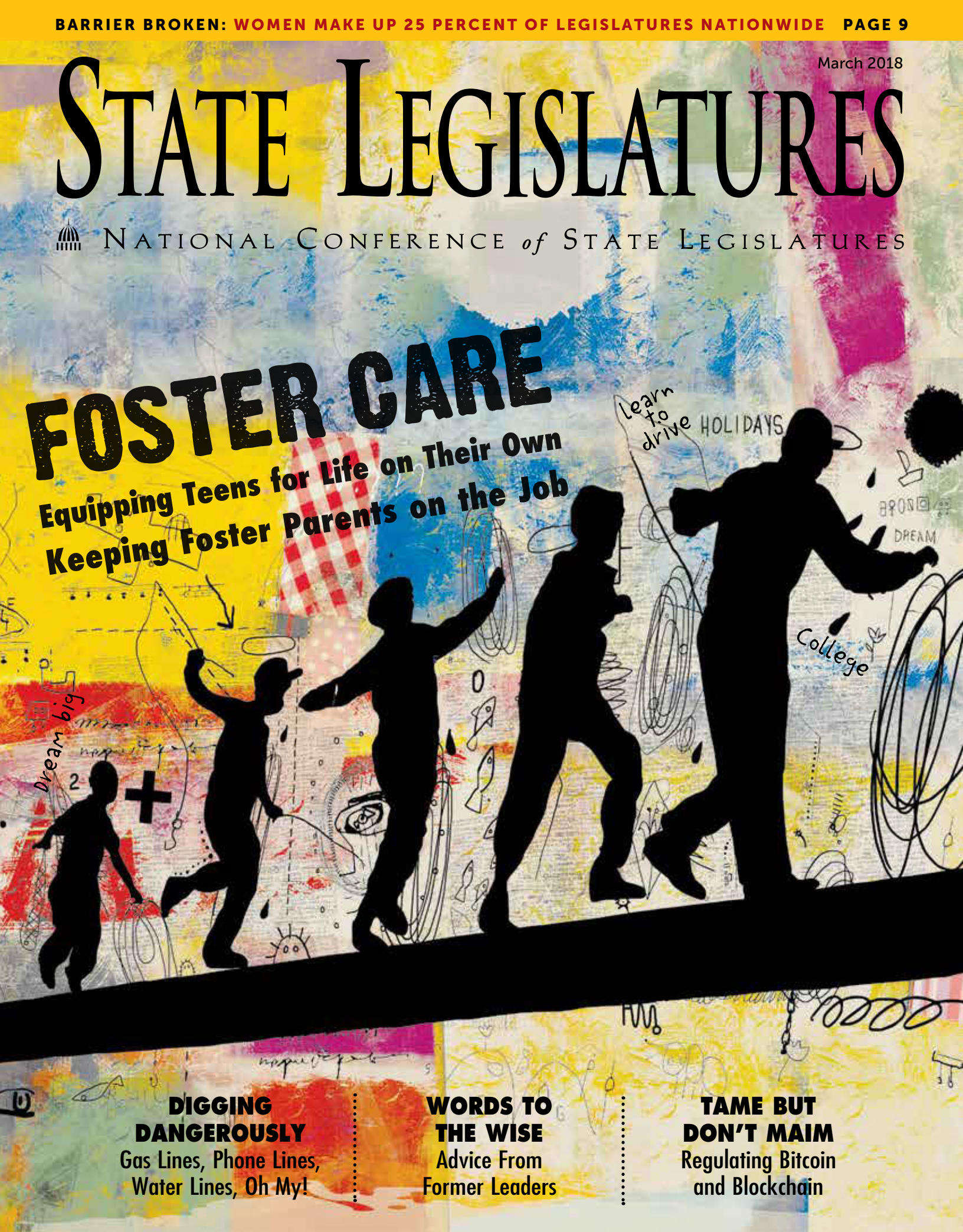


STATE LEGISLATURES

 NATIONAL CONFERENCE *of* STATE LEGISLATURES

FOSTER CARE

Equipping Teens for Life on Their Own
Keeping Foster Parents on the Job



DIGGING DANGEROUSLY
Gas Lines, Phone Lines,
Water Lines, Oh My!

WORDS TO THE WISE
Advice From
Former Leaders

TAME BUT DON'T MAIM
Regulating Bitcoin
and Blockchain



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STATE LEGISLATURES

The magazine of state policy and politics from the National Conference of State Legislatures, the bipartisan organization that serves all lawmakers and staff.

FEATURES

Ready or Not Page 10

BY NINA WILLIAMS-MBENGUE

Preparing young people for life on their own is essential as they transition out of foster care.



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From Players to Partners Page 15

BY NINA WILLIAMS-MBENGUE

States are looking for ways to attract and keep more foster parents as caseloads increase.

Sage Advice From Seasoned Leaders Page 20

BY MARK WOLF

With a collective 30 years of service, these retired legislative leaders have plenty of wisdom to share.

Ground-Breaking Safety Page 23

BY DANIEL SHEA

With all the pipeline running underneath us, states want people to check before they dig.

SL ONLINE

Find more information and links to resources on topics covered in these pages at SL Online.

➔ Go to ncsl.org/magazine

State Legislatures magazine is printed on recycled paper.

DEPARTMENTS

SHORT TAKES PAGE 4

Connections, insight and ideas from NCSL

INNOVATIONS PAGE 5

Strengthening the Legislative Institution: Something as basic as writing a mission statement can bolster unity and motivate legislative staff.

TRENDS PAGE 6

Lawmakers consider blockchain regulation, campaign finance laws, paid family leave and pornography as a public health hazard.

STATESTATS PAGE 9

Women Gain Seats at the Legislative Table

The share of female legislators nationwide finally breaks 25 percent.

STATELINE PAGE 18

News bites from across the country—from giving surfing its due in California to minding p’s and q’s in Virginia.

WHAT STAFF KNOW PAGE 26

Been There, Done That: These three house clerks feel a special empathy toward legislators

NEWSMAKERS PAGE 28

What’s happening under the domes

YES, NO, MAYBE SO PAGE 30

This month’s ethics question: How does ethics oversight work?

THE FINAL WORD PAGE 31

Meet Iowa House Speaker LINDA UPMEYER

“We need to demonstrate that we can get our work done and we can do it without being mean and nasty.”





SHORT TAKES

NEWS FROM NCSL

NCSL EXPERTISE



“What is noteworthy is that, nationally, the percentage of legislators who are women has at last reached 25.”

Katie Fischer Ziegler on the number of women elected to state legislatures, in *The Washington Post*.



“Over the last 10 years or so we’ve seen fee increases occur at the state level where in the past it would have been a tax increase.”

Arturo Perez, in the *News & Observer*.



Vermont is considering “the first bill I have seen that would impose a tax on digital currency transactions.”

Heather Morton, in *Bloomberg BNA*.



“In at least nine states ... adult adoptees have complete access to those records.”

Nina Williams-Mbengue on the ability of adoptees to obtain original birth certificates without a court order, in the *St. Louis Post-Dispatch*.



“The average age of legislators has always tended to be higher than other professions, so we would not expect it to drastically drop just because many baby boomers are retiring.”

John Mahoney on the average age of Minnesota legislators, on *minnpost.com*.



“How in the world are you going to estimate the revenue here, under these circumstances?”

Max Behlke on the uncertainty under federal tax reform for states whose tax codes are linked to the former federal code, in *The Washington Post*.

STRONG VOICE



Tax Reform for the Digital Age

South Dakota Senator and NCSL President Deb Peters, a leading voice for marketplace fairness, testified before Congress on the issue last summer.

After more than a decade of NCSL and others pushing Congress to allow states to require out-of-state retailers to collect and remit state sales taxes, the issue is now in the hands of the U.S. Supreme Court. The justices will decide in *South Dakota v. Wayfair* whether to overturn the

1992 *Quill Corp. v. North Dakota* ruling, which prohibited states from requiring retailers with no in-state physical presence to collect sales taxes. Since then, online sales have increased dramatically and some legislatures, including South Dakota’s, have passed laws requiring remote vendors to collect the taxes. South Dakota’s law, whose principal author was NCSL President Senator Deb Peters, was passed specifically to challenge *Quill*.

“NCSL has long supported marketplace fairness as states are losing tens of billions of dollars per year in uncollected sales taxes,” Peters says. “These taxes fund education, public safety and the innumerable services that state governments provide. We anticipate that the U.S. Supreme Court will ultimately restore fairness to Main Street businesses and states.” The court is expected to hear the case next month.

IDEAS

Early Childhood Expertise

NCSL Early Learning Fellows alumna Bethany Anderson, left, with Oregon Representatives Carla Piluso and John Lively.

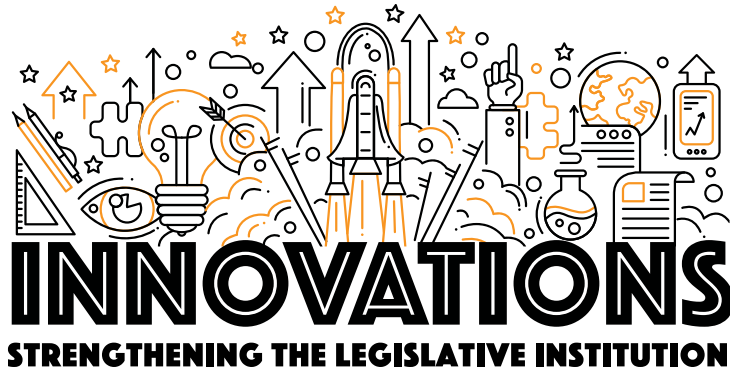


NCSL’s Bethany Anderson and Matt Weyer shared their expertise on early childhood education with the Oregon House Early Childhood and Family Supports Committee in January. Anderson discussed public-private partnerships, pay-for-success and social-impact bond programs, while Weyer shared findings from the State Policy and Research for Early Education Working Group.



Former Editor of State Legislatures Magazine Retires

Karen Hansen, NCSL’s longtime director of communications, retired in January after 32 years of service. Hansen worked in the Michigan Legislature before joining NCSL in 1985 as the magazine’s editor and director of NCSL publications. Over the years, her duties expanded to include marketing, public affairs, meetings and member outreach. Among her many talents, Karen’s humor, writing skills, creativity, kindness and professionalism will be missed. “Together we’ve welcomed challenges, had lots of laughs, worked creatively and stood by each other in difficult times,” she told her colleagues. “What more can anyone ask in a job?”



INNOVATIONS

STRENGTHENING THE LEGISLATIVE INSTITUTION



diligence, excellence, accountability and respect. The statement of excellence, for example, is: "We are mindful of the importance of the duties we perform. We take pride in harnessing our skills to produce accurate, dependable and comprehensive work."

Staff input was vital in creating the statements. Every employee was invited to attend brainstorming sessions led by a professional facilitator who prompted reflection and discussion on the highest ideals of the legislative support staff.

The key words and themes that came out of those discussions were recorded and closely studied by a management team, led by the director, who distilled them into the mission, vision and value statements.

Drafting the statements wasn't merely an academic exercise. The commission developed plans to make sure staff regularly see the connection between their day-to-day duties and the statements.

"Like most mission statements, these will be displayed on our walls, in our publications and online," Byerman says. "But even more importantly, we'll make them a part of the agency's fabric by incorporating them into job interviews, and by discussing them in new-employee orientations, at manager's training sessions and each time we see an opportunity for employee recognition. We will continually make clear that these statements express who we are as legislative staffers when we are at our best."

—Magazine staff

VISION AND VALUES

A mission statement can bolster unity and motivate legislative staff.

When Kentucky's Legislative Research Commission drafted statements about the agency's mission, vision and values, one staff member had a question for Director David Byerman.

"Doesn't this just say what we've been doing all along?"

"That question made it clear that we got this right," Byerman says. "Our goal wasn't to chart a new direction for the agency, but to give voice to and clearly articulate the sense of mission and the values that have always united and inspired our nonpartisan staff."

