



BACK FROM THE BRINK

Revenue performance
is rock solid as states
climb out of the
Great Recession's abyss. **8**

The day we control severe asthma

is the day I breathe easier.

René / Asthma Researcher

Gil / Asthma Patient

As the world leader in medical innovation, America's researchers are developing 54 new medicines to treat or prevent asthma. Because for over 24 million Americans living with asthma, the only way to stop the next attack is to attack first.

[Innovation.org](https://www.innovation.org)

GOBOLDLY



**America's
Biopharmaceutical
Companies®**



FEATURES

8 | Back From the Brink

Revenue performance is rock solid as states climb out of the Great Recession's abyss.

14 | Eyes in the Sky

Two experts trade views on regulating drones.

20 | Piece by Piece

There's still time to learn the basics of redistricting before you tackle the really tough stuff.

24 | What I Wish I Knew

Veteran lawmakers tell us what they wish someone had told them when they were new to the job.



DEPARTMENTS

Trends | 2

E-scooters, food safety, probation reform, foster parents and more

On the Same Page | 6

Montanans who aren't afraid to watch sausage being made

Stateline | 18

The brighter side of legislative news

Toolbox | 28

An integrity self-test for leaders

Backstories | 30

The lives lawmakers led before landing in the legislature

Statestats | 33

U.S. military veterans: America's invisible army

Newsmakers | 34

What's happening under the domes

Yes, No, Maybe So | 36

What can officials do about social media trolls?

The Final Word | 37

Texas House Speaker DENNIS BONNEN

STAY IN TOUCH

Agree with something you read in the magazine? Disagree? We'd love to hear your thoughts. Drop us a line at magazine@ncsl.org.

SL ONLINE

You can find more information and links to resources on many of the topics covered in these pages at ncsl.org/magazine.

Executive Director
William T. Pound

Editor
Julie Lays

Assistant Editor
Kevin Frazzini

Contributing Editors
Jane Carroll Andrade
Lesley Kennedy

Online Magazine
Ed Smith
Mark Wolf

NCSL President
Senator Toi Hutchinson,
Illinois

NCSL Staff Chair
Jon Heining,
General Counsel
Legislative Council,
Texas

Denver
7700 East First Place
Denver, Colorado 80230
(303) 364-7700

Washington, D.C.
444 N. Capitol St. N.W.,
Suite 515
Washington, D.C. 20001
(202) 624-5400

State Legislatures (ISSN 0147-0641) is published 6 times a year by the National Conference of State Legislatures. ©2019, All rights reserved. Reproduction in whole or in part without permission is prohibited. Requests for permission to reprint may be emailed to Julie Lays at: julie.lays@ncsl.org. Opinions expressed in this magazine do not necessarily reflect NCSL policy. State Legislatures is indexed in the PAIS Bulletin and Expanded Academic Index.

Annual subscription rates: U.S.—\$49; foreign—\$55; teachers—\$25 (promo code SLMTEA). Single copy: \$6.50. Periodically, NCSL rents mailing labels to other organizations. If you prefer your name not be included please send a written request.

Postmaster: Send address changes to: State Legislatures magazine, 7700 East First Place, Denver, CO 80230.

Trends



Nuisance or convenience? A flock of rentable Bird electric scooters awaits riders on a sidewalk in downtown San Jose. At least 23 states have introduced e-scooter bills so far this year.

TRANSPORTATION

Electric Scooters: Coming Soon to a Street, or Sidewalk, Near You

They've got clever names—Bird, Lime, Skip, Scoot, Spin—and in many cities they appeared seemingly overnight.

Rentable electric scooters are a blessing or a curse, depending on your perspective. They're just one of the new slow- and medium-speed options to become available with the rise of mobility as a service, known in the transportation industry as MaaS.

Proponents say the scooters are inexpensive, easy to use and great for short trips. (Forty-five percent of trips in the U.S. are less than 3 miles.) Plus, they help reduce traffic and air pollution. And in some areas, they appear to have caught on. The transportation-data analysts at Populus recently surveyed 7,000 people in 10 U.S. markets and reported that, in less than

12 months during 2018, 3.6 percent said they'd used an e-scooter—a portion they described as “remarkably large.”

In other areas, however, scooters are viewed more as a nuisance than a convenience, with residents complaining of cluttered sidewalks and reckless driving.

In response, Delaware has banned the use of motorized scooters on public streets, and



More online

To see the latest electric scooter legislation, visit NCSL's Traffic Safety Bill Tracking Database, at ncsl.org.

New Jersey limits their use to people with mobility-related disabilities. Massachusetts' definition effectively prohibits their use due to requirements that “motorized scooters” have brake lights and turn signals, neither of which are common on rentable e-scooters.

As cities scramble to adapt or create scooter-related policies, many are looking to state law for guidance.

Most states are still working to define scooters in statute. As of December last year, 10 states—California, Delaware, Massachusetts, Minnesota, New Jersey, Oregon, Texas, Utah, Virginia and Washington—had statutorily defined an electric or motorized scooter. Eight of those states offer guidance on legal operation of the vehicles.

Given the lack of clarity in state law and e-scooters' growing popularity, it's not surprising that 23 states and the District of Columbia have introduced e-scooter bills so far in 2019. Legislation largely focuses on defining e-scooters, determining whether they can be operated on streets or sidewalks and setting speed limits.

—Kevin Pula and Douglas Shinkle

FOOD SAFETY

Donations Welcome

Lawmakers introduced 756 food-safety bills in 2018—from mobile vendors to labeling to edible cannabis—with 170 laws enacted and 18 resolutions adopted.

Food donation was the hot topic by far, with 72 bills introduced, followed by food service in schools (57 bills) and restaurants (57 bills). Not far behind were cottage foods (48 bills), milk and raw milk (45 bills) and genetically modified organisms (18 bills).



More online

For the latest state actions, visit the "Food Safety Legislation" page at ncsl.org.

Lawmakers' concerns about donations, including safe food-handling procedures and the type of foods that can be donated, are

not covered in the U.S. Food and Drug Administration's Food Code, and few states have laws regarding donations. That puts the burden on donating facilities, which can be discouraged from providing food, though things are changing as lawmakers seek to reduce food waste.

Six nutrition-related bills were enacted, and lawmakers in Illinois, Oklahoma and Tennessee enacted measures addressing food deserts (urban areas that lack affordable or good-quality fresh food).

Legislatures considered 32 bills related to farmers markets (seven were enacted) and mobile food vendors (six were enacted).

Fourteen states debated edible cannabis, with most defining the scope of the term (35 bills). Seven of the bills were enacted in four states.

—Doug Farquhar

CRIMINAL JUSTICE

Policy Changes Can Pare Down Probation and Parole

One in 55 adults, or 4.5 million people, are on probation or parole in this country. African-Americans and men are overrepresented, with black adults being 3.5 times more likely than whites and men being 3.5 times more likely than women to be under supervision.

Policy changes can lower the number of people under supervision and address racial and gender disparities while improving public safety, according to a new report by The Pew Charitable Trusts and Arnold Ventures.

In recent years, at least 15 states have adopted laws designed to achieve those goals

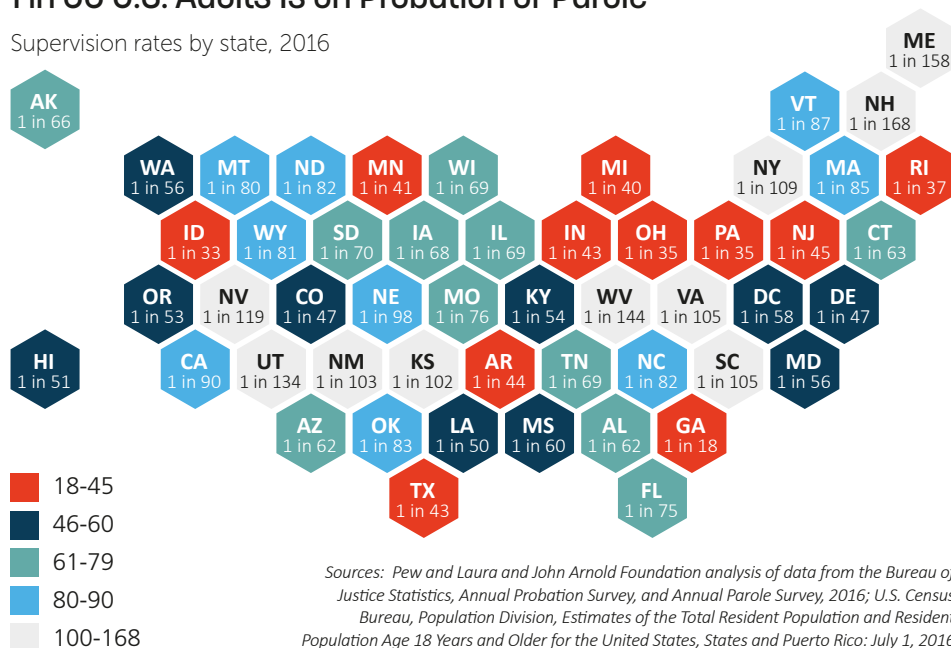
by using validated risk assessments. These evaluations help determine people's supervision requirements based on their likelihood of reoffending and their treatment needs.

States are also expanding the use of swift, certain and proportionate sanctions for breaking supervision rules along with rewards for complying with them. After South Carolina lawmakers passed such legislation in 2010, there was a 46 percent drop in the number of revocations to jail or prison, according to a 2017 evaluation.

—Amanda Essex

1 in 55 U.S. Adults Is on Probation or Parole

Supervision rates by state, 2016



Welcome New Legislators and Legislative Staff!

All state legislators and legislative staff are automatically members of NCSL and we are committed to your success. NCSL is the most trusted bipartisan resource for legislators like you, and we have been for more than 40 years. So, turn to us often—we are here to help in any way we can.

Visit www.ncsl.org/myaccount and create an account to access policy research, bill tracking data, training resources and more.

10 Easy Ways to Get Involved



1.
GET 24/7
POLICY ASSISTANCE
FROM OUR EXPERTS



2.
READ STATE
LEGISLATURES
MAGAZINE AND
OUR IN-DEPTH
ONLINE REPORTS



3.
SEARCH OUR
50-STATE BILL
DATABASES FOR
COMPREHENSIVE
INFORMATION



4.
CONNECT WITH
YOUR DEDICATED
STATE LIAISON



5.
REGISTER FOR
WEBINARS OR
ONLINE TRAINING



6.
LISTEN TO THE
NCSL PODCAST,
"OUR AMERICAN
STATES"



7.
STAY UP TO DATE
WITH THE
NCSL BLOG



8.
SIGN UP FOR
NEWSLETTERS,
INCLUDING NCSL
TODAY, A DAILY DOSE
OF STATE NEWS



9.
BE A STRONG
VOICE FOR STATES'
INTERESTS IN
WASHINGTON, D.C.



10.
FOLLOW
@NCSLORG
ON FACEBOOK
AND TWITTER

Learn more at
www.ncsl.org/members
or contact
getinvolved@ncsl.org



NCSL

NATIONAL CONFERENCE OF STATE LEGISLATURES

FOSTER CARE

Fostering 'Reasonable and Prudent' Parents

The need for good foster parents—who support and encourage children as they grow up and prepare for adulthood—is growing. The more than 18,000 young people who currently leave foster care at age 18 each year face lower levels of education and higher rates of homelessness, unemployment, incarceration and pregnancy than do their peers. Some lawmakers are working to make life easier for them, and the other 425,000 children in foster care, by making it easier on their foster parents.

At least 40 states have adopted the “reasonable and prudent parenting standard”

required by the federal Preventing Sex Trafficking and Strengthening Families Act of 2014. It allows foster parents to make important day-to-day decisions—decisions critical to children’s social and emotional development—without seeking a caseworker’s permission. Foster parents may decide, for example, whether a child can participate in sports or cultural, social and religious activities as long as they consider the child’s maturity and developmental level and maintain the child’s health, safety and well-being.

In addition to adopting the reasonable and prudent standard, 39 states offer li-

ability insurance to protect foster parents. Thirty-nine states and the District of Columbia require that foster parents be notified of court hearings or be allowed to attend proceedings for children in their care. Eighteen states have adopted the Foster Parents Bill of Rights, which gives foster parents the right to receive critical information on children without seeking a caseworker’s permission; to be treated with respect, paid fairly and adequately trained; and to have access to a caseworker and priority in adoptions.

