beverage service training for the staff pouring the alcohol.

In Virginia, lawmakers authorized alcohol licenses for commercial day spas that offer licensed massage therapy, barbering or cosmetology services, allowing them to serve no more than two five-ounce glasses of wine or one 12-ounce glass of beer on a complimentary basis.

And in Utah, legislators approved sub-permits only for spas that are connected to a resort that already has a license to serve alcohol.

Not all states have expanded access to alcohol, however. Arkansas specifically prohibits massage therapists from serving alcoholic beverages at clinics or schools in rooms where massage therapy is being performed, or in a massage therapy school. And, when its licensing statute was enacted in 1999, Nebraska prohibited nail technology salons from knowingly permitting their employees or clients to use, consume, serve or in any manner possess or distribute intoxicating beverages or controlled substances on their premises.

New Kids on the Block

Art galleries and studios in seven states—Colorado, Maryland, Mississippi, Tennessee, Vermont, Virginia and Washington—and the District of Columbia, are the newest businesses to receive legislative permission to serve alcohol.

In Maryland, legislators authorized art gallery beer and wine licenses in Frederick and Montgomery counties. In St. Mary’s County, the legislation authorizes an “art establishment” license, which it defines as a for-profit retail business that either displays, sells or demonstrates original art by an individual or a group, or instructs participating clients in creating art.

In Colorado, art galleries may obtain permits to serve complimentary alcoholic beverages, if no more than 250 people are in the gallery at one time. The galleries may not charge an entrance fee or a cover charge in connection with serving the alcohol.

Mississippi offers merchant permits to the owners of spas, art studios or galleries, and cooking schools, allowing them to serve complimentary wine by the glass only.

Tennessee’s statute allows art galleries to serve complimentary wine if they receive at least 90 percent of their revenue from the sale of artwork, and as long as they do not also sell food or beverages.

Vermont lawmakers took a slightly different approach and authorized the state Department of Liquor Control to grant permits for special events held in art galleries, bookstores, public libraries or museums.

Serious About Oversight

Americans may enjoy these additional opportunities to imbibe, yet most believe drunken driving and underage drinking are still extremely or very serious problems, according to a recent national survey by the Center for Alcohol Policy. Drinking and driving still kills thousands of people each year, accounting for about a third of all motor vehicle fatalities, according to the National Highway Traffic Safety Administration.

“Americans recognize and agree that when it comes to a unique product such as alcohol, regulation is vital, and they support the states’ ability to set their own laws and regulations around alcohol,” Mike Lashbrook, executive director of the Center for Alcohol Policy, says. “Policymakers need to stay focused on the public’s concerns over alcohol misuse and demand for responsible regulation.”

Legislators will continue to study whether to increase the types of venues where alcohol can be served. They are looking at how to regulate businesses while protecting people’s right to choose where and when they drink, debating whether the benefits to small businesses and tax revenue streams outweigh possible public health ramifications.

Other Alcohol-Related Bills

Besides adding to the list of places where you can drink, some state legislators are also changing the days and times when you can buy alcohol. This year, Delaware allowed retailers who sell alcohol for off-premise consumption to begin sales at 10 a.m. on Sundays, instead of noon. Minnesota authorized off-premise consumption sales on Sundays from 11 a.m. to 6 p.m. Before this year, the state prohibited Sunday sales altogether. The effort to authorize Sunday sales was several years in the making. “I am excited that after four years of championing Sunday sales legislation, we are finally changing an outdated law which has been in place since statehood,” Representative Jenifer Loon (R), the chief author of the bill, said.

The North Carolina General Assembly enacted the so-called “Brunch Bill.” Among other things, the bill allows local governments to adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine and mixed beverages beginning at 10 a.m. on Sundays, instead of noon. When the bill passed the Senate, Senator Bill Cook (R) questioned its potential public health impacts. “Will there be a downside?” he asked. “Will there be more drunks? Will there be families ruined?”

Not every bill related to sales times in the 2017 session was successful. In California, Senator Scott Wiener (D) introduced a bill to allow local communities to extend alcohol service in bars, restaurants and clubs to 4 a.m. “Nightlife is crucial to the economy and culture of many of our cities, and we should be doing more to empower our communities to support nightlife,” he said. “The LOCAL Act recognizes that cities like Los Angeles could benefit—if it chooses to do so—from developing a plan to expand nightlife in neighborhoods like downtown L.A. By taking this nuanced approach to empower—but not require—local communities to extend alcohol sales hours, we can support nightlife in California while also recognizing that there is not a one-size-fits-all solution for each and every city in our great state.” Opposed by some public safety advocates, who argued the bill could lead to more drunken driving and other alcohol-related problems, the bill was ultimately rejected.

—Heather Morton
CLEAN ENERGY

Keeping PACE

Increasing consumer protections is strengthening a clean energy financing program for homeowners.

BY JOCELYN DURKAY

California is the founder of PACE and my own hometown, Berkeley, was where it was initiated,” says Senator Nancy Skinner (D), referring to the Property Assessed Clean Energy financing program, launched in 2008, which allows homeowners to pay for energy efficiency, renewable energy or water conservation improvements through an assessment on their property taxes.

