SUMMARY REPORT

67th Annual Meeting of the SOUTHERN LEGISLATIVE CONFERENCE


SOUTHERN LEGISLATIVE CONFERENCE of THE COUNCIL OF STATE GOVERNMENTS

SEPTEMBER 2013
During four days in July, meeting in Mobile, Alabama, legislators from across the South joined together with policy experts to discuss, review, and consider the opportunities that exist to bring prosperity and promise to states and communities in the region.

In addition to presentations and dialogue on substantive issues, each standing committee of the Southern Legislative Conference conducted a roundtable discussion and summary of legislative activities from the 2013 session, elected officers for the committee, and considered any policy positions that were presented for adoption by members. Presentations from committee sessions, where available, and attendance lists for committee sessions can be found on the SLC website at www.slcatlanta.org/AL2013.

The meeting summaries in this report are condensed overviews of speaker presentations made at substantive sessions of the SLC standing committees.
According to Feeding America, in Alabama alone, 936,410 residents, 19.5 percent of the state population, face food insecurity.

In response to this national crisis affecting more than 50 million Americans and disproportionately affecting Southern households, the Southern Legislative Conference (SLC) of The Council of State Governments established the “SLC/Mark Norris Campaign Against Hunger” project.

This year’s community service food packaging event brought together nearly 200 annual meeting participants to assemble 20,000 meals to be distributed to families in Alabama, Florida and Mississippi through the Bay Area Food Bank, serving the central Gulf Coast.

The “SLC/Mark Norris Campaign Against Hunger” is one of several packaging events coordinated by Outreach Inc., an Iowa-based nonprofit that recently was awarded the prestigious Daily Point of Light Award by President Barack Obama and President George H. W. Bush, presented at the White House, for their long-standing commitment to provide food, water, medical care and education to millions of children in the United States and in East Africa.

In addition to the packaged meals, the Bay Area food bank received a $1,500.00 donation from the Southern Legislative Conference of The Council of State Governments. An additional $1,500.00 donation was made to Outreach, Inc.
WATER MANAGEMENT AND AGRICULTURE

Even for non-farmers, the importance of water to agriculture is a given. Too little rain or too much can be catastrophic for crops, and smaller variations in timing and amounts can have an outsized impact on crop yields, prices, feed costs and farm income. Agricultural water management, the development and implementation of infrastructure to reserve and deliver water to fields when it is needed, is still not widely established in the Southeast.

Water management in the West, which has allowed for impressive productivity in the region for agriculture, is facing increased urban demands, even as the long-term irrigation of soils leads to increased salinization and selenium contamination in soils unaccustomed to significant water, reducing yields and land use.

For the South, the diminishing opportunities in the West and risks associated with concentration in corn represents an opportunity to increase the use of water management systems in the region, particularly with corn. Irrigation has been demonstrated to more than mitigate the soil disadvantage with which Southern growers contend, and because transportation costs are lower for regionally grown and delivered corn, corn producers in the South with irrigation potentially will see higher net prices.

Compared to the West, where utilization of available water is at or above total capacity (resulting in water deficits for many later appropriators), the Southeast uses on average 10 percent of the available water, with peak utilization seldom rising above 40 percent in any given watershed. What the region lacks, however, is investment in infrastructure, including off-stream storage and delivery, and polices, including interbasin transfer and water withdrawal restrictions tied to water insurance programs. Several state and federal programs are in place to encourage improved and expanded irrigation, but the greatest concentration of investment remains in the West.

An early recognition that water management comprises more than just a plan to use more water moved Georgia to undertake a permitting process for water withdrawals for agricultural use in 1988, grandfathering in existing uses. Following a moratorium on new permits in 1999, the state passed the Flint River Drought Protection Act the following year in response to low flows in the watershed. The Act provided a mechanism for farmers to auction off their water rights for a season in the event of a declared drought. The state established a program of metering withdrawals and mapping the wellheads and field locations, providing the state with a robust database of where and how much water is used.

