

L I V I N G T O

The centenarians are here.
Is your state ready for them? **14**



Nearly half of every dollar spent on medicines goes to someone who doesn't make them.

There's a long line of middlemen collecting a significant portion of what you pay for medicine.

Hospitals, health insurers, pharmacy benefit managers, the government and others got nearly 50% of what was spent on brand medicines in 2018, up from 33% five years prior.

Since 2015, the amount innovative biopharmaceutical companies received from the sale of brand medicines increased, on average, 2.6% annually, in line with inflation.

Policymakers can't help patients afford their medicine if they ignore where almost half the money is going.

You don't know the half of it.

FEATURES



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Building a world where people thrive as they age requires a whole new way of thinking.

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When the census data is released in March 2021, it's go-time for redistricters. Are you ready?

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For some, it's an essential legacy of the founders' vision. For others, it's a relic enabling a tyranny of the minority.

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Lawmakers voice concern about the long-term effects of suspensions and expulsions.

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SL ONLINE

There's more information on many of the topics covered in these pages at nctl.org /magazine. Email the editors at magazine@nctl.org.

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From the Editor

AGING AMERICA

Are We Ready for the Centenarian Boom?

Agnes lived to be 101. She was my grandmother—a petite, Scotch-Irish formidable force of properness who visited the White House often while Ilo, her close cousin and wife of Henry Wallace, was second lady in the early 1940s.

Thirty years ago it was so unusual to reach 100 that our family celebrated Agnes' 99th grandly. But reaching 100 is not so unusual anymore. Our cover story, "Living to 100," tells us that by 2060 our country will be home to half a million centenarians.

Most of us have friends or relatives living longer than they ever imagined they would, some in good shape, others not. With fewer choices in the 1980s, Agnes spent her last years in a tiny room in a nursing home. Writer Suzanne Weiss asks: Is life really too short, as we like to say? It depends, of course,



on one's health, finances, family support and how much one has prepared for the "golden years." Turn to page 14 to learn how some states are preparing for an onslaught of centenarians, from easing the burden on family caregivers to promoting long-term care insurance.

Elsewhere inside, you can discover why some preschoolers are being expelled at high rates, read a debate on the Electoral College and get primed for redistricting.

—Julie Lays

Calling All History Buffs

Episode 2 of NCSL's "Building Democracy" podcast series is on the Revolutionary War period. If you can answer these three questions, you're already well on your way to being an expert. The podcast will be available the last week of March at www.ncsl.org/BuildingDemocracy.

1. Where did the revolutionaries hide the Connecticut Royal Charter of 1662 when the royal governor came to confiscate it in 1687?
2. Which phrase was used six times in the original Pennsylvania Constitution of 1776?
3. How long were the documents created during this period meant to last?

BUILDING DEMOCRACY
THE STORY OF LEGISLATURES

OUR AMERICAN STATES

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From the Director

ANNIVERSARIES

The 'Most-of-the-Time' Governments

Next year marks the 50th anniversary of the publication of "The Sometime Governments." The study, produced as a book by the Citizens Conference on State Legislatures, found that legislatures were largely ineffective and poorly resourced. They were far from being coequal branches of government and woefully ill-equipped to play a meaningful role in federalism.



robust committees that meet year-round and are active in the interim.

But from what I hear, many legislators work full time in what are still thought of as part-time jobs. I suspect that the women and men serving in statehouses nationwide might believe that legislatures have become "most-

of-the-time" governments. Yet, what hasn't changed much in many states is legislative pay. Fifteen states have not raised lawmakers' pay in more than 20 years. Although the average now tops \$35,000 in the 41 states that pay annual salaries, that has not kept pace with inflation.

NCSL was formed in 1975 during the movement to modernize legislative operations. I believe that NCSL has been a rocket engine powering the legislative revolution that's happened over the last 50 years.

There's still plenty of room for legislatures to improve the ways they solve problems and serve the people of their states, however. I hope the anniversary of "The Sometime Governments" will inspire us to reflect on what needs to happen next to make legislatures even stronger so they can continue to fulfill their destiny as laboratories of democracy and full partners in federalism. Our dedication to legislatures, and the people who serve in them, means that we are constantly thinking about how these bodies can be more effective and efficient. It's our passion.

A handwritten signature in black ink that reads "Tim".

— Tim Storey,
Executive Director

The report even ranked legislatures—a controversial approach that identified states where governors were dominant and legislatures were failing to fulfill their role.

In the early 1960s, only 19 legislatures met annually, and seven of those had limited authority during even-numbered years. Legislatures were sparsely staffed in the vast majority of states, and most worked only during session. The average legislative salary was less than \$4,000 a year. A handful of lobbyists worked for a narrow band of top industries.

Legislatures have changed dramatically over the past half-century and barely resemble the institutions that were cataloged in "The Sometime Governments." They have evolved into policymaking powerhouses and, in most states, are fully realized coequal branches of government. At a time when problem-solving seems to be nearly impossible for the federal government, legislators are aggressively innovating and working to confront the most challenging issues of our time.

Lobbyists focused solely on state issues number in the thousands. Today, more than 26,000 staffers serve in legislatures, many in the 67 staff agencies that were created during the 1960s and early '70s. Now, 46 states meet annually. Most states have

**We're
Listening:
Tell Us
How We're
Doing**



State Legislatures magazine has a proud history of serving America's first branch of government.

Have suggestions for improving our magazine? Please take five minutes respond to our reader survey at www.surveymonkey.com/nsl/

Newsmakers

“I’m a liberty guy but there has to be a limit when there’s other people’s lives and safety at risk, and distracted driving is an incredible risk to drivers out there.”

Iowa Senator **Zach Whiting** (R) on his bill to prohibit drivers from using hand-held cellphones while driving, from The Associated Press.

Vermont House Speaker Is NCSL’s Newest Executive Officer

Vermont Speaker Mitzi Johnson (D) was elected immediate past president of NCSL to serve the remaining term of former Illinois Senator Toi Hutchinson (D), who was appointed her state’s new cannabis regulation oversight officer. Johnson will serve in the post through the Legislative Summit in Indianapolis in August, when the officers’ terms rotate. NCSL’s officers alternate between parties annually. “I’m thrilled to join the officers’ team at this transition point for the organization to help set a strong course supporting good government around the country,” Johnson said.



“We either invest in efforts on the ground right now or we pay a lot more down the line.”

California Senator **Ben Allen** (D) on ways to mitigate the effects of natural disasters, in Stateline.



POPULAR CULTURE

‘Superman’ Legislator’s Story Soars to Oscar Nod

In truly rarefied air, the story of a former Missouri legislator was a finalist for an Academy Award in February. “St. Louis Superman” tells the story of rapper and activist Bruce Franks Jr. and his journey to the statehouse. It was one of five nominees chosen from the 96 films up for best short documentary.

Franks became best known locally for his political activism in Ferguson, Mo., after the police shooting of 18-year-old Michael Brown in August 2014. On the day of the shooting, Franks was about 15 minutes away from the scene, preparing to celebrate his son’s first birthday. Elected in 2016, he served parts of St. Louis in the Missouri House before resigning last spring.

The documentary covers Franks’ struggles with the shooting deaths of close friends and constituents. Primarily, he is haunted by the memory of witnessing the shooting death of his older brother, Christopher Harris, in 1991. Christopher was 9 years old when he died. Franks recounts that it was the first of many funerals he attended in his young life.

NCSL's Executive Officers Are All House Speakers

In a twist, all of NCSL's current executive officers are speakers of their states' house chambers. Wisconsin Assembly Speaker Robin Vos (R) is NCSL's president. Hawaii House Speaker Scott Saiki (D) is president-elect. Idaho Speaker Scott Bedke (R) is vice president. And Vermont Speaker Mitzi Johnson (D) is immediate past president and serves as president of the NCSL Foundation for State Legislatures.

"We basically are surrounded now."

Alabama Representative **Steve Clouse** (R) on his bill to allow a lottery in Alabama, the only state in the Deep South not to have one, from The Associated Press.

"The long-term lesson of American democracy is that having different political parties is important because there are other perspectives in the room, but ultimately they have to work together."

Colorado Senator **Kerry Donovan** (D) on today's hyper-partisanship, in The Hill.

"Obviously, we're concerned about the public health impact, but there's an economic impact on that too. I'm hearing a lot from the tourism industry on that."

Wisconsin Representative **Joel Kitchens** (R) on the coronavirus, from fox6now.com.

Virginia House Speaker Receives Arts Award

NCSL and Americans for the Arts recognized Virginia House Speaker Eileen Filler-Corn (D) with the Public Leadership in the Arts Award for State Arts Leadership.

The annual award acknowledges state lawmakers who distinguish themselves by advancing pro-arts legislation in their region. Filler-Corn has regularly sought funding increases for the Virginia Commission for the Arts. She was named the 2019 award winner during NCSL's Capitol Forum in December.



Illinois Senator Don Harmon (D) will be the chamber's new president

He succeeds Senator John Culbertson (D), who stepped down in mid-January after nearly four decades in the legislature, the last 10 of them as Senate president. Harmon was first elected to the Senate in 2002 and most recently served as assistant majority leader.

Pennsylvania's top leaders plan to step down

Senate President Pro Tem Joe Scarnati (R) will not seek re-election after five terms in the House and 14 years as leader of the Senate. House Speaker Mike Turzai (R) also plans to step down. Turzai was first elected to the House in a special election in 2001. He served as majority leader from 2011 to 2014 and as speaker since 2015.

Louisiana elects new House and Senate leaders

Senator Page Cortez (R) will lead his colleagues as chamber president. Cortez, elected in 2012, succeeds outgoing Senator John Alario (R), who served in the legislature for 48 years. Representative Clay Schexnayder (R) will lead his colleagues as speaker. Elected in 2011, Schexnayder succeeds outgoing Representative Taylor Barras (R), who reached the end of his term.

Massachusetts Representative Robert DeLeo (D) is the longest-serving speaker in state history

After more than 4,000 days as House leader, he has topped a record set by a 19th-century Federalist. With 15 House terms behind him, he plans to run for reelection this fall.

NCSL on the Hill

D.C. FLY-INS

As the voice of state legislatures in Washington, D.C., NCSL conducts Fly-Ins, bringing legislators to Capitol Hill to meet with members of Congress, the administration and other players involved in crucial state-federal issues. Here's a look at two recent visits.



States' Prescription for Controlling Drug Prices

As the federal government looks at ways to address the high cost of prescription drugs, Maryland Delegate Bonnie Cullison (D) and Texas Representative Tom Oliverson (R), above, met with members of Congress, congressional staff and officials from the Department of Health and Human Services to discuss drug pricing and transparency. Oliverson and Cullison were able to share their successes and challenges in passing prescription drug legislation. Staff from NCSL in D.C. joined them during their visit and hosted a briefing.

—Haley Nicholson and Margaret Wile

Green Light for Hemp?

Colorado Representative Jeni Arndt (D), co-chair of NCSL's Agriculture Task Force, took part in

a panel discussion on the hemp industry at the Foundation for Food and Agriculture Research "Foster Our Future" meeting in Washington, D.C. The panel covered a plethora of issues the young industry faces following the legalization of hemp as part of the 2018 Farm Bill. Arndt, joined by staff from NCSL in D.C., also visited with key members of Congress during her visit to highlight the challenges states face in implementing U.S. Department of Agriculture rules on hemp. NCSL in D.C. advocated for the legalization of hemp, per NCSL's National Agriculture policy.