—Nina Williams-Mbengue

BOOK REVIEW

Shut Out: How Licensing Can Curb Access to Work

Dan Leger wanted to be a tour guide in Savannah, Ga. He knew that to walk the storied streets and tell their tales he needed an occupational license from the city, but what was required of him to get it was a bit surprising—and personal. In addition to providing blood and urine samples, Leger was required to share intimate details about his personal life. This type of rigorous hoop-jumping might seem excessive, but it’s not uncommon.

Leger’s story of how licensing can impede access to work is just one of many highlighted in “Bottlenecks: Gaming the Government for Power and Private Profit,” by William Mellor and Dick M. Carpenter II. The authors hold nothing back in their critique of licenses that protect industry but not public health and safety.

Occupational licensing has become a contentious issue in the last five to 10 years. In theory, licenses protect health and safety by preventing harmful practices. There is bipartisan agreement that licensing is appropriate for lines of work in which public harm can be done due to improper practice. But other licensed occupations pose no straightforward risk to the public.

Licensing for these occupations, the authors write, tends to be industry driven, designed to limit competition and benefit existing practitioners. They cite research showing that most new occupational licenses rarely, if ever, improve consumer health and safety.

“Bottlenecks” highlights the stories of coffin-selling monks, food truck owners, taxi drivers, hair braiders and others who faced



BOTTLENECKERS

Gaming the Government for Power and Private Profit

By William Mellor and Dick M. Carpenter II

440 pages. Encounter Books. \$19.

down industry-driven licensing schemes. Each vignette presents the perspectives of the industry and lawmakers who supported the licensing along with those of the practitioners who opposed it.

When is licensing needed to protect consumers and when is it just manipulating the market in favor of a select few? That’s the question the authors want us to ponder.

Pushback against unnecessary licensure is both fierce and bipartisan, with members on both sides of the aisle working in all states to reduce barriers and enhance portability—the ability to transfer a license from one state to another. NCSL, The Council of State Governments and the National Governors Association Center for Best Practices have joined together to help states understand occupational licensure issues and opportunities for innovative policy options. They recently released a first-of-its-kind database that, among other things, lets policymakers see the ways licensing requirements for various occupations vary by state. The National Occupational Licensing Database can be found at www.ncsl.org/stateslicense.

—Allison Hiltz, policy associate for strategic initiatives at NCSL

On the Same Page

Successful bipartisan efforts
in legislatures across the country



MEAT AND GREET

Montana legislators literally
make sausage in advance
of session's start.

BY LESLEY KENNEDY

You've heard the old saying: Laws are like sausages. It's better not to see them being made. But Jon Bennion thinks it's time to send that notion straight to the, well, meat grinder.

On the eve of the start of the Montana Legislature's 2019 session, the state's chief deputy attorney general hosted about a dozen legislators at his home near Helena for a lesson in sausage-making—along with a healthy side of bipartisan comradery.

"You always hear the comparisons of legislating and sausage-making and it just occurred to me: I wonder if there's a way to put these two things together," says Bennion, who has been part of Montana's legislative process since 2007.

With space restraints in mind, he wanted to be sure the invitees included a mix of Democrats and Republicans, women and men, representatives and senators, and urban and rural legislators, but also veteran and freshmen lawmakers. "Not only was there a bipartisan element to this," he says, "but also a mentoring element that I hope will bloom into something greater, either this session or down the road."



PHOTOS COURTESY JESSI BENNION

Previous page, from left: Senator Tom Jacobson (D), Senator Jen Gross (D), Representative Joel Krautter (R), Representative Zach Brown (D) and Debbie Ricci, wife of Representative Vince Ricci (R). Above: Representative Frank Garner (R) and Gross.

For the event, Bennion, who has been making sausage as part of a family tradition for a few decades, put together a list of 14 best practices for sausage-making and a corresponding list of rules for good legislating.

The group whipped up pork and elk recipes ranging from traditional German to breakfast herb to Italian, while discussing their jobs—but not any specific policy.

“I told them, we’re just talking about the policymaking process, so let’s save the debates we know we’re all going to have during the session and just focus now on making delicious sausage,” he says.

Representative Ryan Lynch (D) says the bipartisan nature of the event made it memorable. “People from both sides of the aisle came together to break down barriers and enjoy an old tradition of making sausage,” he says. “It was a celebration of the legislative process and there were many takeaways that were relevant to the process of lawmaking.”

Bennion also got Montana’s U.S. senators—one a Democrat and one a Republican—to play along via a video message on the importance of being able to cross the aisle. And his boss, Tim Fox, Montana’s attorney general, made a surprise appearance.



More online

Visit ncsl.org for another of Jon Bennion’s recipes, along with his 14 rules for good sausage-making and good legislating.

“He gave the last rule, which is ‘Share the bounty,’” Bennion says. “We were encouraging people to give out some of the sausage that they made but also telling them that, in legislating, it’s important to share the credit. There’s usually plenty of credit to go around and the more you share, the better relationships you’re going to have in the future.”

The attendees considered the event a huge success, and although he has no current plans to take the show on the road—despite requests from friends in other states—Bennion does plan to host another one in two years at a bigger location.

“I know I’m not the only person in the world who actually makes sausage and is involved in the legislature, but I know people make the ‘making the sausage’ comparison all the time—in the worst way,” he says. “But, actually, I know sausage can be very tasty and I know passing good legislation can be very fulfilling and rewarding.”



RECIPE

Bennion’s Breakfast Sausage

Courtesy Jon Bennion

- 5 pounds pork (75/25)
- 2 tablespoons fresh sage
- 1 tablespoon fresh marjoram
- 1 teaspoon fresh thyme
- 3 tablespoons kosher salt
- 2 teaspoons black pepper
- 2 teaspoons red chili flake
- ¼ cup real maple syrup
- Sheep casings

Grind meat, keeping it as cold as possible.

Mix in all other ingredients thoroughly by hand.

Fry up a small batch to taste for seasoning and re-season if necessary.

Grind meat again using a finer plate.

Stuff sausage into casings using a hand-crank stuffer.

Vacuum seal and freeze.



BUDGETS

Back From the Brink

Revenue performance is rock solid
as states climb out of the Great Recession's abyss.

BY SAVANNAH GILMORE AND ERICA MACKELLAR

Just 10 years ago state revenues were dismal, continually falling below estimates. Lawmakers were scrambling to plug budget gaps as best they could. Across-the-board cuts, employee furloughs and targeted program reductions were the topics of countless state budget conversations. Fast forward to today, and the state fiscal scene looks very different. Revenue performance is strong, even exceeding estimates in many states.

The ongoing economic expansion has afforded state legislatures the opportunity to balance budgets and replenish rainy day funds. Ten years ago, legislators relied on a mix of cuts, reserve funding, tax increases and other revenue-raising measures to shore up falling collections. But, since the Great Recession ended, several states have either lowered or are considering lowering their tax rates.

Still, growing uncertainty surrounds economies the world over. Equity markets have been volatile, and Brexit and international trade disputes are casting a shadow over the future of the U.S. economy. Nevertheless, the Federal Reserve has signaled that it will halt interest rate hikes, recent job reports have been positive and consumer confidence remains relatively high. This dichotomy has left economists divided over whether the country is heading for another recession anytime soon.

In the meantime, state finances are stable, and based on recent tax changes there's no clear sign of any widespread revenue challenges. Midway through fiscal year 2019, 34 of the 48 states that responded to NCSL's budget survey of legislative fiscal offices expected revenues to meet estimates, and the rest anticipated they would exceed forecasts. That puts states in a strong position as they start to craft their budgets for fiscal year 2020, which for most begins July 1.

D.C. Drives Decisions

There's no question the 2017 federal tax reform law and specific U.S. Supreme Court decisions drove many of the changes legislators made to their state tax policies in 2018.

Overall, tax changes made in all 50 states and the District of Columbia last year resulted in a net revenue increase of \$1.3 billion. In terms of scale, that represents 0.1 percent of total tax collections in 2017, according to NCSL's 2018 "State Tax Actions" report, which tracks tax and revenue activity during regular and special legislative sessions, as well as measures approved by voters that affected state revenues by \$1 million or more.

In addition, fee increases and decreases, revenue accelerations and decelerations, and tax-compliance initiatives provided state budgets with \$867.3 million in new revenue. Combine that and the \$1.3 billion tax revenue increase, and total state revenues increased by about \$2.2 billion.

This aggregate data offers us a good sense of the collective revenue actions taken by states, but for deeper insight, consider digging into the specific changes made in each state. Policymakers and staff may gain more useful information

from knowing the details of each state's enacted changes and by comparing revenue estimates for similar changes.

Driving the generally optimistic fiscal outlook in the current fiscal year is revenue performance that's been strong in major tax categories, including the two that account for the largest share of state budgets: general sales and personal income taxes.

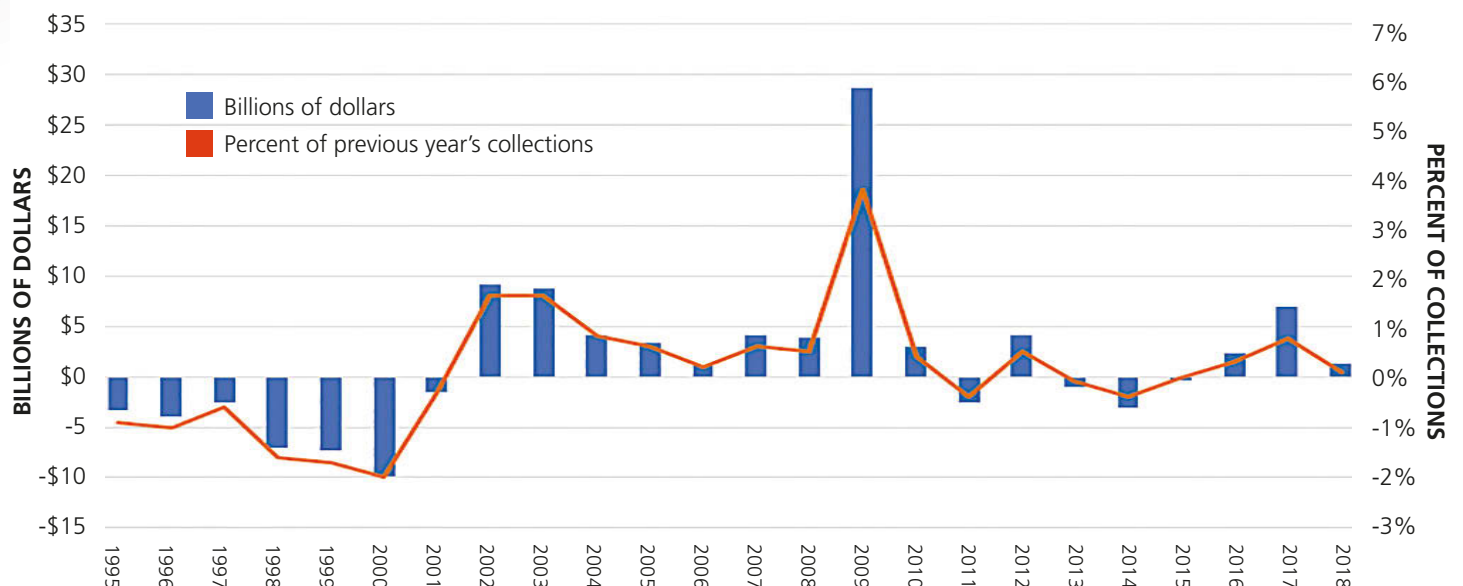
Revenue Change and Performance

Revenue from sales and use taxes increased by \$847.1 million, the largest net change of any tax category in 2018, primarily thanks to the U.S. Supreme Court ruling in the *Wayfair* internet sales tax case. Midway through fiscal year 2019, general sales tax collections were exceeding expectations in 17 states and on target in another 14.

Stemming from tax changes made last year, sales and use tax revenues increased the most in Louisiana, Kentucky and Illinois. Louisiana's major increase was a result of extending the state's temporary sales tax, though at a reduced rate. Kentucky's and Illinois' gains derived from sales tax collections on internet purchases.

STATE FINANCES ARE STABLE
WITH NO CLEAR SIGN OF
WIDESPREAD REVENUE
CHALLENGES.

Net Revenue From Tax Changes by Year of Enactment



As always, lawmakers made many changes to the personal income tax in 2018. Midway through fiscal year 2019, collections were above estimates in 20 states, on target in another 11 and lagging in just six.

Personal income tax changes resulted in the highest increase in revenues in Kansas, where lawmakers enacted a major tax package in 2017 that phased in a series of changes to deductions. Those phase-ins, combined with some rate changes, resulted in an increase of \$633 million. In Oklahoma, revenues increased after the Legislature, in a second special session, capped the number of itemized deductions taxpayers may take, beginning with tax year 2018. Oregon's personal income tax revenue increase was a result of not conforming to the 2017 federal tax reform law's new pass-through business deduction, which reduces qualified business income for certain pass-through entities by 20 percent.