This information has become an essential component of the water use planning process, which the state has devolved to regional water councils empowered to develop water use plans, shifting decision making to a more local level.
FARM BILL UPDATE

Every five to seven years, Congress must pass comprehensive farm legislation known as the Farm Bill or U.S. farm policy reverting to permanent law last updated in 1949, and substantially older than that in many parts. After a major rewrite in 1996 and 2002, the 2007 Farm Bill amounted to a less ambitious adjustment, providing a long period of stable farm policy.

The 2007 Farm Bill technically expired in 2012, but Congress at that time failed to find a suitable compromise to pass legislation and instead enacted a one-year extension. The reasons a Farm Bill was so difficult in 2012 remain largely unchanged. A struggling economy has put significant strains on the federal budget and swollen the size and proportionate scale of the non-farming related nutrition programs in the Bill. At the same time, commodity prices and farm income have reached record highs, making the need for a farm safety net seem less urgent.

The roots of current proposals for the Farm Bill date back to the debt ceiling crisis of 2011 and the creation of a supercommittee to recommend budget reductions. The Agriculture Committees of both chambers of Congress proposed at that time to end direct and counter-cyclical payments to farmers and move to a risk management model. These became the heart of both House and Senate proposals in 2012 and, after the House failed to advance a bill to the floor, also in 2013.

Historically, debate over the Farm Bill has been regional in nature, with corn and soybean producers often on one side of the divide and Southern producers on the other. The current debate, however, does not have that context, with the discussion much more partisan and somewhat less regional.

This past spring, the Senate passed a bipartisan Farm Bill that included $23 billion in cuts. House legislation was passed out of committee with larger cuts, but it unexpectedly failed on the floor of the House. A month later, the House approved along party lines a Farm Bill that removes the nutrition title entirely, and includes cuts to commodities and conservation, with a total savings to the federal budget of $12.9 billion over 10 years, and makes the Farm Bill permanent legislation.

In most respects, the farm policy proposals from the House and Senate are not significantly different. Both eliminate direct payments; replace the current Average Crop Revenue Election (ACRE) program (an alternative revenue-based safety net) with a shallow loss insurance program (favored by corn and soybean producers); cut conservation spending by reducing the number of programs; expand subsidies for crop insurance; include counter-cyclical payments; and continue the Marketing Loan Program. Among the greatest differences between the proposals is in dairy, with the Senate offering a production program and the House an insurance program. Program eligibility is reduced as well, with updated limitations on adjusted gross income, a return to payment caps, and a redefining of what a legal entity is for farming.

The Farm Bill is largely about providing a safety net. The challenge has always been how to provide sufficient protection to farmers so that the sector remains healthy, without protecting them too much from market signals. A shift to crop insurance as the centerpiece of the safety net for farmers could have some interesting consequences. Most problematic of all will be the missing nutrition title in the House legislation. Congress does not need reauthorization to continue to fund federal nutrition programs but without them in the Farm Bill, it is highly unlikely that the Senate will pass, or the president will sign, any Farm Bill legislation.

THE NEW EXTENSION SERVICE

The Cooperative Extension Service celebrates its centenary in 2014. After 100 years, this unique federal-state-county partnership remains an important part of the nation’s agriculture and rural development activities. The Extension Service serves agriculture, family and consumer science, community development and 4-H, but recently is adapting to a changing landscape.

The increasing complexity of agriculture, the growing plague of invasive and exotic pests and diseases, the changing nature of technology, marketing and the regulatory environment make the work that Extension performs with farmers and ranchers increasingly important. The fact that most farmers work off the farm to support their families means that farmers need both reliable assistance in their agricultural efforts in a manner convenient to them and a strong rural economy in which they can find employment. Extension is active in both of these areas, supporting rural community development in a variety of ways, connecting with a network of land grant universities to bring resources to individual farmers, and innovating how this information is delivered.

The Extension Service is being challenged to meet the needs of a changing audience, with agents increasingly responding to urban residents. These new clients often have the same needs as rural farmers, but the scale and scope is very different. Adding to this are changes in technology that have led to new demands from those using the Extension Service, with expectations for a broader range of information, more rapid response and round-the-clock availability.

