


GOVERNING

THE STATES AND LOCALITIES

March 2019

A close-up portrait of Sylvester Turner, an African American man with a serious expression, wearing a light purple dress shirt and a red and green patterned tie. The background is dark and out of focus.

*Sylvester Turner's
consensus-building
has won him a lot
of supporters in
Houston—along
with some enemies.*

MAYOR in the MIDDLE



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STACY SCHWARTZ

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CONGRATULATIONS CLASS OF 2019!

The American Society of Civil Engineers (ASCE) is proud to be a founding supporter of the Women in Government program. ASCE represents 150,000 civil engineers throughout the country and around the world working in transportation, water, energy and more to improve quality of life. These critical projects would not happen without the bold leadership of those in the public sector and elected office. The 2019 WIG class members are all champions for infrastructure, and include the following:



**THE HONORABLE
DEBRA BAZEMORE,**
Georgia State Representative

Rep. Bazemore is a transit advocate who supports new transit funding, projects and legislation in greater Atlanta. Because the area is expected to welcome approximately two million more people over the next several years, Bazemore believes it's critical to build more efficient and effective transit systems.



**THE HONORABLE
KATHY DAHLKEMPER,**
County Executive,
Erie County, Pennsylvania

As Erie County Executive, former U.S. Rep. Dahlkemper is focused on economic recovery in her region. She is a champion for balancing the needs of the manufacturing and transportation sector with requirements for public safety for Erie County residents. Dahlkemper is also a champion of parks infrastructure and a friend of STEM education, having served on the House Committee on Science, Space and Technology.



**THE HONORABLE
KAREN WEAVER,**
Mayor, Flint, Michigan

Mayor Weaver has fought to ensure her community benefits from the rebuilding of Flint's water infrastructure. Weaver says Flint is already ahead of schedule in its infrastructure rebuilding efforts – more than 16,000 of the 18,000 water pipes under review have now been deemed safe or replaced.

To find out more about the infrastructure conditions and priorities in your state, visit

WWW.INFRASTRUCTUREREPORTCARD.ORG



“Hopefully (for #localgov) I’m wrong about the implications of SALT, but I fear I’m not.”

—Rudy Salo, a public finance attorney, on Twitter in reference to the \$10,000 cap on state and local tax (SALT) deductions, which Congress passed in late 2017. Salo was quoted in *Governing*’s January feature “Issues to Watch,” in which he told reporter Liz Farmer that because of the cap “the vast majority of the country is going to feel the pain come April.”

In December, Executive Editor Zach Patton ran an event in conjunction with the National Conference of State Legislatures in which he presented a preview of the January feature “Issues to Watch.” He got to hear from legislators about other pressing topics on their radar for 2019. In no particular order, here’s what they said:

- ✓ Marijuana banking and financial services
- ✓ Consumer and privacy protection
- ✓ Drug pricing transparency
- ✓ Gig economy, such as rethinking the portability of benefits as “work” is redefined
- ✓ Retirement savings, especially for lower-wage workers
- ✓ Nursing home abuse and elder financial protection
- ✓ Student debt

SCORE ONE FOR THE CHICKEN AND THE EGG

A year ago, Alan Ehrenhalt wrote in his Assessments column, “A High-Stakes Game of Chicken,” about two laws in California and Massachusetts that require larger living areas for chickens and other farm animals. Fifteen states challenged the laws, alleging they violated the Commerce Clause of the U.S. Constitution by effectively imposing one state’s regulatory standards on people in other states. The lawsuits claimed that the California law cost consumers nationwide up to \$350 million annually because of higher egg prices and that the Massachusetts law would have a similar effect. Critics had hoped to take the challenge to the U.S. Supreme Court, but earlier this year the high court declined to hear the case.

Correction

Due to an editing error, the January *Observer* item “One and Done” mistakenly stated that Sarah Palin resigned as governor to run for vice president. In fact, she resigned in July 2009, eight months after her VP run.

Is Maryland Really Liberal?

In the January feature “Master of the Middle,” Daniel C. Vock profiled Maryland’s state Senate President Thomas V. “Mike” Miller, a Democrat who has held the position since the Reagan administration. “At first glance,” Vock wrote, “Miller seems an unlikely choice to lead a legislative chamber in one of the country’s most liberal states. He’s an old-school Irish Catholic who collects guns as a hobby and lives in the countryside. This, as the Democratic Party is getting younger, more diverse and more urban.” The article sparked a debate on Reddit about whether Democrats in Maryland are really as progressive as portrayed.

Maryland Democrats are a different kind. If it was any other state, half of them would probably be Republicans. [...] A lot came out in support of [Republican Gov. Larry] Hogan.

—cornonthekopp

I agree Maryland Democrats in our state government aren’t very progressive, but I wouldn’t say they’re basically Republicans.

Supporting a Republican doesn’t equate to being a Republican. There are plenty of things Democrats don’t support Hogan on which is why Maryland still has relatively left-leaning policies in place. You say a Maryland Democrat is basically a Republican, if I had to, I’d say a Maryland Republican like Hogan is basically a Democrat.

—ademonlikeyou

They may be Republicans in the pre-Trump era sense, [as many] would agree with most of the major planks. But they don’t buy into the current extremism.

—Eaglestrike

This is why we need ranked-choice, open “jungle” primaries with everyone on the same ballot, so that we don’t have a forced two-party dynamic. I’m sure with one open primary for everyone, we’d get more representatives that are who the people want, instead of voting for “lesser of two evils.”

—The PoppaJ





How Artistic Lighting Projects Transform Cities

Artistic lighting installations enhance community pride, attract new investments and drive public-private partnerships. Whether it's a bridge, monument, park or railway underpass, lighting upgrades breathe new life into cities and transform their look and feel. As more cities undertake such projects, many of them report positive economic benefits — including increases in restaurant, hotel and convention business; new start-up ventures like night-time kayak and Segway tours; and after-hours festivals. Cities also report socio-economic benefits. For example, redeveloped recreational areas in Birmingham, Ala., were difficult for residents to access on foot. But thanks to an artistic lighting installation under a historic bridge, residents now feel comfortable walking to the park. And in New Haven, Conn., Gateway Community College used an artistic lighting display to transform an underutilized site in the heart of the city into a catalyst for neighborhood revitalization.

CHANGING THE VIBE IN LYNN, MASS.

To see the impact of architectural lighting, take a look at Lynn, a city stretching across 10 square miles in eastern Massachusetts. An elevated rail line transects the city's downtown, providing a vital commuter connection to Boston. But a series of shadowy overpasses did little to improve the city's aesthetics. Thanks to a cooperative project and creative funding, three downtown underpasses now have an exciting and visually compelling field of dynamic color-changing lights that delight the eye, enhance pedestrian safety and provide more vibrant public spaces for Lynn's 90,000 residents.

To fund the project, the city used grant money and matched those dollars with crowd-funding campaigns. More than 1,300 individual community members contributed.

HOW TO LAUNCH YOUR OWN ARTISTIC LIGHTING PROJECT

Artistic lighting projects can be funded in a variety of ways, including private and/or public dollars. Signify recently developed a how-to guide outlining the steps and funding models — from capital budgets to grants to online crowd-funding — cities are deploying to realize their transformative lighting goals.

To find out more about how to launch and fund your own artistic lighting project, download the guide at:
[HTTPS://BIT.LY/2SB7RY9](https://bit.ly/2SB7RY9)


 the meaning of light



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Politics + Policy + Point of View

Observer



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Cars and cities don't always mix. But it's been politically difficult to convince people to give up their vehicles.

THE BREAKDOWN

\$12.5^B

The size of the Texas rainy day fund at the end of 2018, an amount larger than the entire budget of more than half a dozen states.

5¢

The redemption that would be provided to New York state residents who turn in used plastic bottles, according to a proposal by Gov. Andrew Cuomo.

83 per 10^k

The average monthly rate of teachers and other public education employees quitting their jobs in the first 10 months of 2018, the highest rate on record.

1998

The last time South Dakota lawmakers received a pay raise. This year, their pay was nearly doubled from \$6,000 to \$11,300.

Pot Holes

Momentum toward legalization of marijuana continues to grow. That doesn't mean local officials have to like it. In fact, many of them have taken action to ban the possession of pot, including in states where recreational use is becoming acceptable.

New Jersey lawmakers are widely expected to legalize pot this year. They have determined that the drug is relatively benign and undeserving of criminal penalties. The fact that legalized marijuana sales have helped boost tax revenues in other states doesn't hurt.

But about 50 local governments in New Jersey have passed laws banning marijuana sales or possession within their borders. Nearly all the bans were put in place last year in anticipation of state action on the issue. "It came from the publicity of the state legalizing it," says Robert White, the mayor of Saddle Brook, N.J., which imposed its ban in October. "We had a lot of residents who talked to myself and other council members, saying they didn't want to see marijuana sold in Saddle Brook." A similar dynamic exists in Michigan, where about 80 communities have opted out of the legalization law adopted by voters in November.

White admits that as a former police officer, he may be biased against legalization. He's heard the argument that marijuana is no worse than tobacco and alcohol, but wonders why state officials want to encourage another potential

problem. Pot has gotten much stronger over the past 20 years, he points out. Because recreational marijuana was illegal everywhere until five years ago, the large-scale studies that are common before pharmaceuticals are legalized have not been conducted.

The National Academy of Medicine has suggested that there could be real dangers to marijuana, but that there's not enough information to know for sure. Barnegat, N.J., Mayor Al Cirulli fears that the movement of marijuana out of joints and bongs and into flavored products such as gummy bears will make it more appealing to children. "It's kind of ironic," Cirulli says. "You see commercials on television about drug addiction, and here we have a governor and a legislature that are going to allow this because they think they're going to make money."

Both White and Cirulli recognize that local bans may have limited effect. As a practical matter, banning marijuana within small jurisdictions won't be much of a deterrent if there's a dispensary operating one town over. And, even if the final state law doesn't preempt local governments, there are likely to be lawsuits.

Still, quite a few local leaders in New Jersey are determined to do what they can to keep pot out of their towns. "The only thing we can do is not to make it accessible," Cirulli says. "We'll fight them every step of the way." —Alan Greenblatt

Mississippi
Attorney
General Jim
Hood



CAN A DEMOCRAT WIN IN DIXIE?

If any Democrat can be elected governor of Mississippi, it's Jim Hood. The state's four-term attorney general is the only Democrat who has won a statewide race in Mississippi in the last 16 years. That's one reason Republicans are taking him seriously. Nevertheless, he faces an uphill climb in this year's election, and an obscure provision in the state constitution may make it impossibly steep.

In Mississippi, it's not enough for a gubernatorial candidate to win a majority of votes. He or she must also prevail in a majority of the state House districts. Otherwise, the election is thrown to the House to decide. It's like a single-state Electoral College system.

Republicans are spread out around Mississippi, dominating rural districts, with Democratic voters concentrated in Jackson and some of the Delta counties along the state's western edge. That makes Hood's task of winning most of the state House districts fairly daunting. It won't be sufficient for

him to run up the score in Jackson or other blue enclaves. "The Trump realignment strengthened Republican numbers in Mississippi, largely because it brought over blue-collar Democrats," says Brad Todd, a strategist for Lt. Gov. Tate Reeves, the GOP favorite for governor. "You can tell the Gulf Coast has gotten redder."


In last year's U.S. Senate contest, Democrat Mike Espy carried just 31 of the state's 82 counties, although he came fairly close in the popular vote. But Democrats believe Hood maintains broader appeal. He's won each of his four races for attorney general by double-digit margins. Not only is Hood the only Democrat who's been successful lately in statewide politics in Mississippi, but he was also the only Democrat occupying a statewide constitutional office anywhere in the South prior to the election of Louisiana Gov. John Bel Edwards in 2015. "It's not just Democrats who have supported him through the years,"

says Michael Rejebian, Hood's senior campaign adviser. "He appeals to a broad range of voters—urban, rural, suburban, farmers, everybody."

Because the question of who won the most House districts won't matter until November, Rejebian says the campaign is grappling right now with about a thousand more pressing issues. But it's something candidates have to think about every time there's an election for governor. When Ronnie Musgrove became the last Democratic governor of the state in 1999, he and his Republican opponent won an equal number of state House districts. Musgrove had carried the state by a plurality and the House installed him in office.

But back then, the House was still controlled by Democrats. Republicans now control 74 of the 122 Mississippi House seats. GOP House members aren't going to install a Democratic governor who fails to carry the state outright. —Alan Greenblatt

Oregon state Senate



Fragile Harmony

In Massachusetts and Oregon, Democrats hold supermajority control of both legislative chambers. In each state, minority Republicans have been given greater deference or authority than their sheer numbers would command. But neither state can be described as a bipartisan paradise as a result.

There's long been a rule in the Massachusetts Senate to require roll call votes when 20 percent of the members ask for them. But Republicans don't hold 20 percent of the seats in the state Senate, which would equate to eight out of 40. When their numbers slipped to just seven senators, the rule was changed to allow any seven to require a roll call vote. After the Senate GOP caucus slipped to only six members, the rule was amended to say that the total number of Republican senators, however small, would suffice.

The point of this courtesy is that it allows the minority party to put the Senate as a whole on record when it comes to controversial policies. That's the theory, anyway. In practice, both chambers in Massachusetts hold fewer recorded votes than they did in past decades. "They've dramatically dropped what we call the significant votes," says Paul Craney, spokesman for the Massachusetts Fiscal Alliance, a conservative watchdog group. "Now what they do more frequently is voice votes," in which bills pass without individual votes being recorded.

Megan Montgomery, a spokeswoman for Massachusetts Senate President Karen Spilka, says that "the raw numbers" don't support such complaints. But the fact is that over the past six years, the Senate has held, on average, fewer than 300 recorded votes per year. That's not a lot of roll calls, especially considering that many of them were legally required in response to line-item vetoes. Many other matters are settled

informally, without the scrutiny that recorded votes might bring. In December, for example, Gov. Charlie Baker signed a bill to tax and regulate short-term housing units, such as those rented through Airbnb. Both chambers passed the bill without taking a recorded vote. This after a handful of newly elected Democratic legislators had run pledging to push for greater transparency on Beacon Hill, including more recorded roll calls.

In Oregon, the dynamic is a little different. There's no rule, formal or otherwise, that guarantees the minority party any say in advancing or blocking legislation. But Democratic Senate President Peter Courtney prefers not to bring legislation to the floor without at least some Republican support, particularly revenue-raising bills. His fear is that Republicans will sit out votes if they're not included in the process, depriving the body of a quorum. "When you really beat someone and you really put them down, you know, you can train an anger and a hatred that's so violent, that they'll go to every extreme they can think of to stop you," he said in the aftermath of his party's success in the November elections.

Courtney's respect for members of the other party angers some people in his own. "Progressives are more than frustrated with the manner in which bills are not allowed to come to the floor of the Oregon state Senate," says Dan Jensen, who chairs Progressive Oregon, an advocacy group. "Why do we work so hard to elect the people we want in office if it doesn't make a difference?"

Oregon and Massachusetts illustrate two perennial realities of legislative life. The first is that minorities still count, even if their numbers are meager, when there is disagreement within majority ranks. And the second is that regardless of what the rulebooks say, what really matters is how leaders choose to manage the process. —Alan Greenblatt

ACTIONS WITH IMPACT



Viviana's boldness kept Puerto Rican art and culture alive.



Rhonda's generosity created a better life for children.



Ebony's kindness bridged understanding between people.

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Fad Ideas

Government can't be run like a business. There are many reasons for that, but one simple one will do: It can't be run like a business because it doesn't have profits to measure itself against.

Most of us understand that, at least if we give the subject a moment's thought. Most politicians understand it, too—even the ones who make their prior business careers the centerpiece of their campaigns. When he left office as governor of Michigan two months ago, eight years after he had won the office by touting his tech industry credentials, Rick Snyder made it clear that he understood the difference between private and public leadership. "I've never run the state like a business," he said, "because the motive is not profit. The motive is to help people." He is not the first governor to reach that conclusion.

But there's one strange thing many governors and other elected officials can't seem to stop doing: trying to copy the transitory management fads that sweep through business schools and corporations. The business copycat syndrome in state and local government goes back at least to the 1920s, when public officials noticed the attention that corporations were paying to precise targets and decided to come up with a few of their own. But the syndrome's modern era really began in the late 1980s in Oregon, with the establishment of an official state benchmark program and the creation of the Oregon Progress Board,

which set more than 100 specific targets for the state to aim at.

The benchmarks were a curious combination of the ambitious and the absurd. Promising to immunize every 2-year-old in the state was sensible, even though it was difficult to achieve. Promising to cut child abuse in half was ludicrous, since nobody had a clue about how to accomplish it; child abuse actually increased after the promise was made. Too many of the benchmarks were like that one, wishes rather than strategies. They were a far cry from the tangible marketing and financial targets that corporations were able to promulgate.

The Progress Board refined some of its benchmarks in the early 2000s, but by then it was too late. In 2009, the legislature abolished the board and took the state out of benchmarking altogether.

In the early 1990s the business fads were rightsizing and reengineering, and governments moved quickly to embrace them. Few elected officials took the trouble to explain just how those concepts could be applied to public institutions, or even to say what they were supposed to mean. They are not precisely the same thing, but they are both fancy words for cutting costs and reducing the number of employees. Very few people in government wanted to be caught admitting that this was true.

As it turned out, rightsizing and reengineering had a very short career in private capitalism. The management scholar Walter Kiechel referred to reengineering as a "mindless fad." *The Economist* denounced it as a "shallow intellectual justification" for widespread job cutbacks. Today, if you look up "rightsizing" on Wikipedia, you will be directed to a site labeled "layoffs." That would seem to prove the point.

Just as business began shedding this baggage, however, states and localities started picking it up. For more than a decade, many of them hastened to explain to

voters that they had a plan to deal with serious fiscal shortfalls: They would rightsize their bureaucracies, and possibly reengineer them as well. But the concepts aren't any more amenable to definition in 2019 than they were in 1992.