Corporate income taxes make up about 5 percent of state budgets on average and can be a notoriously volatile source of revenue. Midway through fiscal year 2019, they were performing strongly. Only three

states were experiencing lower than expected returns. Twenty-three states were seeing corporate income tax revenues greater than anticipated, and another 11 were on target.

New Jersey and Oregon had the largest corporate income tax revenue increases as a result of tax changes in 2018. New Jersey lawmakers enacted a 2.5 percent surtax on allocated net income over \$1 million, which will bring in an estimated \$425 million in fiscal year 2019. Oregon's estimated increase of \$140 million comes from conforming to the 2017 federal tax reform law's one-time transition tax on companies bringing foreign profits back to the U.S.

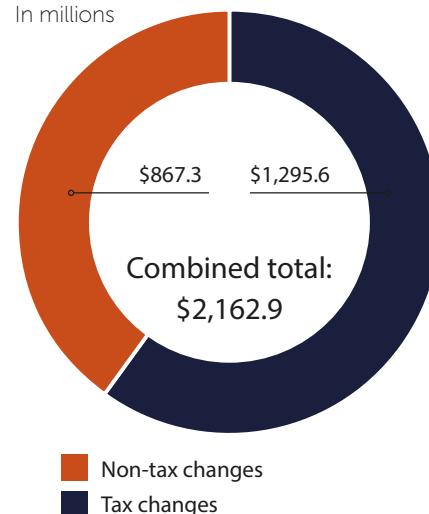
Georgia, Idaho, Iowa, Kentucky, Missouri and Vermont made changes in 2018 to reduce personal income tax rates. All of them except Vermont also reduced corporate income tax rates, as did Indiana, New Hampshire and Utah. Others are considering personal income tax rate reductions in 2019.

Innovation on the Rise

Eyes are on Massachusetts as its new payroll tax to fund paid family and

Net Revenue Increases From 2018 Tax Changes

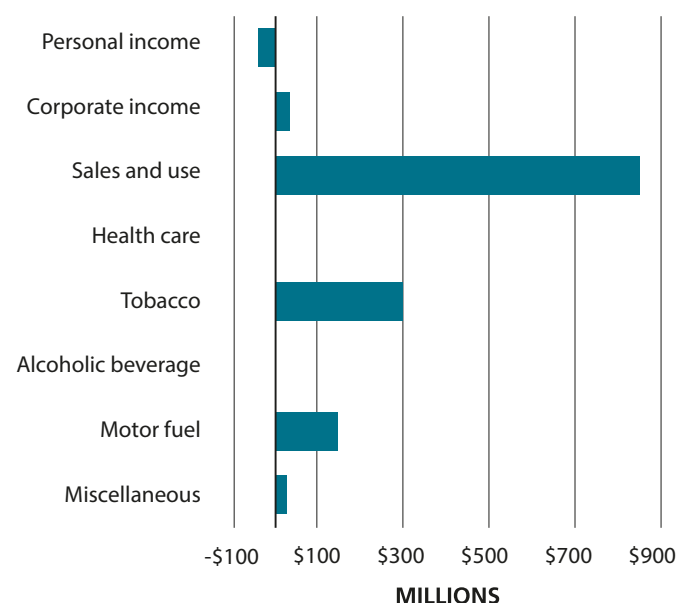
In millions



medical leave begins. The tax is expected to increase revenues from \$750 million to \$800 million in fiscal year 2020. The tax rate of 0.63 percent will be split between the employee and the employer.

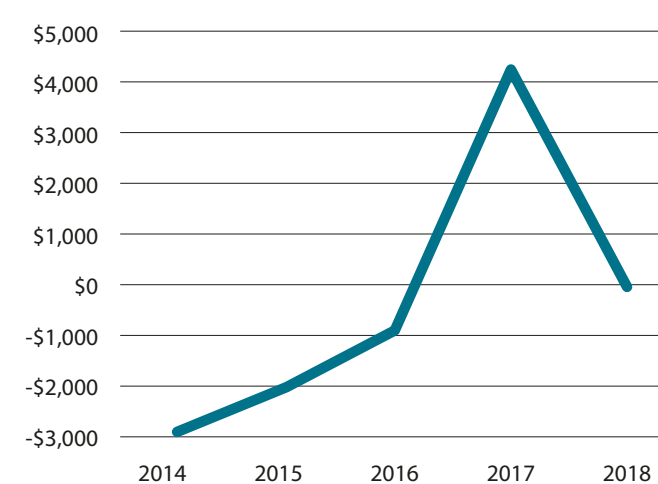
A few states altered taxes on the growing sharing economy. Arizona, Hawaii, New Jersey and Oregon applied new taxes to transient accommodations. Indiana

Net Revenue From 2018 Tax Changes by Type



Five-Year Snapshot: Net Revenue From Personal Income Tax Changes

In millions



imposed an 8 percent sales tax on ride-sharing, and New Jersey imposed a 50-cent surcharge on prearranged rides.

As in the last three years, only a few states enacted changes to tobacco taxes in 2018, and all of them saw increased revenues as a result.

Three states increased their motor fuel tax rates, which is generally earmarked for transportation projects, with South Carolina receiving the biggest revenue boost. The state increased its rate by 2 cents per gallon in fiscal year 2019, for an additional \$85.1 million. Overall, state motor fuel tax changes have resulted in revenue increases since 2014.

A handful of states rely heavily on severance taxes, which are most often applied to oil and natural gas extraction. Oil prices largely rebounded in 2018, and revenues for 14 of the states with a severance tax were on target or above estimate midway through fiscal year 2019. In December, New Mexico, for example, projected a \$1.1 billion budget surplus, due largely to the strong performance of its severance tax.

Even Alaska, which faced some challenging budgets in recent years

because of the decline in oil prices, is seeing improvements. The state relies on petroleum taxes for nearly 90 percent of revenues, and as of November 2018, the state expected nearly \$1 billion more than forecasted. While oil and natural gas prices have declined some since the start of 2019, circumstances are still much improved for most mineral-dependent states.

Reserved and Ready

Revenues aren't the only source of lawmakers' optimism. The average fiscal year 2018 state year-end balance was 10.3 percent, meaning many states enjoy significant reserves. (The year-end balance is the amount a state has saved in a rainy day or budget stabilization fund, plus any funds they carry forward into the next fiscal year.) A state's year-end balance is generally considered a good indication of its overall fiscal health.

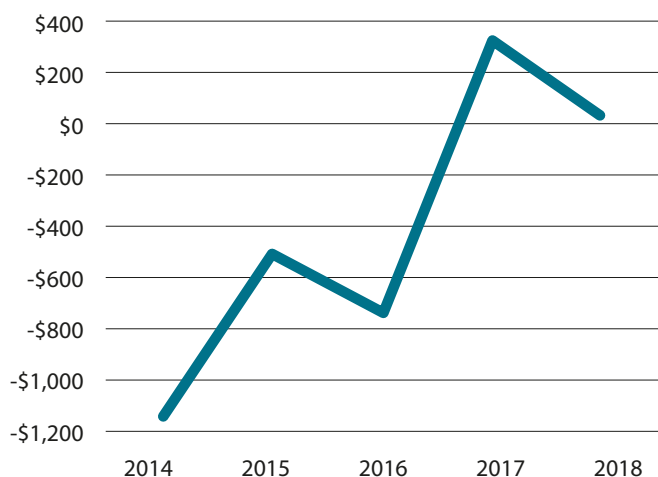
California and Texas have the country's largest aggregate reserves. California's reserves are projected to reach \$14.5 billion by the end of fiscal year 2020, and Texas anticipates a reserve balance of \$11.9 billion. As a percentage of state

REVENUES AREN'T THE ONLY SOURCE OF LAWMAKERS' OPTIMISM. THE AVERAGE FISCAL YEAR 2018 STATE YEAR-END BALANCE WAS 10.3 PERCENT, MEANING MANY STATES ENJOY SIGNIFICANT RESERVES. A STATE'S YEAR-END BALANCE IS GENERALLY CONSIDERED A GOOD INDICATION OF ITS OVERALL FISCAL HEALTH.



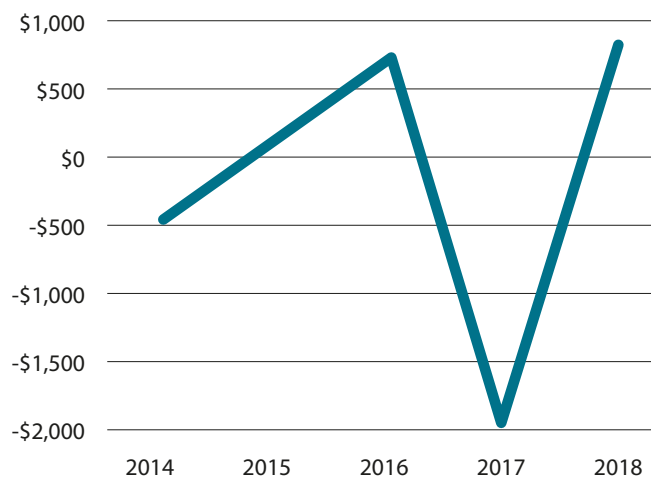
Five-Year Snapshot: Net Revenue From Corporate Income Tax Changes

In millions



Five-Year Snapshot: Net Revenue From Sales and Use Tax Changes

In millions



All graphics: NCSL, 2019



NCSL U.S. TOUR 2019

BE A ROCK STAR STAFFER

Whatever your role in the legislature, NCSL has a staff association for you—and a training seminar where you'll connect with colleagues and sharpen your skills.

Legislative Staff Management Institute (LSMI)	Sacramento, Calif.	July 20-27
Leadership Staff Section (LSS)	Nashville, Tenn.	Aug. 4-5
National Legislative Services and Security Association (NLSSA)	Tallahassee, Fla.	Aug. 25-29
National Legislative Program Evaluation Society (NLPES)	Park City, Utah	Sept. 15-18
Research, Editorial, Legal and Committee Staff (RELACS)	Santa Fe, N.M.	Sept. 17-20
American Society of Legislative Clerks and Secretaries (ASLCS)	Seattle, Wash.	Sept. 22-27
Legislative Research Librarians (LRL)	Portland, Maine	Sept. 23-25
National Association of Legislative Information Technology (NALIT)	Boise, Idaho	Oct. 1-4
Fiscal Analysts Seminar (NALFO)	Columbus, Ohio	Oct. 9-11
Legislative Information and Communications Staff (LINCS)	Kansas City, Mo.	Oct. 22-25
National Seminar on Human Resource Management	San Diego, Calif.	Oct. 23-26
NEW! Senior Staff Leadership Development Program	Lexington, Mass.	Fall 2019

Learn more at ncsl.org/legislativestaff

spending, Wyoming had the largest year-end balance, covering nearly 100 percent of its general fund appropriations for fiscal year 2019.

By replenishing those reserves, states generally are positioned better to weather the next economic downturn.

Never Without Concern

Despite the overall stability of state budgets and the optimism driven by revenue collections, some long-term budgeting pressures remain. Increasing Medicaid costs continue to place strain on state finances, with spending growing 4.8 percent from fiscal year 2018 to fiscal year 2019 and accounting for more than 20 percent of general fund budgets.

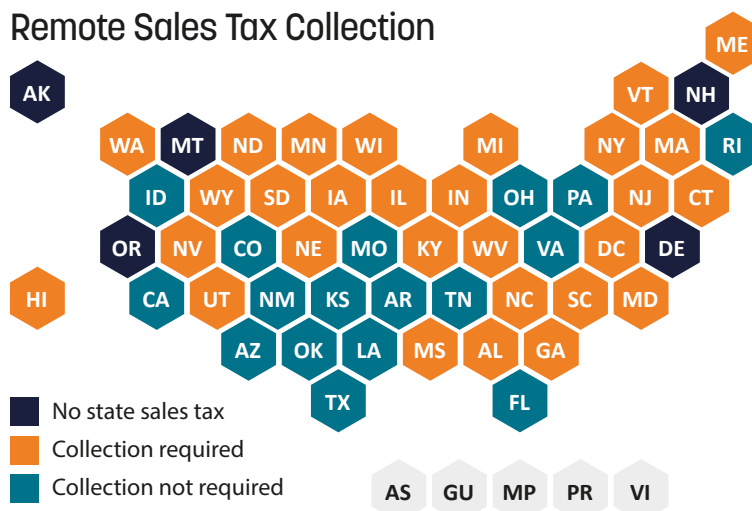
In the last few years, some states have also used one-time funds to balance their budgets. Additionally, some states, such as Alaska, North Dakota and Pennsylvania, are working to better align state expenditures with revenues. Other states, such as Connecticut and Rhode Island, are experiencing short-term budget stability but could see less revenue in the near future without policy changes.