ELECTION OF OFFICERS

The Agriculture and Rural Development Committee elected Representative Andy Anders, Louisiana, to serve as the Committee’s chair, and Representative Tom McKee, Kentucky, to serve as the Committee’s vice chair for 2013-2014.
ENSUING ECONOMIC GROWTH: INVESTING in INFRASTRUCTURE

While adequate and ongoing infrastructure investments remain imperative for solid economic growth, there have been serious shortfalls in state infrastructure investments for a number of years. In fact, the American Society of Civil Engineers’ (ASCE) 2013 assessment of U.S. infrastructure assigned an overall grade of D+ to U.S. infrastructure, an alarming condition. In terms of highways, the Federal Highway Administration estimated that even though all levels of government in the 50 states should invest a minimum of $170 billion annually to significantly improve highway conditions, only $91 billion currently was being invested.

Notwithstanding the fact that state debt levels are not unbearable and not significantly higher now than before the Great Recession, many states either have downsized or not enacted a number of large proposed infrastructure programs, particularly for transportation. There are some states that are pursuing a variety of infrastructure and transportation projects by activating the following funding strategies: federal Grant-Secured Obligations (GANs/GARVEEs); General Obligation Bonds (GOs) including appropriation debt (Certificates of Participation or COPs); Sales Tax Revenue Bonds; Gas Tax Revenue Bonds; Motor Vehicle Registration Fee Bonds; Enterprise Revenue Bonds (Airports, Ports, Parking, Toll Roads, Transit Systems); and Public Private Partnerships (P3s) with or without TIFIA* in the capital structure.

INNOVATIVE FUNDING AND FINANCING TOOLS FOR TRANSPORTATION

Due to a number of reasons – reduced vehicle miles travelled, erosion in the purchasing power of the gas tax due to inflation, lower receipts as a result of higher CAFE** standards – the federal Highway Trust Fund (HTF) has been seriously depleted. As a result of these significant shortfalls, the U.S. government has been forced to transfer $53.3 billion, since 2008, from the General Fund to the HTF. The variance between the projected outlays and receipts in the HTF is expected to widen, and it is estimated that there will be an average gap of $15.6 billion per year between fiscal years 2015 and 2023.

In response to this disturbing situation, in 2013, states proposed and, in certain instances, enacted a number of funding proposals to bolster weakened transportation

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*TIFIA refers to the federal Transportation Infrastructure Finance and Innovation Act (TIFIA) program that provides federal credit assistance in the form of direct loans, loan guarantees, and standby lines of credit to finance surface transportation projects of national and regional significance.

**Corporate Average Fuel Economy (CAFE) standards are regulations enacted by the U.S. Congress in 1975 to improve the average fuel economy of cars and light trucks.
funds. While more than a dozen states proposed raising fuel taxes, only four states (California, Maryland, Vermont and Wyoming) actually did so. States also pursued directing gas tax proceeds to transportation uses as intended and reducing gas taxes but increasing other taxes for a net increase for transportation (Virginia). States also allocated a portion of their sales taxes to fund transportation projects (Arkansas and Virginia) and increased the sales tax on fuel or other variable taxes/fees (D.C., Maryland and Virginia). One state (Virginia) increased its vehicle registration fees. While Oregon continued its vehicle miles traveled (VMT) fee pilot project, several others set up the framework to study a potential VMT fee program (Arizona, Florida, Washington, Wisconsin). Finally, several states enacted special fees or taxes for electric or alternative fuel vehicles (Virginia and Washington).

MOVING THE GLOBAL SUPPLY CHAIN ALONG: WHAT SHOULD STATES DO AND WHAT ARE THEY DOING?

The efficient, effective flow of materials and finished goods through the supply chain depends on a state’s transportation network. Not only does transportation facilitate the physical link across the supply chain, transportation disruptions can cause supply chain failures and unhappy customers. These supply chain failures and dissatisfied customers erode a state’s economic competitiveness and eventually adversely affect the state’s economic growth.

Water transportation is a key component of any state’s supply chain process, and state policymakers are acutely aware of the need to ensure that their ports are functioning at peak capacity. Ports are integral to global supply chains for the following reasons: they make global supply chains possible; facilitate global transportation and storage activities; expedite efficient product and goods movement; provide economies of scale beyond other modes; create cost effective capacity to ship a variety of products; serve as economic catalysts for their region; assist businesses with the physical flow of goods; and support businesses that locate in the region.