A more enduring public appropriation from corporate business is the civic obsession with long-range plans. Very long-range plans. The big management consulting firms, most notably McKinsey & Company, started urging client businesses to adopt these long ago, and nearly all of them did it. Cities caught the fever. Many of them now have documents that purport to project what life will be like in the year 2040, or even 2050. "We just adopted our Minneapolis 2040 Plan," Council

Governments are constantly trying to emulate business management trends. Does it ever work?



President Lisa Bender said proudly not long ago. “Our goals included eliminating racial disparities and taking action to fight climate change.”

Nothing wrong with those. It makes sense for governments to have goals and to think about the future. But the reality of ultra-long-range urban futurism is that it isn’t a reliable predictor of anything. Suppose your city had adopted a 30-year plan in 1989. It would have missed a few events, such as the arrival of the internet, the threat of terrorism, the decline in the crime rate and the comeback of central cities. In other words, it would have been essentially useless. Just as nearly all the current ones will turn out to be.

Management consultants will tell you that there is a difference between planning and strategy. A long-range plan is often just a wish list. A strategy outlines a specific set of steps to reach a goal. Many businesses can do this. They can decide what they want to be and start working on it, even if it involves a significant change in their

operations. Governments can’t do it—they are forced to proceed incrementally from where they are at the moment.

But some of the largest consulting firms continue to talk as if this weren’t true. McKinsey began preaching a decade ago about the need for “whole government transformation.” Its management journal proclaimed that “the public sector must transform itself,” calling this “a challenge of vast scale and urgency.” No doubt this brought the company at least a few clients in local government. But unless I am missing something, no major transformation at the local level has taken place.

There’s an irony to all this. While governments have been seeking to emulate the long time horizons espoused by business, corporations have been reinforcing the bad example of short-term thinking common in politics. Whatever long-term planning elected officials may profess, they have always tended to live from one year to the next, even when there is an obvious need for foresight, especially in budgeting. Over the last 30 years, businesses have become prisoners of the quarterly earnings report, many of them failing to make the capital investments that demand a greater degree of patience. In both business and government, we now have leaders who claim to be thinking decades into the future while they have difficulty focusing on anything further away than the next three-month statement or the next election cycle. When it comes to time horizons, neither enterprise distinguishes itself.

Over the past few years, however, one piece of private managerial dogma has shown some promise, at least at the right moment in the right place. This is the doctrine of “clustering,” first put forward by Harvard’s rock-star business professor, Michael Porter. The idea is that any large enterprise should determine the things it is really good at and concentrate on those, instead of scattering resources all over the figurative map. Porter began preaching this doctrine to corporations in the 1980s, and it made him perhaps the most famous management expert in the nation. Later he began to apply it to nations and to state and local governments.

In the first decade of the new century, Porter worked with New York Mayor Michael Bloomberg. More recently, his ideas have been taken up by the Metropolitan Policy Program at the Brookings Institution, which has employed them to try to improve the economic development fortunes of large and medium-sized American cities.

Clustering can claim some high-profile successes. In a paper published last year, Brookings touted a few of them. Austin, Texas, made a conscious decision to become a technology hub, and has prospered and grown as a result. Pittsburgh went for biotechnology and pharmaceuticals, and those fields have led its comeback from late-20th-century industrial decline. Most strikingly of all, Akron, Ohio, has recovered from the collapse of its tire and rubber industries by remaking itself as a center for the industrial application of polymers.

In the end, a few broader lessons stand out. No city can create a successful cluster merely by wanting one. A few fundamental resources are needed, among them a university with qualified researchers, adequate public infrastructure and creative leadership. Without those things, declaring yourself a technology or science cluster isn’t going to do you much good.

Brookings admits this. “Policymakers or other leaders can transform a barren landscape into fertile ground, but a seed must be available that can grow to fruition,” two of its scholars wrote last year, adding that “a cluster must have the skills and technical capability to produce products and services that are demanded in the marketplace.” To which one might reply that a place with all those advantages is destined for success even if it has never heard of clustering.

Still, it’s at least comforting to know there’s something business and business schools can teach government that isn’t totally irrelevant to its needs. Clustering will continue to appeal to cities of many different shapes and sizes—at least until the next seductive management buzzword comes along. **G**

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Cloudy, With a Chance of Sun

The Great Recession deeply affected our country in general, and its states and localities in particular. But my most vivid memory of it occurred in—of all places—India. In the fall of 2008, a few months after retiring as publisher of *Governing*, I had just returned to New Delhi from a lengthy hiking trip in the Himalayan Mountains of Sikkim and Nepal. Eager to catch up on the news from back home, I skimmed through an English-language newspaper and was stunned by the main story: Our stock and bond markets had fallen off a cliff.

The financial bubble had burst like a bomb. The investment bank Lehman Brothers had entered into what would be history's largest bankruptcy, starting off a global collapse in asset values of close to \$10 trillion. It was a catastrophe so severe that we have taken almost a decade to recover.

Are we facing another such disaster? No one knows for sure, even people who are supposed to be well-informed. At a moment of economic and political turbulence, with financial markets zig-zagging and the world's largest economies locked in a trade war, there is reason for worry.

Topping the list of concerns is the staggering level of federal debt. According to the Treasury Department, the deficit in



fiscal 2018 was \$779 billion, in a year of solid economic growth and robust employment. That was an increase of \$113 billion, or 17 percent, over the year before, most of it due to the large tax cut the administration pushed through Congress just before Christmas in 2017, largely for the benefit of wealthy taxpayers and corporations.

The net result is a national debt of almost \$22 trillion, which equals 78 percent of the entire economy's annual output. Since the current administration took office, the debt has increased by around \$2 trillion. But the White House doesn't seem to recognize this. Larry Kudlow, the director of the National Economic Council, told an interviewer last year that the tax cuts were promoting economic growth and "throwing off enormous amounts of new tax revenues" to the point where "the deficit is coming down, and it's coming down rapidly." Kudlow later explained to skeptical journalists that he was talking about the future: "The economy is so strong right

now it's going to produce lower deficits. I probably should have said future deficits." Probably.

The one key element in the crash triggering the Great Recession a decade ago that I thought was missing from this current worrisome picture was the role played by mortgage-backed securities, increasingly risky home loans that were bundled together and sold off to investors. I was wrong, though, because those highly leveraged securities have been replaced by collateralized loan obligations (CLOs), or loans to corporations—most of them fast-growing but highly leveraged—needing quick cash. Just as happened a decade ago, the quality of the loans has diminished as the CLOs have been sold off by banks to private equity firms, insurance companies and other lenders who can avoid the regulations imposed on the mortgage industry in the wake of the market collapse.

Admittedly, the economy has been performing well even in the context of jittery

It's a stormy economic time for the federal government, but the forecast for states is good.

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financial markets, mayhem in the top ranks of an administration, and a president who often appears to be impulsive and clueless. The employment reports from late last year were stunning: a significant increase of 312,000 jobs, another 58,000 that had been undercounted in previous months, and an unemployment rate below 4 percent for half a year. Whether that can continue for long at the federal level seems highly problematic.

But amidst all these negative signs, there is also reason for modest optimism, and it is coming from the state level. A recent survey by the National Association of State Budget Officers concluded that “state general fund spending is expected to grow 4.3 percent in fiscal 2019” over the past fiscal year, which also saw robust growth. General fund revenues last year grew by 6.4 percent, led by a whopping 9.8 percent jump in personal income taxes. Perhaps most encouraging was the increase in cash reserves, “with the median rainy day fund balance as a share of general fund spending expected to rise to 7.3 percent in fiscal 2019 from a recent low of 1.6 percent in fiscal 2010.”

I know it’s hard to be optimistic when Washington is in such disarray, the federal debt burden has grown so fast and economic forecasters seem certain that we will experience a recession in 2020, if not before.

But I rely on two positive trends for optimism. First, it’s a good sign when states can harness the political will to feed their rainy day funds. The bigger these funds are, the more effective a buffer they will be in harder times. Second, there seems to be a growing consensus at all levels of government that we need to make significant investments in infrastructure, particularly for improved transportation and cleaner energy production. The report from the state budget officers noted that “states invested nearly 9 percent more of their own funds in transportation,” with the largest increase coming in California, which is pursuing an ambitious 10-year building program that will ultimately cost \$54 billion.

So maybe when the rain comes, we will be able to build some bridges. **G**

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A State-Run Bank for Marijuana Money?

Some form of marijuana is legal in more than half the states, but cannabis businesses—medical and recreational—are running into a cash problem.

Since the drug is still illegal under federal law, any bank that handles marijuana money can be charged with money laundering. That forces the pot industry to deal with large amounts of cash and makes dispensaries targets for violent crime.

Therefore, several states—California, Colorado, Michigan, New Jersey and Washington—have looked at creating a state-run public bank to handle cannabis business accounts. But a recent report commissioned by California panned the idea. It not only found that it would be highly unlikely federal regulators would grant the necessary approvals for the bank to conduct wire transfers, but also that it would take decades before such a bank would become profitable for the state. According to the report, startup costs for a public bank in California would be \$35 million over six years.

Despite states’ efforts to find solutions, it’s increasingly apparent that cannabis businesses’ cash problem will remain until the federal government relaxes or changes its stance on the legality of the drug. —Liz Farmer

Is Trump’s Coal Plan Worse Than Nothing?

Having jettisoned the Obama-era Clean Power Plan, the Trump administration unveiled a proposed rule last summer known as the Affordable Clean Energy (ACE) rule. If enacted, it would set no pollution limits, instead encouraging states to make power plants more efficient.

But that could actually make carbon emissions worse than if no federal policy was in place at all, according to a new study from academic researchers and Resources for the Future, an environmental group.

ACE would encourage more coal plants to stay in business longer, leading to increases in carbon dioxide, sulfur dioxide

and nitrogen oxide in many states, the study concluded. Conversely, Environmental Protection Agency officials argue that ACE will ultimately reduce carbon emissions by a third, compared with 2005 levels.

And the study’s assumption that more plants will stay online may prove faulty, anyway. Despite President Trump’s efforts to roll back regulations, coal-powered plants continue to close in the face of steep competition from natural gas and other energy sources. In fact, more coal plants closed during Trump’s first two years in office than in Obama’s entire first term.

—Alan Greenblatt

A Reversal in the Keystone State

Pennsylvania Gov. Tom Wolf raised eyebrows last fall by signing S.B. 6, a bill that bans felons with drug and some sex offenses from receiving public benefits for 10 years. His decision is at odds with a recent trend of states easing access to public benefits for people with criminal records.

The federal government bans people with felony drug convictions from enrolling in food stamp and cash assistance programs. But most states have modified that ban to completely or partially allow felons to access public benefits. Only three states have kept the ban on food stamps, and 10 states have kept the ban on cash assistance.

Most of the movement to relax or roll back the federal ban has taken place in recent years. Indiana, for instance, will allow felons to receive food stamps starting in 2020. Several states passed reform laws in 2016, including Georgia, which has the highest share of people on parole or incarcerated.

Pennsylvania’s reversal is motivated by the “need to protect against abuse of our public welfare system,” according to state Sen. Mike Regan, the bill’s sponsor. —Mattie Quinn



Cars and the City

Automobiles hurt the quality of urban life, but change is politically difficult.

Cars and cities don't mix. But relinquishing car ownership has proven hard for some. I witnessed this firsthand while staying recently in Brooklyn's Park Slope, an urban version of Mister Rogers' Neighborhood where sidewalks are teeming with parents pushing strollers and kids riding scooters or walking home from one of the many nearby public schools.

Yet the neighborhood is overwhelmingly designed for cars. On-street parking and traffic lanes consume much of the space. Cars dominate other supposedly pedestrian-oriented parts of New York City, too, from the Holland Tunnel backlogs that spill into Lower Manhattan to the high-speed roads cutting through Midtown.

Of course, this problem is hardly new. In 1961, the Goodman brothers—Percival, an architect and urban theorist, and Paul, a writer and sociologist—wrote an essay calling for a ban on all privately owned cars in New York City. Many of the auto-related externalities they described still exist; in fact, the city has made little progress on the issue. They called for improving public transit, but that and many of the suggested fixes since, such as congestion pricing or raising bridge tolls or parking fees, have proven politically difficult.

Assuming that remains the case, reducing New York City's car dependency will depend on more incremental, localized measures. This includes encouraging behavioral shifts for those who live in the city's residential neighborhoods and fuel the problem by owning cars.

Part of Park Slope's appeal is that residents don't, theoretically, need to own a car. It has good transit connections and incredible retail offerings within walking distance. Still, 48 percent of residents

there and in nearby neighborhoods own cars, which is why parking consumes so much space. This keeps rights-of-way from being used for other things that would make the neighborhood safer and more pleasant.

Imagine, for example, if parking spaces were removed and the sidewalks widened. Park Slope residents would have shorter intersection crossings, more room to push their strollers and bigger de facto "front yards" for their kids to play in. If on-street parking were removed from main retail thoroughfares like Seventh Avenue, that would create drop-off space for delivery trucks and mitigate the scourge of double-parking that leads to horns blaring and traffic backups. Or, instead of parking, medians could be added that feature landscaping, public art or midway standing points for crossing pedestrians.

In fact, there are many improvements to Park Slope's streets that every resident

could enjoy if a minority of them weren't granted free, 24/7 car storage. Mayor Bill de Blasio faced this challenge head-on last June when his administration introduced a carshare pilot in Park Slope and other neighborhoods. He removed 100 on-street parking spots to make room for vehicles from carshare companies such as Zipcar. His hope is that Park Slope residents will forgo car ownership—which in New York City is arguably more burdensome than convenient—if they're near a network of on-demand rentals.

Ridesharing could also help reduce car ownership. Therein lies the irony of the city's car situation: The growth of sharing industries may put more vehicles on the street. Ultimately, though, relinquishing car ownership is something people will need to accept at an individual level if they want more livable neighborhoods. **G**

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New York City introduced a carshare pilot in several neighborhoods to encourage residents to give up their cars.

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Behind the Numbers

Clark County, Nev., and Mohave County, Ariz.

A mere 8 percent of adults in adjoining Clark and Mohave counties are in-state natives, the least among counties in the contiguous U.S. Both attract steady streams of retirees, as well as Californians seeking a lower cost of living. Clark County comprises the transient Las Vegas area, and Mohave County struggles to retain young adults, with no major universities and few job opportunities.

Staying Home

Some parts of the country have vastly more native-born residents than others.

The Cajun country of South Louisiana is one of many small regions interspersed throughout the U.S. where nearly everyone seems to have grown up nearby. In several rural parishes there, roughly 9 out of every 10 adults were born in the state. The local makeup elsewhere is far different, with as few as 1 in 10 adults born in-state in counties in Florida and Nevada.

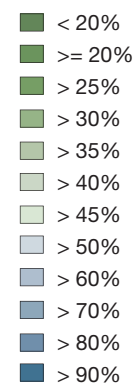
These differences are largely a function of migration patterns, as Americans have gradually relocated to recently developed parts of the southern and western U.S. Much like native-born residents, those born abroad are also largely concentrated in relatively few states.

Sometimes a place may be home to a high concentration of natives because of its ability to retain residents, particularly younger adults. But more commonly, this concentration results from a failure to attract outsiders due to a lack of economic opportunity.

Nationally, about half of adults age 25 and older live in the state where they were born, according to the most recent American Community Survey data from the Census Bureau. We've mapped this data for all counties, showing where there are large concentrations of transplants or native-born residents. **G**

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County Share of Adults Age 25+ Born In-state



SOURCE: GOVERNING CALCULATIONS OF 5-YEAR 2017 CENSUS AMERICAN COMMUNITY SURVEY ESTIMATES.

BY MIKE MACIAG

New York

Excluding immigrants, about 77 percent of New York state's adult residents began life in the state, among the highest concentrations nationally. Very few transplants, for instance, are found in the upstate counties surrounding Buffalo and Syracuse. New York City's foreign-born population is so large, however, that it pushes the overall statewide proportion of in-state natives down considerably, with just over half of all residents over age 25 born in the state.

New Hampshire

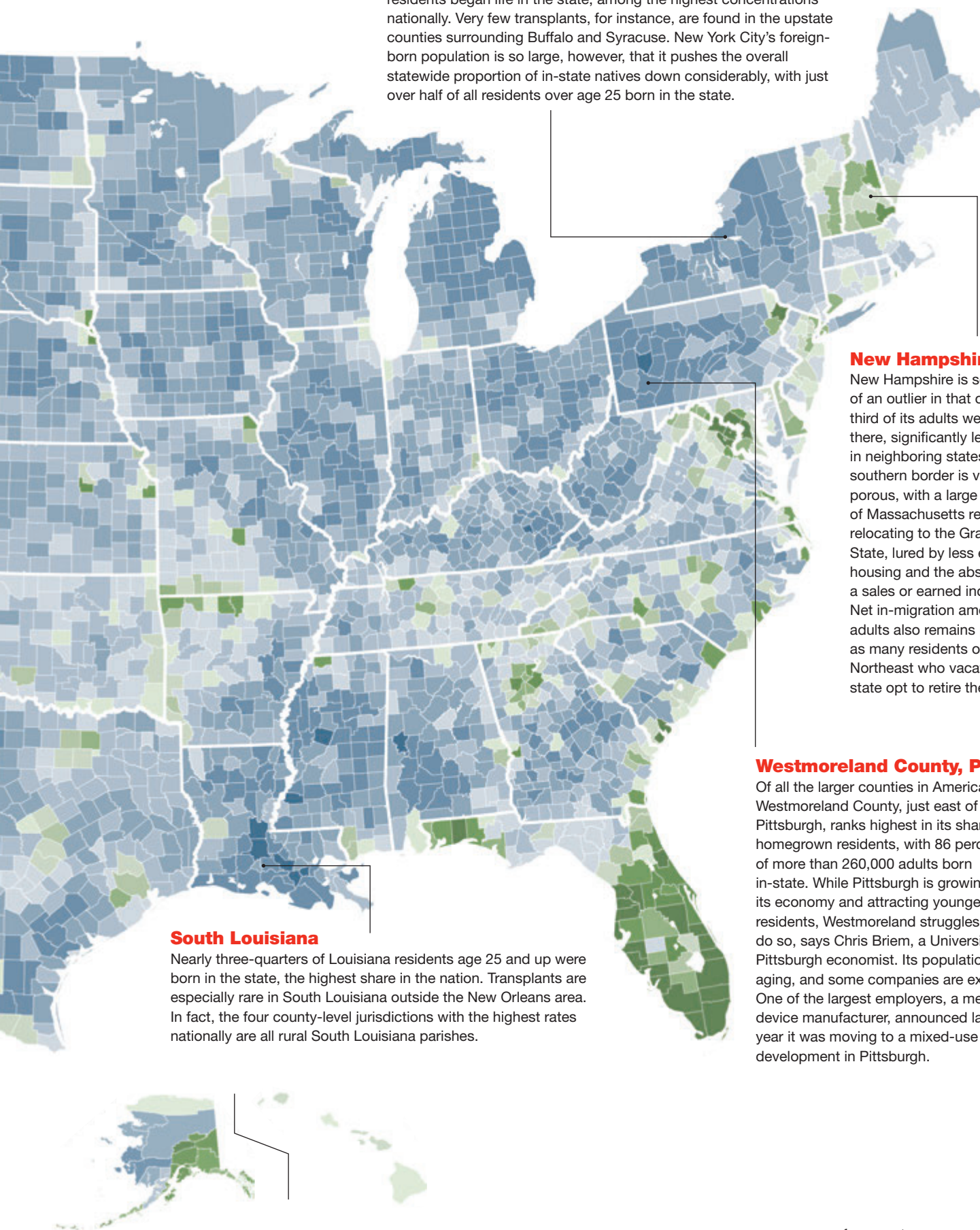
New Hampshire is somewhat of an outlier in that only a third of its adults were born there, significantly less than in neighboring states. The southern border is very porous, with a large number of Massachusetts residents relocating to the Granite State, lured by less expensive housing and the absence of a sales or earned income tax. Net in-migration among older adults also remains positive as many residents of the Northeast who vacation in the state opt to retire there.