Though mission statements are common in corporate America, they have not been adopted by most state legislative staffs. Kentucky's experience shows the benefits of distilling a staff's highest ideals into succinct statements, says Tim Holbrook, the

More than 100 staffers took part in brainstorming sessions that led to the creation of a mission statement for Kentucky's Legislative Research Commission.

commission's assistant director for human resources and professional development.

"Legislative staff members have a unique mission that motivates us and makes our jobs fulfilling," Holbrook says. "As a human resources officer for a high-performing staff, it makes sense to me to shine a spotlight on the shared mission that inspires our work."

Like many mission statements, the agency's is a simple one: to provide nonpartisan research and support for the General Assembly and to encourage participatory democracy for the citizens of Kentucky.

The mission statement is followed by a vision statement that expresses the agency's highest goals for its staff: "... to provide unparalleled service, to foster a culture of innovation and to become the career destination for the best public servants in the Commonwealth." Statements follow each of the agency's core values: service, integrity,

ARE YOU INNOVATING?

Staff agencies are constantly finding ways to do their jobs more effectively and to strengthen the legislative institution. Do you have a success story to share? Chances are good your idea can be applied in other states. Contact Brian Weberg, director of NCSL's Center on Legislative Strengthening, at brian.weberg@ncsl.org.

Blockchain Faces Taxing Times

There's been no ignoring Bitcoin's eye-popping, and widely reported, spike in value. As of January, it had increased more than 1,000 percent in a year's time.

But even if the bubble bursts tomorrow, state lawmakers are responding with legislation to regulate digital currencies and blockchain, the technology that allows Bitcoin and other cryptocurrency systems to function.

Eight states—Alabama, Connecticut, Georgia, New Hampshire, North Carolina, Pennsylvania, Vermont and Washington—have amended their money transmission laws to recognize virtual currencies. And five others—Arizona, Delaware, Illinois, Nevada and Vermont—have enacted or adopted blockchain legislation.

The Vermont General Assembly was the first to pass a blockchain bill in 2015, and laid further groundwork in 2016 when it created standards to determine the authenticity of records using blockchain technology

within the state's rules of evidence.

Vermont lawmakers are now considering a bill that would allow newly formed companies to operate digital currency systems like Bitcoin and tax them at a penny per transaction. If it passes, it would be another first.

The bill, introduced by Senator Alison Clarkson (D) in January, would require a digital currency company to pay "a transaction tax equivalent to \$0.01 ... per transaction for (1) each unit of currency mined or otherwise created; and (2) on each sale or transfer of one or more units of that currency."

Only companies with a physical presence in Vermont would be taxed, and they'd be exempt from all other applicable taxes.

The bill is meant to help "build Vermont's fluency in financial technologies, to unleash 21st century opportunities in our state," Clarkson told Bloomberg Tax. Before the private sector can use digital currency, the state must "provide a regu-

latory framework in which cryptocurrency can thrive, which would be supported by a light transactional tax," she said.

Not everyone wants cryptocurrency transactions taxed. The Chamber of Digital Commerce, a Washington-based trade group, endorses an unrestrictive approach in which digital currency transactions are treated like any other. To promote the use of blockchain technology, Nevada's law, which passed in June 2017, defines blockchain and adds transactions conducted via the technology to the state's Uniform Electronic Transactions Act. The law also protects businesses using blockchains from being regulated or taxed by local governments.

So far this year, lawmakers in 12 states and the District of Columbia have introduced digital currency legislation. A bill in Arizona would allow taxes to be paid in cryptocurrency, and bills in California and Hawaii would create regulatory structures for virtual currency businesses.

—Heather Morton and Kevin Frazzini

How Blockchain Works

In a traditional sales transaction, a buyer makes a purchase and records the payment in a financial ledger as a debit, while the seller marks the sale as a credit. Each maintains a separate ledger.

In a blockchain transaction, a buyer initiates the purchase, creating a "block" that contains information such as the date, time and payment amount. The buyer and seller both can see the block of transaction data,

so both can confirm that the payment was sent and received. As new transactions occur, each data block is recorded in chronological order, forming the "chain" that documents the transaction history.

The blockchain ledger is permanent and visible to all parties in the network. Each chain is encrypted so that no one can change the transaction data once it is recorded.

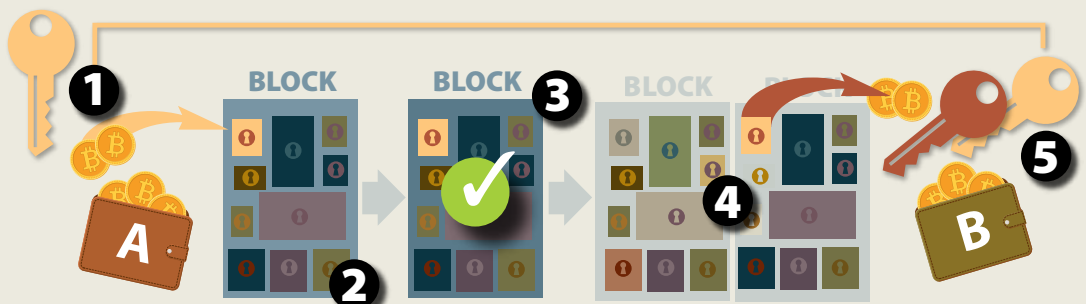
That increases trust and reduces fraud,

advocates say. And, with fewer ledger systems to maintain, blockchain can lower transaction costs and speed processing times because third parties are not required to verify and process the payments.

Uses for blockchain go beyond cryptocurrency, with potential applications in online voting, medical records, insurance policies, property and real estate records, copyrights and licenses, and supply chain tracking.

Brad, an online merchant, decides to begin accepting Bitcoins as payment. Anna, a buyer, has Bitcoins and wants to purchase merchandise from Brad. Brad and Anna both have Bitcoin wallets on their computers.

- Brad creates a new Bitcoin address for Anna to submit her payment to. Brad's new Bitcoin address represents a unique public key and a corresponding private key stored in his Bitcoin wallet. The public key allows anyone on the network to verify the transaction. The private key allows Brad to retrieve his



payment. The address is bundled together with other transactions to form what is known as a block.

- Anna tells her Bitcoin client to transfer the purchase amount to

Brad's new Bitcoin address.

- The transaction is verified by the network.
- The block is added to a chain of blocks which provides a

transparent record of transactions.

- Brad is able to retrieve his payment using the private key in his Bitcoin wallet.

Sources: IEEE Spectrum, World Economic Forum

Campaign Finance Laws Get Tweaked

As campaign costs edge ever higher, lawmakers continue to adjust their campaign finance laws. How they do so, though, is all over the map. The most common approaches states can take are to require candidates to disclose the sources of their funding, to set limits on how much candidates can spend or to provide public financing for candidates and campaigns.

Twenty-three legislatures amended their campaign finance laws in 2017, with nine states enacting new criminal or increased civil penalties for violations of those requirements. In addition, seven states restricted the use of public resources—whether public email accounts (Utah) or public financing funds (Maine)—for campaign purposes.

In line with the ongoing trend of expanding financial disclosure requirements, in 2017 California’s “Political Reform Act” made the violation of some disclosure provisions punishable as misdemeanors. California, Maryland, North Dakota, Oregon, Texas and Utah criminalized certain kinds of contributions and disclosure lapses. In Hawaii, candidates who fail to file their disclosure statements on time now face a \$75 fine and will have their names published publicly. Arkansas and Idaho now require candidates to file their disclosure statements electronically, and Arkansas and California passed statutes directing their secretaries of state to set up searchable online databases for the public to see



candidates’ and elected officials’ donors.

As for contributions themselves, Kentucky increased its limit to \$2,000, and Maryland and North Dakota placed new restrictions on foreign contributions. No states acted on public financing.

Creativity is the watchword as lawmakers deal with at least one problem they all have in common: Every major campaign costs more than the one before it.

—Ben Williams and Wendy Underhill

States Declare Porn a Health Crisis

In 2016, Utah enacted a first-of-its-kind resolution that is catching on around the country.

The resolution recognized that “pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.” Alabama and Tennessee introduced similar resolutions in 2016, but both failed. In 2017, at least 16 state legislatures introduced resolutions; Arkansas, Kansas, Louisiana, South Dakota and Tennessee adopted them. So far this year, 11 states have resolutions pending.

The resolution has no practical impact as it doesn’t ban porn or set aside money to fight it. But supporters see it as a milestone in their effort to link porn use to a host of social ills and public health costs, from teen sexting and campus sexual assault to divorce, addiction and sexual violence.

Those opposing such resolutions point out that the U.S. Supreme Court long ago ruled porn use constitutional. They also argue that the science is far from settled, with some studies linking porn use to sexual, mental and emotional problems, and others finding it can help people’s relationships.

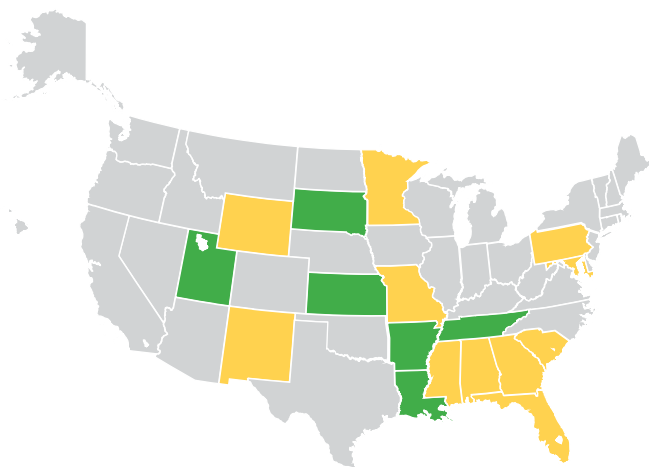
For now, Utah’s anti-porn advocates have scored a symbolic victory.

—Pam Greenberg

Mapping a Crisis

State actions on declaring porn to be a health hazard

- Enacted
- Pending



Experience With Paid Family Leave Grows



Expect a few states to have lively debates this year over job-protected paid family leave and whether to require employers to provide it to workers caring for newborns or seriously ill family members.

California, New Jersey, New York, Rhode Island, Washington and the District of Columbia have paid leave laws. But only California, New Jersey and Rhode Island have enough experience with the benefit to provide some data.

New York's 2016 paid leave law took effect in January this year. A universal paid leave measure became law in Washington, D.C., in February 2017

and will take effect on July 1, 2020. And Washington state's law, passed in July 2017, takes effect at the start of 2020.

Lawmakers in at least 19 states proposed legislation to establish paid family leave programs in 2017. Several states carried over those proposals into this year, and a few have introduced new ones.

Data from the three established state programs in California, New Jersey and Rhode Island provide some insight for lawmakers considering bills.

In all three states, women file the most paid leave claims, usually to care for newborns. Low-income workers file claims

at a lower rate than high-income workers, and employees of large companies tend to file more claims than those from smaller firms.

Researchers speculate that low-income workers might participate less often because the benefits offered aren't robust enough to support time off. And a lack of awareness might explain the lower rates of participation among employees of smaller firms.

In a survey of Rhode Island employees who experienced life events that qualified them for paid leave, only 51.4 percent knew the program existed. Still, according to the Rhode Island bill's sponsor, Senator Gayle Goldin (D), "we've seen far better health outcomes and a decrease in stress."

There's no shortage of economic concerns surrounding mandated paid leave proposals, on both sides of the issue.

Families lose billions in wages by taking unpaid leave, reducing their time at work to care for family members or paying for child care.

"For someone with a serious illness, the bill could be the difference between sliding into poverty or getting back on track smoothly," says Senator Joe Fain (R), a primary sponsor of Washington's bill.

There are economic concerns for businesses as well. They include the potential cost increases employers could face due to new administrative requirements or covering for employees who take leave. There's also the potential that employees will abuse the program and the possibility that employers will avoid hiring workers in their child-bearing years.

Proponents point to research that shows the early bonds parents develop with a baby can have long-term economic and health benefits. Along with studies that suggest paid leave can lead to healthier babies, research shows that having that time off may keep mothers better connected to the workforce, leading to higher earnings down the road.