In terms of preparing for the future contribution of ports to global supply chains, it is critical for state policymakers to provide for current operational and maintenance needs; keep pace with expected growth; minimize port congestion to support international trade; enhance intermodal transportation to facilitate trade; improve technology for security and efficiency; and accommodate the large Post-Panamax vessels with the Panama Canal expansion scheduled for 2015. The Canal expansion project will require states to ensure that their ports have the necessary channel depths along with terminal and crane expansion and other multimodal improvements.

ALABAMA STATE PORT AUTHORITY

In June 2013, the Alabama State Port Authority celebrated its 85th anniversary. At its dedication in 1928, the Port of Mobile’s initial exports were limited to sugar, coal and forest products. Even though the Port’s terminals still handle forest products and coal, the list of items transiting through the port has expanded considerably to include automotive components, poultry and steel. The Port’s new container facility has significantly boosted its business and led to the Port handling over 25 million tons of cargo in fiscal year 2012. Currently, the container, general cargo and bulk facilities have immediate access to two interstate systems, five Class 1 railroads, and nearly 15,000 miles of inland waterway connections. In fact, the cargo diversity and growth account for 127,591 direct and indirect jobs and contributes an impressive $18.7 billion in economic impact to the state’s economy.

One of the major factors that boosted activities at the Port was the more than $700 million in capital investments carried out since 2008 at the Port’s terminals and in the federal channel. These infrastructure upgrades noticeably enhanced the Port’s ability to handle Post-Panamax vessels, diversified its cargo base, attracted industrial investment and generated jobs across the state. The Port continues its improvement efforts with continued investments in intermodal and transportation infrastructure, a development that will lead to even greater economic activity.

In 2012, the Port’s containerized, steel and export coal volumes all posted significant growth, with containerized freight experiencing the largest gain (22 percent increase) over 2011 volumes. While steel volumes gained 8 percent and export coal volumes grew by 5 percent, growth is projected to continue with planned investments in intermodal rail, warehousing and terminal upgrades to expand capacity and market reach. The Port’s lead project currently is the Intermodal Container Transfer Facility that, by 2015, will provide an intermodal rail option to shippers in North Alabama, Tennessee and surrounding states.

ARTS AND CULTURE: CATALYST FOR ECONOMIC GROWTH

A discussion of the importance of the arts with policymakers has to include emphasizing the intrinsic, social, pedagogic and economic value of the arts. The arts are essential for all these reasons, though in an era of limited and strained resources, focusing on the economic aspects with public policymakers is a useful exercise. In Alabama, recent research documents almost 5,000 creative industries employed more than 70,000 people with wages totaling about $2 billion a year, a staggering figure by any standard. The revenue of these Alabama creative industries approaches $9 billion, another figure of enormous proportions. Furthermore, not only do the creative industries in Alabama represent 4.9 percent of the state’s businesses, they also cover 3.7 percent of the state’s employment, at least 2.9 percent of all wages earned and 2.5 percent of all business revenue.

While the private sector plays the dominant role in creating this thriving arts scene in Alabama (and other places), the role of the public sector is critical too. In fact, the modest investments made by the public sector to promote the arts results in revenues and economic impacts that far outpace the size of this public investment. Another reason for the public sector to be invested in promoting the arts involves the fact that increasingly, quality-of-life decisions, i.e., whether a city or region has a thriving arts and cultural scenario among other things, remain a determining factor when companies decide to locate, invest and expand business activity. Feedback from corporate executives documents that living in a community that is culturally vibrant and stimulating remains a huge priority for businesses. In fact, creative communities and creative industries are integral to Alabama’s economic future and strategy for robust, sustained growth.
SCHOOL CLIMATE AND SAFETY

School safety encompasses protection from physical threats, emotional and social security, and respect for rules and norms. A safe school climate supports teaching and learning and provides for social and civic development. School climate includes respect for diversity as well as social support for adults and students and a connectedness for everyone in the school community. Support for adults is important in part because it affects their willingness to intervene, as well as providing for a positive work environment.

