

**NCSL Executive Committee**  
**Minutes of Spring Meeting**  
**Minneapolis, Minnesota**  
**May 21, 2016**

President Curt Bramble called the meeting to order. The following officers and members were present:

**Officers**

Senator Curt Bramble, Utah, President  
Senator Mike Gronstal, Iowa, President-Elect  
Senator Deb Peters, South Dakota, Vice President  
Senator Dan Blue, North Carolina, Immediate Past President  
Karl Aro, Maryland, Staff Chair  
Raul Burciaga, New Mexico, Staff Vice Chair  
Peggy Piety, Indiana, Immediate Past Staff Chair

**Executive Committee Members**

Stephanie Barrett, Vermont	Wayne Kidd, Utah
Representative Rosie Berger, Wyoming	Debra Levine, New York
Martha Carter, Nebraska	Ken Levine, Texas
Lore Christopher, Oregon	Senator David Long, Indiana
Representative Dan Flynn, Texas	Holly Lyons, Iowa
Sarah Freeman, Indiana	Francois Ouimet, Quebec
Sonia Gavin, Montana	Representative Scott Saiki, Hawaii
Assemblyman Adam Gray, California	Senator Ryan Silvey, Missouri
Senator Wayne Harper, Utah	Jim Smith, North Dakota
Jon Heining, Texas	Representative Greg Snowden, Mississippi
Senator Brent Hill, Idaho	Chuck Truesdell, Kentucky
Senator Sara Howard, Nebraska	Speaker Robin Vos, Wisconsin
Russell Humphrey, Tennessee	Representative Mary Jane Wallner, New Hampshire
Wendy Jackson, Wisconsin	Martha Wigton, Georgia
Representative Jay Kaufman, Massachusetts	
Representative Brian Kennedy, Rhode Island	

A quorum was present with 37 members in attendance. Several guests and NCSL staff also were present.

**APPROVAL OF MINUTES**

NCSL President Curt Bramble called for a motion to approve the minutes from the NCSL Executive Committee meeting held in Salt Lake City on Jan. 9. The Executive Committee unanimously approved the minutes from the winter meeting.

**APPOINTMENT TO FILL VACANCIES**

Senator Bramble asked the Executive Committee to approve the appointment of Senator Dan Blue, North Carolina, to serve as NCSL Immediate Past President in light of Senator Debbie Smith's untimely passing. The Immediate Past President also serves as President of the NCSL Foundation for State

Legislatures. Senator Bramble also announced that the committee would need to approve two appointments to legislative staff vacancies on the committee. Linda Hay, leadership staff with the Alaska Legislature and Holly Lyons, Fiscal Services Division Director with the Iowa General Assembly, were appointed by Karl Aro, NCSL Staff Chair, to fill those vacancies. A motion was made to accept the appointments, which passed unanimously.

### **EXECUTIVE DIRECTOR'S REPORT**

NCSL Executive Director William Pound reported that 2016 has been a good year for NCSL thus far. NCSL staff have provided a tremendous amount of in-state assistance at the request of legislatures throughout the country, as evidenced by the Member Outreach Report. Pound encouraged Executive Committee members to reach out to NCSL for technical assistance, saying that the organization is uniquely positioned to work with state legislatures to meet their needs.

Pound noted that legislation continues to move slowly in Washington D.C.; but that NCSL has had substantial influence on those issues that are moving, including the education bill, the transportation bill and on new legislation regulating toxic chemicals. One of the most important roles that NCSL plays is opposing federal preemption of state authority, Pound said, an issue on which NCSL has had allies on both sides of the aisle.

### **TASK FORCE ON INTERNATIONAL AFFAIRS**

Task Force co-chair Representative Greg Snowden provided the report of the Task Force on International Affairs. Snowden reported that the Task Force was privileged to host a delegation from the Chinese People's Association for Friendship with Foreign Countries as well as the new executive director from the German Partnership of Parliaments. The task force met on Friday with a full agenda focusing on services for the aging, international education and tourism. Wyoming House Majority Leader Rosie Berger opened the session with a special welcome to Vice President Xie Yuan from China. Assistant Speaker of the New York Assembly Felix Ortiz facilitated the first panel.

Patty Cullen, CEO of Care Providers in Minnesota, gave a presentation on services available in Minnesota for seniors and mentioned continuing care communities that offer a continuum of care with independent living, assisted living and nursing home levels of care. She also mentioned technological advances that will provide for healthcare monitoring and streamlining administrative support for home care services.