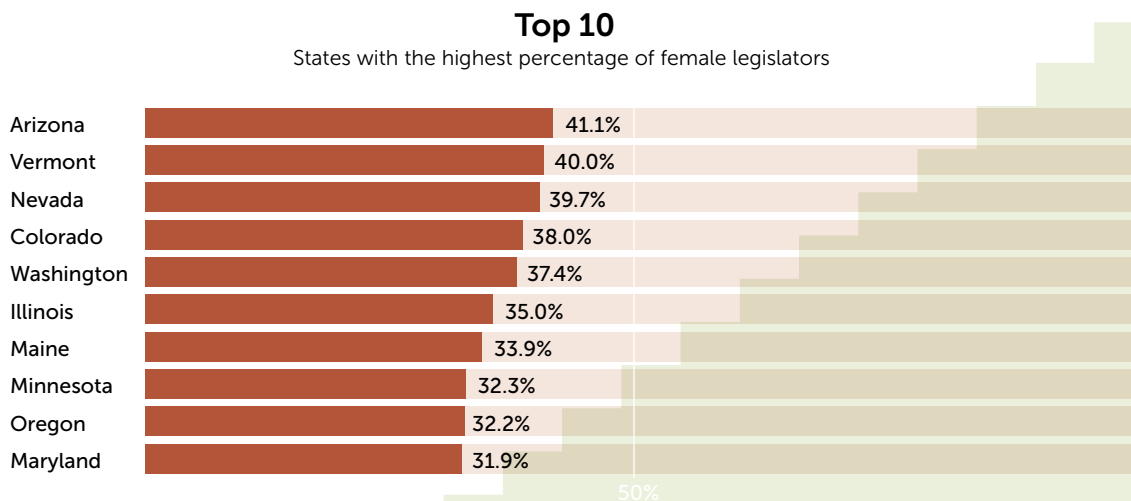
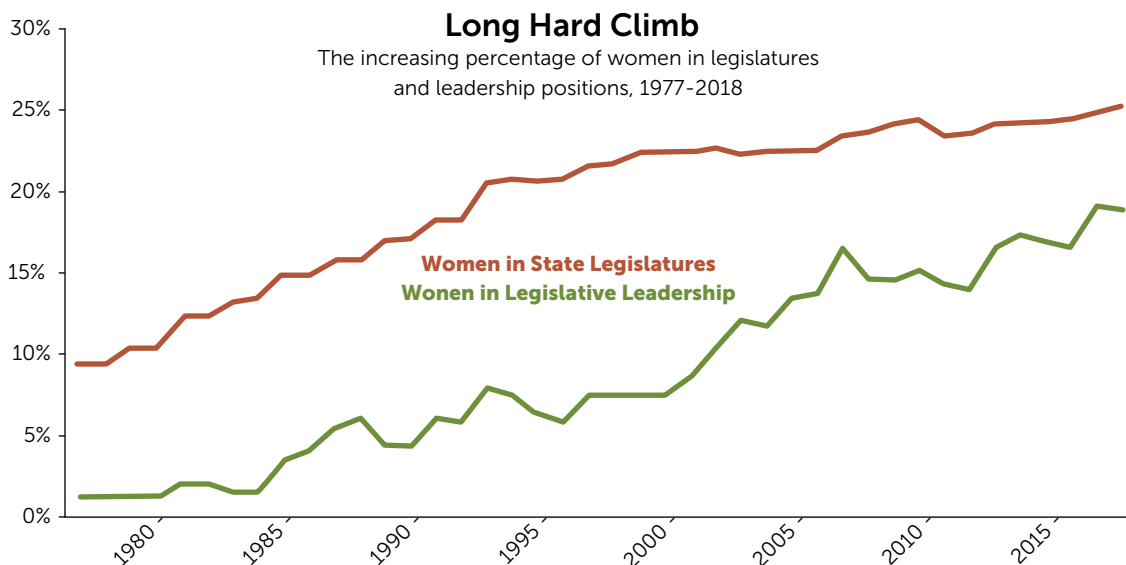
—*Jackson Brainerd and Julie Poppe*

Women Gain Seats at the Legislative Table

This is a banner year for women in state legislatures, as 2018 marks the first time that the share of female legislators nationwide has reached 25 percent. The symbolic crossing of the one-quarter threshold is noteworthy because of just how long it has taken to get here. The share of women in legislatures reached 20 percent following the 1992 election, dubbed the “Year of the Woman” due to a record number of women elected to the U.S. Senate. In the following years, however, the number of women at the state level grew quite slowly, with a notable flattening of the trend line over the past decade.

The 2017 election in the Virginia House of Delegates and several special elections in the fall were responsible for the increase. Women made headlines in Virginia for running, and winning, in large numbers. The Virginia House has 11 additional women serving this year. Those results have kept the momentum of women considering elective office going at a steady clip. Both partisan and nonpartisan organizations that recruit and train women to run for office report a surge of interest in the last year. As filing deadlines and state primaries pass in the coming months, we’ll have a better understanding of the pool of female candidates for state legislative seats. Stay tuned to NCSL for the latest!

—Katie Ziegler



Women in Legislatures

BY THE NUMBERS

- 1,866**
Female legislators in the 50 states
- 25.3**
Percentage of legislators who are women
- 1,141**
Democrats
- 704**
Republicans
- 8**
Third party
- 13**
Nonpartisan
- 30**
Female legislators in U.S. territories
- 66**
Total female leaders in 50 states
- 18.9**
Percentage of leaders who are women
- 44**
Democratic leaders
- 22**
Republican leaders
- 3**
Female leaders in U.S. territories
- 6**
Female house speakers
- 3**
Female senate presidents

READY OR NOT

PREPARING YOUNG PEOPLE TO BE ON THEIR OWN IS ESSENTIAL AS THEY TRANSITION OUT OF FOSTER CARE.

BY NINA WILLIAMS-MBENGUE



Eighteen is an awfully young age to be all on your own. Yet, that's when some 18,000 kids "age out" of foster care each year, whether or not they are ready or mature enough. These are the teenagers who haven't been adopted, who don't have relatives to live with and who can't return home to their biological families.

Many of them bear the scars of physical abuse or emotional trauma and enter adulthood with few, if any, connections to caring grown-ups. This puts them at a high risk for school failure, teen pregnancy, homelessness, unemployment and incarceration.

Recognizing the challenges these kids face, state legislators are finding ways to help them transition to adulthood. "The investment we make in those children today," says North Carolina Senator Tamara Barringer (R), "will pay off many times in the future by having them be productive citizens rather than being in prison or having early pregnancies or substance abuse issues. This is an investment in our future and it's going to pay off tremendously, not just in the lives of these children but for our whole society, making it so much stronger."



Senator
Tamara Barringer
North Carolina

Here are six "investments" that look likely to pay off in the future.

~1~

Raise the exit age from 18 to 21.

Most young people, well into their 20s, have parents or relatives to help them navigate important milestones to adulthood, like going on a date, learning to drive, opening a savings account, applying for college, buying a car, leasing an apartment and getting a job. But for some youth, there may not be a relative, or any adult, to walk them through this process or catch

Nina Williams-Mbengue manages NCSL's Child Welfare Project.

them should they fall.

Federal law offers states financial reimbursement for youth who stay in foster care up to age 21 through Title IV-E of the Social Security Act, which addresses child welfare issues. Approximately 25 states and the District of Columbia now take advantage of this option, which can result in kids achieving higher educational levels and greater economic successes.

Giving young people the option to stay in foster care until age 21 has also proved to reduce their involvement in state criminal justice systems.

Barringer spearheaded the effort in North Carolina, in 2015, to extend foster care to age 21 under the Title IV-E option. As a former therapeutic foster parent who adopted three children from care, Barrin-

"This is an investment in our future and it's going to pay off tremendously."

SENATOR TAMARA BARRINGER, NORTH CAROLINA

ger knew the importance of extending the service. "Half of the children in North Carolina foster care," she says, "are not being reunited with their birth families, not being adopted, never finding permanency. Our first goal here must be to find those children a healthy and positive home, a healthy and loving home. However, data also shows how critical it is that we have extended foster care to 21."

Barringer worked closely with foster youth groups and others involved in child welfare, including service providers, the state health and human service agency, disability rights organizations and legislators in Florida and Tennessee who had experience with extended foster care. "I collaborated a lot with anyone and everyone with expertise and information to help," she says.

Representative Dorothy Pelanda (R) sponsored similar legislation in Ohio and,

"They are all our children. Each child matters."

REPRESENTATIVE DOROTHY PELANDA, OHIO

like Barringer, says that "children do not have the skills to take care of themselves mentally, emotionally or physically at age 18. We can spend that extra time teaching them job-specific skills, helping them to decide where their interests and passions lie and providing them with the job training they need to pursue their passion."



Representative
Dorothy Pelanda
Ohio

~2~

Offer kids age-appropriate activities.

Gaining a caseworker's permission for every little decision involving a child can be so tedious that foster parents don't even try.

To allow parents to make decisions regarding their foster children's everyday activities, Congress passed, and the president signed, the Preventing Sex Trafficking and Strengthening Families Act in 2014. Modeled on legislation enacted in Florida, it instructs states to set a "reasonable and prudent" standard to guide parenting decisions.

Twenty-one states and the District of Columbia have enacted a reasonable and prudent parenting standard in statute. In these states, foster parents no longer have to obtain caseworker permission for sleepovers, school trips or sporting events. Being involved in such everyday activities helps all young people, but especially those in foster care, learn about themselves, build confidence and become responsible. Just ask Keola Limkin.

Limkin entered foster care three different times in his three years in Hawaii's system before graduating from high school. He went on to earn a bachelor's degree in psychology and communications at the University of Hawaii and is currently pursuing a master's degree in social work. He says

FOSTER CARE
By the Numbers

\$29 billion

Amount spent by all levels of government on child welfare, 2014

\$16.3 billion

Amount spent by state and local governments on child welfare, 2014

437,000

Children in foster care, 2016

51%

Children who left foster care to reunite with parents, 2016

7%

Children who left foster care to live with a relative or guardian, 2016

Source: Adoption, Foster Care Analysis Report #24

the activities he participated in fostered his social and emotional development.

“By joining the judo and wrestling teams, I established friendships, stayed out of trouble and gained experiences that enhanced my college résumé,” Limkin says.

One of his goals is to become a “wrap-around services” facilitator for families with kids in the child welfare system.

~3~

Help them get a driver’s license and a bank account.

Barringer, from North Carolina, also worked on legislation to help kids in care earn their driver’s licenses and learn about car insurance. “Time and again, the aged-out foster youth that I see regularly have told me how much a barrier it is that they cannot drive an automobile,” she says.

“Most of our counties do not have good public transportation, so they can’t get to school, they can’t get to work, they can’t carry on a normal adult life. Not only that, many of the jobs that they apply for require a driver’s license. Not only is it a

convenience or a personal matter, it is also an occupational matter.”

During last year’s legislative sessions, lawmakers in several states enacted laws to reduce the costs of driver’s education and training or to direct the department of child welfare to pay for it.

Lawmakers also have enacted measures that allow adults other than a biological parent to give permission for a driver’s permit and for young drivers to buy their own car insurance.

Other state laws reduce or waive auto insurance fees, or reimburse foster parents for the cost of insurance.

Also along the path to adulthood comes the privilege of owning a bank account. Lawmakers in California, Colorado, Florida, Hawaii, Nebraska, Nevada, North Carolina, Oregon, Texas, Washington, West Virginia and Wyoming have passed laws to ensure that youth transitioning out of foster care get assistance setting up savings accounts.

In addition, Florida, Michigan, Minnesota, Nebraska, New York, Texas, Virginia and Washington require general financial education, including how to save money, how to handle a checking account, budgeting for expenses, understanding credit and more.

~4~

Empower young people to advocate for themselves.

Young people can make a difference in crafting policy and maintaining oversight if lawmakers give them a chance to be engaged in their case planning. Some lawmakers are ensuring that young people are asked about their experiences in care and about how prepared they feel they are to transition into adulthood.