The Columbine shootings in April 1999 serve as the reference point for most school safety efforts states are engaged in today, although the December 2012 shooting in Newtown, Connecticut, may well prove to be equally pivotal. After the Newtown shooting, among the calls for increased security, arming staff and expanding mental health services, the Interdisciplinary Group on Preventing Community Violence, a broad coalition of nearly 400 organizations, scholars and practitioners, called for a balanced, and not reactive, response, relying upon both prevention and the creation of a safe environment.

School resource officers (SRO) are an important element in any school safety system. While there is no fixed definition of what constitutes an SRO, the National Association of School Resource Officers (NASRO) encourages that they be a sworn officer working in a school and the only person on campus authorized to carry a firearm. An SRO must be properly selected and properly trained, and often is charged with being out in the school community, building relationships with and mentoring children. Because of this, they are visible and serve as a classroom and community resource, but should not serve as the disciplinarian in the school.

A shift to prevention will increase the use of school resource officers and school mental health professionals to help prevent school crime and student-on-student violence. This also will feature school and community personnel working to establish trusting relationships with students, resulting in early detection of threats and averison of crises. By establishing a statewide comprehensive school climate and safety standards or guidelines, states can provide some consistency and focus to school and district efforts. Once in place, reviewing and evaluating policies to determine their effectiveness is a key to success, as is identifying and rewarding schools that consistently do good work.

THE THIRD GRADE READING HURDLE

The importance of students being able to read at grade level by the third grade has gained considerable prominence in the past few years, with several states passing legislation to retain third grade students whose reading is not at a sufficient level. These efforts have proven effective at improving outcomes when coupled with targeted intensive interventions in the prior grades to ensure that students are reasonably able to meet this reading benchmark.

Possibly the first state in the country to focus directly on early reading is Alabama, where the Alabama Reading Initiative (ARI) began in 1997, and which has enjoyed the strong support of the Legislature since that time. The state convened a broad panel to review what was needed to improve student reading performance, identifying key skills culled from an extensive review of the available research and developing a literacy action plan for the state.

Alabama’s remarkable success has been closely tied to the state’s investment in reading coaches and professional development for teachers. On the National Assessment of Educational Progress, Alabama had the fastest gains in scores for 4th grade reading between 2003 and 2011, moving from near the bottom of the nation to the national average in less than 10 years.

In Florida, the state implemented a policy ending social promotion at third grade in 2000, using retention as a last resort. Borrowing from Alabama, the state took a comprehensive approach to literacy in the early grades, coupling this with the opportunity to
retain those students who were not prepared for fourth grade. Students are screened at the beginning of each school year in grades K-3 to give teachers information on the student and to determine if they are on track. For students found to be lagging behind, the school notifies their parents and initiates intervention plans to bring them up to the level of their peers. At the end of third grade, students who are unable to demonstrate competency are eligible for retention.

Retained students must receive a completely different course of action for their retained year, including placement in a small group or class setting with a highly effective teacher. Districts are required to offer these students an intensive reading camp over the summer, additional reading instruction and daily interventions in reading during the school year, and routine progress monitoring to guide instruction.

As a result of this policy, the percentage of Florida students scoring at the lowest levels on state assessments has dropped from nearly 30 percent in 2000 to 16 percent in 2010. The number of third graders retained has declined as well, from a high of 14.4 percent in 2003 to a low of 5.9 percent in 2010.

REMAKING REMEDIATION

When students arrive at most postsecondary institutions, they are asked to take an assessment for placement, typically without any preparation beforehand. Based upon the results of this single test, students may be placed in remedial courses that do not earn college credit, extending the time and costs of postsecondary education. This serves as an additional hurdle to completion for these students, making remediation more of an off-ramp from, not a path to, college success. In the United States, possibly as many as 40 percent of all first-time undergraduate students are placed in remedial education programs.

Remediation is a critical point of concern because most remedial students fail to make it through college level gateway courses (those courses typically taken in the first year of college), and very few students placed in remediation graduate. To resolve the problem of time (and money) spent without earning credit, colleges need to find ways to deliver courses and material in a manner that helps students move forward, alleviating the problem of long remedial sequences.