Despite the flurry of changes that took place last year, many states haven't responded to *Wayfair*, and others have yet to act on the 2017 federal tax reform law—and those actions would be in addition to any other tax changes states may want to tackle. There's no doubt 2019 legislative sessions could result in at least as many state tax actions as last year's did.

Some states may look to increase funding for K-12 education or address transportation and infrastructure concerns during this legislative session. Some also face instability from their pension plans. But, despite these long-term concerns, it's clear that many states are better prepared for a potential recession. In the meantime, policymakers hope the good times keep rolling a bit longer.

Savannah Gilmore is a policy associate and Erica MacKellar is a senior policy specialist in NCSL's Fiscal Affairs Program.

Remote Sales Tax Collection



Note: States that allow businesses to elect to collect or report are not included in the "collection required" group. California will begin remote sales tax collection on April 1.

Source: NCSL, March 2019

South Dakota v. Wayfair: Eight Months Later

The buzzwords in many statehouse conversations last year were "remote sales taxes." The U.S. Supreme Court handed down a landmark decision in *South Dakota v. Wayfair*, granting states the ability to collect taxes from out-of-state internet retailers by eliminating the requirement that businesses must be physically present in a state before their sales can be taxed.

For nearly two decades, NCSL has championed efforts in Congress and the states to fix the remote sales tax issue.

The case centered on a new South Dakota law that requires out-of-state sellers to collect and remit sales taxes if they have more than \$100,000 of business or more than 200 transactions in the state annually. The court sided with South Dakota because the state showed the requirement was not overly burdensome for interstate sellers. The court specifically noted that South Dakota's law was not retroactive and provided a safe harbor for smaller remote vendors. It also noted, in response to concerns that the collection requirement would be overly complex for small businesses, that South Dakota has

signed on to the Streamlined Sales and Use Tax Agreement, which is a nationally coordinated effort to simplify tax collection processes. For example, the agreement standardizes taxes across states to lower compliance costs, requires state-level tax administration and provides internet vendors with access to sales tax administration software paid for by the state. Sellers who use the software are immune from audit liability.

Following the court's decision, numerous states acted. As of March 1, 28 states and the District of Columbia require remote sellers to collect taxes. States that have taken legislative action since *Wayfair* have been generally modeling their laws after South Dakota's, but some collection efforts have been led by departments of revenue, if statutory authority was already provided.

Visit the "Remote Sales Tax Collection" page at ncsl.org for a set of principles that can guide you in drafting collection-related laws and regulations.

—Savannah Gilmore

EYES IN THE SKY

Two experts trade views on regulating drones.

It can seem sometimes like they're everywhere.

Farmers use them to monitor crops. Investigators across the country rely on them to help reconstruct highway crash scenes. They're vital to emergency response agencies in tracking wildfires and performing search-and-rescue operations.

There's no denying that drones—aka unmanned aircraft systems, or UAS—have become critical to providing government services, and their commercial potential is untapped.

But there are downsides. Few people are unconcerned about the privacy issues associated with drone-mounted cameras hovering over our neighborhoods and public spaces. And many states have passed legislation to regulate or restrict their use. At least 19 of them require law enforcement agencies to get search warrants to use drones for surveillance or conducting a search.

But when it comes to such regulations, what is the proper role for the states? Should they yield to the U.S. government, which asserts authority to regulate all airspace? Or do they defer to the drone industry?

Opinions differ. We present two views here.

Reggie Govan, a former Federal Aviation Administration chief counsel, says state and local governments must play a role in regulating drone use. Doug Johnson, with the Consumer Technology Association, cautions that without industry input lawmakers could put the brakes on innovation.

Where do you stand?



Don't Allow Regulations to Impede Progress

New drone technology doesn't have to mean new, complicated state laws.

BY DOUG JOHNSON

When any innovative product comes to market, early adopters get excited about the range of features, while others are skeptical. The excitement over drones includes safer and more efficient infrastructure inspections, quick delivery of supplies and high-quality filming. But the popularity of the technology—the Consumer Technology Association projects U.S. sales to reach 3.4 million units in 2019, a 4 percent increase over last year—is leading policymakers to react by proposing drone-specific laws, even though they may impede innovation.

Consider cameras on mobile phones. In the early 2000s, concerns about invasions of privacy resulted in the

devices being banned from some public places. In 2019, this sounds archaic, but not long ago it was a major issue. In 2003, the Sports Club chain of workout facilities prohibited all mobile phone use—not just the camera feature—outside of the main lobby, according to the Los Angeles Times.

In 2009, U.S. Representative Peter King, a Republican from New York, introduced the Camera Phone Predator Alert Act to require mobile phones with cameras to make an alerting sound when a picture was taken. Fortunately, the bill received no cosponsors and died in committee.

The increasing use of drones is creating regulatory déjà vu, as many state and local regulators again feel the need to adopt technology-specific regulations. For example, many states are considering

REGULATIONS CONTINUES ON 17

"DRONE-SPECIFIC LEGISLATION IS NOT WARRANTED—AND RARELY IS. EXISTING STATE NUISANCE AND AERIAL TRESPASS LAWS ALREADY ADDRESS PARTICULARLY INTRUSIVE DRONE ACTIVITY."

Doug Johnson, Consumer Technology Association

Let Local Players Set the Rules

State, local and tribal authority is vital to realizing the full potential of the drone economy.

BY REGGIE GOVAN

To realize the full potential of drones for an ever-expanding range of commercial activity, it is necessary to recognize the important role of state and local governments to regulate aspects of drone operations.

Recreational, sport and commercial drone operations represent a fundamental paradigm shift. For the first time in commercial aviation, all the land in every neighborhood may be used for takeoff and landing, and all the airspace immediately above land may be used to fly commercial drones regardless of the landowner's wishes. As a result, government now is required to adjudicate myriad interests unique to neighborhoods and

communities across the country, and to decide whether, where and when to allow commercial drone operations in very low-altitude airspace.

Despite the drone industry's protests to the contrary, continued reliance on federal agencies to provide regulatory solutions to issues uniquely within the purview of state and local governments is flawed as a matter of law, regulation and enlightened self-interest.

Ever since the 1946 U.S. Supreme Court decision in *United States v. Causby*, federal law unambiguously gives private landowners "exclusive control of the immediate reaches of the enveloping atmosphere." While the term "immediate reaches" has not been defined in statute or case law, *Causby* clearly establishes

LOCAL PLAYERS CONTINUES ON 16

"CONTINUED RELIANCE ON FEDERAL AGENCIES TO PROVIDE REGULATORY SOLUTIONS TO ISSUES UNIQUELY WITHIN THE PURVIEW OF STATE AND LOCAL GOVERNMENTS IS FLAWED."

Reggie Govan, adviser to drone technology companies AirMap and Vorpai

Local Players, from 15

that “a landowner owns at least as much of the space above the ground as he can occupy or use,” even if he or she “does not in any physical manner occupy that stratum of airspace or make use of it in the conventional sense.”

Because *Causby* remains good law, we must turn to state and local governments, not to federal agencies, and certainly not to the FAA, to resolve how best to regulate the undefined airspace associated with each parcel of land.

Even during the golden age of manned aviation, state, local and tribal governments retained exclusive power to decide whether and where to site an airport for use by manned aircraft. Surely, that same authority extends to those governments to determine whether, where and when drones may take off, land and traverse the low-altitude airspace above their jurisdictions, provided the FAA has found such operation satisfies general aviation safety requirements.

A handful of states have enacted legislation that permits all drone flights that otherwise meet the FAA’s general safety standards. That approach mistakenly conflates the FAA’s role to determine drone safety requirements with a state’s historic power to adjudicate land-use, privacy and private-property rights. State legislatures should jealously guard their prerogatives and not defer to the FAA on matters plainly unrelated to the agency’s considerable safety expertise.

Fortunately, a committee of the Uniform Law Commission, an organization dedicated to promoting the enactment of uniform laws among states, is drafting legislation that may well clarify a property owner’s right to exclude drone operations below a specified altitude.

The committee’s final proposal will merit serious consideration by every state legislature to make clear that landowners, not an industry relying on the FAA’s regulations, control the operation of drones in the “immediate reaches” above their property.

The autonomous vehicle industry is reaping the rewards of developing strong partnerships with state, local and tribal governments, thereby strengthening eventual public acceptance of self-driving vehicle technology and operations. The drone industry stands to benefit in a similar way by partnering with government at those levels.

As our Founding Fathers intended, state and local governments play a critical role in adjudicating uniquely local property, privacy and land-use interests. Because drones clearly represent a paradigm shift in aviation, state and local governments must lead the way in addressing the inherently local concerns that must be resolved to ensure social acceptance of ubiquitous low-altitude drone operations.

It’s time for America’s drone industry to end its “FAA-only” mantra and begin developing real partnerships with state and local governments. Only then will we realize the full potential of the drone economy.

Reggie Govan, former FAA chief counsel during the Obama administration, helped shape the regulatory framework for commercial drone operations and for performance-based rulemaking in aviation. He serves on the advisory boards of AirMap Inc., a global airspace management platform for drones, and Vorpall Ltd., a provider of technology to identify, track and mitigate rogue drone operations.

Snapshot: State Landscape

Almost every state has a law or regulation pertaining to the operation of unmanned aircraft systems, or drones, as most people know them. But lawmakers are still examining the implications of their use.

The Federal Aviation Administration has jurisdiction of federal airspace, but state lawmakers are addressing drones in areas generally understood to be under their jurisdiction. Since 2013, at least 41 states have enacted drone-related laws or regulations, or both. Using guidelines such as the FAA’s 2015 fact sheet on state and local government regulation, states have addressed privacy issues and criminal penalties for drone misuse, commercial and government drone operations, and recreational drone use.

Twenty-seven states have enacted privacy-related measures, including warrant requirements for drone use by law enforcement agencies. Nineteen states require officials to obtain warrants to use drones for video surveillance or to conduct searches.

States have also addressed potential privacy violations committed by nongovernmental operators, including peeping Toms. Fourteen states offer privacy protections from other citizens, but lawmakers continue to grapple with the criminal penalties associated with these and other violations, such as flying near an airport. As of this year, at least 21 states have criminalized certain uses of drones. Laws in at least 10 states prohibit drone operations over or near critical infrastructure, including petroleum refineries and chemical manufacturing facilities.

Additionally, six states prohibit using drones for hunting and fishing, and seven states prohibit using them to interfere with others who are lawfully engaged in those activities.

In 2017, the FAA created the UAS Integration Pilot Program to gather input from various levels of government and from other UAS stakeholders to guide, or integrate, drone use in low-altitude airspace. The FAA chose nine state and local lead participants for the program in 2018 to examine a variety of functions, including flights beyond the pilot’s line of sight and government infrastructure inspections.

Currently, 12 states pre-empt local governments from acting on drone matters.

—Ann Kitch



Regulations, from 15

legislation to prohibit photography that may invade someone's privacy if a drone takes a photograph. The measures are well-intended, but CTA cautions against specifically targeting legislation at drones. The better approach is to adopt laws addressing certain conduct, regardless of the technology used to engage. CTA tracks states' drone policies in its U.S. Innovation Scorecard report, a biennial index that helps determine where tech innovation and entrepreneurs are supported by their state governments.

In addition to actions by state legislators, the Uniform Law Commission is considering draft legislation that would create drone-specific trespass and invasion of privacy torts. In fact, some ULC members continue to feel specific laws are necessary to allow landowners to prohibit drone operations below 200 feet over their property without prior consent.

This premise is flawed, however. First, drone-specific legislation is not warranted—and rarely is. Existing state nuisance and aerial trespass laws already provide mechanisms to address particularly intrusive drone activity. Second, the Federal Aviation Administration has sole jurisdiction to determine where drones are

permitted to operate, pre-empting state and local efforts to draw “lines in the sky,” below which drones cannot operate.

For America to remain a leader in aviation and drone technology, government at all levels and private sector stakeholders must work together on rules that uphold safety and enable the economic potential of drones. With the FAA's Unmanned Aerial Vehicle Integration Pilot Program now underway with state, local and tribal governments, the agency's private sector partners will inform future policy development. But state efforts to enact conflicting rules—such as the ULC's drone-specific trespass tort—threaten the growth of America's drone industry. Before considering new legislation, state lawmakers should determine whether such action is pre-empted, already addressed by existing laws or warranted by a technology-specific approach.