Barringer is especially impressed with a group called SAYSO (Strong Able Youth Speaking Out). SAYSO is a statewide association of youth between the ages of 14 and 24 who are or have been in North Carolina’s foster care system. Its members support other youth, encouraging them to speak out on improving the system. “SAYSO ... worked with me on the 2015 legislation to extend foster care to 21 and

“People think of them as disposable.”

DELEGATE C.T. WILSON, MARYLAND

on legislation to help youth in care get driver’s licenses,” Barringer says. “They continue to provide information and feedback to me. It’s one thing to enact legislation, it’s another to get feedback on how it’s really working.”

Several states have developed a “foster youth capitol day,” when kids meet with legislators at state capitols to learn about the legislative process and how to advocate for themselves.

Maryland now includes at least one foster student in its annual page program, providing housing, if needed, Maryland Delegate C.T. Wilson (D), a former foster child, says.

“Foster children have not been able to participate in the program because they do not have any place to stay during the weeklong program,” he says. “I know quite a few delegates who began their careers in the page program.”



Delegate C. T. Wilson Maryland

~5~

Make college a real possibility.

Children in foster care, historically, do not do as well in school as other students, which limits their higher education options.

By age 18, only 50 percent of young people in foster care have graduated from high school, and only 20 percent of those who graduate go to college.

According to the National Working Group on Foster Care and Education, a mere 2 percent to 9 percent of former foster children obtain a bachelor’s degree,

Why? Frequent school changes during elementary and high school; a lack of consistency in the curriculum; poor communication among schools, caseworkers and students; and delays in school enrollment all play a part. But the biggest obstacle is the high cost of higher education.

Twenty-eight states offer tuition waivers or scholarship programs to former foster kids. Less common are programs to help former foster students navigate the maze of college applications, forms and financing by offering:

- Support in completing high school
- Assistance in applying for and entering college
- Individualized support in academics, health, housing, life skills, relationships, identity, finances and employment
- Assistance with housing, during both the academic year and breaks
- Tutoring and supplemental instruction
- Assistance in applying for financial aid
- Help in preparing for graduate or professional school, or
- Career development guidance.

~6~

Attack homelessness among foster youth.

Another troubling statistic is that 40 percent of youth who have aged out of

foster care, often at age 18, at some point end up homeless and on the streets. Foster youth are at high risk for homelessness if they have run away from foster care before, have lived in several foster homes, have been abused or have a mental health disorder.

Being homeless makes going to college nearly impossible. But finding affordable, stable housing can be challenging.

“With a little bit of help, I would have been able to live safely on campus all four years,” says Limkin, the former foster student in Hawaii. But after his first two years, he lost priority in the limited dorms and had to stay with friends. “I had to couch-surf and resort to temporary housing in places that were not the most stable. This caused me avoidable confusion and anxiety when I should’ve been more focused on my studies.”

Young people who find and maintain stable housing are more likely to stay in school, keep their jobs and seek mental and physical health care when needed, according to a recent survey of research on fos-

21—the New 18

Half the states and the District of Columbia have extended foster care beyond age 18 through Title IV-E of the Social Security Act, which reimburses states to cover the costs of extended care. These states are Alabama, Arkansas, California, Connecticut, Hawaii, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Virginia, Washington, West Virginia and Wisconsin.

ter-youth housing by the U.S. Department of Housing and Urban Development.

To help, lawmakers may want to consider:

- Extending foster care beyond age 18 and offering “supervised independent living services” that allow young people to live on their own while still receiving casework and other supportive services
- Developing a variety of housing options and transitional-living programs that teach young people how to keep and maintain housing
- Allowing foster youth to live with their biological and foster siblings
- Waiving requirements that may be difficult to meet, such as rental fees and housing or apartment applications, and
- Keeping housing subsidies on par with inflation and cost-of-living increases.

Offering Opportunities

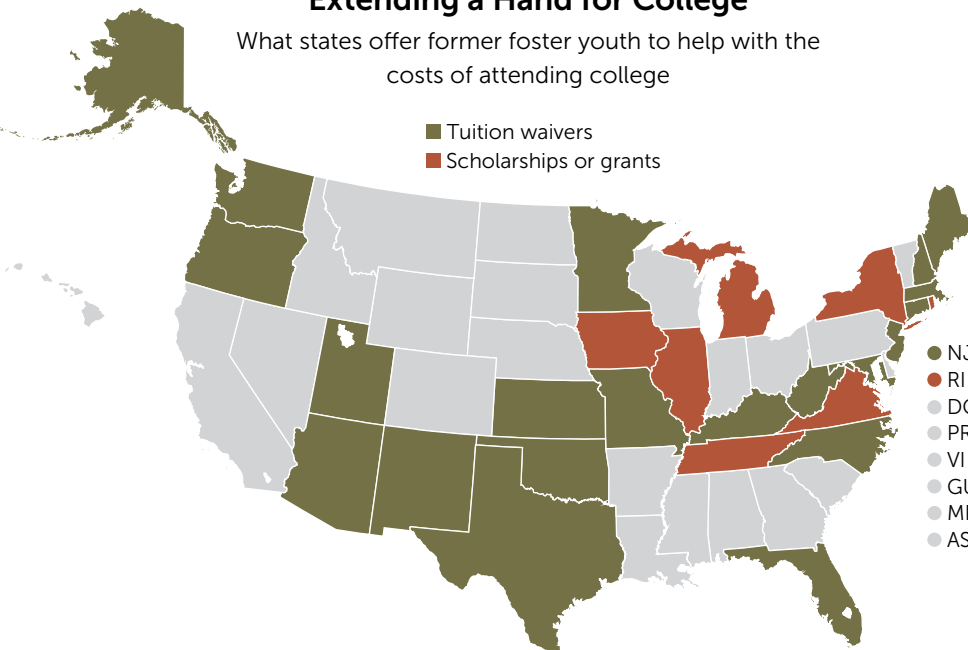
If foster kids are to successfully transition from the child welfare system to lives as independent adults, they’ll need all the support they can get. Lawmakers can help by making their needs a priority.

“Nobody really thinks about foster children on a regular basis,” Maryland’s Wilson says. “Children and youth in care are wards of the state, and I believe we should treat them as our children, offering them the same opportunities for advancement and removing the many hurdles that the system often sets in their way.”

Extending a Hand for College

What states offer former foster youth to help with the costs of attending college

- Tuition waivers
- Scholarships or grants



Note: Arizona’s five-year tuition-waiver pilot project expires this year.

Sources: NCSL, WestLaw, Education Commission of the States, Wayne State University



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FROM PLAYERS TO PARTNERS

States are looking for ways to attract and keep more foster parents as caseloads increase.

BY NINA WILLIAMS-MBENGUE



“The best advocates for change in the foster care system are foster care families.”

SENATOR A.J. GRIFFIN, OKLAHOMA

On any given day, 437,000 children are in foster care in the United States. Nearly half are living with a foster family. Although the overall number of children in the system is down 25 percent from a decade ago, it’s up since last year.

Since 2012, the devastating impact of

Nina Williams-Mbengue manages NCSL’s Child Welfare Project.

the opioid crisis on families has created an urgent need for foster parents in communities across America. The added strain comes at a time when many foster families are already chafing at policies and restrictions they say can sometimes make a tough job even tougher.

Vital but Undervalued

Foster parents are key players in the child welfare system, but they rarely feel like true partners. Among their many responsibilities, they must be prepared to address kids’ physical, social and emotional needs after what, for some, may be a traumatic removal from their home; enroll them in school; provide them a safe and healthy environment; navigate their visits with biological parents and siblings; get them to and from counseling sessions; and manage their normal daily activities.

Yet, foster parents often say they have too little input in the decisions made for the kids in their care. They criticize agencies for providing little or no information on the physical, social and emotional status of their children. They are often left out of planning sessions or are not asked for their opinions. They worry that their training is inadequate to handle severe cases. Promised respites and mentors are often not provided, nor are caseworkers available to answer questions or offer guidance when needed.

For some, it gets to be too much, and in fact nearly half of parents quit in their first year of fostering. As a result, most child welfare agencies struggle to find and keep a steady number of qualified parents.

What can legislators do? To attract and retain more willing foster parents, child welfare experts recommend that states develop better ways to support them.

Why Caseloads Are Growing

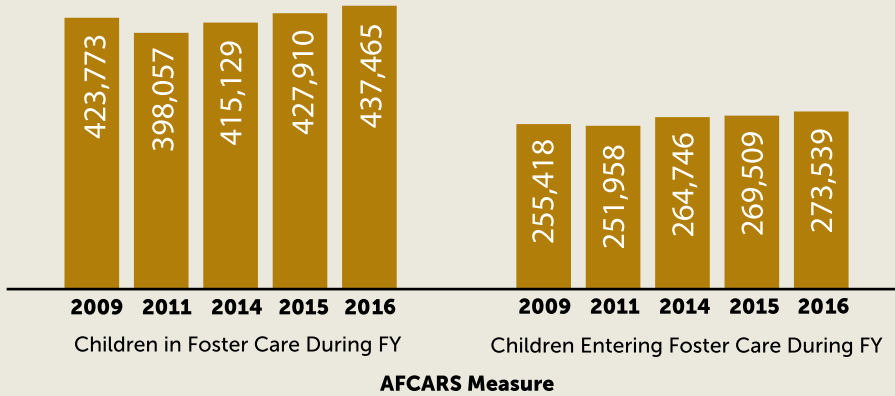
The number of children in foster care increased from 427,400 at the end of FY 2015 to 437,500 a year later, according to the Children’s Bureau at the U.S. Department of Health and Human Services.

Approximately 92,000 children were removed from their homes in FY 2016 because at least one parent had a drug abuse problem, which included opioid misuse.

In fact, of 15 circumstances that can result in placing a child into foster care, “drug abuse by a parent” had the largest percentage increase. It was blamed for 32 percent of all placements in FY 2015 and grew to 34 percent in FY 2016.

Numbers Up

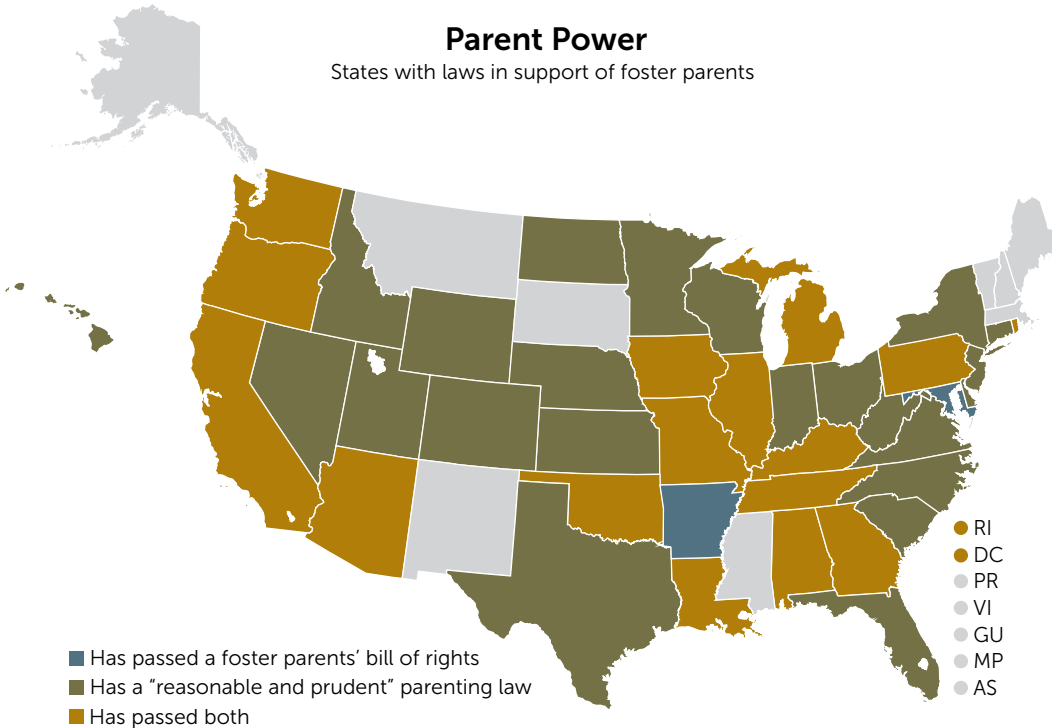
Number of children in foster care and number of children entering foster care



Source: The Adoption and Foster Care Analysis and Reporting System, Children’s Bureau at HHS’ Administration for Children and Families, November 2017

Parent Power

States with laws in support of foster parents



Sources: NCSL and WestLaw

Giving Parents a Voice

For many years, foster parents have advocated for their needs, and lawmakers in 18 states and the District of Columbia have responded with “bill of rights” laws. They vary by state, but the measures typically ensure that, among other things, foster parents are treated with respect; receive complete information on children’s social, emotional and educational needs; receive fair payment; can refuse a placement; have access to respite care and adequate training; can contact a child welfare agency 24/7; receive priority in adoptions; and can file grievances, if needed.