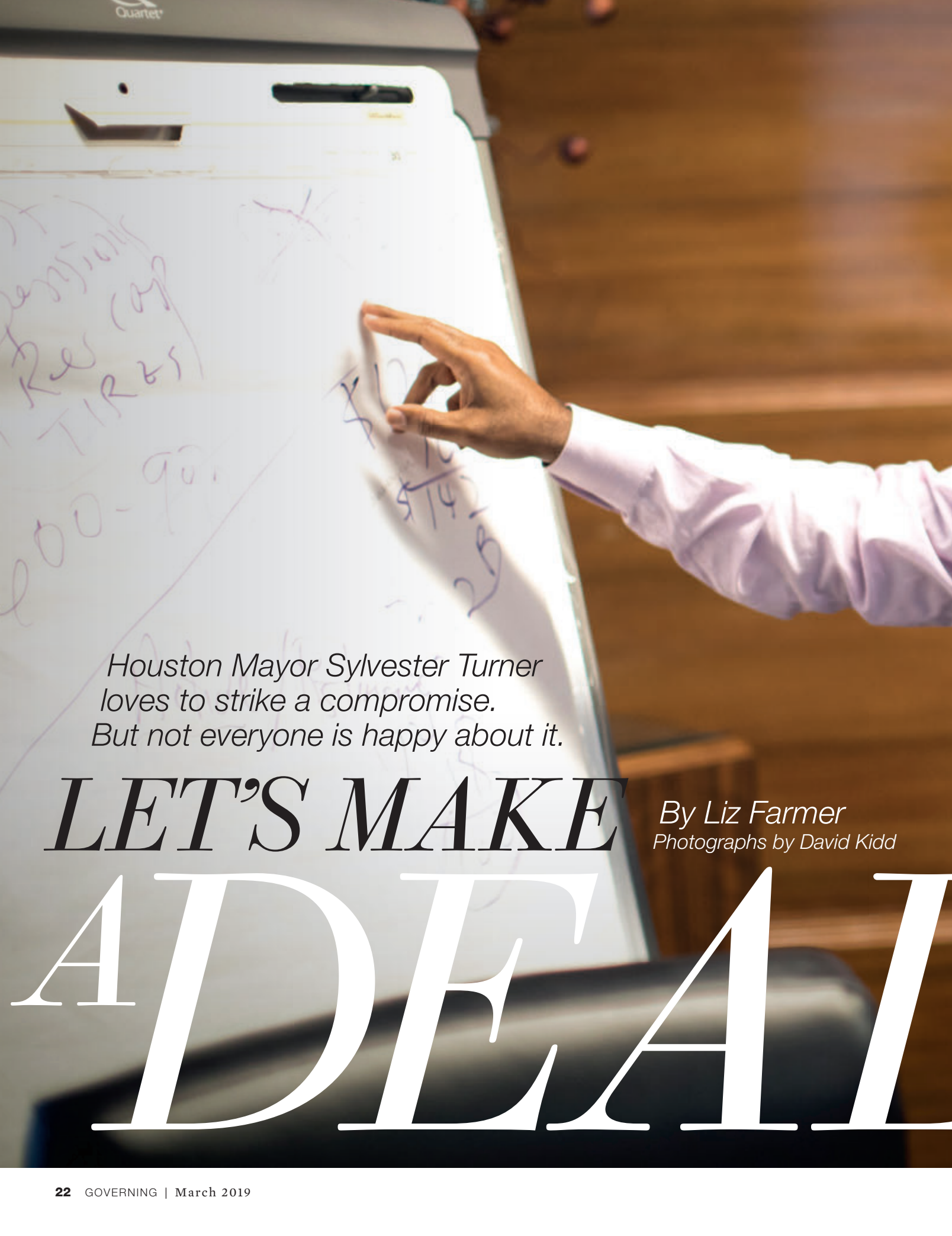
Westmoreland County, Pa.

Of all the larger counties in America, Westmoreland County, just east of Pittsburgh, ranks highest in its share of homegrown residents, with 86 percent of more than 260,000 adults born in-state. While Pittsburgh is growing its economy and attracting younger residents, Westmoreland struggles to do so, says Chris Briem, a University of Pittsburgh economist. Its population is aging, and some companies are exiting. One of the largest employers, a medical device manufacturer, announced last year it was moving to a mixed-use development in Pittsburgh.

South Louisiana

Nearly three-quarters of Louisiana residents age 25 and up were born in the state, the highest share in the nation. Transplants are especially rare in South Louisiana outside the New Orleans area. In fact, the four county-level jurisdictions with the highest rates nationally are all rural South Louisiana parishes.





*Houston Mayor Sylvester Turner
loves to strike a compromise.
But not everyone is happy about it.*

LET'S MAKE

*By Liz Farmer
Photographs by David Kidd*

DEAL



Sylvester Turner is speaking in the intimate confines of the Rothko Chapel, Houston's shrine to modern art. The mayor is in an expansive mood. It's the birthday of Martin Luther King Jr. and he has been asked to kick off an evening panel discussion on two of his favorite subjects: political unity and the civil rights movement. His leathery voice, which sometimes sounds rough and tired, now has a quiet energy. He tells his audience that as a kid he practiced speeches in front of a mirror to try to emulate King.

This is a respite for Turner, now entering his fourth year as the leader of America's fourth-largest city. Before entering the chapel, he was intercepted by a local news station asking him about an ongoing pay dispute with the city's firefighters. His aides are whispering to one another, discussing how many members of the local media might now be gathered outside.

Turner stays longer than expected. He listens attentively to the panelists, an eager 64-year-old student. Eventually, an aide hands him a phone and he goes back to the business of running the city. By the time he does leave that night, the reporters are gone.

Before becoming mayor, Turner, a lifelong Democrat, spent 27 years in the Texas Legislature, remaining in a position of influence even after it started tilting toward Republicans early in the last decade. But being Houston's mayor was his dream job. It took him 24 years and three tries, but he finally won the office—narrowly—in 2015. He started off on a high, trading on his statehouse connections and his instinct for finding common ground to push through landmark pension reform. But the last 18 months have been tougher for Turner, who faces reelection later this year. The mayor's first three years in office, says Texas Southern University political scientist Jay Aiyyer, “has kind of been a tale of two terms.”

The issues Turner faces are familiar ones for a big city these days. In addition to pension problems, the tax base isn't growing to meet the increases in population. Natural disasters have forced a conversation about development choices. And the political climate has grown more partisan. But Houston, arguably, is dealing with some of these problems at their most extreme. The metro area, now home to about 6 million people, is expected to more than double in size over the next 20 years. Four major floods in the past three years, including Hurricane Harvey, have not only destroyed thousands of homes but have also taken dozens of lives. Meanwhile, the city is falling behind on a core service: picking up the garbage.

Among Turner's most important attributes are thoughtful oratory and an ability to find compromise. When he can apply these skills to the city's problems, he's usually successful. But transitioning from a part-time policymaker managing half a dozen staffers in Austin to a full-time chief executive overseeing a workforce of more than 20,000 hasn't always been smooth. He's struggled with

Marty Lancton, president of the Houston Professional Fire Fighters Association, right, is pushing for a 20 percent pay raise for city firefighters.



management, both in handling personalities and in some of the day-to-day tasks. His senior staff has been plagued by turnover and the embarrassing indictment last year of his former press secretary.

His biggest struggle has been with city firefighters over pension reform. He's been unable to find middle ground with a group that doesn't see shades of gray, and it's cast a shadow over his term. Turner has achieved some of his biggest career successes by working across the aisle. “It's easy to vote against people you don't know,” he says. “It's harder to vote against a friend.” But in Texas—as almost everywhere—the willingness to negotiate and cut a deal with the other side is increasingly an underappreciated quality.

The morning after the event at the Rothko Chapel, Turner is presiding over the city council. Houston has one of the stronger mayoralties in the country. Turner is chief executive and chief administrator and controls the legislative body. He decides what goes on the agenda, which means council members have to pick their battles with him carefully. That's put an enormous amount of pressure on him to be a multitasker and manager of subordinates.

Turner hasn't always succeeded gracefully, and a Wednesday morning in mid-January provides a case in point. Residents'



recycling bins have been sitting out on curbs for a week or more, waiting to be emptied. The council has approved the purchase of dozens of trucks to help replace broken-down, 16-year-old equipment, but those trucks won't arrive until August. Turner is urging a stopgap in the meantime: spend \$5 million from Houston's general fund to rent trucks. He has the votes he needs, but some council members are peppering him with questions just to get them on the record. Dealing with this takes some effort for him. "I stay away from personalities," he says, "and stay on substance."

Turner is deliberative, controlled. When he speaks, he often closes his eyes to concentrate, carefully choosing his words. One of the few clues his poker face does provide is the slight shift of his smile into a grimace when he talks about something unpleasant. Rather than raise his voice—something he mostly reserves for speeches—he'll transfer his frustration into a cajoling that borders on condescension. "C'mon, y'all know this," he'll say repeatedly to council members or the media when they press him on a topic he thinks should be over and done with.

The council members ask him repeatedly about the rental trucks: Where will the money come from? Why do they have to

spend \$5 million on an "expensive Band-Aid?" And if the old trucks were in such bad shape following Hurricane Harvey, why is the city only now getting around to doing something about it?

The last one is a fair question. Turner's response—that pension reform was the city's No. 1 issue in 2016 and 2017, and "now we're dealing with solid waste"—is a window into his methodical approach. He likes to tackle big agenda items one at a time. But that's not always the luxury of a mayor, says William Fulton, director of the Kinder Institute for Urban Research in Houston and a former *Governing* columnist. "I think it's taken him a while to understand that you can't control the issues," he says. "When you're a mayor, you're dealing with everything coming at you all the time."

Turner's pension reform was a marquee accomplishment. The problem was something previous leaders had been unable to resolve. By the time Turner took office in January 2016, the city was facing skyrocketing payments and an \$8 billion unfunded liability among its municipal, police and firefighter plans. Two months into Turner's tenure, Houston got slapped with a credit rating downgrade because of it.

The city was desperately in need of someone with a track record of finding a common solution and an ability to get bills through the legislature, which ultimately has to approve any pension reform plan for the city. Turner was the right man for the job. In remarkably quick fashion, his office worked with nonprofit advisers and all three pension boards to come up with a plan by the end of his first year. It was a proposal that struck the right amount of give-and-take for all parties to get on board.

For its part, the city would commit to making its full pension payments each year, something it had not been doing. The pension system would also change the way it calculated its liabilities to more realistic terms, lowering the assumed annual rate of return on investment. Houston would borrow \$1 billion in the municipal market and plug the proceeds straight into pensions. The respective pension boards were charged with coming up with their own proposed cuts to benefits, something that is legally easier to do in Texas than in other states. All told, the plan was expected to cut the \$8 billion unfunded liability in half and save the city's budget tens of millions each year.

Despite its verbal commitment to the plan, the firefighters' pension fund was always a bit of a wildcard in the process. Things broke down in the spring of 2017, when the fund's leaders withdrew their support for the bill in the legislature. Unlike the municipal and police plans, the firefighters' pension plan is under the legislature's direct control. Not only did the reform pass, but lawmakers added more benefit reductions.

As Turner saw it, the firefighters had gambled with the legislature and lost. It was the first of several times the mayor had used his knowledge of how politicians are likely to react. More recently, he threatened to raise Houstonians' property taxes temporarily to pay for Hurricane Harvey damage because Gov. Greg Abbott refused to call a special session to take \$50 million out of the state rainy day fund to meet the city's obligations. With the ball in Abbott's court, the two traded barbs for a week before the governor cut Houston a check.

That kind of gamesmanship goes on frequently between experienced politicians. But in the pension fight, the firefighters

saw things in stark black and white: They got hosed by someone whose election they had supported. The relationship has been broken ever since. “We are not the ones that started this,” says Marty Lancton, the president of the Houston Professional Fire Fighters Association. “And I’m not going away.”

Later that same Wednesday in mid-January, television cameras are setting up in a third-floor room in a city hall annex. A drab municipal building erected in the 1970s, the annex has cheap carpeting and fluorescent-lit rooms devoid of character. It’s almost the antithesis of the dramatic, Art Deco city hall built in 1939 and adorned with walnut paneling and lightly veined marble. Lancton is already there, impeccably dressed in a dark suit with monogrammed French cuffs. Turner enters the room and seems subdued, even for him. Maybe it’s the drizzly weather. Or maybe it’s because he’s here yet again, trying to cut a deal with the firefighters.

Following passage of the pension legislation, Lancton’s union took up a new fight: their pay gap. Houston firefighters are underpaid compared with their counterparts across the state. On average, their first-year base salary is 29 percent less than in other large Texas cities, and that difference persists throughout a firefighter’s career. Houston is the largest city in the United States in which firefighters and police officers of similar rank do not receive similar pay. Collective bargaining negotiations with the city have gone nowhere for years, so Houston firefighters tried another tack

last fall and put the issue to a public vote. Proposition B, which requires pay parity with police officers, easily passed.

But the measure lacked a funding mechanism. Unfunded mandates are always problematic, but in Houston they’re particularly sticky. The city budget operates under a revenue cap, which limits increases to a formula tied to inflation and population growth. Houston has been bumping up against the cap for years and Turner has deftly managed to pass two balanced budgets without major cuts. But digging up an extra \$100 million a year to afford 20 percent pay raises, he has warned repeatedly, would break the bank. He’d be forced to lay off firefighters.

It’s put Turner in a difficult position. One of the reasons he believes he’s earned the respect he has among other lawmakers is that he doesn’t waver. “No means no, and yes means yes,” he says. But no politician wants to let dozens of firefighters go just as he’s running for reelection.

That’s not to say Turner always plays it politically safe. During his first year in office, he blocked a \$56 million mixed-income apartment complex the Houston Housing Authority wanted to build in an affluent, nearly all-white neighborhood west of downtown. The move prompted the U.S. Department of Housing and Urban Development under President Barack Obama to all but accuse Turner of being a segregationist. A yearlong investigation by HUD concluded that the city’s procedures for approving certain applications were influenced by racially motivated opposition to affordable housing and perpetuated segregation.

This was hard to understand. Turner was one of nine kids and grew up poor in a virtually all-black neighborhood north of downtown called Acres Homes. His father died when he was 13 and his



Mayor Turner has slowly made progress on his promise to build more affordable housing. Last year, he cut the ribbon on these new houses in Acres Homes, which range in price from \$105,000 to \$150,000.

mother, who worked as a hotel maid, had to keep the household together. When Turner graduated from Harvard Law School and began earning a lawyer's salary, he didn't pack up and move to affluent River Oaks. He stayed in Acres Homes, although he lives in a walled-off section of stately houses built during a boom time.

For his part, Turner said the cost of the housing authority project was too high for what the city was getting. Just 10 percent of the 233 units were to be for low-income renters. But there was another reason. To the mayor, moving up doesn't mean moving out. He knows that in many cities, that's been the theory of affordable housing: The way to improve the lives of people living in poverty is to move them to more affluent places with much smaller minority populations. Whether or not the approach is effective is a matter of debate. But Turner's policy toward housing is based on his own experience. "I don't want to tell thousands of kids that the only way you can do well is to move out," he says.

To that end, he's launched a program called Complete Communities, which engages hundreds of residents, local business owners, community leaders, and corporate and philanthropic partners in trying to reimagine neighborhoods. The ultimate goal is to create places with affordable homes, good jobs, well-maintained parks, improved streetscapes, retail commerce and better schools.

Creating more transit options is also a key component of the program. Unlike most Sunbelt cities, Houston scores well on having jobs clustered around public transportation; the city launched an extensive light rail line more than a decade ago. But that mostly serves the central core. Houston's long-standing problem—thanks in large part to its irregular, inkblot-shaped sprawl achieved by annexing smaller jurisdictions over decades—is that the trains don't actually reach many of the residents who work at those jobs. Responding to that, the region's transit authority redesigned its transit plan in 2015, unveiling a proposal for 20 additional miles of light rail, 75 miles of bus rapid transit, new high-occupancy vehicle (HOV) lanes and a larger regional bus network. The new plan mirrors much of what Turner called for early on in his administration when he repeatedly talked about a transportation "paradigm shift" for the city that leveraged state and federal money for transit rather than for highways.