—Ben Husch and Kristen Hildreth

A 101 on Working With State Legislatures

At the invitation of U.S. House Majority Leader Steny Hoyer (D) of Maryland, NCSL in D.C. discussed the organization's role in shaping federal policy with a bipartisan group of congressional staff. NCSL staff also took the opportunity to provide a "Legislatures 101" for the staffers, most of whom had not worked in a state legislature.

—Susan Frederick and Abbie Gruwell

FUTURE FLY-INS

■ **Data Privacy:** New York Senator David Carlucci (D), co-chair of NCSL's Communications, Financial Services and Interstate Commerce Committee, will be in D.C. in March to discuss state efforts on data privacy. He will emphasize the need for Congress to work closely with states to preserve states' current authority.

■ **Election Security:** In May, NCSL in D.C. will lead a coalition to encourage Congress and the administration to prioritize elections security.

THE LATEST FROM D.C.

1

\$7.6B in Federal Highway Funds Successfully Restored for States

In case you missed it, a previously enacted \$7.6 billion rescission in federal transportation funding, which would have affected states starting in July 2020, was repealed at the end of 2019. For the past year, NCSL in D.C. has worked with other state organizations, including the National Governors Association and the American Association of State Highway and Transportation Officials, to repeal the rescission.

—Ben Husch and Kristen Hildreth

2

State Authority Preserved on Transportation Network Company Regulation

A U.S. House bill that would have cut federal road funding to states by billions of dollars if they did not make certain changes to how they regulate transportation network companies, no longer contains any state penalties. The bill, however, still includes a "sense of Congress" for states to implement front and rear vehicle license plates. NCSL in D.C. lobbied members of Congress to remove the penalty and preserve state authority.

—Ben Husch and Kristen Hildreth

3

Continued Support for the National Guard for 2021

Virginia Delegate Terry Kilgore (R) and Nevada Assemblywoman Maggie Carlton (D), co-chairs of NCSL's Labor and Economic Development Committee, sent a letter to U.S. Senate appropriators requesting continued support for the Army and Air National Guards in fiscal year 2021 appropriations. NCSL in D.C. is circulating this letter during hill meetings.

—Jon Jukuri and Michael Quillen

ON THE RADAR

Real I.D.: Congress and the administration are looking to offer new flexibilities to states with the October 2020 compliance deadline approaching.

PFAS: The U.S. House of Representatives passed the PFAS Action Plan of 2019 to address some concerns about perfluoroalkyl and polyfluoroalkyl substances widely used in manufacturing.

Visit www.ncsl.org/ncsl-in-dc for more.

COVID-19

States Rally in Effort to Confront Coronavirus

Coronavirus is wreaking havoc on people and markets worldwide.

Known as COVID-19, the virus was first detected in China last December. By press time on March 10, it had infected nearly 114,000 people and caused more than 4,000 deaths worldwide, according to the World Health Organization. By then, China reported a declining number of new cases but had suffered 78% of the total virus-related deaths and 71% of the infections.

In the United States, there were nearly 650 confirmed cases in at least 36 states, with 25 deaths, according to the Centers for Disease Control and Prevention. A majority of the cases were in California, New York and Washington state.

The Trump administration declared a public health emergency on Jan. 31, allowing states to reassign state, local and tribal personnel to fight the virus. And on Feb. 29, the U.S. Food and Drug Administration gave approval for states to begin doing their own testing. Scientists continue to work on a vaccine, but that can take time.

Meanwhile, as state and local health departments worked with the Centers for Disease Control and Prevention, federal authorities and others, state lawmakers were getting involved, too.

In Florida, five House members self-isolated in early March while awaiting test results. They all had been at an event attended by someone who later tested positive for the virus. Florida Speaker Jose Oliva (R) assured his House colleagues that chamber desks and common areas would be sanitized to provide a reasonable assurance of cleanliness.

Some states began preparations early. California, for example, activated the Department of Public Health's Emergency



Senior Airman Cody R. Miller, U.S. Air Force

U.S. airmen on board a military aircraft don personal protective equipment as part of training to transport patients with infectious diseases like coronavirus.

Response Operations Center in January to coordinate efforts across the state. The Michigan Department of Health and Human Services activated its Community Health Emergency Coordination Center on Feb. 3 to support public health agencies and health care providers. In New Jersey, the governor established a task force to prepare the state's response to the outbreak.

In Massachusetts, the governor signed a midyear spending bill March 4 that appropriated \$95,000 to contain, treat and prevent the coronavirus.

—Haley Nicholson and Tahra Johnson



More online from NCSL

The coronavirus (COVID-19) resources page at nctl.org is updated regularly.

More from other sources

U.S. response

- National Association of County and City Health Officials: Search "Directory of Local Health Departments" at naccho.org.
- CDC: Search "Coronavirus Disease 2019 (COVID-19)" at cdc.gov.

Global figures

- World Health Organization: Search "Coronavirus disease (COVID-2019) situation reports" at who.int.



Nighttime riding was a factor contributing to 39% of the e-scooter accidents examined in a recent study.

ELECTRIC SCOOTERS

Laws Balance Public Safety and Micromobility Needs

Electric scooters have gone from rarity to reality in just two years in many cities across the U.S. The number of rides jumped from near zero in 2017 to around 38.5 million in 2018, according to a recent report from the National Association of City Transportation Officials.

The report found that a typical e-scooter ride is less than a mile in length. Considering that an estimated “48% of all car trips in the most congested U.S. metro areas are less than 3 miles,” according to the traffic data company INRIX, it’s clear there is real potential for scooters to improve mobility and decrease congestion.

As of January, 21 states have enacted laws defining e-scooters and distinguishing them from mopeds and other vehicles requiring registration and insurance. Most states set their e-scooter speed limit at 20 mph, though five states cap it at 15 mph.

Seven states require riders to be at least 16 years old, while Utah set its limit at age 8. Twelve states have no operator age limit.

Oregon, where the e-scooter speed limit is 24 mph (the country’s highest), is the only state to require all riders to wear helmets. Four states require only minors to wear them.

Despite growing enthusiasm for micromobility devices, e-scooters have had a sometimes bumpy ride. In New York, for example, Governor Andrew Cuomo (D) vetoed a bill out of concern that its safety requirements didn’t go far enough.

Conflicts between scooter-share providers and local governments have limited their use in some cities. In January, Lime, one of the country’s biggest dockless e-scooter companies, pulled out of four U.S. cities and several markets overseas, citing rules and fees it claimed were pre-

venting profitability. Lime still operates in about 90 U.S. communities.

Others call for further research. A study of nearly 200 Austin, Texas, e-scooter riders injured over a three-month period found that the most prevalent factors contributing to accidents were nighttime riding (an element in 39% of the crashes) and excessive speed (37%). Of the injured, 35% were first-time riders. Interestingly, only two incidents were reported with a bicyclist or pedestrian, and a relatively few 10% of riders collided with a vehicle.

Meanwhile, companies are rolling out new options like sit-down scooters and mopeds. Will legislatures increase safety requirements? Ban sidewalk riding? Their responses will reflect a need to balance public safety concerns and mobility needs.

—Douglas Shinkle and Shelly Oren

27.5%

Number of U.S. high school students who said they'd used e-cigarettes in the past month, according to a November 2019 JAMA study.

HEALTH

Citing Risk to Teens, Lawmakers Tax Vaping Products

Vaping has taken the tobacco market by storm, and states are scrambling to adapt. Electronic cigarettes and other devices let users inhale vapor containing nicotine or other substances. The devices can be used with many flavor solutions, are affordable and are widely available.

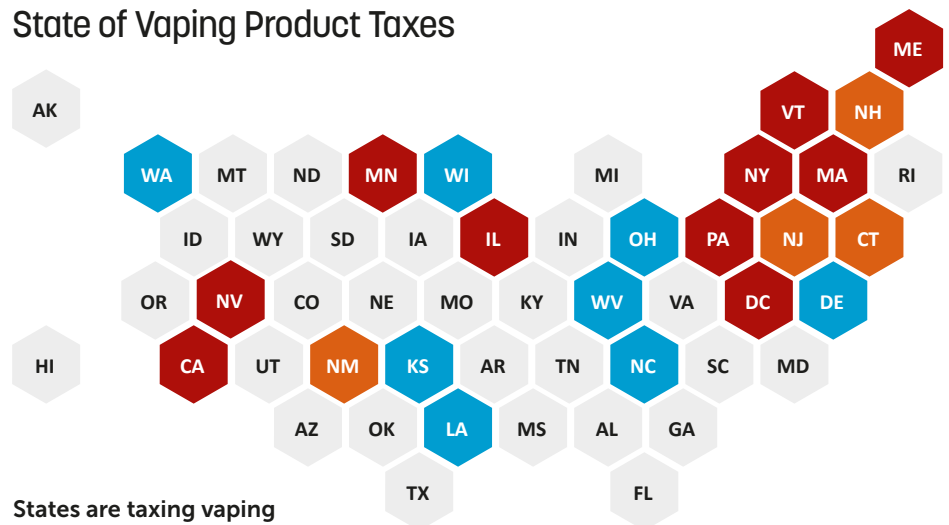
They're also increasingly popular with young people. In a survey published in the November 2019 JAMA, 27.5% of high school students and 10.5% of middle schoolers said they'd used e-cigarettes in the past month. The total number of young vapers last year was estimated to be 5.3 million, up from about 3.5 million in 2018, the study reported.

Concerned about potential health risks to young vapers, lawmakers have banned flavors considered to be targeted at kids, and they've enacted taxes on vaping products or expanded existing tobacco taxes to include e-cigarettes. As of March 4, 21 states and the District of Columbia had such taxes in place.

Lawmakers have used three taxing strategies. Ten states tax a percentage of each product's price, from 15% to 95%. Illinois' 15% tax on the wholesale price of e-cigarettes will bring in about \$10 million in revenue in fiscal year 2020, according to NCSL's 2019 "State Tax Actions" survey. The money will be distributed to various health care funds. A handful of states in this category extended their general "other tobacco product" taxes to include e-cigarettes. A second group of states applies a tax at a flat rate per milliliter of e-liquid or per cartridge. A third group uses a combination of these approaches.

—Savannah Gilmore

State of Vaping Product Taxes



States are taxing vaping products in three ways:

- Percentage of price
- Flat rate per milliliter or per cartridge
- Combination of the above
- No tax on vaping products

Note: California, D.C., Maine, Minnesota, Nevada and Vermont applied their "other tobacco product" rates to e-cigarettes.

Source: NCSL, 2020



Trends

MINIMUM WAGE

Hourly Workers See Modest Pay Gains

Minimum wages are up in 2020 for hourly workers in 21 states. Seven states (Alaska, Florida, Minnesota, Montana, Ohio, South Dakota and Vermont) automatically increased their rates based on the cost of living, while 14 states (Arizona, Arkansas, California, Colorado, Illinois, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New Mexico, New York and Washington) increased their rates due to previously approved legislation or ballot initiatives.

The federal minimum wage is \$7.25.

There's no agreement on whether higher minimum wages create jobs and grow the economy or hurt workers by forcing busi-



More online

For a list of recent state actions on the minimum wage and a discussion of the pros and cons of minimum wage increases, visit the "Labor and Employment" webpage at ncsl.org.

nesses to close. Nevertheless, wage hikes occurred in red and blue states alike.

Average hourly earnings grew by 3.1% over the last 12 months, according to the federal jobs report for January.

—*Jackson Brainerd*

HOUSING

The Connection Between Home, Health

Where we live matters. Homes full of dangerous chemicals, lead or molds, those with poor air quality or those that expose residents to temperature extremes can lead to high rates of chronic health conditions.