In recent years, experts have suggested that policymakers take steps to enforce these rights by requiring annual reporting on the laws and developing a process for handling and investigating violations.

There are many ways to empower parents. Laws in 39 states and D.C. require that foster parents either receive notice of court hearings or be allowed to attend proceedings for children in their care.

In Oklahoma, legislators created the Foster Voices hotline. “The best advocates for change in the foster care system are foster care families,” says Oklahoma Senator A.J. Griffin (R), a former foster parent herself. The hotline is open to all sorts of questions, and parents call about caseworkers not returning phone messages, for example, or vouchers not arriving on time, Griffin says. Sometimes, a parent simply needs to talk to another foster parent. Other times they need advice on more serious matters, like filing a complaint about a decision regarding a child’s care.

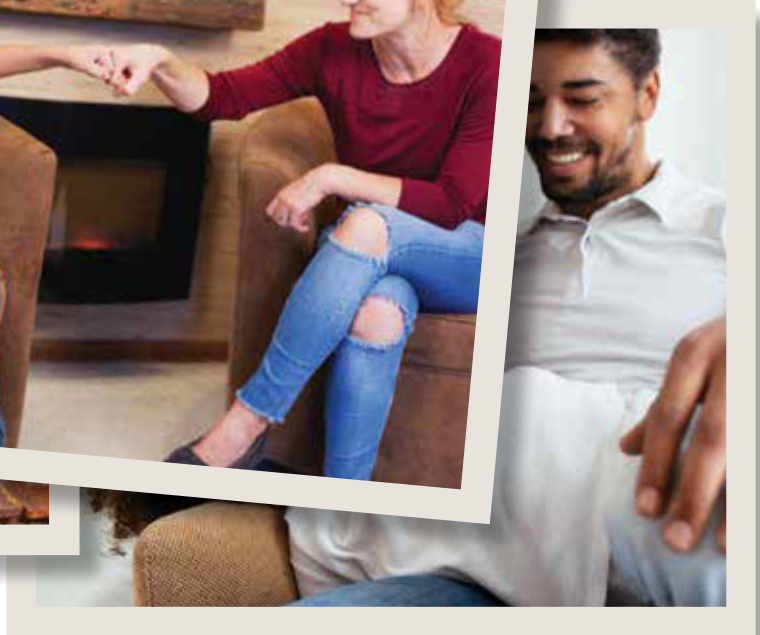


Senator A.J. Griffin Oklahoma

“The hotline has been a major step forward,” Griffin says.

The federal Preventing Sex Trafficking and Strengthening Families Act of 2014 requires states to enact laws that set “reasonable and prudent” parenting standards. Thirty-nine states have done so.

The standards eliminate the requirement that parents get approval from caseworkers before making decisions about their foster kids’ extracurricular, enrichment,



cultural, social and sporting activities. This means that foster parents no longer must get permission for children to join sports teams or after-school clubs or to participate in activities that would help them feel “normal” and, ultimately, have a more successful transition into adulthood.

Practical Support Wanted

Excellent training is essential to making and retaining good foster parents. A growing body of research is helping experts understand what “quality” training is. For starters, it should focus on helping children overcome trauma.

Thirty-six states require both pre-licensing and ongoing training that includes handling trauma and caring for special-needs children and babies. Training must be offered to all foster families, including caregivers who are elderly or disabled.

Programs pairing more experienced foster parents with new recruits can ensure critical support and guidance. Adding a respite program to the mix can give foster parents much-needed breaks.

The federal Family Medical Leave Act

requires up to 12 weeks of unpaid leave during a 12-month period to care for a newborn, an adopted or a foster child. Four states require that certain private employers offer paid medical leave to care for a foster child.

Approximately 25 states offer liability insurance to foster families. Oklahoma legislators, for example, enacted legislation that protects foster parents, acting in good faith, from liability for property damages or injuries caused or suffered by a child participating in “reasonable and prudent” activities.

In addition, some states reimburse parents for all or part of the cost of driver’s education and auto insurance for their foster teens or allow foster parents to sign driver’s license applications.

Start With Great Parents

The best way to keep good foster families, of course, is to recruit people who are already great parents.

States, for example, can train foster parents to work specifically with older children or those who have been in care the longest. Child welfare officials can work with community- and faith-based organi-

zations. Policymakers can review licensing requirements and standards for foster families and foster homes.

To help with recruitment and retention, and to ensure the best matches between foster parents and children, lawmakers in at least two states—North Carolina and Oklahoma—have passed laws requiring officials to do inventories so they know how many foster parents are licensed and available and what their qualifications are.

Oklahoma’s inventory requires an annual report to the legislature on the numbers of kids in the system, the types of settings used for placements and the duration of children’s stays in those placements, a census of approved foster homes, and a comparison of foster room-and-board rates.

What Griffin envisions for foster families in her state may be a model for others. She sees “a system of full support—a network of local support services, with collaborative, joint decision making between the agency, birth family and foster family, always with the child at the center, remembering that foster families are acting as family.”



GOLDEN STATE HANGS TEN

Two California lawmakers, Assemblyman Al Muratsuchi (D) and Assembly Majority Leader Ian Calderon (D), introduced a bill in January to make surfing the state's official sport. Surfing has made California beaches world famous, from Humboldt Bay on the Redwood Coast north of San Francisco to South San Diego. It's lured dozens of surf-goods companies to establish headquarters in the state. And the sport generates more than \$6 billion in annual retail sales. "Nothing represents the California Dream better than surfing," Muratsuchi says. Not all states have an official sport, but California would join Alaska (dog mushing), North Carolina (NASCAR) and Texas (rodeo) if the bill passes.

DOGGING AND DRIVING

Although 47 states, the District of Columbia, Puerto Rico, Guam and the U.S. Virgin Islands ban text messaging for all drivers, it's perfectly legal in every state except Hawaii to drive with a pet sitting in your lap or moving around freely in the vehicle—something safety advocates say can be as distracting as texting. In the last five years, laws introduced in about a dozen states to prevent driving with an unrestrained animal have failed as many lawmakers and the public view such measures as overreach. Four of the five bills considered so far this year have died; one (in Pennsylvania) is pending.



SICK DAYS? PLEASE

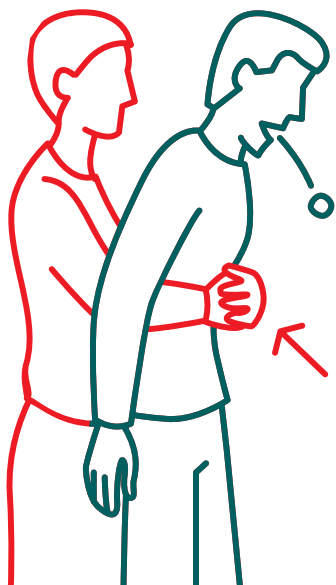
Medical professionals and some employers encourage people to stay home when they're sick. But not everyone can afford to take unpaid leave from their workplaces. With no federal law mandating that employers provide paid sick leave to their employees, eight states and the District of Columbia have passed laws requiring employers to offer it. Those states are Arizona, California, Connecticut, Massachusetts, Oregon, Rhode Island, Vermont and Washington.



NO NEED TO TEXT BACK

To reduce the number of people missing court appearances, some of Colorado's municipal courts want to send reminders to defendants via text message. Colorado Representative Pete Lee (D) plans to introduce a bill that would create a pilot program to let courts try texting and track the results to see whether it helps. As one reform advocate put it, "Most people who miss a court date haven't fled the jurisdiction. They've misplaced the summons or they didn't put it on their calendar. Or they don't have a calendar."





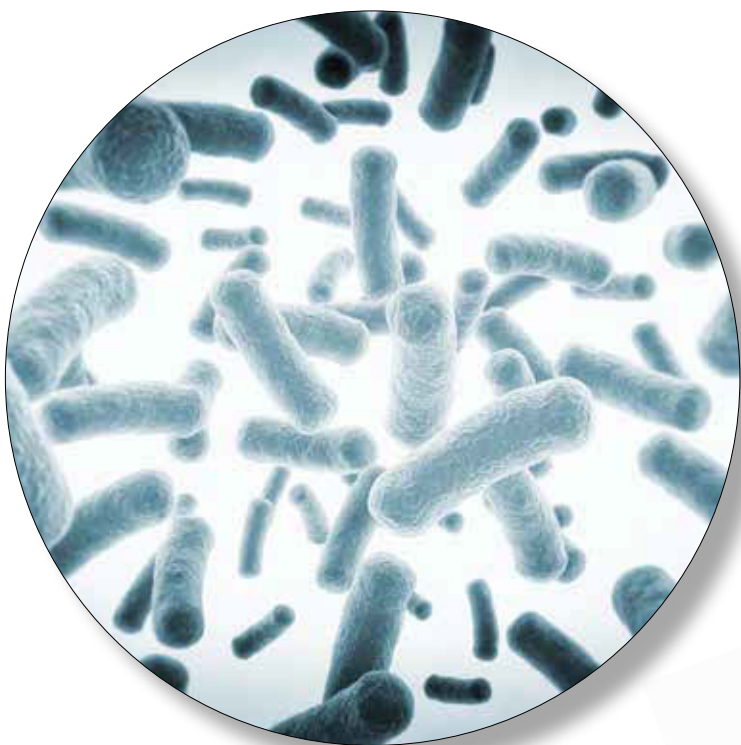
RESCUE ON THE MENU

Kansas Senators Ed Berger (R) and Dan Goddard (R) were having dinner together during a reception at the Topeka Country Club, when Berger suddenly realized that Goddard was in trouble. As Berger told the *Wichita Eagle*, "He was choking and struggling and I asked, 'the Heimlich?' and he said 'yes.' So I gave him the Heimlich maneuver and was able to dislodge what he was choking on." It was the first time Berger had attempted the first-aid technique. "It was pretty simple," he said. "I just hope I didn't hurt him." Hardly. As Goddard told the newspaper, "I feel real good today. I am a happy camper."



SAY WHAT?

Colorful language can cost you in Virginia, where it's a misdemeanor to "profanely swear or curse" in public. A slip of the tongue can result in a \$250 fine, though the law is rarely enforced. For the third time in as many years, Delegate Michael Weibert (R), who farms for a living and admits to letting "brightly colored" language slip on occasion, has introduced a bill to wipe the swearing law from the books. "Every once in a while the farmer comes out in me. I'd rather not get hit with a misdemeanor," he says. So far, his colleagues have been reluctant to repeal a law some see as promoting decency.



INFECTION AWARENESS AT SCHOOL

Sepsis, an extreme reaction to infection that spreads via the bloodstream, kills between 250,000 and 500,000 people in the U.S. annually—more than AIDS, breast and prostate cancers, and stroke combined. Yet fewer than half of Americans have heard of it. New York Assemblywoman Catherine Nolan (D) worked with a foundation run by the family of Rory Staunton, a 12-year-old who died of sepsis after a fall at school, to develop legislation that creates a sepsis awareness and prevention program for school districts. Rory Staunton's Law was enacted in November, making New York the first state to provide K-12 health teachers with resources to teach children about the deadly disease, how they can prevent it and when to seek help from a trusted adult.