One option is to assess students in the junior year of high school for college readiness. Those who are college ready then move on to college coursework through dual enrollment, and those below that level conduct their remediation in their senior year. A second option is to deliver academic support students need at the same time they pursue their gateway college courses, making remediation a co-requisite and not a pre-requisite. This may be the most effective strategy to ensure that students who have academic needs can satisfy them and bypass the points at which they might otherwise drop out. A third approach is to redesign assessment and placement in postsecondary education using multiple measures. Research has shown that a single assessment is not a good predictor of college success. Other valid measures can include high school GPA, senior year courses and class rank, all of which serve as measures of persistence and practical skills.

THE TEACHING PROFESSION IN TRANSITION

The United States has had essentially the same school model for nearly 150 years. The workforce for which that education model was designed has changed radically, particularly over the past 20 years. The workforce of today is about teamwork, collaboration and other skills that are not part of the curriculum in most schools. Jobs will be analytical and problem solving in nature, focused less on what individuals know and more on what they can do with their knowledge.

To prepare students for this new environment, the United States requires fundamentally different schools and teachers and a new teacher education system. Teacher training will need to move to a residency model where teachers are trained in schools with the support of faculty from the school and from colleges of education in a collaborative team structure, providing them with ongoing support to make them better teachers.

Students with poor quality teachers can actually lose ground academically compared to their peers. Of all the factors contributing to student success that can be controlled by schools, teacher quality is the most significant. States are the drivers for teacher quality: setting requirements for admission, exit, licensure standards, evaluation, compensation, dismissal and more. But states essentially set a minimum standard for teachers, a bar that policymakers need to ensure is adequate.

An important initial concern for state policy is who is allowed into teacher training programs. The barrier for entry into teacher preparation programs in most states is a basic skills test that is not normed to the general population. Another policy lever for improving teacher preparation is to use graduate performance to hold teacher preparation programs accountable and take action against programs whose graduates consistently perform poorly.

For teachers already in the classroom, evaluating them annually and including measures of student learning is a core part of state efforts to identify the best and worst teachers (and all those in between) and support all teachers in becoming better. Using teacher evaluations to determine professional development for individual teachers becomes an essential part of connecting evaluation, performance, and improvement.

ELECTION OF OFFICERS

The Education Committee elected Senator John Unger II, West Virginia, to serve as the Committee’s chair, and Senator Dolores Gresham, Tennessee, to serve as the Committee’s vice chair for 2013-2014.
INNOVATIONS IN FOSSIL FUEL ELECTRICITY PRODUCTION

The John W. Turk, Jr. Power Plant, located in Southwestern Arkansas, is the first ultra-supercritical cycle project deployed in the United States since the late 1950s, and is operated by the Southwestern Electric Power Company, a subsidiary of American Electric Power (AEP). Plans to assemble the plant were initiated in August 2006 and, in December 2012, the plant began commercial operation. Performance tests in February 2013 indicated the plant is meeting capacity and heat rate expectations. The plant currently employs 110 people and utilizes the Powder River Basin subbituminous pulverized coal in a balanced draft steam generator to produce 600 megawatts of electricity. Supercritical steam cycles, through the use of high pressure, allow water to be converted to steam without boiling. Ultra-supercritical steam cycles, used by the Turk Plant, utilize this same process, but at temperatures above 1100 degrees Fahrenheit. Modern chrome- and nickel-based super alloys in the steam generator, turbine, and piping systems that can withstand prolonged exposure to high temperature steam make the processes possible.

Plant emission controls use the best available technologies, including low NOx burners and a selective catalytic reduction system; spray-dryer flue gas desulfurization systems to control SO2; pulse-jet fabric filter baghouse for particulate control; and activated carbon injection for mercury control. Higher efficiency has greatly benefited the environment, resulting in 180,000 fewer tons coal used per year; 1,600 fewer tons of lime used per year; and 14,000 fewer tons of total ash and flue gas desulphurization waste per year. In addition, every year the plant emits 320,000 fewer tons of CO2; 150 fewer tons of SO2; and 100 fewer tons of NOx. For these achievements, AEP received the Edison Electric Institute’s 2013 Edison Award, the group’s most prestigious award. Currently, no other ultra-supercritical plants are planned for operation. However, the success of the Turk Plant has prompted much interest in the energy and environmental advantages of such technology.