Doug Johnson is vice president of technology policy with the Consumer Technology Association, which annually hosts CES, the world's largest and most influential technology event. Legislators interested in drones or drone-related legislation are encouraged to contact the organization at publicpolicy@cta.tech.

Snapshot: Federal Landscape

The Federal Aviation Administration's rules on drone operations continue to evolve.

The agency asserted, in a 2015 fact sheet, that the federal government is the sole regulator of drone design, construction and operation. States and localities, the FAA said, may regulate within their police powers, which govern privacy and trespass. They may also regulate where drones, which the FAA considers aircraft, can take off and land. Many states have challenged this assertion, however, by enacting laws that restrict operations in particular circumstances.

The agency laid out operational rules for commercial drones in 2016, under its Small UAS Rule (Part 107). These rules required operators to pass a knowledge test and register the drone, and they set limits on where (not over people or beyond visual line of sight) and when (daytime only) drones could be operated, without a waiver.

Drones flown for recreational purposes faced fewer requirements, due to language in the 2012 FAA reauthorization. Following passage of the 2018 reauthorization, however, the FAA was given new authority to create rules for recreational

operators, though the agency has yet to finalize requirements.

Earlier this year, the FAA released a proposed rule that would allow commercial operators to fly drones over people and at night. The drone industry has eagerly awaited this authority, but the agency was clear that it would not finalize this rule until it had settled on a separate set of requirements for tracking drones by radar, commonly known as “remote ID.” Those tracking requirements have yet to be released.

—Ben Husch

Stateline

VIRGINIA

Seat of power

It evaded a fiery demise in 1747, steadfastly supported burgesses' backsides through generations of historic debates and weathered the Revolutionary and Civil wars. Virginia's throne-like speaker's chair is no ordinary antique. Made in the 1730s and used in the Colonial House of Burgesses, it was retired from service in 1874 and has been on loan to Colonial Williamsburg since the 1930s. It was returned to Richmond in January to mark the 400th anniversary of the Virginia legislature, America's oldest continuous legislative body. The chair was to be on display through mid-March, but its functional days are behind it. Not even Kirk Cox (R), the current speaker, was allowed to sit in it during its unveiling at a Capitol reception.



The speaker's chair as it looks today, left, and as depicted in *The Magazine of American History*, in 1877, above.

NORTH DAKOTA

Fuming in Fargo

With retailers in North Dakota's largest city weary of losing customers to neighboring Minnesota businesses on Sunday mornings, lawmakers are taking another crack at repealing the Sioux State's ban on shopping before noon. The last effort to undo the law, which has been in place since statehood, failed in the Senate in 2017, making North Dakota the only state with a Sunday-morning shopping ban. The law exempts restaurants, hotels and movie theaters, among others, and retailers say it's a matter of fairness that they, too, be allowed to set their own hours. Some opponents of the repeal cite the law's roots in religious tradition, saying the Legislature is not above "God's law." Will history repeat itself? The House passed it and the governor supports it. Once again, it's up to the Senate.

PENNSYLVANIA

Draft pick

Pennsylvania Representative David Zimmerman (R) is one speedy scurrier. He proved it in the Celebrity Draft Horse Feed Scurry Challenge, a new contest at this year's Pennsylvania Farm Show. In the scurry, teams compete by loading feed onto sleds pulled by draft horses. As the Lititz Record Express explained it, Zimmerman "smoked the

WISCONSIN

In hirsute of a higher goal

Wisconsin Representative Jonathan Brostoff (D) is letting his hair down for a good cause. He has promised not to cut it until the Legislature passes a bill he co-wrote to address a shortage of skilled sign language interpreters for the deaf community. In the year-plus that he's let his locks flourish, he's been compared to comedian Steven Wright and two late, crazily coiffed icons: "Happy Little Trees" painter Bob Ross and Larry Fine of The Three Stooges. Brostoff, who knows sign language, is hopeful the bill will be passed in this cycle. But whenever it does, he says he's going back to his usual close-cropped look. "We're going to have a party for it."



Jonathan Brostoff's usual cut, top, and his more recent look, above.



competition," which included Miss Pennsylvania, fellow legislators and media personalities. The Farm Show, held this year for the 103rd time, is

the largest indoor agricultural event in the U.S., showcasing animals, produce, farm equipment and more than 10,000 competitive exhibits.

MONTANA

Native legislators make gains

A record number of Native American lawmakers are serving in Montana's Legislature this session, the Billings Gazette reports. Montana leads the nation in the percentage of American Indian representation in a state legislature, with 11 tribal members, or roughly 7 percent of the Legislature. That portion is on par with the

percentage of Native Montanans. The American Indian Caucus, whose meetings regularly draw about 25 attendees, has introduced measures that would reauthorize Medicaid expansion, change laws related to the reporting of missing children and help to preserve Native languages. Representative Jonathan Windy Boy (D) has drafted several of the language bills. "If we see the loss of our Native languages, we're going to see the extinction of that history from our land," he said.

ANTE UP

More states place sports bets

The odds on sports betting—the first runner-up in our recent list of 10 hot issues for 2019—look good. Experts tracking the industry say they expect 30 states to consider bills on the topic during legislative sessions this year, The Associated Press reports. As of January, lawmakers in Kentucky, Missouri, Ohio, Tennessee and Virginia had filed bills to allow gambling on sports. The action follows the U.S. Supreme Court's ruling in May 2018 that states could decide for themselves whether to allow it. Since then, Delaware, Mississippi, New Jersey, Pennsylvania, Rhode Island and West Virginia have legalized it. Before the court's decision, Nevada was the only state with legal sports betting.

REDISTRICTING

PIECE BY PIECE

There's still time to learn the basics of redistricting before you tackle the really tough stuff.

BY CHRISTI ZAMARRIPA

When a jigsaw puzzle is missing a piece or two, you can never fully complete the picture.

The same is true for redistricting, which is among the most challenging puzzles lawmakers must solve. But, just as there are tricks for completing a tough jigsaw—sorting pieces by shape or color, starting in simple areas of the picture—there are proven strategies for successful redistricting.

Whether you're a beginner or an old pro, these tips can help you get your pieces

organized and complete your state's picture.

Get Prepared

How are redistricting, line-drawing and mapmaking different? They're not. The terms all refer to the process of carving up a jurisdiction, such as a state, into districts for elected officials to represent. The tricky part is that the U.S. Constitution's 14th Amendment requires districts to be of equal population to ensure that political power is distributed evenly in the U.S. House of Representatives, state legislatures and other elected enti-

ties. The goal, in short, is "one person, one vote."

The U.S. Census Bureau begins its decennial count on April 1, 2020, gathering the statewide population data that will determine the number of seats each state is qualified to hold in the U.S. House. (Some states have created complete count committees and devoted resources to ensuring their residents are fully counted. Other states still have time to act.)

By April 2021, the Census Bureau must release detailed data to the states under Public Law 94-171. This is the data

necessary for redistricting. Most states will complete their maps no later than spring 2022 to meet candidate filing deadlines for the biennial elections.

States with legislative elections in odd-numbered years get their census data first and must rush to be ready for fall 2021 elections.

Manage Your Time

The amount of time it takes to redistrict depends on many things, including the prep work states do before the census data are released. Each state—traditionally, its legislature—is responsible for





THE 14TH AMENDMENT
REQUIRES DISTRICTS
TO BE OF RELATIVELY
EQUAL POPULATION
TO ENSURE THAT
POLITICAL POWER
IS DISTRIBUTED
EVENLY.



drawing its legislative and congressional district boundaries. Fourteen states have shifted primary responsibility for legislative redistricting to a board or commission. In eight states, commissions draw congressional lines as well. Advisory commissions in six states and backup commissions in five take over if lawmakers fail to adopt legislative maps of their own. For congressional maps, five states have advisory commissions, three have backups.

2018 was a year of change in who does redistricting. Colorado, Michigan, Missouri, Ohio and Utah all approved



NCSL PHOTO

Getting ideas on paper at an NCSL seminar in 2015.

HANDS-ON TRAINING

NCSL Redistricting Seminars

Attend one of the five NCSL-planned "Getting Ready to Redistrict: Seminars for Practitioners and Others," held across the country from June 2019 to January 2021. Contact us at elections-info@ncsl.org.



SELF-STARTER?

Here's How to Begin Preparing for Redistricting on Your Own

- Learn all you can about the last cycle in your state. What were the debates about? What work was required of staff?
- Get to know your state's demographics. What are the population trends? Are there regions of cultural affinity or rivalry? If so, why do those exist?
- Find out about previous or pending legal challenges in your state.
- Know the constitutional provisions, statutes and guidelines that relate to redistricting in your state.
- Understand the history of your state's procedures and actions for the last couple of decades.
- Get a copy of NCSL's "Redistricting Law 2020," to be published in July.
- Turn to NCSL's redistricting staff for assistance. Contact us at elections-info@ncsl.org.

ballot measures to adopt commissions or change how their existing commissions did business.

Ohio's model, developed by the legislature, is a hybrid. First, the legislature works on a plan. If it passes with significant bipartisan support, fine. If not, a commission gives it a try, again requiring bipartisan support. If that fails, the legislature can try again, with a lower threshold of bipartisanship required. If that fails, the legislature can pass a plan with a simple majority—but the new plan lasts just four years.

Despite voters' hopes that letting commissions draw the lines might take politics out of the process, history has shown commissions to be no more successful in avoiding court challenges to their efforts than legislatures.

Know the Players

Whether legislatures or commissions

do the work, many people may play a role, including legislative staff, the public and the courts.

In most states, staff will need technical training to manage data, software and maps, and legal training to help policymakers understand federal and state requirements. The administrators responsible for tracking the action will need to know a little of everything.

"I wish I had known that redistricting involves so much more than clicking buttons in a mapping program," says Rachel Weiss, a Montana legislative research analyst. "The legislative staff spent a lot of time answering questions, giving presentations and developing tools that would help the public participate effectively in the redistricting process."

In the 2010 redistricting cycle, states continued to expand the public's role in solving the puzzle. In many states, the

public was encouraged to create and submit maps using computers set up for the purpose. Maps that met state criteria were accepted for consideration. One of those maps, which redrew State Board of Education lines in Utah, was adopted. In 2021, the trends toward greater transparency and increased opportunities for public input are likely to grow.

The courts may play several roles as well, especially if a legislature gets bogged down and cannot enact a plan. In those cases, the courts may draw the plans themselves or work with consultants to draw the lines. Some state courts have an automatic review authority that is built into the process.

A final consideration is to be mindful of who has access to your work.

"A reporter was in our building during the last redistricting cycle and snapped a photo of the commission's (yet to be re-

Get your PA's opinion.

PERSONALIZING PATIENT CARE.

With thousands of hours of medical training and a versatile skill set, PAs are expanding access to team-based care. When it comes to quality healthcare, **your PA can handle it.**

Copyright © 2019 American Academy of PAs


**YOUR PA CAN
HANDLE IT.™**
yourPacan.org

leased) congressional map,” says Michelle Davis, a senior policy analyst with the Maryland General Assembly. “At the very least, if draft maps are draft legislation, you need a secure, locked facility where your plotter resides.”

Build Your Puzzle

This will be the first redistricting cycle when all states will be treated equally in the eyes of the federal government. Because of the 2013 *Shelby v. Holder* Supreme Court case, preclearance, which applied only to some states and jurisdictions, will no longer be required anywhere. Under the Voting Rights Act, those places—mostly in the South—had been required to submit all changes to election procedures, including new maps, to the Department of Justice or a federal court for review before they could go into effect. No longer. All states are subject to challenges under a different part of the federal law, which still prohibits discrimination in anything related to voting.

Redistricting plans begin as maps that are translated into bills or resolutions, ready for legislative consideration. Whereas states once used “metes and bounds” to define jurisdictions, they now use geographic information system software, shapefiles and block equivalency files.

To ensure that maps will hold up in court, legislators and staff must be fully aware of their state’s legal requirements. Maps must meet both federal and state standards, the latter of which vary widely. Drafting “legal” maps is not necessarily that difficult. Drafting good maps—however that may be defined—is tricky.

There is at least one constant, though: one person, one vote. Since 1963, the U.S. Supreme Court has applied this standard to all elected bodies that divvy up representation based on geography.

In the case of U.S. House districts, one person, one vote has been interpreted to mean that the population as reported by the Census Bureau must be divided exactly equally among a state’s congressional districts, down to a person. For leg-

Times Change: Redistricting’s Guiding Lights

State-specific principles are generally spelled out in constitutions, though some may be statutory or included in the committee guidelines adopted at the start of each cycle.