Mr. Xie then spoke of the challenges that China faces with its rapidly aging population, addressing recent changes to China's one-child policy. According to Mr. Xie, despite policy changes, many Chinese families have decided not to have a second child. Mr. Xie also reported that China plans on implementing a major, unified pension system.

Senator Deb Peters gave a report on her recent experience conducting electoral observation monitoring in Peru. Senator Bramble was also an observer on that trip.

Snowden facilitated a discussion on international education reform strategies of other countries while NCSL staff director, Lee Posey, provided an overview of the report of the International Education Working Group, the full contents of which will be presented during the Legislative Summit in Chicago.

The final panel focused on how to market to international audiences. The tourism director of Explore Minnesota gave a presentation on the various ways states can capitalize on their local resources, noting

that many foreign audiences are unfamiliar with the individual states. He discussed several successful strategies which focus on emphasizing features unique to each state, such as natural resources or state parks.

Miss Song Min, Deputy Director for the Shaanxi Province in China, described the tourist attractions in her province and noted that while the Terracotta Warriors exhibit is a big draw for her province, there are many other historical sites as well.

A joint working lunch was held with the Immigration Task Force where the discussion focused on migrants and refugees. Alan Therrien, MNA from the Quebec National Assembly, Janneck Herre of the Partnership of Parliaments, and Rachele King, a Minnesota state refugee coordinator, described their respective country's approach to humanitarian assistance and refugee resettlement.

Bramble noted that a grant from the State Department allowed him and Representative Jay Kaufman to travel to India this spring to brief the Indian government, universities and media on the U.S. electoral system, the presidential primaries, and the state of politics in America.

### **TASK FORCE ON IMMIGRATION AND THE STATES**

Task Force co-chair Representative Mary Jane Wallner presented the report of the Task Force on Immigration, stating that they have been focusing on the fiscal and economic impact of immigrants to state economies. Members discussed a number of initiatives to support the success of immigrants in the workforce. During a presentation from the Minnesota Chamber of Commerce, members learned that 40 percent of companies in Minnesota were started by immigrants and children of immigrants. Nationally, immigrants have a greater percentage of business start-ups and patent filings than their proportion of the population. In June, the National Academy of Sciences is expected to release an update of their 1997 landmark study on the economic impact of immigrants in the United States, including data on state economic impacts. Task Force members heard a preview of that report as well as research on how immigrants contribute to Minnesota's economy as workers, consumers, taxpayers and entrepreneurs.

Together with the International Relations Task Force, the Immigration Task Force enjoyed a tour of the Midtown Global Market, which launches new and emerging entrepreneurs in a multi-service location, providing jobs, affordable housing, healthcare and connections to public transit. The task force will meet next in Detroit to learn about border enforcement and the long-term support for professional licensing and for immigrant integration programs among the Lebanese community in Dearborn, Mich.,

### **STATE AND FEDERAL ACTIVITIES**

Representative Mary Jane Wallner, co-chair of the NCSL Standing Committees, reported that NCSL's advocacy efforts in Washington, D.C. on behalf of state legislatures continues to focus on opposing unfunded mandates and unwarranted federal preemptions, ensuring state flexibility in state-federal programs and strengthening the state-federal partnership.

The activities of the Washington, D.C. office since the last Executive Committee meeting touch on all of these areas. On preemption, there has been a victory on medical malpractice. Since the committee last met, a bill was pulled from consideration by the House Judiciary Committee that would have preempted state laws that address liability caps and other matters pertaining to state medical malpractice claims. This is the first time the bill has failed in committee. In previous years, it easily passed the House. And while NCSL had a temporary setback on the Senate floor regarding preemption pertaining to the use of unmanned aerial systems in the reauthorization of the Federal Aviation Administration, we are hopeful for

a win when the bill goes to conference, as there is widespread support for striking the preemptive language. NCSL staff worked with California Senator Diane Feinstein on the floor amendment to remove the language. Unfortunately, the Senate was unable to get unanimous consent for its adoption as it was part of a larger managers' amendment package. As originally drafted, the bill would have preempted 26 state legislatures pertaining to the use of unmanned aerial systems.

On unfunded mandates, Bramble testified in February before a Senate subcommittee on improvements to the Unfunded Mandates Reform Act of 1995. In addition, a statement from Bramble was submitted last week to a House subcommittee regarding daily fantasy sports and the need for the federal government to recognize the sovereignty of the states to regulate and tax daily fantasy sports. NCSL also requested that federal lawmakers be respectful of state legislatures that prohibit daily fantasy sports within their states.