And, of course, it's difficult to maintain a healthy lifestyle, let alone manage mental health and chronic conditions, if one has no home at all. Research demonstrates a strong positive relationship between stable, safe, affordable housing and people's mental and physical health. And better health results in lower health care costs.

In an Oregon study by CORE, an independent research hub, and Enterprise Community Partners, a population of nearly 10,000 low-income individuals were moved into affordable housing. Medicaid expenditures dropped by 12%, primary care visits increased by 20% and the use of emergency departments fell by 18%.

One promising policy approach is to pro-

vide supportive housing—a combination of affordable housing and support services designed to keep people in their homes. Though Medicaid doesn't cover rent, 37 states incorporate at least some supportive housing services in their Medicaid programs through waivers or state plan amendments. Louisiana's Medicaid program, for example, helps with rental applications and arranges for move-in and other services.

Private-sector businesses, lenders, investors, community development corporations, housing alliances and foundations, along with federal, state and local governments, all play a role in developing safer, cleaner, more affordable housing. Though the policy discussions often span different levels and branches of government, the connection between housing and health will continue to drive the conversation.

—*Samantha Scotti*

Minimum Wages

By state, as of February 2020

Alabama	none
Alaska	\$10.19
American Samoa	varies
Arizona	\$12
Arkansas	\$10
California	\$15
Colorado	\$12
Connecticut	\$11
Delaware	\$9.25
D.C.	\$14
Florida	\$8.56
Georgia	\$5.15
Guam	\$8.25
Hawaii	\$10.10
Idaho	\$7.25
Illinois	\$9.25
Indiana	\$7.25
Iowa	\$7.25
Kansas	\$7.25
Kentucky	\$7.25
Louisiana	none
Maine	\$12
Maryland	\$11
Massachusetts	\$12.75
Michigan	\$9.65
Minnesota	\$10/\$8.15
Mississippi	none
Missouri	\$9.45
Montana	\$8.65/\$4
Nebraska	\$9
Nevada	\$8.25/\$7.25
New Hampshire	none
New Jersey	\$11
New Mexico	\$9
New York	\$11.80
North Carolina	\$7.25
North Dakota	\$7.25
No. Mariana Islands	\$7.25
Ohio	\$8.70/\$7.25
Oklahoma	\$7.25/\$2
Oregon	\$11.25
Pennsylvania	\$7.25
Puerto Rico	\$7.25/\$5.08
Rhode Island	\$10.50
South Carolina	none
South Dakota	\$9.30
Tennessee	none
Texas	\$7.25
Utah	\$7.25
Vermont	\$10.96
Virgin Islands	\$10.50
Virginia	\$7.25
Washington	\$13.50
West Virginia	\$8.75
Wisconsin	\$7.25
Wyoming	\$5.15

Note: The states with two amounts shown base their rates on the size or value of the employer or location. Many states have additional annual increases planned, as well.

Source: U.S. Department of Labor; state websites

1,951

Number of untested rape kits found in Hawaii law enforcement's possession in a 2016 audit. In response, the legislature set new deadlines for submitting and testing kits.

LAW ENFORCEMENT

States Address Backlog of Sexual Assault Evidence Kits

Stockpiles of untested rape kits are a serious challenge facing America's justice systems.

Congress passed the Sexual Assault Survivors' Bill of Rights Act in 2016 to ensure that, in federal cases (crimes occurring across state lines, in the military, in a federal prison or on federal land), assault survivors' rape kits would be preserved for the full statute of limitations, or 20 years, for free. It also requires victims to be notified before a kit is disposed of and gives

them the ability to preserve it.

Nearly a dozen states have since passed laws similar to the federal version. Nevada, New Mexico and West Virginia passed theirs in 2019. California, Illinois, Nebraska, New Hampshire, New York, Oregon, South Dakota, Vermont and Washington did so in the last three years.

Pennsylvania and Wyoming passed legislation in 2019 requiring annual audits of all untested rape kits. Alaska, Indiana, Missouri and North Carolina enacted au-

dit requirements in the last five years.

Tracking systems can follow kits from evidence collection to storage. California, Idaho, Michigan and Washington established such systems in 2016. The Michigan State Police now use an internet-based system called "Track-Kit," which allows individuals to track the location and status of their kits. At least 20 states have passed legislation to develop similar systems.

—Anne Teigen

BOOK REVIEW

Rethinking Corporate Tax Incentives

Few names are more recognizable in the state economic development sphere than Timothy Bartik's. A senior economist at the W.E. Upjohn Institute for Employment Research in Kalamazoo, Mich., Bartik has studied the effects of business tax incentives for decades.

His most recent work, "Making Sense of Incentives: Taming Business Incentives to Promote Prosperity," addresses several long-standing questions: What should incentives accomplish? How can they be designed most effectively? And do the costs outweigh the benefits?

When it comes to the \$50 billion that state and local governments dole out in tax incentives annually, Bartik is clear: Overall, these inducements are not paying off. Drawing on piles of research, he casts serious doubt on the effectiveness of incentive programs as currently constructed. How important are tax incentives in influencing business location decisions? Bartik says they tip location decisions for just 1 in 4 incented firms. The rest are getting money to do what they would have done anyway. "At least 75% of the time, incentives are all costs, with no

job creation benefits," Bartik writes.

He isn't arguing that incentives can't have positive results, just that there is a lot of room for improvement. Incentives, for example, typically go to out-of-state businesses, but they're more productive when they benefit locally owned companies. Cash offerings make up more than 90% of all incentive deals, yet customized training services are more effective job creation tools. And, paying out incentives over long terms, which states frequently opt to do, has less influence over business-location decisions than making more payments up front.

"Making Sense of Incentives" includes a host of recommendations for crafting better incentive programs and detailed sections on improving their oversight and evaluation. At a time when the number of company-specific incentive deals worth nine to 10 figures is on the rise, this book is essential reading. Don't let the subject matter deter you. Bartik's book is accessible to anyone with a passing interest in economic development.

—Jackson Brainerd



Making Sense of Incentives:
Taming Business Incentives
to Promote Prosperity

By Timothy J. Bartik; \$14.99
or download at upjohn.org.



HUMAN RESOURCES

Recruiting and Retaining IT Staff

How Indiana's tech services office is hiring, and hanging onto, top employees.

BY PAM GREENBERG

The high-tech workplace is known for competitive salaries, great benefits and fun perks like casual dress codes, free food and giveaways aplenty. They often receive cutting-edge training and get access to the latest technologies.

Government just can't compete with that, right? Wrong. Offering benefits and perks more commonly seen in the private sector is among the creative strategies one legislative information technology agency is using to attract and retain top talent.

Government's Challenges

A strong economy and a low unemployment rate have made it difficult for state agencies to land engineers, technicians and information technology professionals,

all of whom are in high demand in the private sector. In a new report, the National Association of State Chief Administrators identified several reasons the states' task has become more difficult, including changes in workforce expectations and the reduced appeal of "lifetime employment" among younger generations, less-competitive salaries, and negative perceptions about working for government.

Legislatures face the same challenges. Legislative IT directors and chief information officers said in a 2017 survey that the only thing harder than "finding and retaining skilled IT staff" was "keeping up with security threats."

About six years ago, the Office of Technology Services at the Indiana Legislative Services Agency started expanding as technology in the legislature grew in

importance. The office was developing a suite of legislative applications and updating others all while maintaining its existing systems and providing customer support.

Cues From the Private Sector

To improve recruitment and retention of IT employees, agency leaders supported several innovations suggested by their technology team. They adopted C-suite titles (chief operating officer, chief technology officer, etc.) and "lead" positions (team lead) common to the private sector. They agreed to hire workers with H-1B visas and went to area universities to recruit. They redesigned their office space to foster collaboration and gave IT staff access to the equipment best suited to the work they were doing.

“WE ARE HYPER-FOCUSED ON ENSURING THAT OUR PEOPLE ARE AS HAPPY AS POSSIBLE. I LET THEM CHOOSE HOW OFTEN THEY TALK TO ME—SOME COME EVERY WEEK, SOME LESS OFTEN. SOME PEOPLE WANT STRUCTURE, OTHERS JUST WANT TO WRITE CODE.”

Jeff Ford, chief technology officer,
Indiana Legislative Services Agency

They even found a way to provide “free” food when team managers personally funded a snack pantry for employees.

The agency did salary surveys and was able to offer more competitive pay for most IT positions. And, finally, it created career ladders so that employees can earn promotions with associated pay increases over time.

Creating Change

The initiatives changed the organization, Chief Technology Officer Jeff Ford says. “More and more often, I’m able to hire the smartest people and pay them what they are worth.”

Ford, who also serves as chairman of NCSL’s National Association of Legislative Information Technology, makes training a priority. “I send them to the top training and conferences to learn about emerging technologies and to enhance their skills,” he says. Staff also can earn certifications.

The team allocates at least two full weeks per year for training and personal development. And contrary to the belief that training and certifications will just give employees the skills to move on to more lucrative jobs, Ford has found they have improved retention and productivity.

Government’s Advantages

The legislature has other benefits it can offer employees. “Sell your strengths,”

Ford says. His agency offers employees comp time and opportunities to convert unused paid time off into retirement deposits each year. It also offers a sustainable work-life balance—weeks over 40 hours are rare, and team members can use accrued comp time for vacations when the legislature is out of session. Ford compares that to the hours typically worked in private-sector tech companies and shows employees how that equates favorably when converted to an hourly wage.

Legislative employees also can qualify for the Federal Public Service Loan Forgiveness Program, which forgives remaining student loan debt after a person has worked 10 years for a qualified employer.

Focus on Employees

Ford’s agency treats employees as individuals, he says, celebrating promotions and anniversaries, even taking in the latest “Star Wars” movie or a local escape room. Personal development is a priority.

“We are hyper-focused on ensuring that our people are as happy as possible,” he says. “I let them choose how often they talk to me—some come every week, some less often. Some people want structure, others just want to write code.”

A three-day hackathon every year after session ends gives staff a chance to be creative. In 2018, they came up with a Google plug-in to enhance the legislature’s inter-

Coding Events Yield New Legislative Services

A hackathon—aka hack marathon, hack day, hackfest, codefest—is an event in which programmers collaboratively code over a short period of time. The events typically allow developers to work on whatever ideas or projects they want.

The Indiana General Assembly’s Office of Technology Services hosts annual hackathons for its IT staff in which teams compete over three to four days to develop new legislative applications. Each team prepares a demo and presentation to be judged on the last day of the hackathon.

Teams have developed a live-session dashboard, a bill-tracking and search plug-in, and a tool to visualize all bills in play during session and at each phase of the legislative process. The competitions further inspired the staff to create a way for citizens to register to give testimony from a tablet kiosk.

nal bill tracking system. “They were able to take it to production quickly and were ecstatic about the result,” Ford says.

The office also adapts roles and assignments to keep people challenged and engaged. “We try to give everyone opportunities to be a leader in different ways,” Ford says. “All senior-level people get there by being mentored, and one thing that will help you get ahead is if you mentor others.”

But being a manager is not what drives Ford. “No one wants to go to work to be managed,” he says. “When I see people congregating around desks, solving problems ... it’s one of the best things about what I do.”

Pam Greenberg tracks technology issues for NCSL.

50/50

are the odds that an American 10-year-old will live to 100.

10,000

baby boomers turn 65 every day.

3 to 1

is the ratio of women to men who live into their 90s.

40 million

Americans provide daily care for older adults.

61%

of family caregivers work full time.

\$7,000

is the average annual out-of-pocket expense facing family caregivers.