Progress has been slow, as other events have preempted that discussion. In January, the most visible transportation project underway was a massive expansion of the city's downtown freeways. Still, Turner is capitalizing where he can. Many of the transit authority's proposed lines will run through the five diverse neighborhoods, including Acres Homes, that Turner has named in the city's first round of Complete Communities.

And Turner is slowly making progress on his investment approach to affordable housing. Last year, he cut the ribbon for six new houses on Sunnyhill Street in Acres Homes, about a half-mile from his own residence. The bright new homes, ranging in price from \$105,000 to \$150,000, look out of place amid empty lots and ramshackle dwellings.

To many in Houston, Turner's approach to housing is an example of his ability to get things done. But to others, that sometimes means he's doing only the bare minimum. He's been criticized for taking his time in making development changes following Harvey. Seven months after the hurricane, Turner pushed through the first major changes to the city's floodplain ordinances in more than a

decade. Previously, homeowners in the 100-year floodplain were required to have flood insurance and build new homes one foot above the floodplain. The new law increased that to two feet and expanded it to homes in the larger 500-year floodplain.

Still, some have called that a half-measure, mainly because it didn't block new development. The Bayou City Initiative, a collection of civic groups focused on flooding and drainage issues, has been particularly critical, saying that homes shouldn't be built in a floodplain at all. In the year following Harvey, 1 in 5 new homes permitted in Houston were located in a floodplain, according to a *Houston Chronicle* analysis, even as new rainfall data showed existing flood maps understate the risk posed by strengthening storms. Builders received permits to tear down existing bungalows in favor of new townhomes, packing more people into the flood zone. Other developers were allowed to build brand new subdivisions in areas that were previously open fields.

But blocking private development in Houston, where there are no zoning laws, has proven to be virtually impossible, even for a strong mayor. Homeowners—even those whose homes had been destroyed by flooding—were vehemently opposed to the relatively modest new requirements, as was the real estate industry. The city council still passed the legislation, but only narrowly and after hours of contentious debate. Turner had gone for what he could get: He argued that his new rules would have spared more than 80 percent of the homes in Houston's floodplains that were damaged by Hurricane Harvey.

Back in the muffled quiet of the conference room in the city hall annex, Turner is again trying to eke out some kind of concession, asking in every way he can think of if the firefighters will agree to phase in their pay increases. He's getting nowhere. Union attorney Troy Blakeney keeps responding that they don't want to agree to abstractions. "Until they bring specifics," he later tells the local media, "it's impossible to take information back to 4,000 firefighters and have an intelligent discussion about what the options are."

The meeting ends without a resolution but with an agreement to meet again. Turner does achieve a symbolic victory in that he invited the media to observe and record him making overtures to the firefighters only to be rebuffed. But he'd rather be done with this.

This sort of tension is something he might have to get used to, though. Houston and surrounding Harris County have changed dramatically in recent years. The city has long been a blue raft in a sea of political red, but in November, Harris County turned blue, too. It elected a political newcomer—27-year-old progressive activist Lina Hidalgo—to lead it. Her views are well ensconced in confrontational politics, rather than in the backroom-bartering style that Turner likes to use.

The mayor had worked well with Hidalgo's predecessor, Republican County Judge Ed Emmett, particularly in the aftermath of Harvey. They may have been on opposite sides politically, but they were playing the same game. Increasingly, Turner is facing people who aren't playing that game. "The sea has become so Democratic now," says political scientist Aiyer. "He's at his best when he's able to be bipartisan. But the politics of the day doesn't really lend itself to that." **G**

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Who Gets to Vote?

Some states are cracking down on voter rights. But even more are moving in the opposite direction.

By Alan Greenblatt

Voting is not mandatory in the United States, as it is in Australia. But does that mean that American citizens who have the right to vote in elections also have the right not to vote?

It's a question that was raised in Ohio when the state stripped Larry Harmon, a Navy veteran, from its voting rolls. "I earned the right to vote," Harmon, who was kicked off the rolls in 2015 after he failed to vote in three prior elections, told NPR. "Whether I use it or not is up to my personal discretion. They don't take away my right to buy a gun if I don't buy a gun."

That argument was persuasive with a series of courts that heard Harmon's case. After all, the National Voter Registration Act says that states can't remove individuals from the rolls simply for not voting. Ohio has a policy of sending out postcards to individuals after they fail to vote in two consecutive federal elections. They're supposed to respond to the postcard to affirm that they still live at the same address. But many people, including Harmon, say that they never saw the postcard, which they might have mistaken for a piece of junk mail.

Last year, Harmon lost his case. The U.S. Supreme Court, noting that the state had made a good faith effort to contact voters, upheld Ohio's policy—known as "use it or lose it"—of striking nonrespondents from the voter rolls. "Do you have a right not to vote?" asks Michael McDonald, an expert on voting at the University of Florida. "The Supreme Court said no, you have to be periodically voting."

The ruling triggered warnings bordering on panic from voting rights groups across the country. They worried that aggressive purging of registered voters could lead to disenfranchisement on a broad scale. Even before the Ohio case was decided, the Justice Department put out a press release announcing it would side with Ohio, reversing the agency's policy under the Obama administration. The next day Georgia removed some 200,000 voters from the rolls. Jon Husted, then serving as Ohio's secretary of state, said the method "can serve as a model for other states to use."

In response, the League of Women Voters warned that the Supreme Court decision would "fuel the fire of voter suppression across the country." NBC reported that "at least a dozen other politically conservative states" were planning to follow Ohio's lead. "Voting is a constitutional right," says Jim Condos, the Democratic secretary of state in Vermont. "We should not be very aggressive about removing people from the rolls."

Broad voter purges appeared to be the next step in a decade-long campaign to make voting more difficult. Expressing concerns about security, a majority of states have taken steps in recent years that restrict voting in one way or another, including photo identification requirements, cutbacks to early voting and policies designed to make it more difficult for students to vote where they attend college.

But something else is happening in response. This year, hundreds of pieces of legislation are up for consideration in more than 30 states that seek to expand voting rights. Already, New York has

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passed a package of bills that would move the state, long considered one of the least voter-friendly in the nation, into the modern era. All over the country, both ballot measures and legislation are being promoted to make voting and registration easier and closer to universal. It's not happening everywhere; there's still a partisan divide on many voting issues. But politicians from both parties, in various states, have come around to the idea that it's time to make voting easier.

Differences in approaches to voting rights aren't just partisan. They're also historical and tend to swing like a pendulum. Beginning in the 1960s, the nation as a whole began to expand voting rights in multiple ways. The Voting Rights Act of 1965 made real the promise of the 15th Amendment, guaranteeing access to the ballot to African-Americans who had been disenfranchised by a century of Jim Crow laws. It also gave the federal government authority to review state and local requirements for registration and voting. A year earlier, in 1964, the ratification of the 24th Amendment banned the use of poll taxes imposed to keep black people from voting. In 1993, Congress passed the National Voter Registration Act, which was originally known as the motor voter law because a provision guaranteed people the ability to register when signing up for driver's licenses.

These expansive measures were followed in recent years by a series of restrictions, including voter ID laws and, in Kansas and Arizona, laws requiring that voters provide proof of citizenship. (The Kansas law was put on hold by a federal court last year.) The Supreme Court made much of this easier in 2013, when it issued a ruling that gutted parts of the Voting Rights Act and freed states from having to receive "preclearance" on election law changes from the federal government. Today, 35 states have voter ID requirements in place; some states have restricted early voting and placed new hurdles in front of voters.

But the expected rush to purge voters following the Supreme Court ruling in the Ohio case hasn't taken place. Instead, momentum has shifted back in the direction of expansive voting rights. "There is a push and pull with voting rights, as with other civil rights," says Jonathan Brater, an elections lawyer who recently left the Brennan Center for Justice at New York University. "Some of what we've seen in the last decade can be seen as a response to the huge participation in 2008, particularly of minority voters."

Fewer than 10 states have Ohio-style "use it or lose it" policies on the books. In some cases, these policies date back to the 1990s. The states include Georgia, where the race for governor last year seemed to turn at least as much on questions regarding voter registration processes as on policies. But they haven't been joined by a flock of others. "It's a pretty retro method of keeping the rolls clean," says Justin Levitt, associate dean for research at Loyola Law School in Los Angeles. "I don't think that states that don't have it will have an interest in putting something like it in place."

Everyone involved in election administration agrees about the importance of keeping voter rolls clean and up to date. Having people who are dead or who have moved away still on the list is an invitation to fraud. Duplicative or inaccurate registrations also represent an unnecessary cost, due to election-related mailings and logistical questions, such as planning the number and loca-

tions of polling places. But there are more modern ways of keeping rolls current, notably automatic voter registration (AVR). As the name suggests, under such a system, individuals are automatically registered to vote when they interact with the department of motor vehicles or other agencies, unless they choose to opt out. "The major sell on automatic voter registration isn't that it's going to register lots of new people," says McDonald, the Florida political scientist. "The major sell is efficiency." What McDonald means is that when people update their information through the DMV, that information is shared electronically with the voter database. That cuts down on errors and, when people move within their state, their information moves with them.

Since Oregon passed the first AVR law in 2016, no fewer than 15 other states have adopted similar systems, including red states such as Alaska and Georgia. More than three-dozen states have put into effect a form of online registration—some allowing same-day registration. In January, New York became the 18th state to allow individuals to register to vote as late as Election Day itself. The legislative package there also included the creation of an early voting period and a measure to allow citizens as young as 16 to pre-register to vote.

At the congressional level, Democrats have made clear that voting rights are a top priority for their new House majority. Nearly every Democratic representative has signed on as a co-sponsor of the sweeping bill, which would require online voter registration, automatic voter registration and same-day registration, as well as offer protections against voter purges, among many other provisions. The bill appears to have zero chance of moving through the Senate, let alone gaining President Trump's signature. But these types of ideas are now being tried out in legislatures all over the country and are likely to pass in at least some states.

There's an old rule of thumb that the closer you live to Canada, the more likely you are to vote. Northern states including Maine and Minnesota have long led the pack when it comes to turnout, while Southern states generally lag far behind. This isn't because voting is a welcome cold-weather activity. It has to do with the political cultures and histories of these states.

But the issue of whether states encourage or discourage people from voting nowadays has more to do with internal partisan inclinations than geography. Generally speaking, blue states are rushing to make voting and registration easier, while red states have tended to put more restrictions in place. Democrats are pushing for increased access to the ballot, and Republicans favor certain restrictions such as voter ID requirements as protection against the possibility of fraud.

What these latter measures have in common is adding an additional layer of effort for people who wish to vote. It's no longer enough, in many cases, to register and then show up at the polls. Voters have to show identification proving they are who they claim to be. They may also have to monitor their own registrations to make sure they're still on the rolls. There are protections under the National Voter Registration Act for voters

whose names are struck because the state believed they may have moved—protections that remain in place despite the Supreme Court’s Ohio ruling last year. But there are fewer protections for people the state thinks have died or been imprisoned. Many states don’t provide notice when they remove voters for such reasons. “When you are eligible and nothing has changed in your situation, it’s understandable that people are upset when they go to the polls and they can’t vote,” says Levitt, the Loyola professor. “You’ve done everything right, and your circumstances haven’t changed.”

Voters have generally been supportive of some of the recent restrictions. Polls over the past decade have consistently shown that at least two-thirds of the public supports voter ID laws, finding them to be both reasonable and achievable. One Gallup poll conducted in 2016 found that 80 percent of those surveyed supported voter ID laws. Last November, voters in Arkansas and North Carolina easily adopted voter ID ballot measures.

But in many other places lawmakers are implementing policies that expand the franchise. And they’re already having a practical effect. In Vermont, Secretary of State Condos reports, online and automatic voter registration represented close to 70 percent of voter registrations last year.

The same Gallup poll from three years ago found that the same percentage of respondents who supported voter ID laws also supported same-day registration. It’s clear that the public will support policies that are advertised as making voting easier. Such measures have proven highly successful. In Michigan, voters last year easily approved a proposition to allow same-day registration, which the legislature recently amended in a lame-duck session. Nevada voters approved automatic voter registration. Perhaps the year’s most publicized measure, Florida’s Amendment 4, received nearly 65 percent of the vote. Amendment 4 made restoration of voting rights automatic for most former felons, excepting those convicted of murder and sex crimes.

Amendment 4 has had its effects—not just in Florida, where registrations have spiked since the new law took effect in January, but in other states as well. Iowa Republican Gov. Kim Reynolds has proposed amending the state constitution to allow former felons to vote after they complete their sentences, which in Iowa would mean not just jail time but also finishing probation or parole. A lawsuit has been filed in Kentucky, which is the only other remaining state where voting rights are not automatically restored to ex-felons. Massachusetts and New Mexico may go even further. Those states are considering restoring voting rights to individuals who are currently incarcerated.

Even as public opinion and policy momentum appear to have shifted toward expanding voting rights, there continue to be concerns about maintaining a balance that ensures electoral integrity. Academic studies have shown that in-person voting fraud—the type that identification requirements guard against—is exceedingly rare. Other types of fraud, however, particularly those involving mailed ballots, are more common. A case in point is last year’s disputed congressional race in North Carolina, in which as many as a thousand absentee ballots may have been destroyed. Such incidents have heightened concerns about electoral integrity, especially among Republicans. “Expanding access to the polls

without addressing safety protocols to protect the integrity of our electoral process is a disservice to the voters of our state,” New York state Sen. Robert Ort, a Republican, complained after the state expanded voting rights.

In January, the Office of the Texas Secretary of State announced that it would ask county officials to investigate the citizenship status of up to 95,000 registered voters, as many as 58,000 of whom might have cast ballots in elections dating back to 1996. The news triggered a series of concerned tweets about voter fraud, including one from President Trump and another from Texas Attorney General Ken Paxton, who tweeted, “Any illegal vote deprives Americans of their voice.”

Texas officials backtracked almost immediately, with the secretary of state saying thousands of people on the initial list are in fact citizens. In previous instances in recent years, in which Florida and Pennsylvania announced there were thousands of noncitizens on the rolls, the problems turned out to be based on computer or human error, not fraud. In both states, the final number of non-citizens who turned out to be registered was fewer than 100.

The goal for some policymakers in Texas, suggests McDonald, the Florida political scientist, is ultimately to require all new registrants to provide proof of citizenship. Texas GOP Gov. Greg Abbott has been a leading voice regarding voter fraud. His state has one of the strictest voter ID requirements, and has grown more aggressive about purging voters in the years since it was released from federal preclearance by the Supreme Court decision in 2013.

Although advocates and the media pay attention to specific restrictions when they are passed, they don’t always do as good a job looking at their cumulative effects, McDonald says. A series of hurdles may make citizens less likely to vote or make the attempt to vote harder than any single law on its own. The effects of discouragement compound over time, with the number of voters affected increasing from election to election. In Texas, the combination of laws has created a political culture that dampens voter turnout. Despite being home to one of the most expensive and publicized U.S. Senate contests last year, Texas didn’t see turnout rise nearly as much as in many other states. In fact, Texas ranked 48th in voter turnout in 2018.

This back and forth over voting rights—from making voting easier to making it more difficult—is nothing new in American politics. Voting registration itself, which began in the 1800s, was the product of lawmakers seeking to target political opponents by writing rules that applied only to residents of large cities. As recently as 2002, Wisconsin had such a law on its books, singling out voter registration rules only in larger jurisdictions within the state.

Whether making them looser or tighter, politicians have always sought to game the system by changing the rules around voting and registration. “Politicians don’t make changes to laws, especially election laws,” McDonald says, “without thinking about the consequences of those laws on their reelection chances and the fortunes of their political parties.” **G**

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A sweeping new federal law seeks to limit children's stays in institutional settings, such as the Williams Cottage at the Children's Village, a foster group home in New York state.

FOSTERING CHANGE

Inside the federal government's big, bold—and potentially messy—plan for overhauling how states manage child welfare.

BY MATTIE QUINN

Much about the new effective it will be.

TUCKED INSIDE THE \$1.3 TRILLION SPENDING BILL passed by Congress in February 2018 was a piece of legislation called the Family First Prevention Services Act. The measure was little noticed outside human services circles. But once it's implemented, the new law will completely upend the way child welfare operates at the state level.

At its core, Family First redirects the way states will get reimbursed for their services. For the first time, the federal government will pay states for evidence-based programs aimed at keeping kids in their homes rather than placing them in foster care. Mental health care, in-home parenting programs and substance abuse treatment will now all be covered. For instance, a mom in a residential substance abuse program will be able to have her child with her—something not financially possible before Family First. “We’re really encouraging states to rethink what foster care even looks like, toward a new system that doesn’t require as many kids in foster care,” says David Sanders, executive vice president of systems improvement at Casey Family Programs, a child welfare organization and one of the chief proponents of the new law.

To fund this more prevention-based approach, reimbursement for children staying in group homes will be limited to two weeks, with the exception of children with severe emotional and health needs. That’s a significant shift from the past, when group home stays were essentially uncapped. But it dovetails with changing attitudes about how states should be caring for children in need of services. “Group homes should be used for stabilization, not for placement,” says Susan Dreyfus, president and CEO of the Alliance for Strong Families and Communities.

States had until last November—just nine months after the bill was signed—to let the federal government know if they intended to delay implementation for two years. Otherwise, the law will go into effect this October. Only eight or so states are expected to go ahead with the rollout: Kentucky, South Carolina and Wisconsin, for example, have signaled to officials that they will move forward with adopting the law this year. But it’s a bit of a moving target, because although the deadline has passed, it hasn’t been enforced; some states haven’t yet announced a delay but also are not planning to implement this year.

Even for those states that do push implementation back by two years, officials say they’re working at a breakneck pace to upend their child welfare systems. “Ohio has delayed,” says Mark Mecum, CEO of Ohio Children’s Alliance. Still, “we are aggressively designing an implementation, and we are meeting weekly with state stakeholders.”