And last but not least, on state flexibility and strengthening the state-federal partnership, NCSL D.C. staff members Lee Posey and Ben Schaeffer continue to work closely on the Every Student Succeeds Act. They have presented to over a dozen state legislatures on the new law's provisions and the challenges and opportunities for states as they consider the implementation. In addition, they are working to ensure the regulations provide states the flexibility the law envisions.

Bramble provided the committee with a briefing on the issue of marketplace fairness, an issue which has been of critical and ongoing importance to the members of the National Conference of State Legislatures for nearly 17 years.

At the Executive Committee meeting in Salt Lake City in January, a new initiative was announced to encourage states to direct their efforts toward attacking the underlying court decision, *Quill Corp. vs. North Dakota*. Between January and May as many as 18 states have introduced legislation to this effect. Most notably South Dakota introduced and passed a bill that is possibly the best circumstance for a judicial challenge to the earlier Supreme Court decision. A number of other states, including Alabama, are pursuing variations on that theme.

Bramble reported that he had the opportunity to travel to Washington, D.C in early May to present to the National Catalog Mailer's Association on the subject. The Association tends to oppose any change to the status quo, which allows catalog retailers the advantage of selling products without collecting sales tax. Bramble's presentation to the group attempted to persuade them that the Quill decision is being eroded at every turn, and that opposing a federal solution may be more detrimental to their business interests in the long term, as the alternative would create a patchwork of various state-based solutions. Bramble stated that reception to the arguments he presented on the panel were largely well-received by those in attendance.

### **BUDGET, FINANCE & RULES COMMITTEE**

Senator Mike Gronstal, chair of the Budget, Finance and Rules committee reported NCSL is currently on track for the FY16 budget with appropriations received to date.

Gronstal reported that the budget adopted by the subcommittee for FY17 is essentially a continuation budget, which contains a 3 percent salary pool for NCSL staff. Gronstal reported that members of the Executive Committee have been reviewing the compensation of NCSL staff and considering asking staff to pay some share of their current healthcare benefits. After several meetings and conference calls on the subject, the recommendation of the committee is that NCSL employees should cover 5 percent of the cost of their healthcare beginning with the 2017 plan year. Employees would be responsible for paying 5 percent of the cost in 2017, and another 5 percent beginning in 2018 for a total of 10 percent. The savings

this creates will be returned to employee compensation with the directive that the additional funds be allocated towards the lowest-paid positions. These funds will total approximately \$85,000 for each of those years. Gronstal reported that the Compensation Study Group would consider the issue of insurance deductibles in FY18 and FY19.

Senator Gronstal motioned to approve the FY17 budget, and the motion carried.

The Budget, Finance and Rules committee also made a recommendation on a 3 percent dues increase for FY18 and FY19 to be divided between a base number and a population number. The subcommittee also recommends that the Executive Committee establish a cap on annual dues to NCSL of \$650,000 to encourage larger states to participate more fully in NCSL.

Gronstal motioned that the committee approve the dues schedule for FY18 and FY19 with the 3 percent increase and the cap. The motion carried.

Gronstal referred the committee to the grant and contract report, advising members that grants over \$100,000 must be approved by the Executive Committee. New grants that require the approval of the committee are as follows: Two Generation Strategies to Reduce Poverty (W.K. Kellogg Foundation), 2016 Three Branch Institute on Child Fatality (Casey Family Programs), NCSL International Education Study Group Phase 2 (Rodel Foundation), NCSL International Education Study Group Phase 2 (State Farm Foundation), New England State Legislators Leading the Way: NCSL Student-Centered Learning Commission (Nellie Mae Foundation), State Step Partnership – State Solar Energy Training and Network (U.S. Department of Energy), and National Organization for State and Local Officials (U.S. Department of Health and Human Services). Gronstal moved adoption of the contract report which carried.

#### **MEMBER OUTREACH AND COMMUNICATIONS SUBCOMMITTEE**

Raul Burciaga, staff chair of the Member Outreach and Communications Committee, reported that the committee was briefed on the planning for the Legislative Summit in Chicago, the schedule and plenary speakers. The committee also heard a presentation from Ed Smith about the NCSL meeting app, detailing changes to the app which have been made to improve functionality.

Vanessa DeMauro, CEO of Leader Networks, made a presentation on the online community platform which has been a topic of ongoing consideration by the Committee. After discussion, the Committee decided not to proceed further with the online community platform.

Burciaga referred members to the outreach report, noting the high number of issue briefings conducted by NCSL staff.