75%

of adults over 85 have at least three chronic health problems.

30%

of adults over 85 have dementia.

\$9,100

is the average monthly cost for a private room in a skilled-nursing facility.

95%

of Americans over 40 do not have long-term care insurance.

L I V I N G





N G N T O

1000

Building a world where people thrive as they age requires a whole new way of thinking.

BY SUZANNE WEISS



ife's too short, we like to say.

Or is it?

Most everyone knows or has heard about people in their 80s and even 90s who live on their own, still drive and enjoy activities ranging from travel to golf to volunteer work.

But the ninth and 10th decades of life are far from golden years for the vast majority of America's "oldest old"—numbering 6.4 million today and projected to surge to nearly 15 million by 2040. Roughly 4 in 5 people over age 85 are housebound or in assisted-living facilities, struggling or at risk financially, coping with several chronic health problems and increasingly dependent on family, friends and a hodgepodge of supports whose capacity, accessibility, affordability and quality vary widely across and within states.

The fact that this vulnerable age cohort happens to be the nation's fastest growing has broadened attention to the effects of longevity: on individuals, families and communities; on the workplace and the economy; and on the well-being of the nation.

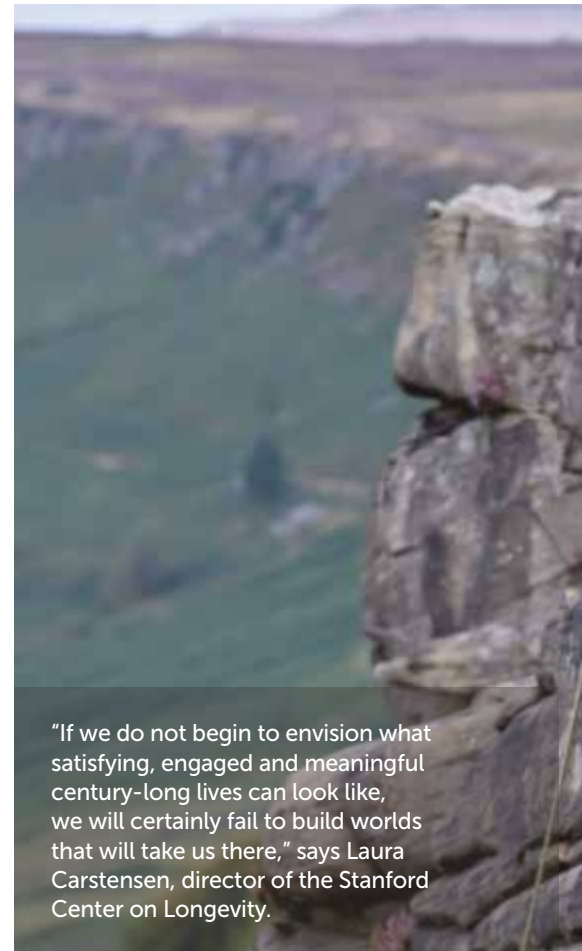
The immensity of the future shift in demographics has helped put the issue on the radar for many lawmakers. Some states have shown notable initiative and commitment in areas such as retirement security and home-based and institutional care.

But states aren't moving fast enough for James Firman, president and CEO of the National Council on Aging. "We see what is coming, but we are not prepared as individuals, as communities and as states," he noted in a recent NCSL "Our American States" podcast, "Living to 100: The Policy Implications." "This needs to rise quickly to the top of the legislative agenda before it's too late."

And "too late" is just around the corner, says Elaine Ryan, AARP's vice president for state advocacy and strategy integration. Baby boomers, the generation born between 1946 and 1964, are retiring at the rate of 10,000 a day, and the oldest boomers will begin turning 80 just six years from now. The aging of the baby-boom generation, Ryan points out, coincides with several other potent and converging demographic trends: steady declines in birth rates, fertility rates and household size, along with a continuing rise in average life expectancy.

Rethinking the Life Span

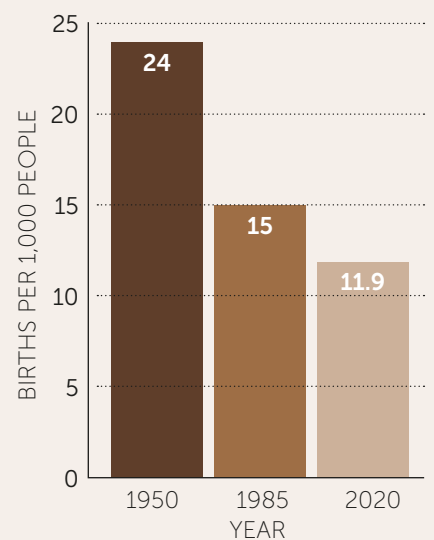
Advocates believe that much of the legislation being enacted is piecemeal, amounting to little more than tinkering at the margins. They call for a top-to-bottom rethinking of the life span itself, in all spheres. "Long lives are not the problem. The problem is living in cultures designed for lives half as long as the ones we have," wrote Laura



"If we do not begin to envision what satisfying, engaged and meaningful century-long lives can look like, we will certainly fail to build worlds that will take us there," says Laura Carstensen, director of the Stanford Center on Longevity.

U.S. Birth Rate, 1950-2020

Per 1,000 people



Source: U.N. World Population Prospects



“WE’VE NEVER SEEN ANYTHING LIKE WHAT’S COMING—AND IT’S GOING TO FUNDAMENTALLY CHANGE EVERYTHING.”

Elaine Ryan, vice president for state advocacy and strategy integration, AARP

Carstensen, director of the Stanford Center on Longevity, in a recent op-ed in the Washington Post. “Retirements that span four decades are unattainable for most individuals, education that ends in the early 20s is ill-suited for longer working lives, and social norms that dictate intergenerational responsibilities fail to address families that include four or five living generations.”

Firman agrees. He noted that we invest enormously in every state to prepare young people for adulthood, but very little in educating adults on how to control their health, choose wisely where to live, save enough money to last throughout retirement, and stay engaged and productive in their communities.

Firman and others call for greater public investment in job retraining, health education and retirement planning programs, and in new forms of support for the estimated 41 million spouses, children and other family members who provide the lion’s share of unpaid caregiving—an estimated 34 billion hours (worth about \$470 billion) in 2019, according to AARP.

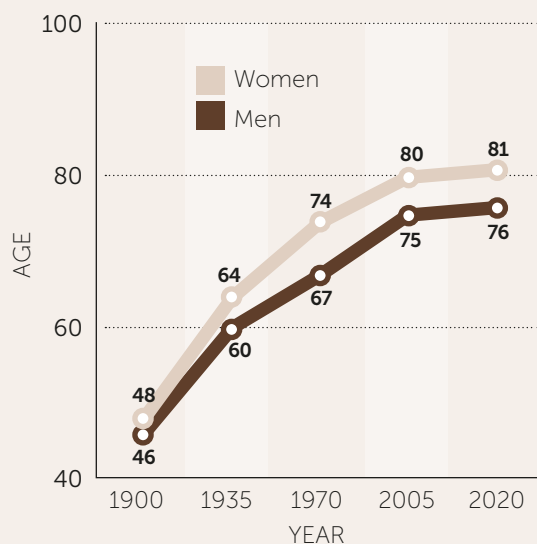
Comprehensive strategies for easing the burden of family caregivers are crucial, Firman says, because “typically, it’s when the caregiver collapses, and they can no longer care for that older adult, that a person has to go into a nursing home, spend down their assets and go onto Medicaid. And this is a huge drain on the state budget.”

Burden on Family Caregivers

Roughly half of people over age 65 enter the latter stages of life with little or no savings, and the resources they do have—Social Security checks, pensions, equity in

U.S. Average Life Expectancy

1900-2020



Sources: U.N. World Population Prospects, AARP

Estimated Ratio of Potential Family Caregivers to Older Adults Requiring Care

2010-50

2010
7 to 1

2030
4 to 1

2050
3 to 1

their homes—are stretched ever thinner with advancing age. Medicare doesn't cover the kind of intensive long-term care required by those with the most severe physical and cognitive difficulties, and only a small portion of those in their 80s and 90s have private insurance that covers such care.

The high cost of institutional care—upwards of \$7,500 a month for even a shared room in a nursing home—forces many families to assume the caregiving responsibility. And that can be difficult. Not only do caregivers help their loved ones with meal preparation, dressing and bathing, housekeeping chores and financial responsibilities, they often must perform complex medical or nursing tasks, with little to no training.

Caregiving also takes a financial toll. Many caregivers report high out-of-pocket costs associated with caring for a loved one. Additionally, most caregivers have other jobs and report having to take time off work because of their caregiving responsibilities.

"Every day, families provide invaluable care for their loved ones so they can continue to live at home, where they want to be," says Hawaii Senator Rosalyn Baker (D). "It's a tough job, and we need to support them." In 2017, Baker led the fight to pass a groundbreaking initiative that establishes a dynamic state-funded continuum of home- and community-based services tailored to the needs of frail and vulnerable adults over age 60.

When relatives and friends cannot provide the care needed, however, families turn to other long-term services and supports, the costs of which Medicaid covers, if the older adult's family member has no more than \$2,000 left in assets.

The federal government covers at least 50% of states' Medicaid bills. And long-term services and supports are a big slice of the Medicaid pie in most states. How big varies greatly because states set their own eligibility rules, what services to cover and reimbursement rates. The total portion of Medicaid spending that goes toward long-term services and supports averages 50% nationwide but varies widely by state.



The U.S. Census Bureau estimates that by the mid-2030s, older adults will, for the first time in our history, outnumber those under age 18.



Baker



Jinkins

Long-term care insurance can help when faced with the costs of caring for someone for years. But only about 10% of adult Americans have it.

Washington lawmakers passed the first public long-term care insurance program in 2019 "to help seniors and their families pay for long-term services and support while protecting seniors' retirement savings and assets," wrote Washington House Speaker Laurie Jinkins (D), a prime sponsor of the bill, in a *Seattle Times* op-ed.

Those opposed to the bill raised concern over its costs.

Too Little, Too Late?

Historically, public policy for the aging population "has been very low on the radar screen," says Karen Brown, a Denver-based advocate for older adults who served on

a panel on aging created by the Colorado General Assembly in 2015. "But now we're seeing more and more governors, legislators and other state officials saying, 'Wow, things are about to change and we really do need to take a look, longer term.'"

The U.S. Census Bureau estimates that by the mid-2030s, older adults will, for the first time in our history, outnumber those under age 18. By 2060, the bureau says, nearly 1 in 4 Americans will be 65 or older, the number of 85-year-olds will triple, and the country will be home to a half million centenarians.

The latest of AARP's annual 50-state reports on the infrastructure of services and supports for older Americans paints a grim picture. But caregiving, along with advocating for new policy approaches in areas ranging from retirement security to telemedicine, Ryan says, is among the organization's top priorities in its work with states.

"State leaders are changemakers," she says. "I believe we're going to see a lot of innovation at the state level, including taking greater advantage of technology."

AARP Drives Change

Over the past 20 years, AARP—with 38 million dues-paying members—has emerged as a powerful voice for redesigning

ing traditional models of education and work; social and intergenerational relationships; and health care and financial planning to better support longer lives. The organization has set in motion an array of projects aimed at challenging attitudes, behaviors and norms related to aging.

AARP's latest effort is called "Disrupt Aging," a multiyear global initiative that calls for seeing "older people as contributors to society, not burdens." Using a variety of platforms and targeting a variety of audiences, the initiative will address four key issues for adults from middle age on: taking control of their health, choosing where they live, making their money last and putting their experience to work.