It’s hard to find anyone who would argue against the basic tenets of Family First—focusing on prevention, keeping children with their parents when at all possible, limiting the time kids spend in group facilities and prioritizing evidence-based programs that work. But many child welfare advocates and state officials nonetheless have serious concerns about how the new policy will play out. The timeline for implementing the new approach is unrealistic, they say, and the law ignores many of the frontline realities of the current state of child services. They contend that it’s a patchy and haphazard approach, and one that in many cases is redundant to what states are already doing.

Much about the new law sounds great. But it’s not clear how effective it will be. And in the immediate future, at least, many people worry it could do more harm than good. Ultimately, it’s not an improvement over the current approach, says Mecum. “It’s using federal child welfare dollars for very narrowly defined services, many of which are actually already reimbursable under Medicaid.”

“It’s nice on rhetoric,” agrees Daniel Heimpel, the president of Fostering Media Connections, which publishes *The Chronicle of Social Change*, a nonprofit news site that covers child welfare, “but short on a plausible path forward.”

The two-week cap on group home stays, for example, is a fine idea but simply unworkable right now, say many child welfare advocates. Heimpel agrees with the notion that “there is an overreliance on group homes. But the idea that there is alternate capacity? It’s just not there yet. Unless states are ready to step up and find relatives [willing to take kids in], you’re going to have problems.”

The Chronicle of Social Change has reported that half of states saw their foster home care capacity decrease between 2012 and 2017, either because of a decrease in beds or a significant uptick in the number of kids in need of care. Capping the number of nights in group homes would add pressure on the already strained system.

law sounds great. But it's not clear how And it could do more harm than good.

The rush to get most kids out of group homes ignores difficult situations that child welfare agencies find themselves in, says Kurt Kelly, CEO of the Florida Coalition for Children, an umbrella group of the state's child welfare agencies. "There are good things about this law, because we are talking about moving services more to the preventative side," says Kelly. "But if they had listened to our model, they would have seen that we are already doing that." Florida redesigned its child welfare system in 1998 as a private community-based care model, one that outsources most child welfare services to local nonprofits. The state has seen some success: Before the redesign, 4 in 10 kids in foster care were in group homes. Now, it's down to 1 in 10.

Reducing the number of children in group homes is an important goal, Kelly says. But there are still many cases in which a group home may be the better option, and the Family First cap doesn't allow for that. "Let's say a mother dies on opioids, and she has five kids. There are very few foster homes that will take five kids. But in a group setting, we can take them in together and hold them and work with them."

Florida's situation highlights another troubling aspect of implementing Family First: It may require states to move backward before they can move forward. That's because right now, 26 states plus the District of Columbia have what's called a Title IV-E waiver. It grants states and localities more flexibility in how they spend their money from the federal government for child welfare—as with Florida's private community care model.

Those waivers have been available since 1994, but they are set to expire at the end of September. Because so many states are delaying Family First implementation for two years, they'll have to go back to an old system of care until they fully adopt the law. In some states, that'll mean reverting to a 15- to 20-year-old system. There's a chance the federal government will grant states an extension on their waiver if they are delaying the law, but so far there's been no communication regarding that from the Administration for Children and Families.

Kelly says he's heard the expiration could mean losing anywhere from \$20 million to \$120 million. "I only have a budget of \$700 million, so if you took out \$120 million, that is significant,"

Kelly says. "It's an unbelievable disruption. Unless we get an extension on the waiver, it will be very serious."

Even the architects behind Family First warn that states may face hurdles in implementing the new law, including potentially significant technical challenges. States will inevitably have to change their system of payments, notes Sanders of Casey Family Programs, and that could cause problems. "This will require a different way of tracking payments, and it's complex, so there could be glitches," he says.

Despite all those challenges, Family First advocates say the growing pains will be worth it. The law "makes a strong statement that we want children with strong families, and moving more [resources] to the front end," says Dreyfus of the Alliance for Strong Families and Communities. "It's the first volley toward a system we've always wanted."

In 2016, Sanders and Dreyfus both worked on the final report from the Commission to Eliminate Child Abuse and Neglect Fatalities, a group created by Congress at the end of 2012. They found that four to eight children die at the hands of their parents or caregivers every day, a number that hasn't changed much over the years. The report recommends a more preventive approach by identifying the most at-risk families and intervening with appropriate treatments. "We said, 'Here are the tragedies in the child welfare system,' and the public is outraged when those instances happen," says Sanders. "But we didn't find any state that had a plan to reduce that number. The Family First Act will finally address that."

State and local child welfare officials are right to be concerned about the fine print of the law, Dreyfus says. But she hopes that they keep their eye on the bigger picture: a more proactive, healthier system for America's most vulnerable children and families. "If people would get out of the minutiae and understand the larger direction it's taking us, in two and a half, five years, we will have a radically different child welfare system," Dreyfus says. "Is it gonna be hard work? You bet," she says. "But we've done hard work before." **G**

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Toxic

Faulty sewage treatment is making pollution and health problems worse in much of the country. What we don't know is how much worse.

By Daniel C. Vock

For more than 15 years, Catherine Flowers has been spearheading a lonely and frustrating campaign in Alabama's Black Belt to install and improve a simple but crucial piece of infrastructure for the far-flung homes in the area: septic tanks.

Her efforts began in 2002 shortly after officials in the Black Belt's Lowndes County threatened to jail two dozen residents for inadequate sewage treatment, which is a misdemeanor under Alabama law. Somewhere between 40 and 90 percent of the homes in the county had a failing septic system, or none at all. The residents, who were predominantly black and poor, could not afford the thousands of dollars needed to install new underground sewage tanks. Even if they could afford them, there was no guarantee that the tanks would work in the area's dark clay soil. That soil sits on top of layers of chalk and silt that trap water and prevent it from seeping further into the ground, a huge problem for septic tanks that work by dispersing contaminated water through the ground for filtration.



Waters

Even brand-new septic systems often fail in the fields of Alabama if they aren't properly designed for the environment there. Systems specially built for the Black Belt's geology can cost more than \$6,000, twice as much as a standard septic system. The most elaborate ones go for as much as \$30,000, more than the value of some of the homes they are meant to serve. With all the difficulties, many residents don't bother to install septic systems; they simply run a pipe out of their homes to a ditch nearby.

The threat of arrest is only one of the many dangers that residents with failing or no septic systems can face. Untreated sewage pools in people's yards give off a foul stench. Black water backs up into their sinks, drains and bathtubs. The exposure can have dire consequences for residents' health.

Flowers knows that threat firsthand: A few years ago, she was bitten by a mosquito flying over an uncovered pool of sewage in one resident's yard. The next day, she broke out in a rash all over her body that didn't go away for months. The incident led Flowers to ask questions about the health effects Lowndes County residents

were facing. She invited researchers from Baylor University to look for a possible resurgence of tropical diseases in the area. They found evidence of hookworm, a disease largely eradicated in most developed countries, in more than a third of the residents they sampled.

That finding brought the attention that Flowers had long been trying to attract. Reporters from *The Guardian*, PBS NewsHour, VICE, Al Jazeera, Fox News and *The New York Times* all came to investigate. So did a United Nations official studying extreme poverty in the United States. Far-off politicians, including New Jersey Sen. Cory Booker and newly elected U.S. Rep. Alexandria Ocasio-Cortez of New York, rallied to the cause.

But there was another group of people who started getting in touch with Flowers. To them, the problems associated with septic systems weren't exotic stories in faraway locales; they were all-too-familiar situations right at home. Flowers started hearing from activists and community leaders from California, Kentucky, Texas and Virginia. Leaky septic tanks cause algae blooms that

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close beaches on New York's Long Island. They threaten dolphins and other aquatic wildlife in Florida. One of the striking things, Flowers says, is how many of the people affected by wastewater problems are poor or belong to historically marginalized groups. Widespread poverty and lack of political capital only make the task of addressing sanitation issues tougher. "I think the problem is bigger than we realize," Flowers says. "It's not just a one-off thing. Rural communities have ignored this issue for a long time. That's important because, even if we solve the problem with Lowndes County, that doesn't solve the problem for the rest of the country."

Indeed, problems associated with septic systems seem to be getting worse, and not just in rural areas. The number of systems is increasing, fed by population growth and urban sprawl. One out of 5 Americans is dependent on them. Developers regularly install septic tanks in suburban communities to avoid the cost of sewer connections. Meanwhile, septic systems installed decades ago are under stress as population swells in previously rural areas. Climate change can cause new problems, as fierce storms flood drain fields, groundwater levels rise in coastal areas and higher temperatures allow tropical diseases to flourish in exposed pools of sewage.

Simply put, septic systems are getting harder to ignore. Officials at both the state and local levels must increasingly wrestle with how to safeguard individuals' health and protect the environment, without saddling poor residents with the hefty costs of repairing or replacing septic systems.

When Joan Rose set out to study the watersheds in her home state of Michigan a few years ago, her goal wasn't necessarily to focus on septic systems. Rose, a Michigan State University professor and one of the world's leading hydrologists, considers herself a "water detective." By studying the microbiology of water, she can tell you a lot about pollution and whether bacteria in the water came from cattle, pigs or humans.

While studying 64 watersheds on Michigan's Lower Peninsula, Rose found a lot of human-based pollution. She tried to pinpoint where it was originating. "But the only relationship we could find," she says, "was with the increasing number of septic tanks."

Rose discovered that even "working" septic tanks weren't filtering out all the pollution they were designed to keep out of lakes, streams and rivers. "We used to think that once [waste] goes into a soil, we don't have a risk," she says. "We realize now that there are many, many contaminants that move through the soil: viruses, nutrients and even bacteria."

Unlike sewers, which whisk dirty water away through pipes to a water treatment center, septic tanks filter the water onsite. They sort the waste into three layers: scum, sludge and wastewater. Bacteria eventually break down the scum at the top of the tank, while sludge falls to the bottom. (Septic tanks have to be pumped out periodically to work properly.) The wastewater, or effluent, sits in between the scum and the sludge. It flows into underground pipes near the tank and is released into the ground in an area called the drain field. Septic systems rely on the natural filtration of the soil to eliminate the worst contaminants in the water. But

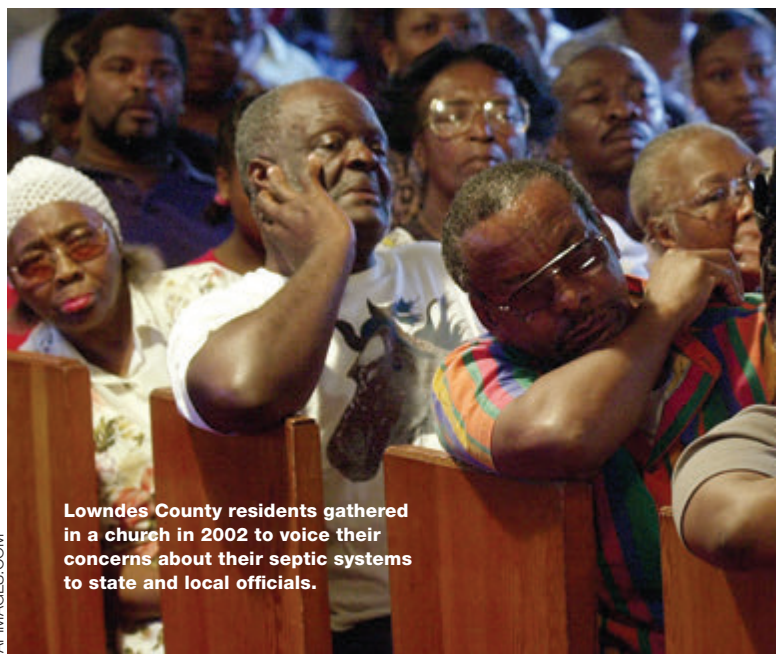
most are designed to filter out only disease-causing bacteria and viruses. They aren't capable of removing nitrogen or phosphates, which can wreak havoc on aquatic environments by causing algae blooms, fish kills and ocean dead zones, where most marine life cannot survive.

Rose was telling Michigan residents that their septic systems weren't very good at screening out bacteria. Not surprisingly, she started getting questions about how many of Michigan's 1.4 million septic tanks were failing and where. But her study didn't reveal that kind of detail. In general, she believes, between 10 and 20 percent of septic tanks are failing without the owner's knowledge.

Michigan is the only state in the country that does not have a statewide law governing septic tanks, so the task of keeping track of them falls to the counties. That means the rules about how often or even if septic systems have to be inspected vary by county. It also means that it's hard to track all the septic systems that may impact a river that flows through several counties. Advocates in Michigan have been pushing state lawmakers for at least 15 years to set up a statewide system. "A huge motivator behind legislation," says Deena Bosworth, the director of governmental affairs for the Michigan Association of Counties, "is that we don't know the extent of the problem."

The most recent effort fell apart because the legislation would have affected the dozen or so counties that already require septic system inspections when properties are being sold. It would have prevented them from requiring inspections beyond statewide minimums, a nonstarter for counties and environmental groups. "Statewide standards aren't out of line," Bosworth says. "But if local governments want to be more restrictive, they should be able to."

Unlike in Michigan, political inaction has brought septic system contamination to crisis levels in Long Island. Suffolk County, on the eastern side of the island across the sound from Connecticut, has 1.5 million people and about 365,000 underground sewage tanks. Nearly all the tanks are leaking harmful pollutants—especially



Lowndes County residents gathered in a church in 2002 to voice their concerns about their septic systems to state and local officials.

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nitrogen—that are threatening the area’s environment as well as its economy. Algae blooms have closed beaches. Nitrogen pollution has all but killed off the once-famous clamming industry. And pollution may have made the effects of Hurricane Sandy more extreme by eliminating coastal vegetation and wetlands that could have provided a natural barrier to the storm.

The prevalence of septic systems in the area has stymied economic growth, because they can’t handle big developments. They need space for their drain fields, which means they are usually used for small buildings next to empty land, hampering the area’s ability to build dense projects. Steve Bellone, the county executive since 2012, has been trying to chip away at the long-standing problem, both by building sewers where feasible and by upgrading existing septic tanks to prevent them from leeching so many harmful chemicals into the soil.

In January, voters in two parts of the county approved \$360 million in sewer projects, which Bellone says will serve 6,400 parcels in some of the most ecologically sensitive areas. The key to the new construction was state and federal disaster recovery money for rebuilding after Sandy. County officials selected the projects so that they would help mitigate the impact of future disasters by restoring natural storm barriers. “The marshlands, wetlands and seagrass have been devastated by the decline in water quality and pollution over the last four decades,” Bellone says. “This is part of the effort to remediate the pollution in the waterways by reducing nitrogen inputs.”

Local property owners also assumed some of the costs of building the sewer improvements. In most cases, though, installing sewer systems is prohibitively expensive for either property owners or the county. So officials are encouraging residents to switch to more advanced septic systems, which can help decrease the amount of nitrogen that gets into the ground and, eventually, into local rivers and Long Island Sound. Qualifying residents are being offered \$11,000 grants to install the upgraded systems, plus

low-interest loans to cover the rest of the cost. About 100 residents have already installed the new systems.

Bellone says county residents have started recognizing the need for such measures. “The problem with septic systems,” he says, “is that they’re underground. The saying ‘out of sight, out of mind’ is apt here. When people buy their houses they know how old the boiler is, how old the roof is. They don’t know how old their septic system is or how it’s working. But we’re really starting to see the results of septic systems: closed beaches, red tide, brown tide, fish kills.”

In Alabama, Flowers’ advocacy has brought a lot of attention to the situation in Lowndes County. The Alabama Department of Public Health is applying for federal grants to install septic systems for 100 residents in unincorporated areas on a first-come, first-served basis. Residents would pay a one-time fee of \$500 or \$1,000, depending on the type of septic system installed, plus a monthly fee of \$20.

Meanwhile, Flowers and others have been looking for new technology that could replace septic systems with an easier, cheaper way to deal with the persistent problem. Flowers has been talking with Kartik Chandran, an environmental engineering professor at Columbia University whose work focuses on how to use human waste and other wastewater to generate energy and produce agricultural fertilizers.

Flowers is also turning up the heat on the state and federal governments. She joined with Earthjustice, an environmental law firm, to file a civil rights complaint against both the Lowndes County Health Department and the Alabama Department of Public Health. The complaint alleges that the government discriminated against the county’s black community when it failed to “abate known insanitary conditions, dismissed a credible outbreak of hookworm and failed to maintain sufficient data regarding the lack of wastewater services, despite knowledge of prior discriminatory acts regarding the high rate of insufficient onsite wastewater systems in the county.” The complaint is now before the U.S. Department of Health and Human Services, which will determine whether to pursue an investigation of its own.

Anna Sewell, a water project attorney for Earthjustice, says state and county agencies could start to address the group’s concerns by informing residents about the evidence of hookworm infection and how to treat it; by helping families apply for state and federal loans to replace their septic systems; and by conducting a comprehensive survey to determine the extent of the sewage problem in Lowndes County. “The bottom line,” she says, “is that agencies have to clean up raw sewage on the ground.”

Flowers is keeping her eye on the national picture, even as she hopes to deal with the local crisis. If Lowndes County can take care of the problem, she says, people in other communities might be able to learn from them. “It’s not just a regional issue. These crises are happening across the U.S.,” she says, “but nobody has investigated it.” **G**



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2019



WOMEN IN GOVERNMENT

Every year, the Governing Institute selects 25 female state and local leaders to participate in its Women in Government program. Now in its fifth year, the program convenes these accomplished public officials throughout the year to share ideas, engage in leadership development, and work together to actively recruit and mentor more women to seek public office.

PHOTOGRAPHS BY DAVID KIDD



LOVELY WARREN

Mayor, Rochester, N.Y.

In July 2016, Lovely Warren visited the grave of famed suffragette Susan B. Anthony to deliver a thank-you note. Anthony is buried in Rochester, N.Y., where Warren is the first woman mayor as well as the youngest mayor in the modern era. Her note read, “Dear Susan B., we thought you might like to know that for the first time in history, a woman is running for president representing a major party. ... Thank you for paving the way.”

More than a century after women’s suffrage, Warren is working to pave the way for economic renewal in her city, which has suffered a significant poverty rate for decades. She has focused on loans to businesses owned by women and minorities, and on rebranding downtown as an “innovation zone” centered around technology. “We have the brainpower here to fix it,” Warren says. “No one is going to fix it for us. We’re doing that one neighborhood at a time.”