Traditional principles, used in many but not all states and often written into the law, require efforts be made to:

- Keep newly drawn districts compact.
- Keep districts contiguous.
- Preserve communities of interest.
- Preserve counties and other established political subdivisions.
- Maintain the cores of previous districts.
- Avoid pairing incumbents in elections.

Less traditional criteria have emerged along with our increasingly partisan and polarized political culture. A few states:

- Prohibit favoring or disfavoring an incumbent, candidate or party.
- Prohibit the use of political data.
- Strive for competitiveness, so that, where possible, districts have relatively equal partisan balance, increasing the likelihood of seats changing over the course of a decade.



islative districts, the court’s interpretation allows states some leeway. The idea is to draw districts as close to the same size as possible, within the variance determined by the legislature.

Expect Challenges

Lawmakers must anticipate the difficulties they may encounter. Most states have dealt with court challenges to their maps over the years, so anticipating litigation is wise. During the last redistricting cycle, well over 200 challenges were filed; some are still in the courts.

Even with all the pieces, redistricting puzzles are hard to solve! Experienced redistricters have learned to be patient and give themselves time to do the job right.

“The process is enervating,” says James “Ted” Booth, general counsel for Mississippi’s Legislative PEER Committee, which analyzes state agency programs and oper-

ations. “Anyone new to the process must be prepared to work late and take problems home. Even if your files stay at the office, what is in your head presumably goes home with you. You will think, and rethink matters over and over. Will an ever-so-slight change in the population of a district make a potential plaintiff’s argument of racial gerrymandering stronger? At what level of population must a district have to provide minorities an opportunity to elect a candidate of their choice?”

“These and similar matters will try your endurance,” Booth says, “particularly if you have other unrelated duties to attend to. Expect to feel drained at some point. Drained or not, you must persevere.”

Christi Zamarripa is a policy associate with NCSL’s Elections and Redistricting Program.

LEGISLATURES

WHAT I WISH I KNEW

Veteran lawmakers tell us what they wish someone had told them when they were new to the job.

BY GENE ROSE

If you could write a letter to your younger self before you started your career, what would you say?

That's the question we put to two current and two former state legislators. We asked them what they wish they'd known when they walked into their legislative chamber for the first time. And, considering that more than 20 percent of the nation's 7,383 state lawmakers are new to the job, we wondered what advice the veterans might have for those who are just getting started.

Our panel includes: Illinois Senator and current NCSL President Toi Hutchinson (D); Utah Senator and former NCSL President Curt Bramble (R); former Indiana Senate Pro Tem David Long (R); and former New Hampshire House Speaker and NCSL President Terie Norelli (D).

NCSL: What surprised you when you first joined your legislature?

Hutchinson: The most surprising thing was how much time you have to dedicate to this and how little the public sees of it. There's a big disconnect between what people think legislators do and what legislators actually do. I was probably more surprised by all of the stuff that's not sexy, the things that don't make the papers, the meetings you go to that nobody knows of.

Bramble: I thought that I needed to come out of the starting gates being very



"THERE'S A VERY BIG
DISCONNECT BETWEEN WHAT
PEOPLE THINK LEGISLATORS
DO AND WHAT LEGISLATORS
ACTUALLY DO."

Senator Toi Hutchinson, Illinois

aggressive and establish some boundaries, not recognizing the process. You can be overbearing; you can be overly aggressive; you can be perceived as a bulldog or a bully or whatever. I thought politics was all rough-and-tumble, and so I came out swinging, basically.

And what I very quickly learned is building consensus is not steamrolling. It's not based on political muscle. But it's based on the power of ideas. And when you learn that it's the power of ideas and you need to build consensus, it takes a constitutional majority, and you can't do it alone.



Long: It's a similar experience for everyone, which is the sheer volume of information and issues with which you're confronted. I was a city councilman for eight years before I became a state senator, so I was used to working on local government issues. But you're confronted with so much more as a legislator, just the fiscal issues alone, dealing with a budget and trying to understand all the permutations there: education, corrections, transportation, environment and so forth.

The key is to work hard and learn your trade and it will come to you; it will become more familiar in time. But it's a whole lot out of that fire hose at first and everyone goes through that.

Did you ever struggle with your committee assignments?

Bramble: Committee assignments



Above: The Louisiana House chamber, in Baton Rouge.

generally are handed down by the powers on high and no matter what committee assignment you're given, pursue it with a passion and learn all you can. To quote a commercial, "Be the best you can be." Take whatever you're given and magnify it. In doing that, you'll also do your own agenda wonders.

Norelli: When I was a freshman, I was put on a committee about which I knew zero. It was science, technology and energy, and they told me they put me there because I used to be a math teacher.

I did a lot of learning, building relationships on the committee, both with members of my party and across the aisle, figuring out who were the people that had various expertise, and built a reputation



More online

These remarks have been edited for clarity and length. The full conversation can be heard on NCSL's podcast, "Our American States," at ncsl.org, where you can also find transcripts.

as someone who really knew committee work and understood it.

Speaking on the chamber floor—is that an acquired skill?

Norelli: Boy, I really do wish I had known about that when I was a freshman, because I was talked into speaking on the House floor about an issue that before [working in] the legislature I was very versed in. But it was kind of at the



"I THOUGHT POLITICS WAS ALL ROUGH-AND-TUMBLE, AND SO I CAME OUT SWINGING."

Senator Curt Bramble, Utah

last minute and I was not as prepared as I could have been.

I would have a conversation with other people who are speaking on the same side that you are to make sure that you're not duplicating what other people are saying. Probably the biggest mistake people make on the House floor in my opinion is that they overstay their welcome.

Bramble: Whether you're a freshman or a seasoned legislator, you'll find in every chamber there are one or two or a handful of legislators that tend to dominate the speaking time. Generally, if you're one of those, you get tuned out. So, speak when you have something important to add.

How did you go about building relationships with new, and more experienced, colleagues?

Long: Relationships are so important, not just with your caucus, but also across the aisle and with the other chamber. I can't emphasize that enough. They are going to be critical to you passing legislation.

I made some long-standing, 20-year friendships, good ones, with some Democrats who didn't need to do that to a freshman Republican senator. But they took the time out of kindness to help me understand how I could be successful over in the House with them. That meant a lot.

Bramble: You can't suspend the rules in the House and pass your bill if you're a senator. You still have to navigate the bill

in the other chamber before it goes to the governor.

You have to build a relationship with the administration, so that when your bills do arrive on the governor's desk, they're going to see them as credible and well-reasoned because they understand who you are and where they come from.

Hutchinson: There are no permanent friends. There are no permanent enemies. There are only permanent interests. People that you're opposed to now might be your best friends on another piece of legislation down the road. So do not ever burn bridges. This is a game of addition, not subtraction.

Long: I made the mistake of talking to our finance chairman about an income tax law and telling him how dumb aspects of it were. I asked him who wrote the law and he said, "I did." It took me a while to overcome that. He was not pleased with the whippersnapper coming in there and telling him how to do things.

Did you seek out mentors when you first entered the legislature?

Norelli: I had so many. My caucus leader was a mentor. Both the Republican and the Democrat who were leaders on the committee were mentors in different ways.

Long: When I became the leader 12 years ago, we changed the system to make sure that new legislators had a mentor assigned to them. It's important to have someone you can bounce ideas off of and talk to confidentially and ask, "Why is this happening? What's the history of this?" They'll tell you.

Norelli: What makes me the happiest is when somebody tells me they considered me a mentor and I didn't even know it. So I don't think it has to be a formal relationship. It's just looking for someone who is willing to talk things over with you, give you advice and share their thoughts.

What's the best way to handle constituent requests?

Hutchinson: When someone calls my office for help, the response isn't, "Did you

vote for me? Are you a Democrat or are you a Republican?" It's just, "You live in my district and you need help." I'm supposed to help. Something has to be different or better because I was there, even if it's just for that one person.

Long: You can't ignore your constituents. If you do it's to your peril because they'll remember.



"RELATIONSHIPS ARE SO
IMPORTANT, NOT JUST WITH
YOUR CAUCUS, BUT ALSO
ACROSS THE AISLE AND WITH
THE OTHER CHAMBER."

Former Senator David Long, Indiana

In this world of instant communication, it is a real challenge to stay in touch. But you need to respond. As much as it's an irritant sometimes when you feel swamped and overwhelmed, you have to stay in touch with the people who brought you to the dance.

Hutchinson: There are the few times when someone calls really angry and you realize in 30 seconds that they really just want to be heard. They wanted to say what they needed to say and they wanted to know that somebody was listening to them.

I do what my mother and my grandparents taught me to do, which is meet every

person where they're at. And if I expect them to listen to me, I have to offer the same thing. And that's hard in this environment right now because we kind of reflexively fall back in our corners and get defensive about the things that we believe in.

Bramble: The soundest advice I can give is to recognize that sometimes you have to say no to constituents. You don't want to say no, but you'd better learn how to do it if you have to. The United States is a constitutional republic, a representative democracy. We're not peer democracy. And sometimes what constituents demand, you simply cannot in good conscience champion.

Interacting with lobbyists comes with the territory. What advice do you have?

Bramble: There are contract lobbyists, industry lobbyists, company lobbyists, citizen lobbyists, activist lobbyists, and homemakers who come and lobby. That term is applied to anyone that advocates for government.

If a person is a paid lobbyist, recognize that they're paid for their opinion. Even my closest friends who have become lobbyists recognize that I may not agree with a particular position that their clients want and, to the extent that they're paid to have an opinion, separate friendship from policymaking.

Long: Lobbyists have a job to do and they represent their constituents and their clients. They don't necessarily have your best interests at heart. They may seem like your best friend, but the reality is they've got a job to do, to represent their clients to the best of their ability. As long as you keep that perspective, they can be a wealth of information.

But if you tell somebody you're going to vote a certain way and then you vote differently, that will catch up with you—not only with your fellow legislators, but also with the people out in the hallway. If you have changed your mind, tell people that and tell them why. Just be straight with them.

Understanding how the media operate seems like another important skill to master.

Long: Being honest and straightforward with them is important. If you don't want to talk to them, don't talk to them. That's also OK. Just understand that they've got a job to do.

Bramble: When the media asks a direct question, I prefer giving them a direct answer. If you're always straight up with them and you're genuine with them, at some point they will treat you as the genuine person that you are.

Long: The modern legislator will not be facing as much media scrutiny as in the past because the media has changed and there's not as much coverage of state-houses as there used to be.

But in its place are the podcast, Twitter account and social media. So you have a little more control over the message. It's important to use those tools. You'll have a communications department that should be helping you with that. Take advantage of it. Embrace it. There are a lot of people there to help you do your job. Use them.

That brings up the importance of state legislative staff.

Long: The people that take care of you in the legislature are critical to your success. I will tell anyone who is new at this: Take care of those who take care of you. Be good to your staff. Be good to your legislative assistant, your communications people, the policy people and the people who help you look good and do your job well.

Make sure that you build a good relationship and that you're fair with your staff and reasonable. Have reasonable expectations of what your staff should or shouldn't be doing.

Hutchinson: We don't give enough credit to the people that make legislatures run and provide us the policy expertise and the research and the stuff to back up what it is we're saying.

How did you learn to take care of yourself in what can be a very demanding job?

Hutchinson: When I first came in, I said yes to everything. You don't have to go to every single reception. You don't have to drink wine at every single reception. You feel a pressure to do that when you first come in, and that affects your sleep and that affects your stamina.

So, the No. 1 thing is to love yourself enough to know that you cannot take care



"WHAT MAKES ME THE HAPPIEST
IS WHEN SOMEBODY TELLS ME
THEY CONSIDERED ME
A MENTOR AND I DIDN'T
EVEN KNOW IT."

Former House Speaker Terie Norelli,
New Hampshire

of anybody else if you are not taking care of yourself.

Long: Part of the job is learning how to balance your home life and your personal life with the reality of politics.

You feel like you're torn in a lot of different directions. You get very, very busy. It's an important job. And so is family life and keeping that focus as the center of your life is very important. I've got great kids, but I missed a few games and I wish I hadn't.

That's very important for new legislators to keep in perspective. Don't lose sight of your friends at home.

Keep those relationships close because this job can swallow you up and will if you're not careful.

Norelli: I started doing yoga and personally I found that I really learned how to breathe. I learned how to start a day at a slow and conscious pace, which helped me during the day and reminded me sometimes when things get hectic, just take a deep breath. It gives you an opportunity to clear your head and be ready for the next thing as well.