Elsewhere, the Stanford Center on Longevity's "New Map of Life" initiative includes a multidisciplinary team of experts in medicine, education, behavioral science, finance, philanthropy, engineering and climate science working to envision what it will take to create century-long lives filled with belonging, purpose and worth.

"Longevity demands a rethinking of all stages of life," Carstensen says. "It would be a mistake to replace the old rigid model of life—education first, then family and work and finally retirement—with a new model just as rigid."

Instead, she says, there should be "many different routes, interweaving leisure, work, education and family throughout life, taking people from birth to death with places to stop, rest, change course and repeat steps along the way."

Thirty years were added to the average American's life expectancy in the 20th century. But, Carstensen says, "rather than imagine the scores of ways we could use these years to improve quality of life, we tacked them all on at the end. Only old age got longer.

"If we do not begin to envision what satisfying, engaged and meaningful century-long lives can look like, we will certainly fail to build worlds that will take us there."

Suzanne Weiss is freelance writer and frequent contributor to State Legislatures.

4 Ways to Prepare for Aging Populations

The aging of America will cause a societal metamorphosis. The "oldest old"—those in their 80s and 90s—number 6.4 million today but are projected to surge to nearly 15 million by 2040. Here are four ways state lawmakers can prepare.

1 | Strengthen the Direct Care Workforce

States use various titles for "direct care" workers and often define them in statute. They include personal care aides, home health aides, home care workers, long-term care aides and nursing assistants.

Each profession has a slightly different scope of practice depending on the number of training hours required and varying state regulations. Personal care aides generally assist with social supports and daily activities, while home health aides and nursing assistants may perform certain clinical tasks under the supervision of a licensed professional. Together, these health care professionals play a critical role in helping older adults and people with disabilities remain in their homes and communities; however, they are hard to find and even harder to keep.

Generally, direct care jobs don't pay well and provide few benefits. The turnover rate is high—between 45% and 60%.

Some efforts may also boost the perceived value of direct care jobs, which could improve recruitment and retention rates. Examples of recent state actions:

- Arizona established a state-funded training system following recommendations from the Direct Care Workforce Committee.
- Colorado increased its hourly minimum wage for direct care employees.
- Illinois and Oregon both created training requirements for employees who

serve people with Alzheimer's and other dementias.

- Maine and New Mexico created task forces to consider ways to strengthen the direct care workforce.

- Maryland increased the rate of reimbursement for community service providers, including direct care staff.

- Minnesota created a statewide job board that helps consumers and direct care workers find the right fit.

- Oregon, Illinois and Nevada passed "Domestic Workers Bill of Rights" laws, which extend protections against workplace harassment and required overtime.

- Texas' Health and Human Services Commission issued a report required by the legislature to improve recruitment and retention rates among state Medicaid-funded personal care aides.

- Washington expanded learning objectives, increased training hours and introduced certification requirements for personal care aides.

- Wisconsin increased funding for direct care workers' wages, bonuses, time off and benefits.

2 | Support Family Caregivers

Lawmakers are also expanding the availability of telemedicine, funding respite care, increasing home-based services, providing paid and unpaid leave for caregivers who are employed, and more.

- Hawaii passed Kapuna Care, a dynamic state-funded continuum of home- and community-based services to support aging in place to delay the need for institutional care. The program costs \$7 million annually and currently serves about 6,000 older adults. A companion

BCBSPROGRESSHEALTH.com

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And kids who use e-cigarettes are four times more likely to become smokers. So we're using our voice to protect the next generation by supporting a crackdown on flavored products and other commonsense steps to keep youth from being harmed by tobacco use.

**PROTECTING THE FUTURE,
FOR THE HEALTH OF AMERICA.**



**BlueCross
BlueShield**
Association

Blue Cross Blue Shield Association is an association of independent Blue Cross and Blue Shield companies.

program, Kapuna Caregivers, provides a daily stipend of up to \$70 for people who work at least 30 hours a week while caring for an elderly family member.

- Thirty-eight states, the District of Columbia, Puerto Rico and the Virgin Islands have enacted the Caregiver Advise, Record, Enable (CARE) Act. The law, based on model legislation from AARP, requires hospitals to instruct caregivers on the medical tasks they will be asked to perform before a patient goes home.

- Several states are considering income tax credits of up to \$5,000 a year.

3 | Promote Long-term Care Insurance

Last year, Washington created a public long-term care insurance program, funded with a payroll tax of 0.58%. It will pay benefits of up to \$36,500 to cover the costs of both institutional and home-based care. Self-employed workers may choose whether to participate.

- California established a task force to examine the possibility of creating a state-wide long-term care insurance program.

- Illinois and Michigan are studying similar programs, and Minnesota is considering options that include the private sector.

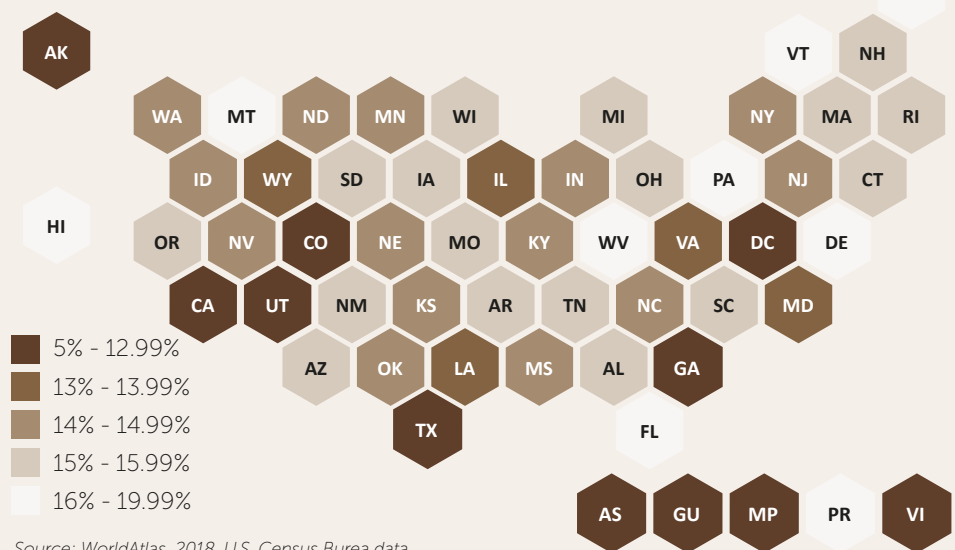
4 | Increase Retirement Security

In 2017, Oregon became the first state to establish a state-facilitated retirement-savings program for small-business employees who don't have a retirement savings plan at work. OregonSaves lets workers save their own money for retirement via payroll deduction and is being phased in gradually based on the size of the employer. OregonSaves accounts are portable and stay with workers throughout their careers.

Currently, 10 other states and one city have enacted similar programs to help private sector workers save for retirement.

—Samantha Scotti

Percentage of Population Over 65 Years Old, 2018



Source: WorldAtlas, 2018, U.S. Census Bureau data

Preying on the Elderly

Along with more seniors comes more abuse.

Approximately 1 in 10 Americans 60 and older have been abused, according to the National Council on Aging. But it's hard to know because so few cases are reported.

Elder abuse can be physical, emotional and sexual, but can include exploitation, neglect and abandonment, the council says. Offenders range from the elders' own children and relatives (60% of the time) to staff at nursing homes and other facilities.

All states have some kind of adult protective services program, and all have passed legislation specifically to protect the elderly from various forms of abuse.

Minnesota lawmakers, for example, recently approved the Elder Care and Vulnerable Adult Protection Act of 2019 to protect vulnerable senior citizens from abuse.

"This is bipartisan legislation that comes out of many months of meetings with



Housley

"THERE IS WIDESPREAD AGREEMENT THAT THIS NEEDS TO GET DONE—AND IT CANNOT WAIT."

Senator Karin Housley, Minnesota

facility residents and families, advocacy groups, and other stakeholders. There is widespread agreement that this needs to get done—and it cannot wait," Senator Karin Housley (R), chairwoman of the Senate Family Care and Aging Committee and author of the legislation, said in a press release. Among other provisions designed to protect the elderly, the bill requires the state's assisted-living facilities to be licensed. It had been the only state without that requirement before this legislation, according to the Minneapolis Star Tribune.

With the number of elderly growing, many expect abuse to increase as well.

Stateline

CORONA BUSINESS

A New York State of Clean

The prices of hand sanitizer, face masks and disinfectant wipes spiked in early March right along with demand for those and other anti-coronavirus items. New York state officials countered with “New York State Clean” — their own hand sanitizer. Made by state prisoners, it’s being distributed to schools, prisons and government agencies across the state that have struggled to get increasingly scarce and costly brand-name products on the open market. In announcing the germ-fighting goo, which is not yet available to the public, Governor Andrew Cuomo (D) had a message for unscrupulous retailers: “If you continue the price gouging, we will introduce our product, which is superior to your product.”



GUAM

Part-Time Senators?

A pending measure would change the Guam legislature to a part-time body. The island territory's unicameral legislature consists of 15 senators, who serve two-year terms. The bill, introduced by Senator James Moylan (R), would replace senatorial salaries and benefits with \$100 stipends per day spent in session, which would be limited to 60 days total, convening in January and again in June, according to the Guam Daily Post. The savings could be more than \$850,000 through a two-year term, supporters say. Critics would prefer to let voters decide through a referendum. If the law passes, Guam would have the nation's fifth part-time legislature.

MONTANA

Acknowledgment of Tribe, After Decades

The Little Shell Tribe of Chippewa Indians, based in Montana but without a reservation, became the 574th federally recognized tribe in the United States late last year. Federal recognition, which the tribe had been seeking since the 1930s, will give Little Shell members access to health care and social services, High Country News reports. It also delivered a long-sought sense

COLORADO

Untangling Racial Hair Discrimination

Colorado is the fifth state to enact a law prohibiting discrimination in education, employment, housing and public accommodations based on racial or ethnic hairstyles. The CROWN Act, which covers hair texture, hair type, protective hairstyles and headwraps, follows nationally publicized incidents of discrimination, including that of a New Jersey high school wrestler who was forced to cut off his dreadlocks to compete. California, New Jersey, New York and Virginia have passed similar legislation. CROWN stands for "Create a Respectful and Open World for Natural Hair."



Office of Representative Leslie Herod

After signing the CROWN Act, Colorado Governor Jared Polis (D) was flanked by co-sponsors Senator Rhonda Fields (D), left, and Representative Leslie Herod (D), right.

of validity. "I felt like, without recognition, I wasn't somebody," said 93-year-old Theresa Juraskovich, the tribe's oldest living member. "Today, I feel like I'm valued."

MARYLAND

Vape Loophole Closed

Maryland is the first state to ban all flavors of disposable electronic cigarettes except

tobacco and menthol, The Hill reports. The move closes a loophole in the recent federal e-cigarette ban, which prohibited cartridge-based fruit and mint flavors but exempted disposable devices, which are cheaper than refillable cartridges and increasingly popular with teenagers. The ban was initiated by Maryland's comptroller, Peter Franchot, but pending legislation in the General Assembly would go still further, banning any tobacco product, including vaping materials, that gives off an odor other than tobacco.

LOVE, AMERICAN STYLE

We're Making Fewer Trips to the Altar, Divorce Court

The nation's marriage and divorce rates both fell in the last 10 years, the U.S. Census Bureau reports, citing figures from its most recent American Community Survey. The annual rates of 17.9 new marriages and 10.5 new divorces for every 1,000 women ages 15 or older in 2008 dropped to 16.6 and 7.7, respectively, in 2018. The bureau notes, however, that the rates vary widely by state. Utah had the nation's highest marriage rate in 2018 (23.1), while Puerto Rico had the lowest divorce rate that year (4.2). Apparently, the fewer of us who do tie the knot are more likely to keep it tied.