The mayor has also been focused on crime and police transparency; in December, she proposed a Police Accountability Board that could investigate and subpoena members of the local force.



KAREN CARTER PETERSON

State Senator, La.

New Orleans native Karen Carter Peterson’s life in politics started early. At 18, she ran for her first elected position, a delegate to the Democratic National Convention. At 29, she was elected to the Louisiana House, where she served for 10 years, the final two as speaker pro tempore. And in 2010, Carter Peterson successfully ran for state Senate.

Her legislative initiatives have included pushing for education reform, including to reestablish local control over the state-managed New Orleans public schools. She’s also been an advocate for Medicaid expansion, and she unsuccessfully pushed for a tax increase on tobacco products to help fund health programs.

Along the way, Carter Peterson remained an active leader in Democratic party politics. In 2012, she ousted an incumbent to become the chairperson of the Louisiana Democratic Party—the first woman, and only the second African-American individual, to hold that position. She’s still in that leadership position today. In 2017, Carter Peterson was elected vice chair of Civic Engagement and Voter Participation at the Democratic National Committee, a position previously held by Donna Brazile.

RACHEL KIPPLEY

Commissioner, Brown County, S.D.



Rachel Kippley spends a lot of time on the farm she and her husband own, growing corn and soybeans and raising beef cattle. Since 2015, she’s balanced that with her role as county commissioner. Her background in agriculture gives her a unique perspective on public office. “There are fewer and fewer farmers out there,” she says. “We’re struggling to have the voice of rural agriculture represented. You can see it everywhere from my commission to Washington, D.C.”

Kippley is focused on a diverse set of issues, from infrastructure to alternatives to juvenile detention to economic development. She has traveled to D.C. to represent her state’s agriculture industry, and last year she traveled to Taiwan to discuss trade.

Along the way, she’s stayed active on the farm: In 2016, she won her county fair’s Super Farmer competition, a title she successfully defended a year later.

VAL HOYLE

*Commissioner of Labor
and Industries, Ore.*



Oregon marked a milestone when Val Hoyle was sworn in as the new labor and industries commissioner in January: For the first time ever, three of Oregon's five state-wide offices were held by elected women.

Hoyle didn't have much time to reflect on the moment, though. Her first agenda item was dealing with an ongoing investigation accusing legislative leaders of allowing sexual harassment in the state Capitol to go unpunished. For Hoyle, the issue resonated on a personal level: When she was 21 and working as a waitress in a hotel, she had filed a harassment claim herself.

Only four states directly elect their labor commissioners; Hoyle won the primary last May with more votes than her two challengers combined. Previously, she served for eight years in the Oregon House, with two years as the House majority leader, where she focused on workers' rights, including minimum wage increases and a push for paid sick leave.

As labor commissioner, Hoyle has said, she wants to make Oregon a better place for small businesses and help the state's workforce adapt to new technologies. Union organizing is in her blood: Her father was a union firefighter and her grandfather was a founder of the New York Laborers Union.



LASHRECSE AIRD *State Representative, Va.*



Lashrecse Aird's mother gave birth to her at 16 years old, but she continued to work hard to accomplish professional and academic goals. Aird says the "grit" her mother—and grandmother—instilled in her as a young girl led directly to her success in public office.

Aird's introduction to politics came through her involvement in pageants while attending Virginia State University. At a university dinner, she met Virginia Delegate Rosalyn Dance, who invited her to apply for an internship with her office. Aird interned with Dance during her sophomore year while also working 12-hour shifts at a local factory for extra money.

PHYLLIS RANDALL

Chair-at-Large, Loudoun County, Va.

Before she was the first black woman elected chair of the Loudoun County, Va., Board of Supervisors in 2015, Phyllis Randall worked as a therapist at the Prince William County Adult Detention Center. Now, her background in mental health and substance abuse inspires her to push for better county services to fight addiction, including group therapy, medication therapy and a reinstated drug court. "There was almost no discussion around the importance of strong behavioral health and mental health," she says. "Part of my goal has been to put new language into the county's lexicon."

Randall also wants to change the discussion when it comes to the opioid crisis. She stresses that opioids may be the issue of the moment, but addiction itself is the underlying concern.

Randall's work at the intersection of health and criminal justice includes a stint as chair of the Virginia Board of Corrections from 2014 to 2018. It certainly made an impression on the inmates she worked with in Prince William County. "A couple days after my election," she says, "I walked back into the jail. They all stood up and started clapping."

During the winter break of Aird's senior year in college, she gave birth to her first son, but continued school and graduated in 2008. She never lost touch with her mentor, Dance. After college, she went to work for her as a legislative assistant. When Dance successfully ran for the state Senate in 2015, Aird ran to fill her seat. She won, becoming the youngest woman—at age 28—ever elected to the Virginia House of Delegates.

Aird says she identifies with the economic hardships many of her constituents face. "I know their needs. I know their pain," she says. "I know how to advocate for them because I feel like I basically lived through it."

LISA KRASNER

State Representative, Nev.

It was Lisa Krasner's students who encouraged her to do it. Half a decade ago, she was teaching politics and government courses at the University of Phoenix and Truckee Meadows Community College in Reno, Nev. Time after time, the students in her classes would ask: Why don't you run for office yourself?

In 2015, she did, and won a seat in the Nevada Assembly, where early on she sponsored legislation to extend the statute of limitations for child victims of sexual abuse. The bill passed the legislature unanimously and was signed into law by Gov. Brian Sandoval. Krasner—a Republican—worked closely with iconic feminist attorney Gloria Allred to advance the cause. "I'm very proud I was able to pass such an important bill in my first session," she says. "I have strangers call me—people I've never met—and thank me." Looking ahead, she hopes to address domestic violence issues.

Nevada in December became the nation's first female-majority legislature. Krasner says she welcomes the opportunity to have more women voices in lawmaking. "Being a woman—being a wife and a mother—I bring a unique perspective," she says. "As far as having a female majority, I think it's great!"



BRIGID SHEA

*Commissioner,
Travis County, Texas*



It's not easy being an environmentalist in Texas. You're likely to find yourself constantly fighting the state legislature and the governor's office. But that didn't stop Brigid Shea, a former journalist, from moving to Austin in 1988 to start a new state chapter of Clean Water Action. "I really got involved in government initially as an activist," she says.

Shea founded the Save Our Springs Coalition to conserve Barton Springs in Austin, and she's credited with passage of one of the strongest water quality ordinances in the nation. She served on the city council from 1993 to 1996, where she pushed for the first wind energy contract for the utility, Austin Energy. She was elected to the Travis County Commissioners Court in 2014, where her priorities include housing affordability, ethics reform and increasing community preparedness for floods and wildfires. She's still involved with Clean Water Action, too, serving on the group's national board. Shea says she's proud that Austin continues to chart a course that's different from most of the rest of the state when it comes to green issues. "The city has been an environmental leader for a long time," she says, "and that makes it easier living in Texas."

SARA HOWARD

State Senator, Neb.



LENA TAYLOR

State Senator, Wis.



Wisconsin has the highest incarceration rate for African-American men in the entire country. Milwaukee is the nation's most segregated city, according to the Brookings Institution. State Sen. Lena Taylor calls these racial disparities the "worst in our history," and they're motivating her to keep pushing for reform of the state's criminal justice system.

As only the second African-American woman to serve in the state Senate—and the first to chair its Judiciary Committee—Taylor launched a "State of Justice" tour, in which she held committee meetings on the subject across the state. Lately she's been pushing for a new emphasis on "restorative justice," in which criminals have to grapple with the effects of their actions and attempt to make amends for them. This might mean talking with the victims of their crimes or with other community members.

A lifelong resident of Milwaukee, Taylor initially worked as a public defender representing clients who couldn't afford an attorney. In 2003, she won a special election to the state Assembly; she was elected to the Senate a year later.

She says she believes her state may be newly open to rethinking its approach to criminal justice, in part because of how costly the current incarceration approach has become. "Now," she says, "people are ready to listen."



KAREN WEAVER

Mayor, Flint, Mich.

No mayor in America has a harder job than Karen Weaver. Shortly after she became the first woman elected to lead Flint, in 2015, Weaver declared a state of emergency in the city, which was already consumed by its lead water crisis. “We knew that public health needed to be the focus,” she says, “and we weren’t going to put profit over public health ever again.”

This direction came easily to the mayor, a psychologist who knew firsthand the damages that lead could do to children and other vulnerable populations. She felt “a moral and ethical responsibility to speak up on these things,” and she’s fought to ensure that her community benefits as much as possible from the rebuilding of Flint’s water infrastructure—that local young people are employed handing out bottled water and local companies get contracts for construction. Weaver says Flint is already ahead of schedule, having deemed safe or replaced more than 16,000 of the 18,000 pipes under review. “I want to make sure we recognize there are so many Flints across this country,” she says. “I hope people are paying attention to what happened in Flint, because we don’t ever want this to happen again.”

Before the country’s opioid epidemic was being discussed on a national level, Sara Howard saw the effects of addiction firsthand. Her older sister fatally overdosed in 2009 from painkillers she’d begun taking to treat back pain. Howard’s family later learned that her sister had been receiving “almost a thousand pills a month” from different doctors.

The experience helped propel her into a career in public service, along with her mother’s late-in-life political turn. After a 30-year career in social work, Howard’s mother became a Nebraska state senator in 2005. Eight years later, she passed the torch to Sara, who was elected at age 30 to fill her mother’s seat. “Seeing how people responded to my mom, and seeing her work so hard as a member of the legislature, was impactful in terms of motivating me to run for office,” Howard says.

In the Senate, Howard has pushed for more transparency in drug prescription services. She succeeded in strengthening the state’s drug monitoring system and in implementing caps on prescription drugs for minors.



KIRSTEN BAESLER

*Superintendent of Public
Instruction, N.D.*



Kirsten Baesler's love of education is clear from the moment she starts talking about how she wants to inspire "every young kiddo" in her home state of North Dakota. Baesler grew up in rural Flasher as the youngest of seven children. She describes education as "her greatest love." After getting a bachelor's degree in education, she began teaching in the Bismarck Public Schools.

During her 22 years with the school district, she worked as an instructional assistant, classroom teacher, library media specialist and assistant vice principal. She also served as president of the Mandan School Board for nine years.

Baesler was first elected state superintendent of the North Dakota Department of Public Instruction in 2012. Now in her second term, Baesler says the role is "the best of both worlds," using her background as a teacher as well as school board president. "What's best for students is at the heart of every decision and every direction and every position that I take," she says. "I never ever make decisions about K-12 education based on what's best for adults."



KATHY LAMBERT

Councilmember, King County, Wash.



Kathy Lambert's role model was always her father. A longtime captain in the San Francisco police department, he inspired his daughter to pursue public service—first as a Washington state representative and now, since 2002, as a member of the King County Council. After surviving domestic violence at the hands of her ex-husband—severe abuse that nearly killed her—Lambert became a champion for fellow survivors. She has worked with the youth program Safe Place and was named Outstanding Public Official of the Year by the United Way of King County in 2013. A former

SHEILA OLIVER

Lieutenant Governor, N.J.

Sheila Oliver has long admired Shirley Chisholm. As the first black woman lieutenant governor of New Jersey, Oliver sees a role model in the late, iconic New York congresswoman, who was the first black woman elected to Congress and who made a historic bid for the presidency in 1972. “One of the things I learned from her,” Oliver says, “is that you have to learn to swim upstream when the current is going in the other direction. You also have to have an alligator hide.”

Oliver worked to develop that tough skin in her state’s General Assembly, where she served as a Democratic representative from 2004 to 2018 and as speaker between 2010 and 2014. She was only the second black woman speaker in the nation’s history. “Social media and technology has totally changed the game and made it possible for more women to be successful in running and winning office,” Oliver says, noting that “like-minded people, even though they may not live in your district or city or state,” can more easily support these candidates. Having worked in her legislature to raise the minimum wage and enact same-sex marriage, she looks forward to continuing to fight for affordable housing and free college as lieutenant governor.

teacher, published poet and children’s book author, she is now tackling issues ranging from waste energy to creating a new Department of Local Services.

Lambert brings a unique perspective to all of this work, having served at the state and local level. “The state level is more policy and hypothetical,” she says, whereas now at the local level constituents come up to her at the grocery store to talk about potholes. She adds that the key to success is for state leaders to “keep in close touch with their local leaders, so the policies actually work on the ground.”

KIMBERLY FOXX

State’s Attorney, Cook County, Ill.

The odds were stacked against Kimberly Foxx. She grew up in the 1970s and '80s in Chicago’s infamous Cabrini-Green public housing project, a development known for its violence and high crime rates, along with drug abuse and police neglect. Foxx’s family later moved to the more affluent Lincoln Park, but she says that background shaped her in meaningful ways. “People made assumptions about me because of where I came from,” she says. “That was one of the things that motivated me: I knew I was just as good as anyone.”

She has worked with the public guardian’s office representing children in the foster care system and as the chief of staff for the Cook County Board president. She later served as an assistant state’s attorney for 12 years. In 2016, she challenged—and beat—the incumbent Cook County State’s Attorney Anita Alvarez to become the first African-American to hold the position. As top prosecutor of the nation’s second-largest county, Foxx has worked to make her office more transparent and “more thoughtful about how we use the tool of prosecution,” she says.

She has also vacated dozens of wrongful convictions. “I’ve inherited a system that has been fraught with racism and sexism. It is systemic, which makes it more difficult to reform,” she says. “I don’t think there is a more noble pursuit than being an advocate for justice.”



KATHY DAHLKEMPER

County Executive, Erie County, Pa.



Kathy Dahlkemper is an Erie native who spent more than 20 years working as a dietician. She hadn't considered a turn in public service until, one night following the 2006 midterm elections, a friend suggested she run for Congress. "I just couldn't stop thinking about it," Dahlkemper says. "It became almost an obsession with me."

Two years later, she decided to run for the state's 3rd Congressional District seat in the U.S. House of Representatives. She defeated a seven-term incumbent to become the first woman to hold that seat. During her tenure from 2009 to 2011, Dahlkemper worked on the Agriculture Committee, the Science and Technology Committee and the Small Business Committee.

In 2013, she made the move to local politics and won election as Erie County executive, where she's focused on economic resurgence initiatives. She also instituted an overhaul of the county's emergency radio system and a revamp of the county planning department to focus on regional efforts. She was reelected in a tight 2017 race, which she won by just 307 votes. She says she wants to continue her drive for economic development, and hopes to realize the county's long-delayed goal of starting a new community college.

TARA NETHERCOTT

State Senator, Wyo.

Wyoming will always have a special place in women's history. The state passed the nation's first suffrage law in 1869, and—unlike some other states that would extend the franchise—never repealed the measure. "We have always remained a beacon of women's suffrage and women's leadership," says state Sen. Tara Nethercott.

Nethercott is continuing that tradition as a fifth-generation Wyomingite serving as a Republican in her legislature. In 2018, she championed a bill creating the Wyoming Women's Suffrage Pathway, a 19-mile stretch of highway commemorating the 19th Amendment. She's also working on a current issue with particular significance to women. "Like many states," Nethercott says, "Wyoming is challenged with unacceptably high rates of domestic violence. We want to provide some consistency in the laws for punishments for domestic violence to be comparable with other crimes."

In the meantime, Nethercott has straightforward advice to women looking to get involved in government: "If you want to run for office, run for office. If you want to speak, speak. Don't hesitate. Just do it."



REBECCA RHYNHART

City Controller, Philadelphia

In 2017, Rebecca Rhynhart stunned the Philadelphia political establishment when she ousted a three-term incumbent to become the city's first female controller. At 43, she was no stranger to city government—she had previously served as Philadelphia's budget director and chief administrative officer—but her victory as a first-time candidate was remarkable nonetheless. Rhynhart defeated a veteran Democrat by 18 percentage points in the primary and went on to beat her Republican opponent by a whopping 66 points in the general election.

Now Rhynhart is challenging old politics, auditing public spending—including in places she says "haven't been audited for political reasons," like the Philadelphia Parking Authority. Having worked on Wall Street earlier in her career, Rhynhart says her background prepared her to be a financial watchdog and steward of taxpayer dollars, and she's proud to be a pioneering woman in government. "Politics has been occupied by white men for a very long time, and that needs to change. Change isn't always comfortable, but we need to go for it."



LETITIA CLARK

*City Councilmember,
Tustin, Calif.*



JULIE ROGERS

*Commission Board Chair,
Kalamazoo County, Mich.*

As a full-time physical therapist, Julie Rogers was bound to be passionate about health care. Since 2012, she has worked to provide her constituents in Kalamazoo with discounts for prescription drugs and fought for them to have full access to their Medicare benefits. Now she's working on programs to help seniors age in place and retrofit their homes to make them safer.

Health care isn't the only issue where Rogers is making a difference. To improve road safety, she has fought for wider shoulders, improved signage and more trail connectors. She's helped create more than 1,500 jobs by working on environmental cleanups, serving on the Kalamazoo County Brownfield Redevelopment Authority Board.

In January, Rogers became the chair of the county board, after a near-unanimous vote by her fellow commissioners.

Her top priority is to get plans for a new courts and administration building "back on track." Plans for the \$100 million project had languished in 2018 after the county received preliminary designs. Additionally, Rogers has said she wants the county to join a class action lawsuit against opioid manufacturers, and to reconvene a criminal justice council focused on young adults.

Letitia Clark was born and raised in Orange County, Calif., where she now serves on the board of the Tustin City Council. But her life in public service was forged 2,000 miles away in New Orleans. After graduating from that city's Xavier University, her first job was as an aide to a member of the New Orleans City Council. In 2005 when Hurricane Katrina hit, Clark became a key part of the city's response team. The crisis taught her the importance of resilience and of building "something greater," she says.

Later, after grad school, Clark returned to Orange County; she was elected to the city council in 2016. As an African-American leader in a city that's only 2 percent black, Clark says she's focused on building bridges. "I can't change my skin color. I can't change the fact that I'm a woman. And I don't want to change those things," she says. "I want to build a consensus among different people."