Finally, Neal Osten briefed the committee about the decision to go paperless for the annual business meeting in Chicago. NCSL staff will ensure access to the web and to the documents which will allow items to be downloaded to smart phones, tablets, and laptop devices.

#### **STANDING COMMITTEES REPORT**

Ken Levine, staff co-chair of the Standing Committees, presented the report of the Standing Committees. Levine referred members to the report on page 98 of the Executive Committee agenda book which reflects the engagement of standing committee members in NCSL's work during the long period between the

Capitol Forum, in December, and the Legislative Summit in August. Levine noted that the 25 webinars conducted by the various standing committees during this period were greater than ever before.

Levine reported that some of the standing committees have been successful in hosting invitational meetings apart from the Forum and Summit, particularly the Education Committee which met for a stand-alone meeting in April with over 30 committee members in attendance.

The Communications, Financial Services and Interstate Commerce Committee hosted the annual Cable Academy earlier this month in Boston with 51 legislators attending this year's academy.

Levine referred members to the NCSL Standing Committee Process Guidelines. The goal of limiting the committee business meetings to three time slots during this year's Summit is to try to reduce the amount of overlap. One set is on Monday afternoon, two are on Tuesday morning. All business meetings this year are limited to 90 minutes in order to get all the business done and the information to NCSL to prepare.

Of special note, the annual business meeting will now be held one day earlier, on Wednesday, Aug. 10 from 10:35 a.m. to 12:30 p.m. By moving it a day earlier, the hope is that NCSL will see increased attendance and participation at the business meeting.

Levine noted that all policy directives and resolutions must be submitted to the directors of the Washington, D.C. office of NCSL by the close of business on July 11, in preparation for the business meeting. While the committee sessions are going paperless, there will be one printed copy of policy resolutions available at the annual business meeting for the members of each state delegation to share.

Levine reported that legislator and legislative attendance for Chicago is coming in ahead of NCSL's last meeting in Chicago in 2012 and strong committee attendance is expected. The committees have finalized their agendas already for the Legislative Summit and they are available on the NCSL website. Committee staff are also sending agendas out to the committee members so that everyone will be prepared. Nearly every week, NCSL committee staff is reaching out to committee members with agenda updates or information about policy directives or resolutions that will be considered at the meeting in Chicago.

Senator Bramble announced a contest to see which state would have the largest delegation of legislators in attendance in Chicago, with the winner to be announced during the next Executive Committee on Aug. 7 at the McCormick Place Convention Center.

Levine mentioned that during the annual business meeting last year in Seattle, he noticed that there were quite a few states where there was one singular legislator to vote on behalf of the delegation, indicating that one party was not represented and the one person who did vote may or may not have been voting for the majority state interest. Levine encouraged Executive Committee members to reach out to their colleagues to stress the importance of participation in the business meeting to ensure that policies and directives are a representative cross section of the interests of each state.

Representative Brian Kennedy inquired about the location of future Legislative Summit meetings. Bramble replied that following the 2017 meeting in Boston, NCSL is currently looking to host the 2018 meeting in Los Angeles, although the contracts have not yet been finalized. The 2019 Legislative Summit will be held in Nashville, and Austin is currently under consideration for the 2020 Summit.

## **LEGISLATIVE STAFF COORDINATING COMMITTEE**

Karl Aro, NCSL staff chair, announced the following the members of the 2016 Legislative Staff Nominating Committee: Michael Adams (Chair), Chuck Truesdell, Jon Heining, Martha Carter, Randy Dowell, Sabrina Lewellen, and Sarah Freeman, with Lori Christopher and Wayne Kidd serving as alternates.

After looking at the process of nominations and the time periods available, the LSCC voted to move away from a date-certain deadline by which candidates had to declare their candidacy before the annual Summit. This change won't take effect until 2017.

LSCC also made some changes to the LSCC bylaws, altering the subcommittee tasks to reduce some duplication of effort, and to encourage more coordination among the subcommittees. A provision was added which governs the size of the LSCC. If two staff sections were to merge, in order to preserve the size of the LSCC, a provision was added to the bylaws that would give the staff chair the number of discretionary appointments necessary to maintain the current size of the LSCC. For example, there are currently four discretionary appointments, so if two staff sections merged, the staff chair would then have two more discretionary appointments.

On that same note, Aro announced the intention of the Research and Committee Staff section and the Legal Services Staff section to merge, stating that both staff sections have surveyed their respective members and found that there is a tremendous overlap in terms of the professions that are aligning with both staff sections. Their executive committees have been meeting over the past several months to discuss a merger and brought forth their plan to LSCC yesterday.