REDISTRICTING

10 Things You Need to Know Before Drawing Next Year's Maps

BY WENDY UNDERHILL

A year from now redistricting will be full steam ahead, with the focus on where the boundaries for legislative and congressional districts will be set for the next 10 years. When the 2020 census data is released to the states, no later than March 31, 2021, it's go-time for redistricters.

This year, state legislatures are revving their engines, preparing and practicing for the real deal coming next year. Lawmakers are considering their software choices, gathering data, training personnel and figuring out how the public can have its voice heard during this most political of government actions.

Here's what legislators need to keep in mind for the big job ahead.



The first enumeration for the 2020 census started in tiny Toksook Bay, Alaska, on Jan. 21.

Redistricting Roundup

45 Years and Counting

NCSL was instrumental in lobbying Congress in 1975 for the enactment of Public Law 94-171, which requires the U.S. Census Bureau to provide enough detail at the census block level to draw fair and accurate maps.

Ohio's Unique Process

Ohio created a hybrid model for congressional redistricting. The legislature gets first crack at drawing the map. If the chambers can't approve it with strong bipartisan support, a commission draws a new version. If the commission also fails to get bipartisan approval, lawmakers step in again, with a lower bar for bipartisanship. If that effort fails? The legislature can draw the maps with a simple majority—but must start over again just four years later.

Data Analysis

Software vendors and data consultants increasingly are helping lawmakers during and after redistricting. "Ensembles" of thousands (or millions) of computer-generated maps may be used by redistricters themselves—or by outsiders—to compare proposed boundary changes. Ensemble analyses may show up in courts, though it's too early to know whether they will be determinative.

3 Conditions to Avoid

In *Thornburg v. Gingles*, the U.S. Supreme Court named three conditions redistricting plans must exhibit for minorities to claim possible vote dilution.

- The group must be "sufficiently numerous and compact to form a majority in a single-member district."
- The group must be politically cohesive in that they tend to vote the same way.
- The majority votes as a bloc often enough to enable it to usually defeat the minority's preferred candidate.

—Wendy Underhill



Photos: U.S. Census Bureau

A census worker canvassing addresses in August last year.

1 States Are in Charge

The states—not Congress—unequivocally drive the redistricting bus. It's in Article 1, Section 4 of the Constitution: "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof." The Constitution doesn't say how redistricting is to be done, but it's clear on who is to do it.

Although legislative redistricting is outside their purview, members of Congress have introduced bills to influence congressional map-drawing. Last year, for example, HR 1, the For the People Act, called for commissions to do congressional redistricting. The bill made its way through the House quickly but is unlikely to be taken up by the Senate this year.

2 Lawmakers Take the Lead

Legislatures are the traditional entities to do redistricting—and they'll continue

to do so in the next cycle. Lawmakers will vote on congressional maps in 41 states and on legislative maps in 36. The other states have commissions with primary responsibility for line-drawing. But even in many of those, the legislature has a role in selecting commissioners.

3 The Census Data Matters

Article 1, Section 3 of the Constitution calls for an "actual Enumeration" of the people living in the U.S. every 10 years. The data generated by that enumeration, or census, is used in many ways, including to distribute more than \$1 trillion in federal funds to the states annually through a variety of programs.

From a redistricting standpoint, the census block—the smallest geographic level—is the equivalent of a single-hump Lego. The tussling associated with redistricting is over how to build those census blocks into districts. For the coming census, bipartisan support from the states for the Census Bureau's work has burgeoned. Forty-seven

states have created statewide complete count committees to assist the federal government in counting people, and 28 states have dedicated funding to this mission.

4 | Equal Population Is Principle No. 1

The U.S. Supreme Court has ruled that newly drawn districts must contain the same number of people, making the phrase “one person, one vote” part of our vernacular. Before the 1960s, some states hadn’t redrawn their electoral maps in decades. In one state, for example, the largest Senate district was 41 times the size of the smallest. All states are now required to redistrict every 10 years to rebalance district populations.

The standards for equality vary. For Congress, the law has been interpreted to mean that districts must be equal almost to a single person, with a few caveats. For legislative redistricting, there’s more flexibility; still, states aim for equality and must have legally sound explanations for variations.

5 | Nondiscrimination Is No. 2

Shortly after the Supreme Court defined the equal population requirement, Congress passed the Voting Rights Act, in 1965. It clarified that nothing related to elections, including redistricting, could lead to discrimination based on race or minority language. That requirement, along with the equal protection clause of the 14th Amendment, which prohibits race from being the predominant reason for creating a district or map, forces states to pay neither too much, nor too little, attention to race.

6 | States Are Free to Set Standards

Beyond equal population and attention to race, state legislatures are free to set whatever standards, criteria, priorities,



A guiding hand: The U.S. Supreme Court has ruled on redistricting in all but 10 years since 1962, when the first landmark redistricting case was decided.

principles or guidelines they’d like when it comes to redistricting. All states require that legislative districts be contiguous, and 40 also require that they be compact, though “compactness” is rarely defined or mathematically measured. Some states explicitly try to preserve preexisting districts, or identify and preserve “communities of interest,” another rarely defined term of art. These communities could be anything from a group of rice farmers to homeowners dealing with noise pollution from a nearby airport.

In the last couple decades, there have been several attempts to address the influence of politics in redistricting. States have tried requiring that districts be competitive, meaning they have a relatively even partisan balance, or that they mirror the partisan split of voters in the state. Others require that maps neither favor nor disfavor one party or candidate. Arizona, California, Iowa, Montana and Nebraska prohibit political data from being used in

the process at all. State standards often conflict with one another, however. It can be difficult to draw competitive districts without using political data, for example. It can also be hard to draw compact districts while keeping communities of interest together—especially if geography naturally disperses them.

7 | The U.S. Supreme Court Rules

First comes the census, then redistricting. Next comes litigation. The Supreme Court has ruled on redistricting in all but 10 years since 1962, when the first landmark redistricting case was decided.

In recent years, the court has also ruled on what legislative documents or communications are privileged and therefore can’t be brought as evidence in a case. In short: There’s less privilege, or confidentiality, than many observers had thought.

Challenges to both the accuracy of census data (based on potential undercounts) and the use of citizenship data (which will be provided for the first time in this cycle, based on administrative records) may prove fertile new ground for litigation.

8 | State Courts Are Active, Too

State courts have been just as active on redistricting as their federal counterparts, with venue-shopping not uncommon. They’ll be even busier, most pundits say, in the coming decade.

That’s because in *Rucho v. Common Cause* last year, the U.S. Supreme Court declared that questions of excessive partisanship in redistricting should be handled by the states, not the federal courts. The justices expressly noted that state constitutions often have broader protections than the federal charter. Indeed, 30 state constitutions have an explicit free-elections clause of some kind.

It’s often difficult to tell where partisanship ends and racial discrimination begins, making it unclear whether plaintiffs will choose the hyper-partisanship path

to state courts or the race-discrimination path to federal court.

9 | Population Numbers Are Vital

Redistricting is an attorneys' game, but it's not theirs alone. It's also a game for statisticians, a la "Moneyball," Michael Lewis' 2003 numbers-crunching classic. Data drives the process, and as computing power increases, the need for high-powered math mavens does, too.

Population numbers come from the Census Bureau, along with data on race, age and housing type. States also gather geographical data, such as existing political boundaries and precinct lines. In most states, results from general elections, primaries and key special elections all inform the process. For all these sources of data, time is the third dimension. Demographic,

HOW THE LINES ARE DRAWN
AFFECTS WHO GETS ELECTED,
AND WHO GETS ELECTED
DETERMINES WHO DOES
REDISTRICTING.



geographic and election results data that goes back a decade or so gives redistricters the clearest picture.

Commercially available data, such as who shops at Neiman Marcus versus who shops at Dollar General, can be gathered and put to work. In other words, a spreadsheet won't do the trick. Sophisticated da-

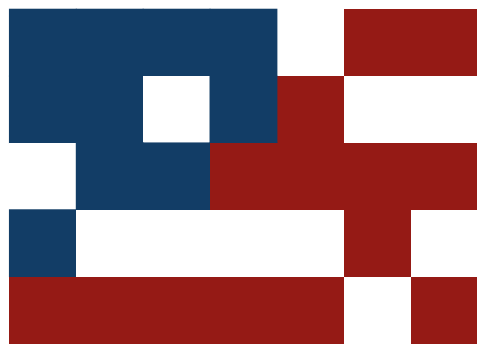
tabases are being built or updated in every state capital this year.

10 | Redistricting Embodies Power

Redistricting might seem administrative in nature, but it's really about the redistribution of political power. How the lines are drawn affects who gets elected, and who gets elected determines who does redistricting.

The 2020 election will determine many of the people who will have a say in redistricting when it kicks off next spring. Nearly 6,000 legislators will be elected in November—and more than 5,000 of them will be redistricters the year after, ready or not. What about you? Are you ready?

Wendy Underhill is the director of NCSL's Elections and Redistricting Program.



MAKING THE MAPS

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DEBATING THE ELECTORAL COLLEGE

For some, it's an essential legacy of the founders' vision. For others, it's a relic enabling a tyranny of the minority.

As a compromise between electing the president by popular vote or letting Congress choose the chief executive, our Founding Fathers settled on the idea of using electors. Each state has as many electors as it has members of the U.S. House and Senate. Together, these 538 electors make up the Electoral College, which has one purpose: to choose the president every four years.

Electors generally are chosen by the political parties, though laws governing the selection process vary by state. Today, 48 states allocate their electoral votes to the winner of the statewide vote—a winner-take-all approach. Maine and Nebraska give two electors to the winner of the statewide vote, then apportion one elector to the top vote-getter from each congressional district. A presidential candidate must get at least 270 Electoral College votes to win the office.

In recent years, state lawmakers have debated the continued use of the Electoral College. Should it be left intact or abolished? Improved or replaced? Opinions differ. We offer two views here. Trent England, director of the Save Our States project, and favors the current system. Vermont Senator Christopher Pearson (P/D) sits on the board of the National Popular Vote Inc. and would do away with our winner-take-all system.

Current System Keeps States in Charge of Our Elections

The Electoral College preserves needed checks and balances.

BY TRENT ENGLAND

The Electoral College ensures that our national politics stay national.

It keeps states in charge of election administration and contains disputes within individual states. Under our current system, there are no nationwide recounts, and presidential appointees do not run presidential elections. Eliminating the Electoral College, or nullifying it with the National Popular Vote Interstate Compact, would eliminate these benefits and radically change American politics.

The first draft of the U.S. Constitution—the Virginia Plan—proposed that Congress choose the president. The Constitutional Convention rejected this parliamentary



England

model. The delegates wanted an independent executive and real separation of powers. Some suggested a direct election, but that too was rejected. The Electoral College was the result of a compromise, just like Congress and the Bill of Rights.

Rights.

At the Constitutional Convention, the primary concern of delegates opposed to direct election was that big states would

England continued on page 30

“THE ELECTORAL COLLEGE WAS THE RESULT OF A COMPROMISE, JUST LIKE CONGRESS AND THE BILL OF RIGHTS.”

Winner-Take-All Ignores the Will of Too Many Voters

The Electoral College should follow the popular vote.