She has focused on education and economic development, and on fighting brain drain in her hometown. Last year, she spearheaded an initiative she first learned about in New Orleans: Lemonade Day, which teaches children about entrepreneurship and management by starting their own lemonade businesses.

Thirty years ago, Robyn Tannehill arrived in Oxford to study art at the University of Mississippi. She met her future husband, fell in love with her college town, and ended up as its director of tourism just a few years after graduation. That's how she created Oxford's Double Decker Arts Festival, an annual event that drew 9,000 attendees in 1996 and 60,000 in 2018. When she ran for mayor in 2017, no one else decided to run against her.

Tannehill jokes that she was "the only person crazy enough" to seek the top job in what she calls "a booming small town that's becoming a small city." In office, she's had to grapple with a number of major issues, including town-gown relations. (The students at Ole Miss almost outnumber the residents of the town itself.) She implemented monthly meetings between the university, Oxford and the county. She's working to make sure that, as the school grows, it's building enough housing and parking.

All the while, she's leaning into her role as a woman in charge. "I get accused very often of thinking I'm the mom of the town instead of the mayor of the town," she says. "There's some truth to that. I take that as a compliment."



**ROBYN
TANNEHILL**

Mayor, Oxford, Miss.



LIZ MATHIS

State Senator, Iowa

As a journalist in Iowa for 27 years, Liz Mathis covered a lot of politics. "I had the opportunity to interview everyone from Reagan to Obama," she says, "and I mean everyone."

In 2011, Mathis decided to enter the fray herself, jumping into a special election for state senate to preserve the Democratic Party's majority in the chamber. She campaigned for seven weeks, raised over a million dollars and won. "I came in definitely a champion of the Democrats, and definitely with a target on my back from the Republicans," she says.

Mathis was just the 34th woman elected to the Iowa Senate since women's suffrage, and she's helped recruit others to run for office. As a lawmaker, she's focused on mental health services for children and fighting the privatization of Medicaid. Her advice to other women in government is exactly what you'd expect from a member of the media: "Communicate, communicate, communicate. My journalism background really prepared me well for life in politics, because you're constantly working with constituents and colleagues who have interest in issues you're trying to pass or stop. You can't over-communicate."

An aerial photograph of Chicago, showing the city skyline in the background, a multi-lane highway with traffic in the middle ground, and a large body of water (Lake Michigan) in the foreground. The text "Creating Better Communities." is overlaid on the bottom right of the image.

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PROGRAM

government
technology



Nan Whaley has a lot of firsts under her belt. In 2005, at age 29, she became the youngest woman ever elected to the Dayton City Commission. She was elected mayor in 2013 by a double-digit margin, becoming the youngest current leader of any of Ohio's six largest cities. In 2017, *Politico* named her one of its "Mayors Going Places."

The opioid crisis has been a defining challenge of Whaley's tenure, and she has pitched her city's response effort as a model for the nation. Dayton was among the first jurisdictions in Ohio to declare a state of emergency; the city launched a syringe exchange program that prevents the spread of disease and connects users to the treatment they need. Meanwhile, Dayton's police and fire departments are partnering on a Mobile Crisis Response Team, working with families on prevention and recovery.

Whaley made waves as a candidate in the 2018 Ohio governor's race; ultimately, she suspended her campaign prior to the primary. She has a reputation for being straightforward and candid. "I have such an impatience about getting stuff done that I don't have time to dance around these issues," she says.

RISING STAR

ARIENNE JONES

Law Fellow, Southern Poverty Law Center



As a 2012 alumna of Spelman College, the historically black women's college in Atlanta, Arienne Jones looks back on her school experience as a time that "elevated" her. "It was a very empowering experience," she says. "Race and gender were neutralized, so we never felt out of place. We were there based on merit."

Jones grew up in Mobile, Ala., and had not traveled much until college when she participated in a study abroad trip to Granada, Spain. She later returned to Spain for a year to work as an English teaching assistant with the U.S. Fulbright Program. In law school at Tulane University, Jones worked with the U.S. Attorney's Office in New Orleans, the Southern Poverty Law Center and the Greater New Orleans Fair Housing Action Center. In 2018, she completed a one-year clerkship with a federal court in Alabama.

Now, she is back with the Southern Poverty Law Center's Miami team working as a law fellow. Jones says she is grateful for the great opportunities she "stumbles" onto. "I just kind of throw my hat in and say, 'The worst they can do is say no,'" she says. "It's just random experiences that have amounted to a very interesting life so far."

DEBRA BAZEMORE

State Representative, Ga.



Every elected official was led to public office on a different path. For Debra Bazemore, it was the purchase of her first home. In 2005, she moved from Northern Virginia to the suburbs of Atlanta. Once settled, she became president of her homeowners association, which gave her the opportunity to meet with Georgia state Sen. Donzella James.

Bazemore's meetings with the senator led to an invitation to become her chief of staff, a job she held for three years before running for an open state House seat. Since taking office in 2017, her focus has included working with the state Education Department to inform women about "toxic shock syndrome" that can result from tampon use.

Bazemore was also a leading advocate in the effort to incorporate the area of Fulton County, where she lives, as a new municipality. After more than four years of hard work on the issue, Bazemore was thrilled in 2016 when the citizens of the new city, South Fulton, voted to incorporate. The new 90,000-person city, which officially incorporated in May 2017, is 90 percent African-American.

IMPROVING OUTCOMES FOR VULNERABLE CHILDREN AND FAMILIES:

A Guide to Modernizing Child Welfare Practices and Technology

There are more than 437,000 children in foster care¹ and more than 60,000 children in congregate care² in the U.S. Even though states spend roughly \$28 billion annually on child welfare services,³ many are struggling to keep up with the recent influx of children into the system, asking for more foster families and bigger budgets to address growing caseloads. On top of this, legacy child welfare systems can make caseworkers' jobs even more challenging and prevent them from spending time serving families.

The situation may look grim, but there's hope to reverse this trajectory. Federal funds are available to help states transition from outdated legacy systems to a Comprehensive Child Welfare Information System (CCWIS). At the same time, legislation passed by Congress last year — the Family First Prevention Services Act (FFPSA) — aims to shift federal dollars to prevention and early intervention, so children can safely stay with their parents and not enter the foster care system.



CCWIS and FFPSA present an enormous opportunity for child welfare innovation. Both could spur new approaches to child welfare practices and technologies that enable better outcomes for families and children. Together, these changes will empower agencies to use the most important tool at their disposal — dedicated caseworkers who can produce better results.

“Before Family First, caseworkers were showing up in family homes with only one intervention,” says Molly Tierney, North America senior manager for health & public sector at Accenture. “Now they can show up with a wider array of interventions. They’ll be able to provide ample services for a family who is struggling without having to remove their child from the home to do it.”

CURRENT CHALLENGES IN THE CHILD WELFARE SYSTEM

Caseworkers must investigate multiple reports of child abuse and neglect every day, on top of filing paperwork about child visits and reunification and placement decisions. Unfortunately, the systems that support these efforts often aren’t up to the task.

“A lot of state agencies still use systems that were built in the late 1980s or early 1990s. These systems were built with antiquated technology and in a way that is inflexible to change. They are also often siloed, so they are only focused on one program and one program alone. This makes the caseworker user experience cumbersome,” says Sumant Anand, vice president of government sales at Vlocity, a company that provides cloud-based health and human services (HHS) applications built on the Salesforce platform.

“A lot of state agencies still use systems that were built in the late 1980s or early 1990s. This makes the caseworker user experience cumbersome.”

Sumant Anand, Vice President of Government Sales, Vlocity

Old systems tend to have common shortcomings. First, many of them don’t integrate data across the HHS ecosystem, preventing caseworkers from getting a 360-degree view of a child or family’s engagement with various social services programs, such as the Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families (TANF).

These systems also were typically designed to ingest data, not to give it back to caseworkers to support decision-making. On top of that, it’s often difficult to add innovative capabilities like artificial intelligence (AI) onto these systems to provide insights on when to remove a child from a home, place a child in foster care, or reunify a child with his or her family.

SPOTLIGHT ON CHILD WELFARE

437,000

**NUMBER OF
CHILDREN
IN FOSTER
CARE IN U.S.**

60,000

**NUMBER OF
CHILDREN IN
CONGREGATE
CARE IN U.S.**

\$28B

**MONEY STATES
SPEND ANNUALLY
ON CHILD WELFARE
SERVICES**

Beyond technology struggles, child welfare agencies face significant practice challenges. The use of evidence-based program models within child welfare is still nascent.⁴ There often isn’t robust research on effective strategies to achieve desired outcomes, such as the best treatment models to address common mental health issues facing child welfare-involved youth. Using evidence-based practices in combination with caseworkers’ clinical judgment and practice-based knowledge can help agencies move toward the prevention and early intervention model FFPSA calls for, but this will require organizational and cultural changes.

Shifting to preventive services and reducing congregate care requires child welfare agencies to change long-standing practices. Most agency resources have been focused on intervening after abuse or neglect has occurred. Agencies will need to redirect these resources to focus on well-designed, parent-centered programs or home visits to prevent more children from entering the foster care system in the first place.

Child welfare agencies rightfully have focused on protecting children, but this can leave children in residential treatment facilities, group homes and other non-family settings for extended periods — potentially resulting in adverse consequences. Currently, 14 percent of children in foster care are placed in congregate care.⁵ Determining how to safely reduce the use of this practice model, when appropriate, and transitioning to better permanency planning and more family placements will be critical as agencies try to maximize federal funding.

CCWIS AND FFPSA: AN OPPORTUNITY FOR CHANGE

CCWIS and FFPSA will help agencies address their practice and technology challenges.

In June 2016, the Administration for Children and Families (ACF) issued The Comprehensive Child Welfare Information System (CCWIS) rule, replacing the Statewide Automated Child Welfare Information System (SACWIS) rule.

Through the new CCWIS rule, the federal government provides 50 percent matching funds for agencies to transition to modern case management systems that facilitate interoperability and

modularity, where components and innovative technologies can be easily layered to extend their capabilities.

CCWIS sparked transformation in child welfare because it encourages innovation and the use of modern technology configured for each state's needs rather than a one-size-fits-all approach. It also places greater emphasis on data quality and requires data exchange with other programs and systems.

FFPSA followed nearly two years later. In July 2018, the U.S. Department of Health and Human Services released its first guidance on the new law. FFPSA creates a new focus for agencies by making prevention a federally fundable set of activities, supporting evidence-based practices as the preferred method of intervening with families and prioritizing family placements over congregate care.

“It's about knitting together both policy and practice with technology. That's where CCWIS and Family First become very powerful.”

Val Armbrust, North America Managing Director of Child Services, Accenture

“It's about knitting together both policy and practice with technology. That's where CCWIS and Family First become very powerful,” says Val Armbrust, North America managing director of child services at Accenture.

REINVENTING CHILD WELFARE SYSTEMS

Today, most child welfare agencies are ill-prepared to transform their practice in the way Family First demands. Agencies must undergo several changes: experiential changes to deliver workflows through intuitive interfaces that increase caseworker efficiency, technical changes to harness system intelligence to improve prioritization and identify relevant services, and cultural changes to provide better support to families and caseworkers.⁶

As it relates to system modernization specifically, agencies must establish their technology vision before the RFP process and understand the deployment methodology — whether it's agile, hyper-agile or waterfall — that best suits their business needs. It also helps to enlist the help of a vendor that can serve as a strategic partner in the technology implementation.

The following technology capabilities can help support the modernization process:

CONFIGURABILITY: Agencies should take advantage of API-based technologies to quickly launch new capabilities. Look

for systems that are scalable, modular and configurable, rather than highly customized systems that will be difficult to maintain and upgrade.

“Enabling technology will go a very long way in addressing a lot of challenges agencies face, because it allows caseworkers to do what they've really been hired to do — spend more time with children and families — and that ultimately will have a huge impact on outcomes for families and for the child,” Anand says.

A modular, API-based approach “allows agencies to be nimble around how they utilize external systems, and integrate with their existing legacy applications,” says Anna Corley, child welfare platform lead at Accenture. With APIs, functionality can be integrated to implement in a modular, flexible way.

A CLOUD-BASED PLATFORM APPROACH: Cloud-based platforms will enable agencies to move faster and more efficiently toward coordinated, human-centered, outcome-based service delivery where the child and family are at the center.

The cloud eliminates the need for agencies to procure, deploy and support large-scale IT infrastructure as they modernize key systems. Agencies also should consider solutions that encompass a multi-tenant cloud architecture. This approach lets them share IT resources more cost-effectively to meet different business needs and makes it easier for the entire organization to take advantage of new features as they are deployed.




INTEGRATION WITH CUTTING-EDGE TECHNOLOGIES: Disruptive technologies like AI and predictive analytics can enable better decision-making. Putting cohort data — such as school dental records — into an AI engine could allow agencies to spot linkages between children who don't get regular dental checkups and incidences of likely neglect or abuse, for example. This insight could help agencies address potential incidences of abuse and neglect before they happen.

“We can use analytics and data to understand what families need before something awful occurs,” Tierney says. “That's better for kids, better for families, better for communities and better for the state budget.”

Virtual or extended reality (VR/ER) can also make an impact. For example, it typically takes years to develop the skills caseworkers need to effectively engage, observe, decide and interpret signs of safety and risk. With VR, immersive storytelling and interactive voice-based scenarios eradicate risk and dramatically increase the speed at which caseworkers develop data-gathering and decision-making skills.

ROBUST, FLEXIBLE PRACTICE MODELS: The right system will encompass an extensive child welfare case management model for different scenarios caseworkers may face in their

day-to-day work, enabling an integrated approach to case planning that will:

-  **Allow caseworkers to make reliable safety decisions**
-  **Enable decisions and actions that reduce the time a child spends in foster care**
-  **Provide insights that keep more children safely at home with their families**

DYNAMIC WORKFLOWS: Look for a system that offers intuitive workflows; a streamlined approval, submission and documentation process; and mobile capabilities that let caseworkers operate more efficiently in the field. This will permit caseworkers to redirect time previously spent on administrative tasks to high-value work with children and families.

360-DEGREE VIEW OF THE HHS ECOSYSTEM: Agencies can implement a platform that has a central repository for caseworkers to see graphical representations and comprehensive views of each of their cases. This enables caseworkers to match a family or child's needs to available services across the HHS ecosystem.

"Technology can really speed up the pace at which caseworkers become seasoned decision-makers and that's what states and organizations really need," Tierney says.

CONCLUSION

Child welfare agencies dedicate themselves to protecting children and bringing permanency into their lives. Unfortunately, technology and practice challenges impede agencies from making an even bigger difference in the lives of the constituents they serve. CCWIS and FFPSA can change this. This legislation and increased federal funding can help agencies shift their practice and modernize their systems, giving them valuable insights that improve outcomes for children and families.

"Child welfare is buried in the measurement of process — did somebody write it down? Did we get that report done on time? It's not that those things aren't important, but you can do all of that and not know if you're having the intended impact on children," Tierney says. "With CCWIS, Family First and all of the modern technology we can bring to bear on practice, we have the opportunity to deliver wildly different results for families and kids who are struggling in this country."

This piece was developed and written by the Governing Institute Content Studio, with information and input from Salesforce, Accenture and Vlocity.

Endnotes:

- <https://www.childwelfare.gov/pubPDFs/foster.pdf#page=1&view=Introduction>, pg. 3
- https://www.acf.hhs.gov/sites/default/files/cb/cbcongregatecare_brief.pdf (see PDF pg. 2 — "Proportionately, children in congregate care comprised 18 percent of the foster care population in 2004 and 14 percent in 2013 — a notable decrease.")
- <https://www.childtrends.org/publications/an-introduction-to-child-welfare-funding-and-how-states-use-it-3>
- <https://www.childwelfare.gov/topics/management/practice-improvement/evidence/ebp/>
- https://www.acf.hhs.gov/sites/default/files/cb/cbcongregatecare_brief.pdf
- Governing Webinar: Taking a Fresh Look at Child Welfare Systems to Accelerate Child Safety and Enhance Outcomes, www.governing.com/events/webinars/Taking-a-Fresh-Look-at-Child-Welfare-Systems-to-Accelerate-Child-Safety-and-Enhance-Outcomes-102598.html

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#MeToo Hasn't Necessarily Led to More Complaints



Since the #MeToo movement took off more than a year ago, many states have updated their sexual harassment policies and training for people working in state government. The list includes California, Delaware, Florida, Indiana, Louisiana, New Jersey, New York, Pennsylvania, Vermont and Virginia.

But getting employees to report harassment has been one of the biggest challenges. In Louisiana, for example, a survey last April by the state's legislative auditor revealed that while nearly all respondents knew their agency's process for reporting sexual harassment, many were

uncomfortable doing so. Of the 16 percent who said they personally experienced sexual harassment in the workplace, more than 75 percent did not report it, citing fear of retaliation or not being believed, embarrassment, and a perception that nothing would be done.

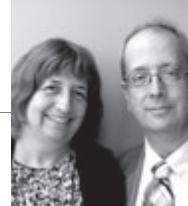
"The reporting process is the problem," says Elaine Zundl, research director at the Center for Women and Work at Rutgers University. "Educating employees of what their rights are is only the first step. There has to be a clear reporting and investigation process with clear deadlines."

To encourage more people to come forward, Gov. John Bel Edwards signed

legislation that went into effect Jan. 1 that requires each agency to establish a sexual harassment policy that includes complaint or grievance processes and spells out whom complaints go to as well as "alternate recipients" if the supervisor or agency head is part of the problem.

The good news is that, in general, there are reasons to believe employees are more willing to report sexual harassment and that employers are taking it more seriously. From 2017 to 2018, the federal Equal Employment Opportunity Commission saw a 13.6 percent increase in accusations of sexual harassment. —Katherine Barrett & Richard Greene

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Missing Data

Data has become a cornerstone of state and local government management. Legislatures, city councils and their executive branches dwell in thickets of numbers, ostensibly gathered to help those in charge make wiser, less politicized decisions. That's why it's counterintuitive and unfortunate that huge swaths of extremely useful data are missing in action. As Massachusetts Auditor Suzanne Bump told us, "If you don't have complete information, then the idea of achieving performance goals is thwarted."