California has the largest residential PACE, or R-PACE, market. “We’ve already empowered more than 150,000 homeowners in California,” she says, “which we’re very proud of.” But, like most new programs, “Once it’s out in the field, you learn where it needs improvements.” So, after hearing consumer complaints about some abuses in the program, California lawmakers recently made some changes.

Protecting Consumers

Last year, California became the first state to adopt comprehensive consumer protection legislation for R-PACE homeowners under a
bill sponsored by Assemblyman Matthew Dababneh (D). It mandates new disclosure requirements modeled after federal “Know Before You Owe” mortgage disclosure practices, including giving customers three days to cancel from the time they sign a PACE contract. It also limits the methods and data contractors that program administrators can use to claim that an assessment will increase a property’s market value.

In October, California Governor Jerry Brown (D) signed two PACE-related bills into law. One strengthens disclosure requirements by adding a recorded oral confirmation, extends the three-day cancellation period to all contractors (not just to PACE contracts) and prohibits kickbacks to contractors for PACE referrals. In addition, program administrators must report twice a year on projects—including customers’ missed payments and defaults.

The second bill introduces the first state regulatory structure and ability-to-pay requirements in the country and provides an enforcement mechanism to guarantee consumer protections.

“When I started reading reports of homeowner concerns, I wanted to make sure the Legislature effectively addressed the issue, ensuring that homeowners would be protected and putting to rest any concerns that discouraged people from participating in this program,” Dababneh, chair of the Committee on Banking and Finance, says.

“California has engaged stakeholders who do not always see eye to eye, but all parties have come together to make consumer protection improvements in the PACE market a priority,” he says. “Local governments, PACE program administrators, environmental groups, banks, credit unions and real estate interests have all come to meet with me to discuss how we can protect homeowners.”

**Overcoming Federal Lean on Liens**

Residential PACE programs encountered a significant federal obstacle shortly after they began in 2008. The Federal Housing Finance Agency advised mortgage lenders in 2010 that it would not purchase or guarantee mortgages on properties with existing PACE liens, creating a de facto requirement that any assessment be paid off before a sale. The decision threw a wrench into many state efforts, suspending or terminating several R-PACE programs.

Today, only California, Florida and Missouri have active residential programs, although 22 states have passed enabling legislation. The picture for commercial PACE programs is quite different: 19 states and the District of Columbia have active programs, according to the advocacy group PACENation.

Florida and Missouri also have adopted consumer protections in statute. Florida, like California, has limited the size of a PACE lien to a percentage of a property’s value and requires specific disclosure statements. Missouri legislators included protections to ensure homeowners pay only for the costs listed in the PACE contract. State law also requires that final costs be verified and that reports on assessments be prepared annually.

Federal entities and industry also are acting to protect consumers. In February, a network of PACE administrators and stakeholders adopted industry standards on consumer protections. The U.S. Department of Energy’s best-practice guidelines for R-PACE, released last year, contained extensive protection recommendations. The Federal Housing Administration and the Veterans’ Administration adopted their own PACE guidelines. And this spring, federal legislation was introduced in Congress to regulate the PACE industry.

**Not Waiting on the Feds**

Some states, however, are not relying on federal entities to move ahead. “I think we

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**WHAT PACE PAYS FOR**

<table>
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<th>Category</th>
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<td>Water efficiency upgrades</td>
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*Source: PACENation, 2016*
states can do a fair job without federal intervention,” says Minnesota Senator Eric Pratt (R).

Several states with robust commercial programs have shifted their focus to developing options for homeowners. Minnesota, for example, has statutory language authorizing both residential and commercial PACE programs, but only commercial programs are operating there now. As plans developed for a new residential program, Pratt was aware of consumer protection concerns in other states. “All that troubled me and is why I wanted to get a task force together,” he says.

He served as the lead in preparing the legislation, which passed this year, creating a 16-member Residential PACE Consumer Protection Legislation Task Force in the state Commerce Department. The task force will develop recommendations to address several consumer protection concerns in other states. “All that troubled me and is why I wanted to get a task force together,” he says.

Pratt’s bill suspended R-PACE activity until additional consumer protection legislation is enacted. “My hope is that Minnesota comes out with a program that can be a model for other states to follow,” he says.

The Road Ahead

The last decade has proved that the design of state legislation significantly influences the success of residential PACE projects. Common components of effective legislation include a list of eligible improvements, cost-effectiveness requirements, guidance on transferring projects in a sale and mortgage-holder notification.

During foreclosure, any overdue portion of a PACE assessment must be paid first, as with all municipal assessments. Legislation can address concerns with this process by modifying that rule, which is called “limited subordination,” or by clarifying that a new owner is not responsible for overdue balances and assumes the remaining lien balance, called “non-acceleration.”