REGULATION OF GREENHOUSE GAS EMISSIONS

AMERICAN PETROLEUM INSTITUTE

During the last 15 years, tremendous progress has been made in reducing aggregate emissions, or the six commonest pollutants, in the United States. Carbon dioxide (CO2) emissions are at a 20-year low, dropping 59 percent between 1990 and 2010. This has been achieved even as the Gross Domestic Product, vehicle miles traveled, population, and energy consumption have continued to increase. President Obama’s new memorandum directs the U.S. Environmental Protection Agency (EPA) to complete carbon emissions standards for new and existing power plants. The original proposal was issued in April 2012, and the EPA received more than 2.7 million comments. The EPA is likely to issue distinct standards for coal, natural gas, and petcoke, and a new proposal will be issued by September 20, 2013. The final rule is expected to be issued no later than June 1, 2014. The Obama Administration has stated that it is committed to finalizing New Source Performance Standards (NSPS) for new power plant sources within the next 12 months.

A variety of potential NSPS regulation approaches are being considered for industries. For new or modified sources, there could be existing controls, traditional work practices, and possible regulatory options. For existing sources, there could be existing controls, traditional work practices, possible regulatory options, or plans for equivalency of state programs. The American Petroleum Institute (API) opposes EPA regulation of stationary source emissions of greenhouse gases (GHGs) under the Clean Air Act. Relative to electric generating units throughout the world, the U.S. refining industry is not a major contributor of GHGs, and the U.S. electric industry already is incentivized for energy efficiency based on cost. GHG standards should be industry specific, and any regulatory approach should be preceded by an industry-specific Advanced Notice of Proposed Rulemaking to more formally and fully gather information for this precedent-setting initiative. API recommends evaluation criteria that apply to any EPA regulatory proposal. Among these criteria are: standards that recognize the complexity of refineries; standards that account for cogeneration and other facility emissions; impact on facility safety and reliability; recognition of improvements already implemented; flexibility on compliance; and sufficient time for implementation.
U.S. ENVIRONMENTAL PROTECTION AGENCY

President Obama’s climate plan involves cutting harmful pollution and protecting the nation from the impacts of climate change. This involves reducing carbon pollution from power plants; building a 21st-century transportation sector; cutting energy waste in homes, businesses, and factories; reducing methane and hydrofluorocarbons (HFCs); preparing the United States for the future impacts of climate change; and leading international efforts to address global climate change. About 33 percent of total U.S. greenhouse gas emissions come from the production of electricity; 28 percent from the transportation sector; 20 percent from industry; 11 percent from commercial and residential activities; and about 8 percent from agriculture.

Since CO₂ is considered the biggest driver of climate change, comprising 84 percent of all emissions, a concerted effort will be made to further curb emissions of this gas, at the forefront of which is cooperation with states, cities, industries and consumers. CO₂ enters the atmosphere through burning fossil fuels, such as coal, natural gas, and oil, as well as through solid waste, trees and wood products, and also as a result of certain chemical reactions, such as the manufacturing of cement. Another 9 percent of greenhouse gas emissions come from methane gas, emitted mostly during the production and transportation of coal, natural gas, and oil, as well as small amounts from landfill gas. Methane has a global warming potential of more than 20 times greater than CO₂, although it is a short-lived climate pollutant. Since 1990, the United States has decreased methane emissions by 8 percent due, in part, to partnerships with industry both at home and abroad. Finally, about 2 percent of greenhouse gas emissions come from fluorinated gases, including HFCs, perfluorocarbons, and sulfur hexafluoride. These are synthetic, powerful heat-trapping gases emitted from a variety of industrial processes. They are potent, heat-trapping gases as well, and by 2030 U.S. emissions of HFCs are expected to triple from the 2005 level.