BAD HAIR DAY

A federal appellate court dealt Missouri's African-style hair braiders a setback when it upheld the state's law requiring them to undergo 1,500 hours of cosmetology training before they can work. The training, which can cost more than \$12,000, includes no instruction in African-style braiding. The court acknowledged that requiring braiders to spend time and money on training they don't need "is imperfect, but not unconstitutionally so." The two St. Louis-area hair braiders who challenged the law plan to appeal the decision to the U.S. Supreme Court. Missouri is one of 14 states that require hair braiders to have a cosmetology license.



Sage Advice From Seasoned Leaders

With a collective 30 years of service, these retired legislative leaders have plenty of wisdom to share.

BY MARK WOLF

Perspective comes with time. That's why we asked these former leaders to reflect on what they learned from the years they sat in the driver's seat of their chamber. We wondered what was in their rear-view mirrors now, what they wished they'd seen coming years ago.

How did they approach the job of leader? What influenced them? What would they do differently?

In his book "Good Leaders Learn: Lessons from Lifetimes of Leadership," Gerard Seijts writes that effective leaders learn how to manage the many paradoxes of leadership. "Leaders need to be optimistic and realistic. Confident and humble. Aggressive and patient. Analytical and intuitive." These former leaders learned how to do all of this.

And from them we learn what challenges they faced, how they dealt with difficult members, what mistakes they made and what advice they would give to today's leaders.

Two are Republicans, two are Democrats. During their leadership careers, their majorities ranged from wide to slim, but each said they often reached across the aisle to get things done.

Their stories vary, yet reflect some common insight, themes and lessons learned. We've distilled them into these five pieces of wisdom.

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BE YOURSELF AND BUILD A GOOD TEAM

Be the person the people elected. Be authentic and humble. Stay true to your values. "Everyone's going to promise you the world," says former Florida Senate President Mike Haridopolos. "I wanted to be an authentic fiscal conservative and genuine in the actions I took that mattered."

"Don't take yourself too seriously," former Virginia House Speaker William Howell says. He believes the biggest mistake leaders make is holding positions so strongly they appear "a little too dictatorial, making it hard to get the maximum efficiency out of your caucus."

Losing touch with constituents is the worst mistake leaders make, former Vermont Speaker Shapleigh "Shap" Smith says. "I think a lot of people, particularly if they are successful, begin to think the success is theirs alone and forget there were people who helped you."

The leaders agreed that building a great team is essential. Know your strengths and weaknesses and gather people around you who will complete the team.

"It is absolutely essential," Smith says, to build "a leadership team with the skills that complement your strengths and make up for your weaknesses. I had one staff, my chief of

Mark Wolf is an NCSL publications editor.

staff, who was my eyes and ears, political policy confidant and administrative assistant. You need to have someone who has boundless energy and who is an incredibly effective people person.”

As Haridopolos puts it, “Your leadership team has your ear and they’re taking bullets for you. I saw people who were willing to be selfless, who had proven to me through the years that they were team players.”

But don’t try to be all things to all people. “I can’t remember,” former Nevada Assembly Speaker Barbara Buckley says, “how many times I had individuals say, ‘I don’t always agree with you but you make a decision and you land and it’s never personal.’ People don’t respect leaders who hem and haw and don’t really give you an answer.” Buckley was mentored by fellow legislators and staff who “had faith in me and gave me opportunities to lead. ... Sometimes with term limits you see other leaders who don’t have that same seasoned team. They may have talented folks but not that seasoning.”



LISTEN MORE THAN YOU TALK.

You’d be hard-pressed to find a book on leadership that didn’t mention the importance of good communications. For Smith, that means talking with constituents as “somebody who can clearly articulate the purpose of what you’re doing, not in simplistic language but language that’s easily understandable. You don’t want to be condescending, but you don’t want to speak in ‘wonk.’ At the end of the day, try not to make it more than three sentences.”

Haridopolos relied on his parents’ advice when he came to the legislature. “My mom and dad instilled in me to use your ears more than your mouth,” he says. “God gave you two ears and one mouth. Use those in proportion, and you’ll be OK.” The best way to communicate is often in person, he says, especially if the news is bad. “I always tried to deliver bad news face to face, not through the press. The last thing you want to hear about is you lost your job through a tweet.”

For Howell, good communications means being open and accessible to caucus mem-

Barbara Buckley, a Democrat, was the Nevada Assembly speaker from 2007 to 2011, and is the executive director of the Legal Aid Center of Southern Nevada. A defining moment in her legislative career came in her freshman term when she was asked to be the point person for the Tailhook sexual assault cases. The scandal involved 100 U.S. Navy and Marine Corps officers accused of sexually assaulting 83 women and seven men at the Las Vegas Hilton Hotel in 1991. After a verdict was returned against the hotel, representatives came to the Legislature seeking a bill capping punitive damages. House leaders asked Buckley to research it, find the right policy and handle it in hearings. “That had a huge impact on me,” she says. “I was a freshman, and their faith and trust in me made a lasting impression.”



William James “Bill” Howell, a Republican, retired last year after serving as speaker of the Virginia House of Delegates since 2003. He says a real problem in today’s political discourse is the lack of civility. He experienced it from both sides. For example, Howell says that when he and the House voted not to expand Medicaid under the Affordable Care Act, he was called a racist, and then when he supported a tax increase for transportation projects, critics came at him from the right. For Howell, the most important thing is for leaders to be team players. “I love people who are all for one and one for all,” he says.

Mike Haridopolos, a Republican, was president of the Florida Senate from 2010 to 2012 and is now a consultant. He thinks the biggest mistake leaders make is acting too hastily in today’s 24-hour news cycle. He says it puts a lot more pressure on lawmakers to get things done quickly. “I wish I’d have slowed down, put on the brakes, taken a month extra to get it right,” he says.



Shapleigh “Shap” Smith, a Democrat, was speaker of the Vermont House from 2009 to 2017. He practices law in Burlington, Vermont. His approach to legislative leadership was shaped in the first year he faced a veto of a bill on marriage equality. “Pulling together the votes for the override made a huge impact on me,” he says. Smith refused to “punish” a bunch of Democrats who chose not to vote to override, he says, because, “I knew we were going to need those votes (later).” When the governor vetoed the budget at the end of the year, those Democrats voted his way. “Someone who may oppose you one moment may be your ally the next time.”



bers and keeping them informed. “We met every day for half an hour before the session started, to talk about the issues,” he says. “One thing I’ve always done pretty naturally is if you call me up, I pick up the phone. I didn’t have someone guarding my door.”

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SAY “NO” AND DELEGATE.

Howell says it’s not always easy, but sometimes you just have to do it, you have to say no. He describes the time his caucus took advantage of a temporary majority when a Democrat was attending President Barack Obama’s inauguration to push through a change to Senate district boundaries. Howell ruled against his caucus and stopped the change. “I told the caucus what I was going to do and they weren’t happy,” he says.

Haridopolos learned to say no early on. He became leader at a rough time, economically, when there was no stimulus money and a \$4 billion budget shortfall. “All our energies were focused. We had to say no to any new projects.” He even made sure his leadership team knew when to say no so he didn’t have to make every little decision.

As speaker, Buckley says, “You’re the orchestra leader now, you’re not playing an instrument.” That means learning to prioritize, delegate and say no, respectfully. “You just look somebody right in the eyes and say you can’t do it and why.” How you treat people affects how things go from then on. “I can disagree with an insurance lobbyist on health reform, but I don’t have to humiliate them in front of a committee,” she says. “If that’s your day-to-day style, you’re not going to be a very well-respected leader.”

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BE PART OF THE SOLUTION.

Being part of the solution may involve working with members of the other party. Haridopolos says he had a very good relationship with Minority Leader Nan Rich. “We didn’t share the same philosophy, but that doesn’t mean everything has to be a fight,” he says. “When you sit down with the minority leader, you might find some common ground, so you’re not starting from zero; you’re starting from 70.”

Howell is concerned that the growing incivility in statehouses is making it

more difficult to work across the aisle. He worked on a transportation reform initiative in 2013 that he says was long overdue. “I was sort of in denial. We looked at all kinds of ways to raise money because we had to come up with a sustainable source of revenue.” Their solution was to raise sales taxes. “The bill never would have passed if I hadn’t been able to work with the Democrats on it,” he says.

Part of the problem with hyper-partisanship, Smith says, is that “we do not have the kind of personal relationships across party lines that we used to have.” But, he says, “I think the ingredients are here to get back to a better way of working together.”

To be part of the solution, Buckley says, stay focused. Take one or two public policies and become the expert. Take assignments and do them well. She cites the late Debbie Smith, the former Nevada senator and NCSL president who died of brain cancer in 2016. “She was so good at that,” Buckley says. “She’d ask, ‘Tell me what I can do?’ She’d do that well and before you knew it, she was in leadership.”

“Use your time effectively and don’t be seen as a bomb-thrower,” Haridopolos says. “Your job as a leader is to pass legislation.”

⇒5⇐

DEAL DIRECTLY WITH DIFFICULT PEOPLE.

Occasionally, leaders have members who are intent on being a distraction or causing problems.

Haridopolos recalls, “When we had caucus members leaking information to the press, taking cheap shots, there would be a price for that. We had a few people who weren’t happy with me. I said, ‘You got your glory and chose not to be a team player.’ I had to reward people who were willing to take the tough votes.”

Buckley’s approach: “If I did have a caucus member I thought was hurting themselves or others, I’d go to them and say, ‘I’m your biggest fan here, but what are you doing? You are so talented and have such a great future, but you’re going so fast people think you’re a publicity hound and I don’t think that’s you. If it is you, slow down. Be a workhorse, not a show horse.’”



GROUND-BREAKING SAFETY

With all the pipeline
in the ground
beneath us, states
want people
to check before
they dig.

BY DANIEL SHEA

Imagine stretching pipeline between Honolulu and Boston. You'd have to go back and forth 500 times to equal the amount of pipeline running underground in the United States. Pipelines deliver the natural gas and petroleum products that help fuel homes, cars, power plants—just about everything that helps drive the economy. Unseen, yet ubiquitous, they're easily overlooked and at risk of being damaged during digging projects, posing risks to people and property.

It is a testament to the efforts made over the past two decades by states and the federal government that, despite natural gas consumption growing nearly 20 percent since 2005, the number of major pipeline accidents has consistently dropped, from 120,000 in 2005 to fewer than 86,000 in 2016. In fact, major damage to pipelines caused by excavation has decreased by about 30 percent during that time.

Still, there is work to do. Those 86,000 leaks caused 40 deaths and more than \$322 million in property damages, according to the U.S. Department of Transportation's Pipelines and Hazardous Materials Safety Administration.

Call Before You Dig

Every state has what's known as a one-call law. The laws vary but, generally, are intended to get people who want to dig (homeowners, construction companies) talking to the people who operate underground infrastructure (utilities, telecommunications companies, water districts). This is usually accomplished through one-call centers, which can be reached by dialing 811. Homeowners and contractors—known collectively as “excavators”—are required to call their local 811 center to request that pipeline or other operators mark all infrastructure at a project site.

If this sounds simple in theory, developing the right technical and communications protocols and conducting outreach on how to use 811 can be complex in practice. The effort has been shown to pay off, however. The Common Ground Alliance, a national organization that tracks accidents and advocates for the prevention of pipeline damage by excavators, found that when a person calls 811 before digging, the likelihood of damage to underground infrastructure is less than 1 percent.

At least 11 states—Alabama, Arkansas, Maryland, Michigan, Missouri, North Car-

Daniel Shea is a policy specialist in NCSL's Energy Program.

ENERGY

olina, North Dakota, Ohio, Oklahoma, Pennsylvania and Tennessee—have revised their one-call laws since 2010, and a few others, like Colorado, Indiana and Kansas, did so earlier.

During the 2017 legislative session, North Dakota and Pennsylvania passed updates to their one-call laws, with North Dakota clarifying communications requirements and restricting excavators from using heavy machinery in certain areas over pipelines. Pennsylvania's update mandates pipeline operator participation in the one-call center, transfers enforcement to the state public utility commission, requires reporting of all excavation damages and establishes an oversight committee.