An emerging concern is whether the addition of a PACE lien increases the likelihood a homeowner will miss a payment or default altogether. Although a February report from the Kroll Bond Rating Agency stated that delinquency rates were below 2 percent for homes with PACE liens, the California Association of County Treasurers and Tax Collectors found that R-PACE default rates had increased in the last year. The data are incomplete, making it impossible to compare default rates of PACE users with those of homeowners statewide. California enacted legislation this session that will better capture the data needed to make this assessment.

Residential PACE financing is a growing opportunity, and legislatures are active in discussions about these innovative programs. Both Dababneh and Skinner say they’ll continue to monitor PACE as it develops in California and respond to future concerns.

As Dababneh says, “Strengthening consumer protections through legislation is a win-win situation for everyone.”

**WHICH PROJECTS QUALIFY**

As designated in statute, the following technologies are eligible for PACE financing in the three states with active residential programs:

**California**
- electric vehicle charging infrastructure
- energy efficiency
- renewable energy
- seismic strengthening
- water efficiency

**Florida**
- electric vehicle charging equipment
- energy conservation and efficiency
- renewable energy
- wind resistance

**Missouri**
- energy efficiency
- renewable energy

Sources: California Constitution, Florida Statutes and Missouri Revised Statutes
Tina Kotek was chosen to lead the Oregon House in 2013, making her the nation’s first openly lesbian speaker. A Pennsylvania native, Kotek moved in 1987 to Oregon, where she earned her bachelor’s degree in religious studies at the University of Oregon. After earning her master’s in international studies with a focus on comparative religion from the University of Washington, she worked for the Oregon Food Bank and Children First for Oregon before being elected to the House in 2006.

What is your top legislative priority and why? There are two. One is housing. Whether it’s workforce housing or housing for low-income and vulnerable individuals, the lack of affordable housing is a real challenge in a lot of communities right now. I continue to try to come up with new ways to help build more supply, preserve what we have and help tenants have a fair shake in the rental market. The other one, because I like big problems, is climate disruption. We are trying to figure out how to bring a cap-and-invest bill to our legislature next year—similar to California’s—because Oregon has to join other states to continue to make progress in reducing emissions.

What does it take to be an effective leader? You need to listen, and not just listening for ideas, but for values. My job is to meet the needs of every member of my body, whether Republican or Democrat, rural or urban. Leading is about setting goals and having a plan to get there. A lot of people are really good at identifying problems. I think it’s up to leaders to chart a path for solutions and try to get people there.

Women are under-represented in state legislatures. What’s your take on why, and what can be done to get more women involved? It is absolutely true that when encouraging women to run for any elected office, particularly the legislature, you have to do a little more work. You have to explain to them that they are just as qualified as the guy next door. We’ve been very successful in Oregon because we’ve made a concerted effort to have more diverse candidates who we’ve recruited. We have strong leadership in our legislature from women. But we have to do better than we’re doing and it takes effort, it takes intentionality.

What does your political career and rise to leadership mean for the LGBTQ community? Like any community that has been marginalized, whenever you have a first it matters a great deal. People see possibility when they see people being first in whatever it is. Being the first lesbian speaker was certainly an honor, and also just a bellwether that things are changing, that you can do this no matter where you come from, no matter what your sexual orientation. It’s very important for the LGBTQ community to see leaders at all levels of government. Every person who is out and who is standing up for who they are and whatever they’re doing is really, really important.

When you were a kid, what did you want to be when you grew up? I thought I would be a detective and solve mysteries like Sherlock Holmes. Maybe that’s kind of what I do now. I’m solving public policy mysteries.

How did your education in religious studies prepare you for your job? The things you learn about religion—which is about values and ritual—are similar to many things we have in the legislature. We have traditions that are in some ways the rituals of democracy in action, and you have a lot of values. While there are obviously other differences, the underpinnings of what religion is about are very evident in the democratic process. People have values—they want things done a certain way. I think it’s actually helped me understand this process differently than a lot of people.

What would surprise people most to learn about you? That I’m an introvert. Being a public figure can be difficult at times because I like my privacy, I like my personal time, and when you’re serving as a public servant, you don’t have a lot of that.

What do you do for fun? The No. 1 thing I do is go to the movies. Usually I go for more escapist stuff these days—superhero movies and big-budget blockbusters. I just saw “It,” the horror flick, which was a bit outside of my norm, but my wife wanted to go. When you’re being scared at the movie theatre, you’re not thinking about anything else. If you want a distraction, that’s a good one.

What final words would you like to leave with our readers? I would encourage everyone in legislatures across the country not to lose hope about the impact they can have on people’s lives. From a state legislator’s perspective, regardless of your politics, there is a lot of uncertainty at the national level. That means that state leaders have an increased responsibility to solve problems and provide confidence that government can work and will work and does work. When things are so unclear at the federal level, it’s an opportunity for us at the state level to shine.
“I attended several of the professional development seminars for legislative staff this fall. Whether they were for information technology staff, librarians, fiscal offices or others, each focused on the unique skill sets and circumstances for those groups. No other organization understands the career needs of legislative staff like NCSL.”

– CHUCK TRUESDELL, FISCAL ANALYST, LEGISLATIVE RESEARCH COMMISSION, KENTUCKY