It sounds like keeping your eye on the big picture could lead to tremendous job satisfaction.

Long: The laws passed in the legislature affect everybody every day in your state in very personal ways. If you can make a difference, leave the place a better place than you found it, and your constituents and your district better than you found them, you've done your job.

Bramble: If they approach this with sincerity, it can be one of the greatest and most humbling experiences of their life. The opportunity to represent your neighbors, your friends, your community, is an incredible honor. But recognize that it is the office that deserves the respect, the institution that deserves the respect, and you're just a transient traveler passing through, whether it's for one term or 10 terms.

Norelli: I think the most important thing is remembering why you're there. I think sometimes in the heat of things, it truly can feel like a game, a sport. That can be dangerous for people.

Keep asking, "Why am I here? Why am I doing this?" It's because I believe in certain issues. It's because I have constituents who need me to be there for them. Remind yourself what's important and then your game will be at its top, because that's what will be inspiring you.

Gene Rose is president of At Last Communications and produces NCSL's podcast, "Our American States."

Toolbox

LEADERSHIP

An Integrity Self-Test for Leaders

BY DAVE MARTIN

“The supreme quality for leadership is unquestionably integrity. Without it, no real success is possible, no matter whether it is on a section gang, a football field, in an army, or in an office.”

—Dwight D. Eisenhower

It is essential for every leader.

It cannot be bought.

It cannot be delegated.

It is recognized across all cultures, races and eras.

It is wholly unassociated with economic status.

It is the ultimate measure of a leader, whether in business or in the legislature.

Although many people struggle to completely define integrity, most everyone can recognize it. You know someone you trust completely. You know someone whose word is her bond. You know someone who would not compromise, who would tell the truth, who would stand by his promises, even when it hurt him. Integrity is doing the right thing. The question we all ask ourselves is, “Am I that ‘someone’ other people think of when asked to name a person of integrity?”

The following self-test has five questions. The answers are for you alone, and the only way for the test to work is for you to answer the questions honestly. It is not about perfection. It is not about comparison. Integrity is personal. If, as you read

the questions, you begin to think that your initial personal integrity evaluation was perhaps optimistic, do not despair. Integrity is built over a lifetime of doing the right thing. Appreciate that your attention has been drawn to this area and let it make your future decisions more considered and intentional.

How would you react in the following scenarios?

[1]

You have just heard an extremely compromising—but unfounded—bit of information about the guy at your office who has the position you desire. Should he move on, there is a very strong possibility you will be promoted to his position. This move would almost double your current salary. Furthermore, you have never liked the guy. Do you casually share the gossip?

[2]

You were delayed at the capitol, then you were stuck in traffic for an extra 45 minutes, and you have a pressing dinner engagement. As you walk in the door, the phone rings and your teen says, “It’s for



you. It’s that constituent that talks forever!” You say, “Just tell him I was delayed, and I’m not home yet.” Yes or no?

[3]

You are a newly selected leader of your caucus, responsible for ensuring that members promote your caucus’ positions, engage in healthy debate and support each other. In campaigning for your new position, you told some caucus members that if they supported you as leader, you would appoint them to their committee of choice. Now that you are leader, one of those members would like to be chair of an influential committee, but another



THE QUESTION WE ALL
ASK OURSELVES IS,
“AM I THAT ‘SOMEONE’
OTHER PEOPLE THINK
OF WHEN ASKED
TO NAME A PERSON
OF INTEGRITY?”



caucus member is better qualified and has the support of other members of the leadership team. Do you keep your word and place your supporter as chair of the committee or do you thank him for his support and offer another position?

[4]

On your way back to the statehouse from an early meeting, you stop for coffee. The line is long and by the time you have your latte, you sincerely wish you had opted for the drive-through. You hand the barista a \$20 bill, and she gives you change. As you are leaving, you realize that instead of giving you a \$10 and change,

she mistakenly gave you a \$20 and change. Do you go back to return the extra \$10, or do you consider it your lucky day? After all, you did have to wait!

[5]

Your child desperately wants to play in the city soccer league, and the teams are based on your geographic location. The team roster for your area is full, but the team where your sister lives has one remaining opening. Do you put her address on the application so your child can play soccer this year?

Integrity. It is a quality of being—not of doing—but the great paradox is, it is completely based on what one does. It has been said a leader without integrity is just a manager. This statement may be viewed through many lenses, but certainly, the true determination of a leader is in the loyalty he or she inspires in others. To engender a willingness to follow, integrity is indeed essential.

Integrity is doing the right thing, every time. It is being upstanding and honorable. Great leaders have integrity. This means they will do exactly what they say they will do. Circumstances may change. New situations may arise. The agreement may no longer be beneficial. Nevertheless, the great leader will keep her word. He will not compromise principles for convenience or advantage.

Are you a leader or a manager?

Dave Martin is a speaker and the author of “The 12 Traits of the Greats” and “Another Shot: A Game Plan for Rebounding in Life.” For more than 25 years, Martin has been a mentor, speaker, coach and business leader. For more information, visit www.davemartin.org. Stacy Householder, NCSL’s director of leaders’ services and legislator training, contributed to this article.

Backstories

Our ongoing series profiling legislators and their personal journeys to the statehouse

NEVADA

Teresa Benitez-Thompson

Teresa Benitez-Thompson's rise to the leadership ranks of the Nevada General Assembly began with her discovery, as an eighth-grader at Clayton Middle School in Reno, of the challenges and rewards of competitive debate.

"I was surprised at how much I enjoyed the intense studying and research it involved. I really liked the deep dive," she recalls. "It proved to be a turning point for me, because I'd otherwise been ambivalent about academics." She went on to become a skilled debater in high school, winning a statewide competition in her junior year.

In 2002, Benitez-Thompson won another title—Miss Nevada—and was third runner-up in the Miss America contest the following year. Her prize money, along with scholarships from the Nevada Women's Fund, enabled her to graduate debt-free from the University of Nevada and earn a master's in social work from the University of Michigan.

After graduate school, she returned to Reno to work in the county adoption and foster-care programs. In her spare time she helped guide the development of the Nevada Empowered Women's Project. She and her mother, who worked as a waitress in local casinos and restaurants, were among a group of women who founded the project several years earlier to help young single moms living in poverty break free of the welfare system.

Gradually, she came to focus on "finding a way to do the kind of work—policy work—that impacts people," she says. So when the House seat in her district opened in 2010, "I knew I had to jump at the opportunity." Her first run for office



"IT IS A LESSON I HAVE NEVER FORGOTTEN, THE IMPORTANCE OF
STAYING FOCUSED ON THE JOB AT HAND."

Representative Teresa Benitez-Thompson, Nevada

involved “a very intense primary,” but she won and went on to handily defeat her Republican opponent that fall. She hasn’t faced a primary challenge since and was elected without opposition to her fifth term in 2018.

Described by EMILY’s List, the Washington, D.C.-based women’s political action committee, as “a fearless champion for women and families,” Benitez-Thompson, 40, was nominated in 2017 for the group’s annual Rising Star Award. She has sponsored bills to keep access to contraceptives convenient and affordable, strengthen mental health programs and end the backlog of rape kits at the state and county levels. She also has advanced legislation on education, solar energy and balancing the state budget.

Benitez-Thompson was selected in 2016 to serve as majority floor leader, a job she relishes. “It requires being organized and mastering the details of all the rules and procedures,” she says. “I like navigating the traffic.” She is the first Latina to hold the position.

Benitez-Thompson says she looks forward to the 2019 session, when her party will control both chambers and, for the first time in her legislative tenure, won’t be dealing with a budget “in crisis.” Thanks to a package of revenue-raising measures passed in 2017, she says, the General Assembly “will be able to do something other than just slashing programs.”

Benitez-Thompson and her husband, Jeff, chief meteorologist for KOLO-TV, the ABC affiliate in Reno, have four children under age 8. And for the last eight years, she has worked for a company that provides hospice care.

To manage that demanding schedule, she draws inspiration from her mother, who worked long hours in the service industry. “Sometimes, my two sisters and I would visit my mom at work,” she says. “I was always amazed by her demeanor—calm and composed, despite constant surrounding chaos. It is a lesson I have never forgotten, the importance of staying focused on the job at hand, even when tossed around by stormy seas.”

ALABAMA

Allen Farley

Allen Farley is the unlikeliest of policy wonks. Following in the footsteps of his father and grandfather, Farley spent 37 years in law enforcement, rising from foot patrolman in his hometown of Bessemer, Ala., to assistant sheriff of Jefferson County, the most populous county in the state. Approaching retirement a few years back, he looked forward to having more time for what he enjoys most: gospel music, volunteering with the Salvation Army and doting on his family—wife Muriel, three daughters and nine grandchildren.

He recalls never having more than a passing interest in politics, let alone running for office.

Fast-forward to 2019 and Farley is a political veteran. A Republican, he was elected unopposed to his fifth term in the Alabama House, where he has earned a reputation for hard work, civility and acumen in areas ranging from prison reform to school security to cross-agency data sharing. For the past eight years, he has blossomed into a vocal advocate for reforming the state’s unwieldy budget process, which he believes hamstring legislators’ ability to plan and invest wisely.

Farley is a champion of apprenticeship programs for young people, family-centered support systems for parolees and expanded access to mental health services. For audiences ranging from business leaders to fellow legislators to community groups, he created a PowerPoint presentation using overlays of data based on the home addresses of prison inmates, Medicaid and social-service recipients, and families living in neighborhoods with underperforming schools.

“What you see is these clusters of failing communities where our money needs to be invested more strategically,” he says.

“If we would take better care of these communities, we could free up a lot of money that’s being sucked up by prisons, welfare programs and families in crisis—and use that money to make all of



“WHAT YOU SEE IS THESE
CLUSTERS OF FAILING
COMMUNITIES WHERE OUR
MONEY NEEDS TO BE INVESTED
MORE STRATEGICALLY.”

Representative Allen Farley, Alabama

Alabama better. It's the right thing to do. Let's target the 10-year-old child living in these communities right now, and make sure that each and every one of them has as good a chance to succeed as any child in our state."

Farley says he experienced a sort of epiphany toward the end of his time in the sheriff's office, triggered by a series of encounters with young men jailed for crimes primarily involving drugs or alcohol. "I was seeing these kids and thinking, I knew your father when he was in trouble with the law, and your grandfather," he says. "This was the third generation of these families ending up incarcerated. This was weighing heavy on my heart. My whole career, I just kept my head down and tried to do my job and keep people safe. But one day I realized, you know, I need to commit myself to shedding some light on the

"WE JUST DON'T HAVE
THE FLEXIBILITY WE NEED
TO BE GOOD STEWARDS
OF OUR RESOURCES."



problems in these communities and help do something about it."


A major source of frustration for Farley is the structure of the state's budget. Nearly 90 percent of Alabama's tax dollars are earmarked—by statute or in the state constitution—for specific agencies or programs. That's the highest percentage of earmarked revenue among states, and it's roughly four times the national average. "The way things are, with such a limited

general fund, we just don't have the flexibility we need to be good stewards of our resources," he says.

Farley is serving on a new budget-reform committee, adding to his duties as vice chair of the House Committee on Public Safety and Homeland Security and chair of the subcommittee on criminal justice.

In his legislative work, Farley's priority is "making Alabama a safe place and a better place when my grandkids have grandkids," he says. "They can say, 'Well, my pop was part of the group that was in the legislature back then when certain things were changed, and that he helped make families stronger.' If I can do that, then I'm a happy man."

—Suzanne Weiss, freelance writer and frequent contributor to *State Legislatures*




WE ARE Democracy

IN THE SUMMER OF 1619, 22 LEGISLATORS MADE HISTORY.

Their gathering in Jamestown marked the first representative legislative assembly in the New World.

Join international leaders, members of the U.S. Congress, the Virginia General Assembly and state legislators nationwide in **Williamsburg, Virginia** to commemorate this compelling 400th Anniversary.




400th Anniversary Ceremony
July 30, 2019

Visit the birthplace of American democracy. Ceremonies and public programs will commemorate 400 years of representative democracy.

International Forum on the Future of Representative Democracy
July 31 - August 1, 2019

Join attendees to discuss citizenship, and the historic impact - and future - of democracy on our nation and the world.