Many Advantages

"The checklist of advantages this bill yields is significant," says Pennsylvania Senator Lisa Baker (R), who sponsored the legislation. Baker says the law consol-

idates enforcement, covers more pipelines in rural areas and reasonably apportions the costs of operating the system.

"In Pennsylvania, it is estimated there are more than 6,000 hits each year, approximately half involving natural gas lines," she says, noting that the damages lead to service interruptions, environmental damages, injuries and fatalities. "These incidents jeopardize the public, place workers at risk and compromise infrastructure."

In North Carolina, the General Assembly passed an update to the state's one-call law in 2013. According to Louis Panzer, executive director of North Carolina 811 Inc., the most significant changes to the law were a requirement that pipeline operators become members of the state's one-call center and the creation of an incident review board, which has ensured that vio-



Senator
Lisa Baker
Pennsylvania

lations are investigated and penalties are assessed. Before the new law's passage there was no dedicated enforcement body.

"The fact that enforcement exists is a really important piece of that legislation," Panzer says.

The law also requires operators to report all damages to the one-call center. In more than 25 states, reports to such centers are voluntary, leaving those states without accurate, comprehensive data—an area of particular focus since 2006, when Congress passed the Pipeline Inspection, Protection, Enforcement and Safety Act, known as the PIPES Act.

A Priority on PIPES

In the 1990s, excavation accounted for about 60 percent of all pipeline damage, and the National Transportation Safety Board listed it as one of its top 10 priorities for safety improvements. Late in that decade, in the wake of several high-profile accidents caused by digging, Congress

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directed the agency that would become the Pipelines and Hazardous Materials Safety Administration to investigate the best ways to enhance safety and prevent excavation-related damage.

The investigation, which became known as the Common Ground Study, included 162 people from a variety of groups. From the beginning, it emphasized communication, cooperation and consensus—the need for buy-in from all stakeholders. Ultimately, the investigators identified 130 best practices and created the Common Ground Alliance, an association that now includes some 1,700 members.

In part because of their effort, excavation was the cause of just 11 percent of all pipeline damage over the past decade.

The PIPES Act also tasked the pipeline safety administration with reviewing state one-call laws. Shortly after the law's enactment, several legislatures began reviewing their own laws; among the first was Indiana, which significantly updated its law in 2009.

A Challenging Task

With so many industries maintaining buried infrastructure and the laws applying to everyone from construction companies to homeowners who just want to plant a tree, the seemingly simple task of protecting people and property from pipeline damage can get complicated.

“There were a number of competing interests that made consensus difficult,” says DeAnna Poon, assistant general counsel to the Indiana Utility Regulatory Commission. The bill increased civil penalties, for example, and required a newly formed board to review all damage reports.

The pipeline safety administration began notifying states this year about whether they are adequately enforcing their one-call laws. As of January, enforcement was found to be inadequate in 26 states, though one is contesting that finding. Indiana is among the 24 states with adequate enforcement.

Poon says enforcement and civil penalties are only two aspects of the issue, however. She notes that Indiana's 2009 law established education and compliance, rather than punishment, as priorities.



Digging Through the Data

Data collection has been a primary focus since the Common Ground Study. In 2004, Common Ground Alliance began publishing its DIRT Report, which is based on pipeline damage information submitted to its online Damage Information Reporting Tool. The report serves as a prime source for analyzing trends. Since then, the estimated numbers of excavation-related utility damages and near-miss events have dropped by nearly half. In addition, the rate of damages has stayed within the same range since 2010, even though construction spending increased by nearly 25 percent, according to Common Ground.

“[Common Ground] is built on shared responsibility among all members,” President and CEO Sarah Magruder Lyle says. “This has resulted in more members who voluntarily submit data to DIRT. As state damage prevention programs have evolved and improved, members have increasingly recognized the importance of complete and accurate data in evaluating program success and identifying areas for improvement.”

North Carolina 811 has invested significantly in its data system, called the “Super Mega Spreadsheet,” which offers around 80,000 data points annually, broken down by county, for the state's one-call center to analyze. It's precisely because the state can compare its own data with the DIRT Report that Panzer, the director of the state's 811 center, knows what the program is missing and where to focus its efforts.

For example, North Carolina received only about half of the reports sent to Common Ground in the first year after the state's law went into effect. But by the following year, the proportion rose to about 70 percent.

“It's not a policy thing. It's more a compliance issue,” Panzer says, noting that the new law requires notifications to North Carolina 811. “All you can do is strive to get more people educated to providing the data, and I think the legislation helps.”

Reporting on the Rise

Indiana has also been analyzing its data in order to provide targeted education and training. Since 2009, when the state's new law went into effect, the number of excavators calling the 811 center before digging has increased by nearly 60 percent. The state uses the revenue from civil penalties to fund public awareness campaigns on Indiana radio and television stations. Some of the ads reach 95 percent of the state's residents every month.

Damages have dropped by 9 percent in the last nine years.

“It seems to be working,” Poon says. “We are seeing improvement.”

“I wish I could say there was one tool that works best,” Panzer says. “But we really don't see that.”

It will take a concerted, multipronged effort—highlighting public education, state enforcement, data collection and training—to protect communities from one of the most preventable sources of damage to pipelines.

Been There, Done That

These three house clerks feel a special empathy toward legislators.

BY HOLLY SOUTH

Legislative staff are used to working behind the scenes, supporting the work of the legislature. Sometimes they even run for office and serve as elected representatives and senators. Less frequently, they go the other way, from legislator to staffer.

Three former legislators who now serve as principal clerks share what they know—what it’s like working from both sides of the rostrum and how their experience as legislators informs their role as house clerks.

Andrew Ketchings, Clerk of the Mississippi House



Andrew Ketchings
Mississippi

“I was clueless about what went on behind the scenes.”

“I’ve always been interested in politics and at some point thought I’d run for something,” Andrew Ketchings says. After 11 years in banking, he successfully ran for his hometown district, Natchez, and won.

The best part about serving in the Mississippi House, he says, was “being able to feel like I was making a difference.” In his two terms, Ketchings succeeded in securing matching funds enabling the U.S. Army Corps of Engineers to shore up the badly eroded bluffs overlooking the Mississippi River in Natchez.

Life in the statehouse had its challenges,

too. He says he felt “clueless about what went on behind the scenes.” And, being from the minority party and one of 16 freshmen in a body of 122 members where everything is based on seniority, he soon realized that he faced “a slow, slow climb” to accomplishing much.

After eight years, he joined former Governor Haley Barbour’s staff until House Speaker Philip Gunn asked him to serve as clerk of the House. He was elected by the House members in January 2012. He credits his banking background with helping him manage the House budget, and his years in the Legislature and executive branch with providing him a broad knowledge of state government and familiarity with many legislators and staffers.

His experience as a representative gives him insight into what new members face. “I know how they feel. ... They don’t know anything, and they don’t want to look stupid.” Ketchings makes a point of reaching out to them. I like to “touch base, encourage them, be there to answer questions.”

He also created an orientation program, crafted after consulting with fellow clerks in other states. “I’m trying to address everything they might be confused about or not know about. It’s hard to be new, in the minority party, and not get lost in the shuffle.”

He also finds it rewarding to “see everything come together from start to finish: the bills, all the behind-the-scenes work, seeing it run smoothly on our end.” He now knows

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that “nothing happens without the 40 or so employees behind the scenes.”

Does he miss anything about being a legislator? “Absolutely nothing. Not one single thing. I could not be more emphatic about that.” He continues, “Behind the scenes is the place for me. I don’t want to see my name in the paper!”

Carmine Boal, Chief Clerk of the Iowa House



Carmine Boal
Iowa

“I always wondered who did this, who did that. I found out when I became clerk.”

While serving on a local school board, Carmine Boal, a lifelong Iowan, was encouraged by the House speaker to run for a vacant seat. “I was totally thrown—it was very unex-

pected,” she says.

The first campaign was tough. It was a hotly contested race and, at the time, the most expensive House race in Iowa history. But as a stay-at-home mom, active in the community and local politics, “I knew a lot of people. That really helped.” Boal knocked on doors all over town, regardless of party registration. “I loved talking to people—that was the best part” of campaigning.

Serving in the legislature was a “really great opportunity to meet people from all over, who you never would have had the chance to meet otherwise.” She also remembers how “exhilarating” it was “to pass legislation that was meaningful,” particularly that directly affected her hometown of Ankeny.

But as a newly elected legislator, Boal faced a big learning curve because she says she was “pretty uninformed about a lot of issues” and, especially, the legislative process. She can relate to new lawmakers, she says, some of whom come in focused on changing an issue or policy but with little knowledge of how the process works, how staff behind the scenes make it possible.

“Legislators know only as much as they need to,” she says. “And that’s OK.” She enjoys educating them on the process, including how to file a resolution. “I

always wondered who did this, who did that. I found out when I became clerk.” She adds, “I wish I could go back with what I know now.”

In addition to five terms in the legislature, Boal worked for the governor as director of State Boards and Commissions. She loved the job but missed the legislature and the people, so when the position of chief clerk became available, she jumped at the opportunity. “I love watching things happen one step at a time. It’s slow, deliberate and messy—and I enjoy that.”

She says her experience helps her understand “where legislators are coming from.” Most of all, she knows what political pressure feels like. “I can be nonpartisan, because they all have those same pressures [regardless of party affiliation]. There are a lot of things they have to put up with that I don’t have to as staff.”

Robert Hunt, Clerk of the Maine House



Robert Hunt
Maine

“I used the terminology; I thought I knew the process. But my knowledge is so much deeper now.”

Rob Hunt was recruited to run for office through Maine’s caucus system, because “I was the only one not asking if I’d get a fancy license plate,” he says. The truth is, he was ready for a change from teaching high school students and was drawn to the idea of helping people as a state representative. And that was the best part of his two terms in the Maine House, because, he says with a laugh, “marching in parades is not all it’s cracked up to be.”

Helping his constituents “navigate the government” was “my top priority ... to do right by people and help them out.” At the time, he says being a legislator “was the best job I ever had. ... Every day I was thinking about 50 very interesting topics, and it made me think in ways I never had before.”

For Hunt, rejoining the Legislature as assistant clerk “was like pulling back the curtain to see how it all really runs.” He

American Society of Legislative Clerks and Secretaries

Clerks and secretaries can trace their beginnings to 1619, when the British House of Commons lent a clerk, John Twine, to the newly formed Virginia House of Burgesses. The American Society of Legislative Clerks and Secretaries was founded 324 years later—more than 30 years before there was an NCSL.

ASLCS today includes more than 400 principal clerks and secretaries and their staffs. The society’s goals—to improve legislative administration and establish better communication among clerks and secretaries throughout the U.S. and its territories—are met through professional development workshops, networking activities and business meetings. Learn more at ncls.org.

wishes he’d known when he was a representative what a resource the legislative staff are and how hard they work. “There are people behind every step of the process; things don’t just happen automatically.” As a legislator, he says, “I used the terminology; I thought I knew the process. But my knowledge is so much deeper now.”

The role of clerk, to which he was elected in 2014, comes with its own pressures: making sure people follow the rules and having difficult conversations. Because of term limits, he has a lot of new members to coach each session, but he finds his experience teaching high school “prepared me pretty well.” But the biggest source of stress is that “it’s a big show to run.” Praising his “tremendous staff,” he adds, “the session is only part-time but it takes a lot of oars to make this boat go.”

How are things different on the clerk’s side of the rostrum? “Now I help members succeed, which is a different angle on public service.” He doesn’t remind members about his years as one of them, because his role now is nonpartisan. “I try to help anyone who comes through my door,” he says. “My job is to make members look good.”

NEWSMAKERS

"The voters passed the initiative. The voters didn't ask the legislature, 'How long do you think it will take to develop regulations and set up a system?'"

California Senator Holly J. Mitchell (D) on the task of implementing the state's new law legalizing recreational marijuana, in the Los Angeles Sentinel.