The LSCC, after some considerable discussion, agreed to approve the merger of these two staff sections, the name of which is yet to be determined. According to LSCC bylaws, in order for staff sections to merger, the merge must receive approval from the Executive Committee. The LSCC has therefore approved the merger contingent upon approval of the Executive Committee and the approval at respective business meetings of those two staff sections at the Summit. Aro therefore moved that the Executive Committee vote to approve the merger of the Research and Committee Staff section and the Legal Services Staff section. The motion carried unanimously.

Aro reported that the LSCC subcommittees discussed a number of things. Among them, there was discussion about redesigning the legislative staff portal page on the NCSL website to make it more user-friendly. LSCC subcommittees also reviewed a video that was filmed at the Capitol Forum last December featuring David Landis from Nebraska, a former legislator, talking about negotiating and "getting to yes." The video editing and formatting is nearly complete and the video will be featured on the NCSL website. LSCC hopes that this will perhaps be the first edition of what we are referring to as "Leg Talks," which would be a TED Talk kind of approach to providing information and learning.

Aro reported that Summit programs are being planned, such as "What I Wish I'd Known When I First Came to Work for the Legislature" and "The Speed of Trust". The LSCC has also decided on a service project: gathering school supplies for under-served students at a couple of academies in Chicago. There will also be a session for legislative staff at the Summit on using improvisation as a way to brainstorm ideas. Finally, there will be a deep dive session by a TED Talk trainer on how to talk like a TED, which then promotes this concept of trying to create this series of high quality "Leg Talks" as we go forward.

Last, the LSCC received a briefing by Ted Celeste on civility in the legislature, with the idea of offering civility training for legislative staff. We will continue to receive feedback on that issue as we move forward.

### **FOUNDATION FOR STATE LEGISLATURES**

Senator Dan Blue directed members to page 134 of the agenda book for the Foundation report, recognizing the sponsors who have helped generate the revenue that is so essential to the work that NCSL does.

Blue told the committee that the fund-raising goal for the Foundation this year is about 2.38 million dollars. The Foundation has already raised in excess of 2 million dollars, and so it appears that the goal will be met and perhaps exceeded by the end of the year. Blue concluded his report by thanking all of the Foundation sponsors for their support.

### **INTERNATIONAL PROGRAMS**

Janneck Herre, Executive Director of the Partnership of Parliaments, addressed the Executive Committee. Herre mentioned that he succeeds former director, Alfons Schoeps, in the role. Herre told the Executive Committee that the Partnership of Parliaments is an organization very similar to NCSL, although it is much smaller in terms of its staff capacity.

The Partnership of Parliaments is involved in an exchange program with NCSL which has been ongoing since 1988. The Partnership of Parliaments itself was created in 1983 after a trip taken by federal German legislators and state legislators to the United States. Herre told the committee that based on the discussions he's witnessed during the International sessions on Friday, the same challenges confront all states, so it's helpful to share ideas and learn from colleagues in other countries. To that end, the Partnership of Parliaments is happy to send a delegation over to the United States once a year and then receive a delegation the next year. Herre welcomed any interested members to participate, noting that there are a number of familiar faces already amongst the Executive Committee.

Senator Bramble noted that the NCSL delegation was in Germany last fall visiting areas such as North Rhineland, Westphalia and Koln, just as the Syrian refugee in-migration had begun. Bramble observed that in talks with German officials, there was a very welcoming, open feeling towards the migrants. Bramble asked Herre to comment on how that situation has evolved from last fall until now.

Herre commented that during the last quarter of last year, the European Union received roughly 440,000 refugees from Syria—in October alone it was 180,000. Herre agreed that German Chancellor Angela Merkel has been very welcoming, having witnessed the despair and problems the migrants had experienced at the Hungarian border and then in Macedonia. Herre explained that it has been a complex situation, in which the German states have had to facilitate the resettlement of the refugees with neither the funds nor the staff to do so. So while there's some tension between federal and local officials, Herre speculated that most of the German people are still in favor of assisting with refugee resettlement and the efforts have been supported more broadly by various sectors of civil society.

Herre explained that Merkel has lost three of the last state elections since the spring, which reflects a growing pressure from her party and from the European Union to alter her stance on refugee resettlement. Herre acknowledged that this pressure does not, however, change the reality of the ongoing influx of migrants and the problems associated with the influx, noting the complexity of the situation.

Bramble thanked Herre for his remarks and for the opportunities that the exchange with the Partnership of Parliaments has offered to American legislators over the course of the relationship.

*Meeting adjourned.*