Over the years, we've found ourselves poking around the internet trying in vain to find specific data on such pertinent topics as drug use and the success and/or failure rate of outsourced and privatized projects. Information about the costs of programs is in particularly short supply. As John Turcotte, state legislative program evaluation director in North Carolina, points out, "If you want to assess whether a program is needed or not, you have to know how much it costs." But many states, counties and cities don't calculate and disclose those numbers.

The absence of good information about recidivism among former prison inmates is another example of missing useful data. For law enforcement and corrections departments, recidivism rates are one of the best measures of the success or failure of their programs. And yet, says Adam Gelb, president and CEO of the Council on Criminal Justice, a nonpartisan policy and research organization, "I don't think there is a jurisdiction in the country of any size



that has even a quarter of the recidivism data that they want and need."

Take King County, Wash., the 13th biggest county in the country. The county has a bunch of independent systems and departments that look at recidivism. But, says Marcus Stubblefield, criminal justice strategy and policy section manager in the Office of Performance, Strategy and Budget, "there's no standard definition of recidivism among them. And the systems don't even talk to one another."

The county is aware that the absence of consistent, accurate recidivism data is important for managing its corrections system, and it is embarking on an effort to standardize this data.

Another kind of data that is frequently not created in many state and local governments is that which disaggregates

information according to race. "Race is so important in our country that we need to have the breakdowns available so we can better come up with solutions," says Michael Leachman, senior director of state fiscal research at the Center on Budget and Policy Priorities. This is a particularly tricky data set to derive as there's an understandable sensitivity that misuse of data broken down by race could lead to false conclusions. But without it, solutions to social problems that primarily effect minorities in America can be harder to uncover.

Then there's the missing data on the dollar amount that states have deferred in infrastructure maintenance. A recent report by the Volcker Alliance revealed that only four states have come up with statewide numbers for the amount of deferred maintenance they have accumulated. (Disclosure: We helped research and write that report.) "Infrastructure is the lifeblood of a state economy," says William Glasgall, director of state and local initiatives at the Volcker Alliance. "There's a cost of bringing highways, bridges, school buildings and sewage plants up to a state of good repair." If you don't know what it's going to cost, he says, then it's difficult to attack the problem.

Sometimes, the data does exist but is not accessible, which means it won't be seen or used by policymakers who could rely on it. According to Bump, Massachusetts' regional transportation authorities generally gather information about maintenance of assets. But for the most part, this data appears only on paper, not in digital form. One authority doesn't even go that far. It keeps those records on chalkboards. "So, though our regional transportation authorities may have data," Bump says, "it's not in a form that can actually be used." **G**

The amount of absent government data is stunning.

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Governance One Sip at a Time

Local control is at the heart of Nebraska's success at managing its water.

The Dust Bowl of the 1930s was not only an economic calamity for the people of the High Plains but also the greatest environmental disaster ever to hit this nation. It was caused by human behavior. Over 5 million acres of native grasses were plowed up and planted with crops that the land was too arid to sustain. Hundreds of millions of tons of topsoil were blown so far that dust clouds occasionally darkened the skies in East Coast cities.

Today, the High Plains region, which comprises all or part of eight states, is one of the most agriculturally productive in the world. It sits atop the Ogallala Aquifer, one of the world's largest underground water tables. After World War II, newly developed gasoline-powered pumps and center pivot irrigation allowed farmers to tap into the aquifer, which today supports one-sixth of the world's grain production.

But the Ogallala's water is being used up much faster than it is being recharged. Overall, the water level is down more than 15 percent—a figure that ranges as high as 25 percent in Kansas and an astounding 41

percent in Texas. If the Ogallala's water were to dry up, the impact would be global.

Those who want to avert a second environmental disaster on the High Plains ought to take a close look at Nebraska. While it has more irrigated acres than any other state, its water level is down only three-tenths of 1 percent. James Goeke, who has studied the aquifer for nearly 40 years, and his wife Karen Amen, who is a board member of one of the state's 23 Natural Resource Districts (NRDs), told me that the reason for the difference stems from the idea in Nebraska that the groundwater belongs to everyone. That's in contrast, for example, to Texas, where if you own the land, you own the water.

Nebraska's system of NRDs was created during the dry 1970s to bring order to a chaotic hodgepodge of soil, flood and water districts. Each NRD is governed by a locally elected board. According to a 2015 study by two water policy experts, Ann Bleed and Christina Hoffman Babbitt, no other state “had delegated so much authority over a state's natural resources to locally controlled governance.”

Bleed was deeply involved in Nebraska's water policy for 20 years, first as state hydrologist and eventually as director of the Department of Natural Resources. Once it became clear that groundwater and surface water needed to be managed together, she suggested that the NRDs could meet the challenge. In 2004, the legislature passed a law requiring that the NRDs develop integrated management plans for surface water and groundwater.

The NRDs adhere to principles for sustainable management of common pool resources developed by Elinor Ostrom, the only woman ever to win a Nobel prize for economics. In her 1990 book, *Governing the Commons*, Ostrom wrote that the central question “is how a group of principals who are in an interdependent situation can organize and govern themselves to obtain continuing joint benefits when all face temptations to freeride, shirk, or otherwise act opportunistically.” The design principles she came up with included clearly defined boundaries, allowing those who use a resource to participate in decision-making and effective monitoring.

When I asked Bleed whether the NRDs would be able to meet future challenges, including economic downturns and climate change, she said she thought they had “a fighting chance.” We all had better hope they win that fight. **G**

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A New Plan for Student Debt

States are looking at fresh ways to help kids pay for college.

An ambitious group of seniors from Oregon's Portland State University devised a creative plan in 2012, dubbed "Pay Forward, Pay Back," to deal with spiraling college costs and student debt. In exchange for deferred tuition, students would contribute a chunk of their post-graduation earnings to a fund for future students, ultimately creating a self-perpetuating pool of aid passed from one generation to the next.

Unfortunately, Pay Forward, Pay Back quickly hit the wall of fiscal reality. Despite the embrace of legislators, the state's Higher Education Coordinating Commission concluded that the deferred tuition plan was unaffordable, costing as much as \$20 million a year for 20 years to benefit just 1,000 students annually.

Yet interest in new ways to finance college remains very strong, especially as average in-state tuitions at four-year public universities have roughly tripled since 1998, total student debt topped \$1.5 trillion in mid-2018 and state grant aid has stayed flat.

Rather than look to public money, however, some states are exploring novel alternatives to traditional student debt, ideas that would rely on private and philanthropic financing. Of particular interest are so-called income share agreements (ISAs), which proponents argue has the sex appeal of Pay Forward, Pay Back, but poses less risk to the public purse. Six states considered ISA-related legislation in 2018, according to the Education Commission of the States. In 2019, California could launch the nation's first statewide ISA pilot.

Perhaps the nation's best-known ISA program so far is a private one. Purdue University's Back a Boiler program, begun in 2016, allows students to get a grant toward tuition. The grant is to be repaid as a fixed share of post-graduation income for a certain number of years, depending



on major and projected earnings. For example, a computer science major with a \$26,000 ISA grant would pay 7.3 percent of his or her income for seven years. If this student makes the expected median salary, total payments should be slightly cheaper than a traditional student loan.

The biggest benefit, though, is if the student's career plans don't pan out or the economy craters. Under a traditional loan, interest and principal would accrue regardless of borrower hardship. But ISA holders are unburdened by that risk. "This idea of shifting risk from student to school is one of the beautiful ideas behind ISA," says Mary Claire Cartwright, vice president of information technology at the Purdue Research Foundation, which administers Back a Boiler. "We're telling students, 'You're going to get a great job when you graduate, and if you don't, we're here to catch you.'"

So far, Purdue has issued \$6.5 million in ISA contracts to more than 750 students, many of whom, Cartwright says, are first-generation students. And according to tech startup Vemo, which administers ISAs,

more than 30 universities now have them, as do coding boot camps and trade schools.

While ISAs and other innovations are no silver bullet, states could benefit from experimenting with loan alternatives. First, they could expand their arsenal for making college more affordable, especially if lean budgets disallow expanding grant aid. Second, states could benefit from graduates' economic success if schools have an incentive to ensure students get jobs to pay back their commitments.

In California, a bill by Republican Assemblyman Randy Voepel to establish an ISA pilot at the University of California system failed to make it past the state Senate last session, but unanimously passed the Assembly. Supporters are optimistic, and its success could pave the way for other state experiments. Federal legislation to recognize and regulate ISAs also enjoyed bipartisan support last Congress and is set for reintroduction this year as well. All this could mean good news for future students. **G**

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Dockless and Bikeless

As new mobility options have transformed the urban landscape, one startup sector was supposed to make it easier to rent a bicycle for a short trip. But over the past year, several “dockless” bike companies have given up on major cities, leaving the bike rental industry under the stewardship of older, docked bike companies.

The two business models are very different, and the difference highlights the importance of what one might call slow urban capitalism. Rather than “move fast and break things”—the familiar tech industry mantra—it’s better to sometimes move gradually to improve things.

Bikesharing has helped define urban transportation in Europe for more than a decade, but it didn’t come to a big U.S. city until 2013. That year, New York City entered into a public-private partnership to inaugurate Citi Bike, through which New Yorkers could sign up for annual memberships or buy shorter-term passes to access a bike for a short ride. The idea, modeled on Paris’ Vélib, was that a rider could use a smartphone app to unlock a bike from a stationary dock, take a short trip and leave

the bike at any other dock. The Citi Bike model has since been adopted in dozens of cities across the country.

Citi Bike, compared to the typical urban startup, was a capitalist dinosaur. Unlike Airbnb and Uber, it didn’t just open for business and dare city officials to address regulatory issues and other challenges. Rather, it worked with officials. It participated in local hearings to decide where to place docks. It agreed to reliability standards. And though Citi Bike must sustain itself financially, it does not face competition; it benefits from a long-term franchise.

The model has drawbacks. The stationary docks don’t meet all commuters’ needs. The cost of an annual pass, \$169, is a barrier for some. And when the company has fallen short of standards—not emptying full docks or filling empty ones, for instance—no competitor has been there to step in.

Dockless companies like Jump, Lime and Pace promised a more nimble experience. Customers could take or leave a bike wherever they found convenient, paying as little as \$1 a ride. In New York, the companies could serve places Citi Bike couldn’t,

Startups promised a nimbler bikesharing experience, but they’re flailing.

particularly outlying areas such as Staten Island and the Rockaways in Queens.

Yet these companies are flailing. Last fall, a season into New York’s pilot dockless program, Pace abandoned its project, citing low ridership in the cooler weather. And New York’s leading pro-bike website, Streetsblog, has characterized Lime’s offerings as a “joke,” criticizing its electric bikes as rickety and poorly maintained.

Other cities have experienced a surge and then an evacuation of dockless bike-share companies. Ofo, for instance, flooded Europe with bikes two years ago. Now, suffering cashflow problems, it has all but abandoned these cities, often leaving bikes to decay in place.

In Paris, meanwhile, the docked Vélib system has endured technical glitches and management problems but remains reliable. New York’s Citi Bike carried an average of 41,000 people a day in December, despite the cool weather. Citi Bike and Vélib aren’t perfect, but because they operate under long-term concessions residents and visitors can generally rely on them.

The reliability is in part a byproduct of their capital investment. It’s harder for investors to abandon a system of docks and sturdy bikes that cost millions of dollars. Dockless startups are cheaper to launch but are also flexible enough to desert cities when things don’t work out, leaving residents without a service that, had it been better conceived, might have provided real public value. **G**

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Better Pay, Better Off?

Some say raising the minimum wage relieves pressure on social services.

This year will be an unprecedented one for minimum wage increases. The hourly salary floor in 18 states and 13 municipalities rose at the stroke of midnight on Jan. 1, and over the course of the year three more states, eight cities and the District of Columbia will be following suit. The increases range from a nickel-an-hour inflation adjustment in Alaska to a \$2-an-hour jump in New York City.

The year will likely be a test not only of advocates' arguments that a higher minimum wage can be a crucial stepladder to help people rise out of poverty but also of the assertion that it can save states money on safety-net programs such as Medicaid and cash assistance.

The goal of cutting Medicaid costs was at the heart of Pennsylvania Gov. Tom Wolf's proposal in 2017 to raise the minimum wage in his state from the federally mandated \$7.25 an hour to \$12.

Wolf estimated that the move would lift 100,000 people out of the program and save the state \$50 million annually. The proposal didn't go anywhere, and ironically Pennsylvania is not among the states getting a minimum wage increase in 2019.

But the governor's thinking was not flawed, according to some experts. "Without a doubt, raising the minimum wage will create savings for states in their Medicaid programs," says David Cooper, who studies employment issues at the Economic Policy Institute. But Cooper cautions that saving money on safety-net programs shouldn't be the main goal of efforts to raise the minimum wage. "With the savings you're generating, we believe states should be expanding coverage and investing back into those programs," Cooper says. "Just because someone might phase out of a program doesn't mean that they don't need support."

Indeed, the fact that a person might

be getting an extra dollar or two an hour doesn't necessarily mean they're going to be in a better financial situation. Jacob Vigdor, a professor of public policy at the University of Washington, studied the impact of Seattle's 2014 ordinance raising the city's minimum wage incrementally to \$15 an hour in 2020. While higher-skilled workers did reap some benefits in terms of lower job turnover and improved economic security, Vigdor found that businesses cut work hours in some lower-skilled job categories. And while lower-skilled employees whose hours weren't cut might be taking home more money, "their purchasing power isn't really increasing," he says. "They're earning an extra \$20 a week, but if their rent is going up \$100 a month, it doesn't matter much."

There's also the question of how minimum wage increases might play out in places that, unlike Seattle, don't have the benefit of an economic powerhouse like Amazon that can afford such a mandate.

Arkansas and Missouri, for example, are among states getting minimum wage increases this year, and Vigdor wonders if businesses in their rural and suburban areas will be able to pay the higher wage without significantly cutting workers' hours. If that happens, he says, safety-net programs may be just as strained as they are now.

There is another factor that's looming over all of these discussions: a potential economic downturn in the near future, which many economists are predicting. An influx of people on cash assistance, Medicaid and food stamps might swamp any savings resulting from minimum wage hikes. "You're going to want some rainy day funds if you're hoping that raising the minimum wage will offset costs elsewhere," Vigdor says. **G**

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States and the Green New Deal

Environmental activists are turning to states to build support for the concept.

Democrats in Washington last month introduced legislation for a so-called Green New Deal, a framework of policy goals aimed at reorienting the American economy around an environmentally friendly future. Led by sponsors Rep. Alexandria Ocasio-Cortez of New York and Sen. Ed Markey of Massachusetts, supporters portrayed the bill as a vital step forward in making drastic cuts to the country's carbon emissions while also creating millions of new jobs.

The measure was met with a decidedly mixed reception. Many people said its lofty goals—including moving the nation to a completely renewable energy portfolio within 10 years and retrofitting “all existing buildings in the United States” to make them more energy efficient—are so unattainable that they render the entire plan essentially useless. The bill received a notably tepid response from Democratic leadership. House Speaker Nancy Pelosi called it “one of several or maybe many suggestions” about environmental policy that Congress might consider. The proposal is a nonbinding resolution, meaning that even if it does pass, it won't carry any actual weight.

It's no surprise, then, that environmental advocates have been turning to states and cities to find support for some of the tenets of a Green New Deal.

A month before the federal legislation was introduced, on a Wednesday in early January, more than 100 young people gathered in the Minnesota Capitol for a meeting with newly inaugurated Democratic Gov. Tim Walz. The group, Minnesota Can't Wait, had come to push for a state-level Green New Deal. As the meeting drew to a close, Walz said he would establish a statewide cross-agency working group on climate change. The governor's 18-year-old daughter, who was in attendance, even promised to hold him accountable.



Activists protest inside the U.S. Capitol to advocate that Democrats support the Green New Deal.

The idea of a Green New Deal has been around for at least a decade and a half. *New York Times* columnist Thomas Friedman wrote about the concept in 2007 as a way to realign American jobs around a greener economy. In 2016, Green Party presidential candidate Jill Stein and Democratic presidential hopeful Bernie Sanders included a Green New Deal as part of their campaign platforms.

But given the gridlock at the federal level, activists are focusing their attention on states and cities where action on climate change seems more likely. “There’s already been several precursors to a Green New Deal at the state and local level [in the absence of federal action],” says Ben Beachy, director of the Sierra Club’s Living Economy program. “These efforts offer models for what a national Green New Deal could look like.”

One such effort he points to is Illinois’ Future Energy Jobs Act, which was signed into law in December 2016 after two years of collaboration between the

state, unions, environmental groups and consumer associations. The law sets new energy efficiency standards and invests in weatherizing buildings across the state. According to its supporters, the act is expected to generate more than 7,000 new jobs in the state each year, reduce air pollution and climate change, and produce \$4 billion in energy savings for Illinois families by 2030, with priority access for low-income households.

In this way, state and local governments can advance the spirit of a Green New Deal, says Beachy. But any such deal, he cautions, still needs the federal government. “We’re talking about a bold transformation of the economy to tackle the twin crises of inequity and climate change,” he says. “We need a systemic response for a systemic problem. The Green New Deal is a massive undertaking to create an equitable, clean energy economy that would require every level of government.” **G**

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Last Look



DAKOTA BENNETT

Walk across State Street in downtown Bristol, Va., and about the time you hit the double yellow lines, you'll find yourself in Bristol, Tenn. The two cities of the same name share a common downtown. Boundary plaques embedded between the double yellow lines remind people of which side of the border they're on. And if that's not enough, the cities split the utility bill for the large electric sign that straddles the main drag proclaiming Bristol "A Good Place to Live." The twin cities also share a library, a wastewater treatment plant and billing as "the Birthplace of Country Music." Some 100 pairs of U.S. cities share a border. But the two Bristols belong to an exclusive club of cities that share not only a border but also a name. —**David Kidd**



I raise up my voice — not so
I can shout, but so that those
without a voice can be heard...
we cannot succeed when
half of us are held back.

- Malala Yousafzai



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