MITCHELL



TROTTER

SENATE ASSISTANT MAJORITY LEADER DONNE E. TROTTER (D) OF ILLINOIS ANNOUNCED HE WILL RESIGN, effective immediately. He served in the legislature since 1993 and held his leadership position since 2013. He was well respected on both sides of the aisle for his passion in serving the people of Illinois.



HUGHES

UTAH HOUSE SPEAKER GREG HUGHES (R) ANNOUNCED HE WILL NOT SEEK RE-ELECTION in 2018. Hughes was first elected to the House in 2002, and has led the chamber since 2015. "It has been the honor of my life to serve as speaker," he said. He did not rule out seeking higher office.



LEE

"Automatic voter registration would boost Guam's declining voter registry and voter participation."

Guam Senator Régine Biscoe Lee (D), in the Guam Daily Post.



SHARP

"This is the most full-time, part-time job I've ever seen."

Oklahoma Senator Ron Sharp (R) on the Legislative Compensation Board's decision to cut lawmakers' annual pay by nearly \$3,400, or 8.8 percent, to \$35,021, in The News Tribune.



MEEKS

"The main difference of going door to door as a politician and a pizza delivery guy is that when the pizza guy shows up everyone is always excited."

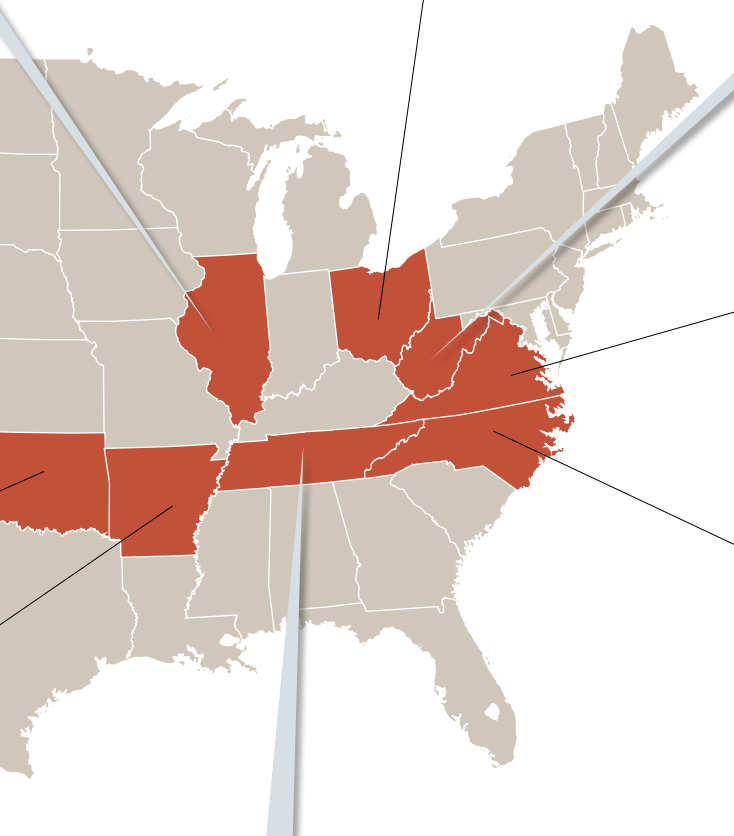
Arkansas Representative Stephen Meeks (R) on his part-time job, on publicintegrity.org.

“At the end of the day it’s those CEOs who are making the decisions on where to locate their businesses and whether to hire employees. Their opinions matter.”

Ohio Representative Kristina Roegner (R) on a right-to-work proposal she helped sponsor, in the Akron Beacon Journal.



WEST VIRGINIA HOUSE SPEAKER TIM ARMSTEAD (R) ANNOUNCED THAT HE WON'T SEEK RE-ELECTION for his seat later in the year. Armstead has been speaker since 2014, when Republicans regained control of the Legislature after more than 80 years. “I think that it’s time for me to look at other options,” Armstead said in an interview. “I am considering a possible race in 2020. ... I want to be able to give my full attention to either being the speaker or running that race.”



“The People’s Caucus speaks to the key issues of our time, bringing power back to the people, like voter rights, transparency and campaign finance reform.”



Virginia Delegate Debra Rodman (D) on a newly formed caucus that intends to reduce corporate money in state politics, in the Richmond Times-Dispatch.



“The public outcry was unreal. I got ridiculed. I got beat up bad. I saw this as a highway safety issue. I had no idea that I was opening a can of worms.”

North Carolina Representative Garland Pierce (D) on his bill that would have imposed a fine for driving with an animal in your lap, in the Huffington Post.

SENATOR FERRELL HAILE (R) WILL TAKE OVER DUTIES AS TENNESSEE SENATE SPEAKER PRO TEMPORE. Haile replaces former Senator Jim Tracy, who has taken a job as state director of the U.S. Department of Agriculture’s Rural Development program. Haile has served as deputy speaker and vice chairman of the Senate Health and Welfare Committee. Fun fact: Tennessee is one of three states or territories where the Senate has a speaker. Nebraska and Guam are the other two.



Linda Upmeyer

Speaker, Iowa House

Linda Upmeyer is a history maker. She is the first woman to preside over the Iowa House. Her father, Del Stromer, also held the position, reportedly making them the first father-daughter pair in the nation to have both served as statehouse speaker. Upmeyer grew up on her family's farm before attending North Iowa Area Community College, the University of Iowa and Drake University. She holds a master's degree in nursing and is a certified family nurse practitioner. She was elected to the House in 2002 and elected speaker in 2015.

What is your most important legislative priority this session and why?

Every year the budget is our biggest priority because it's our job to balance the budget and make sure we're on a sound fiscal footing. Right after that, we have changed our model of Medicaid, and we've got some kinks to work out. I'm really excited to work on health issues because of my background as a nurse practitioner. We'll be working to get Medicaid operating much more smoothly and improving access, and doing some work on the opioid situation and mental health.

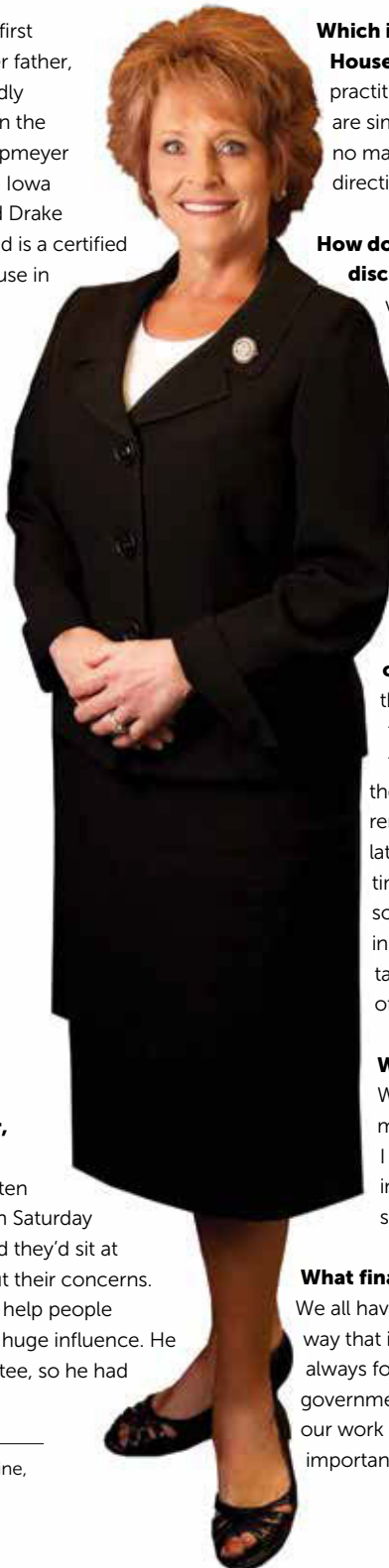
How has your background in nursing helped you as a lawmaker?

I was the only health care-related provider of any kind when I was elected, and even today I believe I'm the only nurse. It's really underrepresented. We all come to the Capitol with different sets of information and skills. I have to do a lot of research if I'm going to write judiciary bills, for example, so it's always nice to have people in the building with that expertise. So if you don't have enough people with health care backgrounds, then sometimes you don't get it right.

How did your father, who also served as speaker, influence your career?

In the old days we had telephones on the wall in the kitchen and I would listen to my dad while I was working around the house. On Saturday mornings, likely as not, somebody would drive in and they'd sit at the kitchen table, have a cup of coffee and talk about their concerns. I thought about how often he was able to genuinely help people navigate some of the challenges they had. He was a huge influence. He was also very active on the NCSL education committee, so he had a big history with you folks as well.

Jane Carroll Andrade, a contributing editor to the magazine, conducted this interview.



Which is more difficult: raising five children or leading 99

House members? I can tell you that being a mom and a nurse practitioner prepared me very well for leading the legislature. There are similar challenges when you're trying to get a group of people, no matter what the nexus for that group is, all moving in a similar direction.

How do we encourage more civility in our public policy

discussions? I think we're all going to find the answer to that as we move forward because if the environment becomes even more toxic, we will have a really hard time finding people that want to serve. But we have much less of that at the state level. In reality, it's a pretty low percentage of things that are genuinely partisan. Unfortunately, those are the things that get the attention. I almost never read about a bill that we've passed to do good things for Iowans and all did it together—that's just not what catches headlines. And it's really too bad, because I would bet in other states, it is very similar.

What life lessons have you learned that you share with

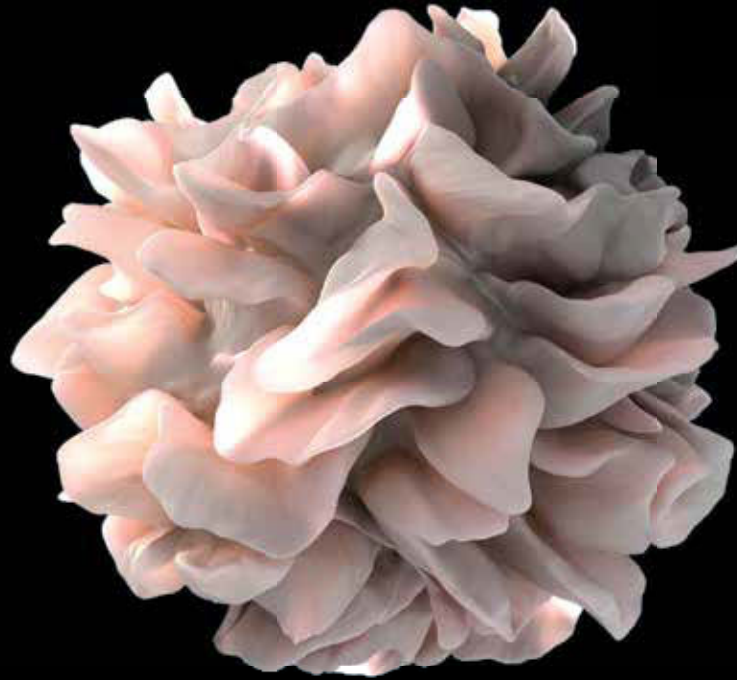
others? I decided to go back to school in the '80s during the farm crisis. I was a stay-at-home mom and I helped on the farm. But when we went through the farm crisis—and there are always crises in people's families, right?—that was the opportunity I took to go back to school. I always like to remind people—men and women—that, boy, it's never too late. I graduated with my master's in nursing about the same time my daughter graduated from med school and one of my sons graduated from Iowa State. Things don't always happen in the order you might anticipate. But I just hope that people take opportunities when they arrive, even if they're a little out of sequence.

What would surprise people most to learn about you?

When my kids were little, I wanted to do something that gave me a little creative outlet, so I became a Mary Kay consultant. I had a blast doing it and I found I was very good at sales and, in fact, earned a mink coat and was No. 26 in the nation in sales. I think it's a skill that's helped me along the way.

What final words would you like to share with our readers?

We all have to challenge ourselves to go the extra mile, to work in a way that is civil, to find areas where we can find agreement, and not always focus on disagreement. The public wants to witness good government. And I think we need to demonstrate that we can get our work done and we can do it without being mean and nasty. It's important for us to do right now—more than ever perhaps.



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