BY CHRISTOPHER PEARSON

Americans want a popular vote for president. Fortunately, how the Electoral College functions is up to the states. Article 2, Section 1 of the Constitution says: “Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors...” The red and blue map we watch on election night is not set in stone; it’s set in state statutes.

Forty-eight states have adopted the “winner-take-all” law. This law, for example, gave then-candidate Donald Trump all of Pennsylvania’s 20 electors the moment he got one vote more than Hillary Clinton inside Pennsylvania.

Winner-take-all is creating problems for states and the country as a whole.

Consider, the winner-take-all rule is why 70% of American voters are ignored, while



Pearson

campaigns shower attention on five to 12 battleground states. In 2016, two-thirds of the general election campaign (spending and events) took place in only six states; 94% was centered in just 12 states.

Ignoring so many voters has an impact beyond campaigns. Florida and other battleground states get more disaster declarations, more federal waivers, more presidentially controlled spending and so on.

The winner-take-all rule is also why the second-place candidate has won the White House twice in our lifetimes.

Pearson continued on page 31

“THE WINNER-TAKE-ALL RULE IS ALSO WHY THE SECOND-PLACE CANDIDATE HAS WON THE WHITE HOUSE TWICE IN OUR LIFETIMES.”

“THE ELECTORAL COLLEGE HAS STOOD THE TEST OF TIME.”



England continued from page 29

dominate presidential politics. By using a two-step election process, the Electoral College prevents one region, or a handful of major metropolitan areas, from controlling the White House. Support must be geographically distributed around the country in order to win enough states to capture an electoral vote majority.

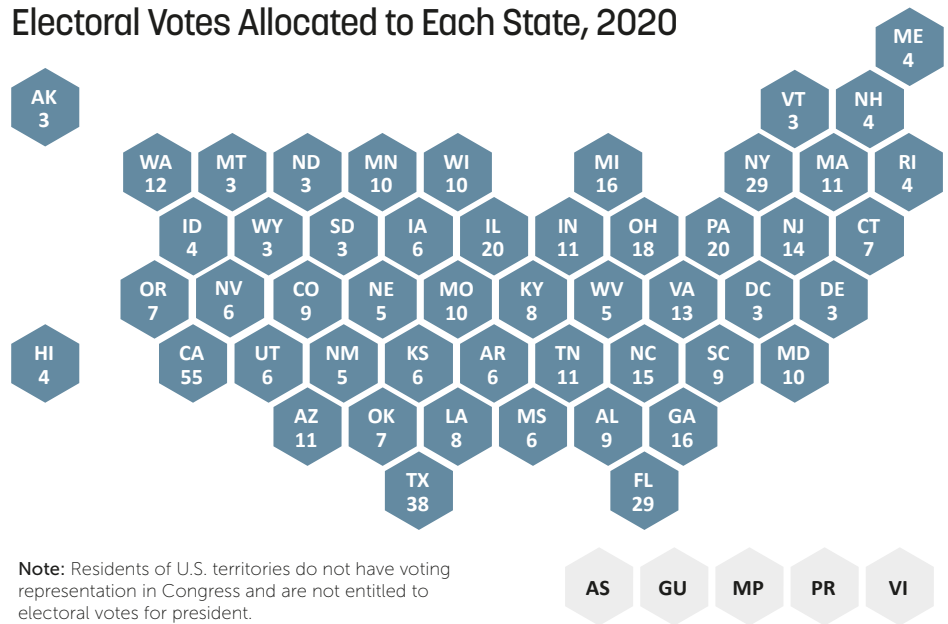
This was particularly important after the Civil War. The nation remained divided, and Democrats became dominant in the south. A combination of intense popularity with some voters and violent suppression of others allowed Democrats to receive the most popular votes in 1876 and 1888 even though they lost the Electoral College and thus those elections.

While some whined about the Electoral College, smarter Democrats set about the hard work of reaching out and building a broader coalition. They focused on voters in the north and in the new western states, especially those being ignored by Republican political machines. Their outreach to immigrants and Catholics rebuilt the Democratic Party. It also helped break down sectional divides and heal the nation.

The National Popular Vote Interstate Compact, which 15 states have joined, would eliminate incentives to build a nationwide coalition. Geographic diversity would be irrelevant in the election. And with no runoffs or minimum threshold to win, a national public vote would encourage fringe parties and spoiler candidates, leading to winners with smaller and smaller pluralities.

The popular vote compact would rely on each participating state to certify, for

Electoral Votes Allocated to Each State, 2020



Note: Residents of U.S. territories do not have voting representation in Congress and are not entitled to electoral votes for president.

Source: NCSL, 2020

Reasons to Keep the Electoral College

- The Founding Fathers thought it was the best way to choose the president.
- The U.S. Constitution should be amended only rarely.
- It safeguards against uninformed or uneducated voters.
- It prevents states with larger populations from having undue influence.
- It forces presidential candidates to campaign in all parts of the country.
- It lessens the likelihood of calls for recounts or demands for runoff elections.

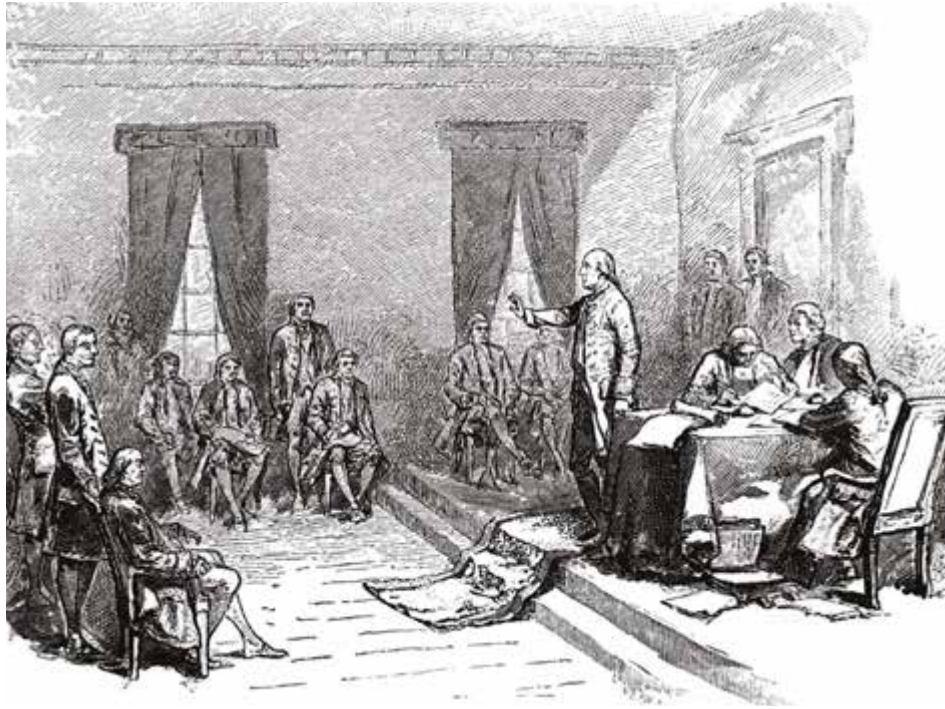
itself, a national vote total. These states are expected to trust, with no power to verify, the accuracy and honesty of every other state’s elections. They would aggregate votes across jurisdictions with different rules and processes, likely vio-

lating the equal protection clause of the Constitution.

Like the United States, most major countries use a two-step democratic process to choose their head of government. These systems prevent regionalism and some, like the Electoral College, reduce the possibility of having winners with small pluralities and decentralized support. Proposals to eliminate the Electoral College, or to do an “end run” with the popular vote compact, would eliminate these checks and balances in favor of a simple majority.

The Electoral College is not perfect—no election system is. But it has stood the test of time. The process rewards coalition-building and prevents nationwide recounts. In most elections, it simply amplifies the popular vote result. In every election, it allows states to remain in charge and contains disputes within state lines. In a time of political turbulence, the United States needs the Electoral College more than ever.

Trent England is the founder and director of Save Our States and the David and Ann Brown Distinguished Fellow at the Oklahoma Council of Public Affairs.



Contentious days: Deciding how to elect the president was one of the thorniest matters addressed at the Constitutional Convention in 1787. The Founding Fathers took 30 votes on the topic on 21 different days.

Pearson continued from page 29

States are already working to fix the Electoral College. Since 2006, the national popular vote bill has passed in 15 states plus the District of Columbia. These 16 jurisdictions hold 196 electors. The bill will take effect when enacted by states with 74 more electoral votes to reach a majority (270 of 538). The Electoral College would then be guaranteed to follow the popular vote winner because enacting states agree to award their electors to the candidate who's won the popular vote in all 50 states plus Washington, D.C.

Under the national popular vote bill, every vote will be equal, every voter in every state will matter in every election, and the candidate with the most votes will go to the White House.

Opponents of a popular vote have a tough time arguing that votes shouldn't be equal so they float obscure arguments against states adopting a new law for electors. For instance, they argue that New

"UNDER THE NATIONAL
POPULAR VOTE BILL, EVERY
VOTE WILL BE EQUAL, EVERY
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AND THE CANDIDATE WITH THE
MOST VOTES WILL GO TO THE
WHITE HOUSE."



York and California will somehow swamp all the rest of us—ignoring that these two big states make up only 18% of the country.

Opponents argue we won't have an official tally of the popular vote. Or that a secretary of state could thwart the coun-

Reasons to Abolish the Electoral College

- It is no longer relevant.
- The Constitution has been amended before; it can be done again.
- It gives too much attention and power to swing states.
- It allows the presidential election to be decided by a handful of states.
- It can ignore the will of the people.
- The candidate who wins the most votes does not necessarily win the election, as happened in 1876, 1888, 2000 and 2016 and possibly in 1824 and 1960.

try's ability to have an official tally. Neither argument is accurate because federal regulations (3 U.S. Code § 6) require states to file election totals six days ahead of the meeting of electors. Opponents seem to believe state officials could keep vote totals secret, ignoring the fact that results from the precincts are public and seen by hundreds of poll workers.

These weak arguments have not been persuasive in 16 jurisdictions. It's time to use the power granted by the U.S. Constitution and award electoral votes to the winner of the national popular vote. Once a handful more states join, Americans will elect the president under a system that treats every vote equally and guarantees that the candidate with the most votes is the candidate who goes to the White House.

Christopher Pearson is second-term Vermont senator. He is on the board of the National Popular Vote Inc.



EARLY CHILDHOOD

Do Preschool Expulsions Need a Timeout?

Lawmakers voice concern about the long-term effects of suspensions and expulsions.

BY JENNIFER PALMER

Recent data on how often young children in child care and preschool classrooms are suspended or expelled has sounded alarm bells for policymakers across the country.

Aggressive tantrums, impulsiveness and other antisocial and disruptive behaviors in 1- to 4-year-olds are challenging and perplexing the adults caring for them. Feeling ill-prepared, some caregivers and teachers increasingly are turning to suspensions and expulsions.

In fact, preschoolers are expelled at three times the rate of K-12 students, and boys and children of color are disproportionately

affected, according to the U.S. Department of Education's Office for Civil Rights.

Black children make up 19% of preschool enrollment but account for 47% of suspended preschoolers. Three-quarters of expelled preschoolers are boys.

Repeated suspensions and expulsions can have negative long-term consequences. Children suspended or expelled in their early years are more likely to be suspended or expelled again when they're older. They're also more likely to drop out of high school, fail a grade or even be incarcerated later in life. Critics claim these punishments do not address the root causes of troubling childhood behaviors



Story



Wilson

nor do they provide children the support and resources they need to overcome them.