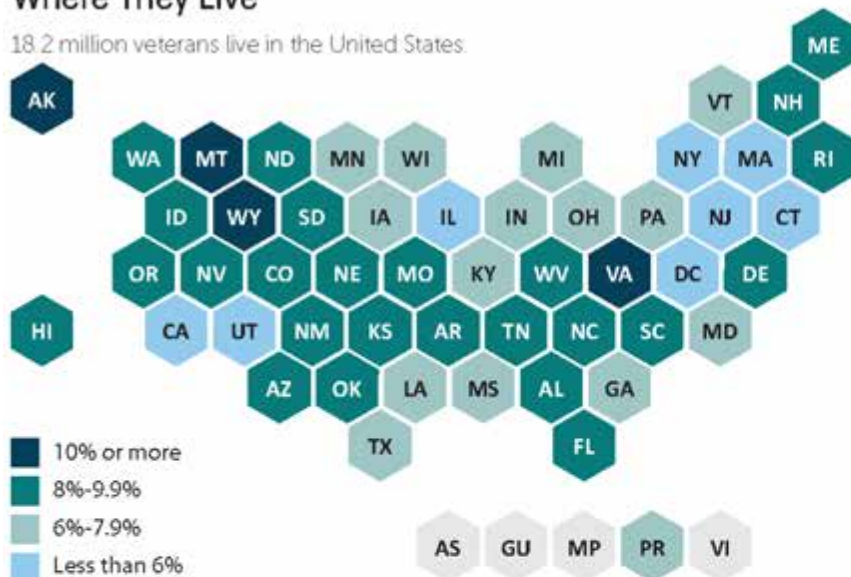
AMERICAN EVOLUTION
Virginia to America | 1619 - 2019

Visit AMERICANEVOLUTION2019.COM/EVENTS for more information or email info2019@jyf.virginia.gov

StateStats

Where They Live

18.2 million veterans live in the United States



By the Numbers

Of the veterans returning from Iraq and Afghanistan:

20%

Suffer from either major depression or post-traumatic stress disorder.

19.5%

Have
experienced
a traumatic
brain injury

50%

Have received
the mental
health treatment
they need.

25%

Show signs of substance abuse disorder

Sources: Census Bureau, 2017 American Community Survey; Substance Abuse and Mental Health Services Administration; National Institute of Drug Abuse; and RAND Center for Military Health Policy Research

Those Who Have Served

Of the 18.2 million veterans living in the U.S.

8.9% are women
91.1% are men



29.5% live with disability
70.5% live without disability



6.9% have income below poverty level
93.1% have income at or above poverty level



- 35.7% served in Vietnam War
- 20.8% served in Gulf War, August 1990-August 2001
- 19.4% served in Gulf War, September 2001-present (2018)
- 8.1% served in Korean War
- 3.4% served in World War II



US Military Vets: Out of Uniform, an Invisible Army

Veterans are all around us yet, out of uniform, they are an invisible army of those who trod the path of service.

At a time when the nation's armed defense is shouldered by volunteers, Americans have never been so disconnected from the military. Fewer than 1 in 10 Americans comprise the veteran population, less than half the rate in 1980.

Veteran demographics are changing steadily as the number of women, Hispanics and

African Americans are ascending.

According to the Census Bureau, in 2017, veterans were generally better educated than nonveterans (66 percent had completed some college, an associate degree or a bachelor's degree or higher, compared to the civilian rate of 60.3 percent). They were more likely to be married (59.8 percent versus 47.8 percent), had a higher median income (for men, \$40,995 versus \$36,573), and enjoyed lower

rates of unemployment and poverty.

But veterans also face unique difficulties, especially in dealing with mental illnesses and physical disabilities (29.5 percent have a disability compared with 14.2 percent of civilians). They also face challenges in finding work, housing and good health care. State legislatures play a role in helping veterans to transition successfully to civilian life back home.

—Mark Wolf, editor, NCSL Blog

Newsmakers



1 | NEW MEXICO

"Raising the minimum wage is about reducing inequality, but it's also about restoring the true value of work."

Representative Miguel P. Garcia (D) on a proposal to raise the state minimum wage to \$10, in the *Albuquerque Journal*.

2 | UTAH

"Do we let people wait until hell freezes over at a light, or do we trust them?"

Representative Ken Ivory (R) on his bill to allow cars to run red lights legally at times of extremely low traffic, in the *Salt Lake Tribune*.

3 | COLORADO

"That's the intention of this bill—to help people believe their vote matters."

Representative Emily Sirota (D) on a bill to award the state's presidential electoral votes to the winner of the national popular vote, from *The Associated Press*.



4 | NORTH CAROLINA

"Constituents should be the ones that pick their lawmakers, and not the other way around."

Representative Chuck McGrady (R) on a proposal to create an independent commission to draw electoral maps, in *The News & Observer*.

WOMEN ARE CONTINUING THEIR WINNING STREAK. After getting elected in record numbers to legislatures last year, women have claimed more leadership posts than ever. They now hold the presiding position in eight state Senates and six state Houses.

5 | OHIO

OHIO HOUSE MEMBERS HAVE SELECTED LARRY HOUSEHOLDER (R) AS SPEAKER AND BILL SEITZ AS MAJORITY FLOOR LEADER. Householder, who is serving his second consecutive term, was speaker from 2001 to 2004. Seitz was first elected to the House in 2000, where he served as majority whip, assistant majority whip and chair of the Civil and Commercial Law Committee. He then served in the Ohio Senate from 2007 to 2016, before returning to the House, where he is serving his second consecutive term.

6 | ILLINOIS

ILLINOIS LAWMAKERS NAMED REPRESENTATIVE GREG HARRIS (D) MAJORITY LEADER, making him the first openly gay lawmaker to hold such a post. House Speaker Michael Madigan (D) credits Harris with leading efforts on multiple fronts: making Illinois one of the first states to pass marriage equality, overhauling Medicaid and resolving the budget crises. Harris replaces Barbara Flynn Currie (D), who has retired after 40 years of service and who was appointed by Madigan as the state's first female majority leader in 1997.

7 | ALASKA

ALASKA REPRESENTATIVE BRYCE EDGMON WAS RE-ELECTED HOUSE SPEAKER after a month of impasse, when two Republicans broke with their colleagues to vote for Edgmon, who had changed his party affiliation recently from Democrat to undeclared. "We can pick up where we left off," Edgmon told the chamber, "and make up for lost time and really focus on what the responsibility is in front of us, which is a fiscally sustainable budget."

8 | MONTANA

MONTANA REPRESENTATIVE RHONDA KNUDSEN (R) WAS ELECTED TO TAKE OVER HER SON'S SEAT. Former Speaker Austin Knudsen (R) was term-limited after serving eight years. Rhonda Knudsen ran because she wants to "keep our taxes low," she told *The Courier*. "I want to see the state maintain a smaller budget."

Yes, No, Maybe So

ETHICS

What Can You Do About Social Media Trolls?

BY NICHOLAS BIRDSONG

An ethics-based pitch for elected officials using social media might point to the potential for free services like Facebook or Twitter to enhance transparency and citizen engagement. But these and other platforms often become breeding grounds for divisive arguments.

Trolls—social media users whose posts are intended to provoke angry responses—can ruin the social media experience by spamming off-topic, false, inflammatory or abusive messages. Constructive commentary can be buried beneath an avalanche of personal insults or vulgar rants about often irrelevant matters.

Officials could block disruptive users from their pages. Every major platform provides an option to block specific users, with some allowing comment removal or censorship. Censoring bad actors could help prevent toxic environments from forming and result in more productive dialogue.

However, the ends might not matter if the means are unconstitutional. In 2018, a federal district court found that the First Amendment prohibited the president from blocking individuals on Twitter for expressing critical viewpoints. The same rule might apply to state legislators.

Establishing constitutional, viewpoint-neutral restrictions can be difficult to get right. Hours spent drafting the right

TROLLS CAN RUIN THE
SOCIAL MEDIA EXPERIENCE
BY SPAMMING OFF-TOPIC,
FALSE, INFLAMMATORY OR
ABUSIVE MESSAGES.

policy or removing obscenities, for example, might be better spent engaging with constituents. And thanks to the continuing development of this area of law, some uncertainty may surround even a carefully crafted censorship policy.

Some officials might fear that not removing hate speech or offensive comments could be viewed as implicit endorsement of those messages, but few would accuse NASA of promoting conspiracy theories for not removing flat-Earther comments on Instagram. Legislators would be at a similarly low risk of blame for not actively moderating the posts of third parties.

A hands-off approach might not do much to counteract the trolls, but it

avoids the work and risks of censoring posts while arguably best embodying free speech values. At least according to the theory of the marketplace of ideas, unrestricted speech should allow consensus to naturally form over time around the strongest concepts.

But the laissez-faire approach isn't the only alternative to censorship. Some platforms enable users to turn off public comments on their posts. Removing all comments could stop toxic online behavior before it begins, at least for that legislator's page.

Public officials could also take advantage of community standards to deal with trolls. Every major social media platform, including Twitter, YouTube, Instagram and Facebook, has standards prohibiting abusive or harassing behavior, threats, graphic imagery, or similar content. Any user can flag content for removal. The platform then decides instead of a government official whether to remove content or ban users, which may circumvent constitutionality issues.

Every public official can and should approach online activities in the way that best suits their interests and goals. NCSL maintains a list of legislative social media policies and related resources being used by a variety of states government agencies. Let the experience of others help you decide how officials and employees should handle offensive or obscene content posted by other users.

Regardless of approach, legislators should be mindful of the potential risks and benefits of social media when engaging the public to make the best use of these free services.

Nicholas Birdsong is a policy associate with NCSL's Center for Ethics in Government. Is an ethical dilemma keeping you up at night? Contact Nicholas at Nicholas.Birdsong@ncsl.org.

The Final Word

Dennis Bonnen

Speaker, Texas House of Representatives

Only 24 when he was first elected to the Texas House in 1996, Dennis Bonnen became speaker this year after serving as speaker pro tem for the past three sessions. Bonnen is the CEO and board chairman of Heritage Bank. A native of Angleton, Texas, he graduated cum laude from St. Edward's University in Austin with a bachelor's degree in political science.

Are leaders born or made?

Both. There are all kinds of leaders in life. I think that many times in history we're surprised by our leaders sometimes in that they rise above an occasion more than what we thought they were capable of. Most people have leadership within them and the question is, do they open up to that leadership opportunity and do they take advantage of those challenges?

You placed cups in the House members' lounge printed with the message: "School finance reform—the time is now." Why?

Every member has identified that the No. 1 issue for them is significant school finance and property tax reform. I thought it was important to show that I hear the message and that I will use the strength of the speaker's office to help ensure that we're successful on the No. 1 issue for the members.

Your brother Greg serves with you in the House. He's older, but you're the speaker. So, who's the boss?

Legislatively, I would be the boss because I have significant seniority on him—he's in his fourth term and I'm in my 12th. It's wonderful working with him. He's an incredibly smart, hardworking legislator. And any time, whether it's your brother or any other member, that's the kind of member in the Legislature you want to work with.

What prompted you to run for office at such a young age?

My parents. I'm the youngest of four children and they taught us all—and showed us through the years—to always be involved, civic-minded and engaged in our commu-



nities. My mother was one of the founders of the Friends of the Angleton Library in our hometown and has been on the board for years. My father was a longtime member of many civic clubs and served as city attorney and then city judge. They didn't tell me to run, but my running for state representative was an opportunity to serve the community the way our parents taught us to.

The Texas Legislature is one of a handful that meets every other year. What's the advantage of that?

The general principle of meeting every other year is that we are citizen legislators. We go home and work in real jobs and real businesses. I coached youth soccer, I'm involved in the community, I'm involved in my children's lives. We live very normal, average lives in the 18 months that we're not in session. I think that brings a sense of reality and sincerity when we come to session. Since this is not the full-time gig, we're here to get a job done and go back to those families and those jobs and those normal lives that we all get to live.

How do you de-stress from the pressures of work?

I don't have many hobbies. The joke I tell folks is that I'm addicted to being a member of the Legislature and I decided I would run for speaker to try and break my addiction. But, really, downtime is being with my two sons and my wife.

What final words would you like to share?

Be a problem solver. The people that elected you and the people that elected your colleagues are counting on you to bring real solutions to real problems. And be open to compromise, which is the only real way to reach a legitimate solution to a real problem.

Jane Carroll Andrade, a contributing editor, conducted this interview, which has been edited for clarity and length.

Surety means Protection



With millions of dollars in taxpayer money on the line, surety bonds are critical to the success of public infrastructure projects.

The member companies of **The Surety & Fidelity Association of America** provide state and local governments with an additional layer of protection through the use of surety bonds.

No other risk management tool provides the same comprehensive protection as a surety bond.

To learn more about surety bonds, download *A Government Leader's Guide To Bonds*
www.surety.org/governingguide.



THE SURETY & FIDELITY
ASSOCIATION OF AMERICA
SERVING THE INDUSTRY SINCE 1908