Educating the Educators

Early childhood caregivers and educators need to be able to distinguish concerning behaviors from those that are developmentally appropriate. Mischaracterizing behaviors may lead to more punitive discipline than is needed and over-identification of children, especially children of color, for special education, disciplinary action and expulsion.

Legislatures in at least 16 states and the District of Columbia have enacted limits or bans on the use of suspensions and expulsions in the primary grades, often including pre-K or preschool. Several states have also invested in training early child-

hood educators on how to manage challenging behaviors, understand trauma and recognize the role implicit bias, or automatic and unconscious stereotyping, may play in their decision-making.

In recent surveys, early childhood educators nationwide have said they welcome additional training and greater access to early childhood behavioral specialists.

Many states have adopted a strategy called “early childhood mental health consultation.” This tried-and-true approach has been shown to help educators learn to better support the healthy social and emotional development and well-being of young children.

Consultants in these programs are licensed mental health professionals who work with parents and early childhood educators, coaching them to identify and distinguish age-appropriate behavior from more worrisome conduct, such as aggression, withdrawal and the inability to form relationships.

Consultants also teach ways to anticipate unwanted behaviors and intervene before they occur. They can help educators create inviting, nurturing classrooms and learn how to identify when a child may need additional services and how to connect families with the support they need.

Damage Can Occur Early

Biology, environment and relationships with caregivers all influence a child’s social and emotional development. And early childhood educators in center- and home-based settings and preschool classrooms are especially important allies in the healthy social and emotional development of the children in their care.

Still, at least 10% of children younger than 5 experience abuse, neglect or other forms of trauma in their social and emotional development. Such experiences can lead to a range of mental health issues with potentially lifelong impact.

Diagnosing mental health problems in young children can be challenging, however, because they process and exhibit emotions differently than older children and adults, and behavioral changes can be temporary.

Colorado Reaches High

Colorado lawmakers are tackling early childhood suspensions and expulsions in two ways: by restricting their use and by increasing childhood mental health services. The legislature began funding early childhood mental health consultation as a pilot program in 1997. In 2016, the state increased funding to double the number of full-time consultants to 34, allowing them to reach rural and underserved areas of the state.

Colorado’s Early Childhood Mental Health Specialists program works with parents and early childhood educators to create nurturing environments and relationships that support the mental health and well-being of children up to age 8.

New rules passed in recent years require child care providers to create policies and integrate teaching strategies that promote positive behavior, and to provide support for children who need it. Child care providers must also complete training on social and emotional development as part of their annual continuing education requirements. They must outline how they will use early childhood mental health consultants or other specialists and what steps they will take before suspending or expelling a child.

A Few Concerns

Building on these rules, Colorado lawmakers passed a bill last year that limits the use of suspensions and expulsions in publicly funded classrooms, from preschool through second grade, to cases involving a deadly weapon or controlled substance, or when a child endangers the health or safety of others. If a suspension is warranted, the law limits it to three days.

Representative Jim Wilson (R), a former superintendent and member of Colorado’s Early Childhood and School Readiness Legislative Commission, voted for the bill but felt it could have been perceived as “a slap in the face ... to professional educators and administrators,” he says. It would be “like telling educators, ‘You’re not doing anything, so we’re going to solve your problems.’”

Studies have shown that using consultants and coaching teachers have successfully

How Do You Feel?

During Children’s Mental Health Awareness Week in February last year, Connie Fixsen, Colorado’s early childhood mental health program manager, asked the state’s consultants to have their children identify their feelings by coloring an “I feel (fill in the blank)” picture. An unforeseen benefit was how much the drawings touched Colorado Department of Human Services employees.

“Many employees reported that the drawings made them smile,” Fixsen said, and “provided them a moment to reassess their own emotional state for the day.”



transformed classroom environments. Children's behavior improved. They showed more self-control and fewer acts of aggression, and the number of suspensions and expulsions decreased.

Colorado lawmakers are debating a bill to expand access to consultation services and establish a model to ensure the consistency of those services statewide.

Critics of the legislation questioned its effect on the budget and whether the privacy of such young children could be protected. Others say that making teachers address behavioral issues would pull their focus away from teaching.

Connie Fixsen, Colorado's early childhood mental health program manager, says the demand for early childhood mental health services in her state far surpasses what the program can provide. Meeting the demand for services would require expanding the program's

"PREPARING EARLY CHILDHOOD TEACHERS AS BEST WE CAN IS VITAL FOR THE FUTURE OF OUR PRECIOUS PRESCHOOLERS."

Senator Tammy Story, Colorado

team of 34 consultants to more than 400, according to a recent estimate. But even if the state had the resources to expand the staff, Fixsen says, it would struggle to fill the positions. Qualified mental health professionals are in short supply nationwide, with specialized professionals even scarcer. When Colorado's Early Childhood Mental Health Specialists program did a recent internal survey of its consultants,

more than half had a waitlist for their services. The bill under consideration would address these shortages by establishing a professional development plan and certification process.

"Addressing the mental health concerns in the very young is challenging," says Colorado Senator Tammy Story (D), sponsor of the bill and chair of the early childhood legislative commission. "But preparing early childhood teachers as best we can is vital for the future of our precious preschoolers."

That means addressing those concerns as early as possible, she says. "To help children reach their full potential, we have to start from the beginning."

Jennifer Palmer covers early care and education issues for NCSL's Children and Families Program.



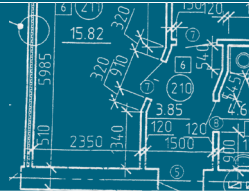
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NPs: Patient-centered, accessible, high-quality health care.

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StateStats



The American Institute of Architects is building a national repository of architectural and design resources “to inform the design of safe, productive” schools.

Action on School Safety, 2018-20

School safety legislation and resolutions can fit into at least 28 different categories. Here are six of the more commonly discussed topics.

Category	Adopted/Enacted	Failed	Pending	Vetoed
Funding for school safety	84	174	70	0
School resource officers	51	183	83	4
Training	63	145	50	3
Building security infrastructure	58	117	52	0
Mental health services	46	99	30	1
Practice drills	32	53	19	0

Source: NCSL, 2020

Wanted: School Safety Solutions

There’s bipartisan support for ensuring that children are safe while at school but little consensus on how to achieve that goal. Since 2018, lawmakers in every state have considered thousands of measures to make schools safer. They have passed 196 bills and 12 resolutions. One popular response is requiring school safety drills, where students and school staff practice how to respond to an active shooter. Safety drills have been credited with avoiding mayhem and saving lives. One chal-

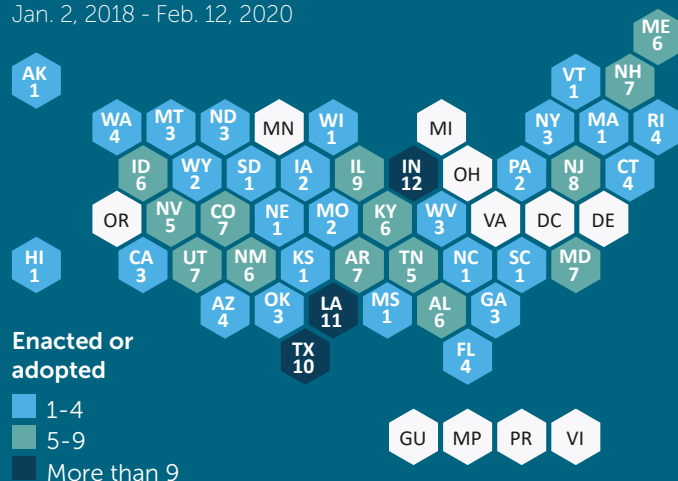
lenge, however, is finding the balance between preparing kids but not unduly frightening them. About 6% of reported cases of school violence have an actual active shooter, according to the Educator’s School Safety Network. A recent study in the Journal of School Violence found that teens felt more prepared yet more anxious after attending active shooter training.

Other legislative options include funding more trained school safety officers, expanding mental health and suicide

prevention services, reporting guns, arming staff, requiring school safety plans, funding structural or technology-related improvements, such as, metal detectors, surveillance cameras and panic buttons and several more.

School Safety Legislation

Bills and resolutions enacted or adopted, Jan. 2, 2018 - Feb. 12, 2020





BUILDING DEMOCRACY

THE STORY OF
LEGISLATURES

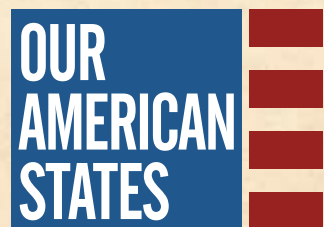
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- **Episode 5:** The Modern Legislature
- **Episode 6:** The Future of State Legislatures

For outtakes, extended interviews and additional resources for this podcast, please visit www.ncsl.org/BuildingDemocracy.



The Final Word

Bill Galvano

President, Florida Senate

Attorney Bill Galvano was first elected to the Florida House in 2002 and served there until his term ended in 2010. Two years later he was elected to the Senate, serving as majority leader from 2014 to 2016 and becoming president in 2018. Galvano graduated from Manatee Community College, the University of Florida and the University of Miami School of Law. He is a law firm partner, husband and father to three children.

What inspired you to run for office?

I attribute that to my mother. She is very patriotic. She instilled a true sense of patriotism in all of us children. As a child, I developed a real interest in politics and service and it's what ultimately led me to law school. In 1984, I chaired Youth for Reagan at Manatee Community College. I later served as an officer in Young Republicans at the University of Florida and as president of the YRs as a young lawyer. I also spent a lot of time in various community and charity organizations, and eventually felt I should take the next step and run for public office.

Are leaders born or made?

I think it's a combination. We learn our entire lives, and leadership is no different. I've learned many lessons in my service in the legislature that I believe have enhanced my ability to lead. I've learned those both by experience and from others. But you have to have an innate will to want to take on the responsibility of a leadership position.

What is your approach to maintaining a strong institutional culture in the Senate?

Relationships matter. Any institution is only as good as the sum of its parts, which are people. Building relationships with my colleagues in the Senate, the House speaker and representatives, and certainly the governor and those who come to Tallahassee to advocate—to me is the most important step to maintaining the value of the institution.

What have you learned from other legislative leaders through NCSL?

True success in leadership comes from recognizing the talents in others and empowering others. It is a recognition that you



don't have all the answers, but if you provide the opportunity for others to develop their ideas, you can be successful.

You were tapped to lead the Senate as a freshman. How did knowing that in advance affect your approach to the job?

I was fortunate enough to gain the support of the caucus in my first session as a freshman, but I also had the advantage of having served in the House. I had built many relationships and worked with good folks on a lot of different issues. It gave me the opportunity to plan long term, to learn along the way, to study what was working and what wasn't, and to be better prepared.

What are your thoughts about term limits?

There are pros and cons. As a senator and House member, term limits meant there was quick mobility through various leadership positions. I'm in my eighth year in the Florida Senate and I've already served a whole year as Senate president. But I do think you lose some institutional knowledge and experience, as you have a constant rotation of members terming out.

What would surprise people most to learn about you?

I enjoy doing art—pen and ink. Stipple is my favorite. It's where you dip the pen in the ink and create an image by making a series of little specks and dots. It's something I enjoy. I don't get to do it as much as I used to. I also enjoy cooking.

What book is on your nightstand?

I'm reading "Sapiens: A Brief History of Humankind." It's about the history of humankind, tying biology to economics, politics and religion. It's an interesting read.

Any final words you'd like to share?

Focus on the task at hand. Too often in politics, we plan so far ahead that we miss the details of the day. While we have to plan for the future, we must still maximize our efforts on day-to-day tasks and issues at hand.

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

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