The EPA plans to work closely with states, industry, and other stakeholders to establish carbon pollution standards for both new and existing power plants. In order to determine carbon pollution standards for existing power plants, the EPA intends to engage in a collaborative dialogue with stakeholders and leverage state leadership and experience to develop a direction forward. President Obama’s plan also involves enhancement of the transportation sector. An ambitious fuel economy standard of 54.5 miles per gallon average performance equivalent for automobile manufacturers has been set for 2025. This could yield a combined savings for consumers of more than $1.7 trillion in fuel costs and cut 6 billion metric tons of CO₂ over lifetimes of vehicles sold. Other EPA efforts include the Tier 3 standards for vehicle emissions, a proposed program that provides a comprehensive approach – considering the vehicle and its fuel as an integrated system – aimed at addressing the impacts of motor vehicles on air quality and public health. The program seeks to set new vehicle emissions standards and lower the sulfur content of gasoline beginning in 2017.

Another major portion of this plan is to support additional renewable energy projects, which made up about half of all new generation capacity installed in 2012. In 2013, federal agencies released Climate Change Adaptation plans for the first time. The goal is to assess climate change impacts in the United States and track observed changes, while leveraging existing climate-related data efforts, including the EPA’s GHG Reporting Program, ultimately building stronger and safer communities and infrastructure, support climate-resilient investment, and provide tools for climate resilience. Alternative fuels accounted for about half of all new generation capacity installed in 2012, and 35 states now have renewable energy targets in place, and more than 20 states have set GHG reduction targets.

NASA DEVELOP NATIONAL PROGRAM

The DEVELOP National Program is a NASA Applied Sciences initiative that seeks to broaden the range of recipients using science data, modeling capabilities, and knowledge in their decision-making activities. DEVELOP utilizes a dual capacity internship for college students and recent graduates that addresses environmental and public policy issues through interdisciplinary research projects that apply NASA Earth observations to community concerns around the globe. DEVELOP bridges the gap between NASA Earth science and society, educating interns and building capacity with local, state, regional, federal and international organizations to better prepare them to handle challenges that face society. For example, the DEVELOP program has partnered with various community and governmental organizations in Alabama to address increases in carcinogenic byproducts from natural and anthropogenic sources in Mobile Bay. Using information from NASA Earth observation, DEVELOP was able to project urbanization probabilities and statistics for every year out to 2050, invaluable information for city planners and other officials involved. The Gulf Coast Regional Public Outreach Campaign, which began as a DEVELOP project in 2010, provided information to Gulf Coast communities about NASA and other federal agencies’ response to the Deepwater Horizon Oil Spill. In addition to community benefits, the DEVELOP program is simultaneously training participants in real-world application of science and technology. Since its inception, more than 2,800 internship opportunities have been provided across the country.

ELECTION OF OFFICERS

The Energy & Environment Committee elected Representative Denny Altes, Arkansas, to serve as the Committee’s chair, and Representative Bill Sandifer, South Carolina, to serve as the Committee’s vice chair for 2013-2014.
In the last few decades, for a variety of reasons, state tax revenues as a percent of nominal state gross domestic product (GDP) have been lagging, a development that poses serious challenges to state fiscal systems. During the decade of the 1960s, the gap between state tax revenues and nominal state GDP was the largest, with state tax revenues routinely exceeding GDP. In the 2000-2013 period, the situation flipped and, currently, state GDP levels exceed state tax revenues. Another development that presents challenges to state fiscal systems involves the extreme volatility experienced in state tax revenues in the 2000-2013 period. Among the reasons for these two developments is the increasingly dominant role played by the service sector in the contemporary U.S. economy, an area that is largely untaxed by most state sales tax systems, and the significantly larger influence of personal income taxes (PIT). During the 2001 recession and the Great Recession, state fiscal systems were enfeebled by the severely reduced PIT, a tax that is particularly vulnerable to swings in the economy. Finally, the other major factor behind the two developments – gap between state tax revenues and nominal state GDP and extreme volatility experienced in state tax revenues – is the substantial increase in state tax expenditures, i.e., tax credits, exemptions and incentives provided by states to corporations in the last two decades. In fact, an increasing number of states have initiated comprehensive reviews of their state tax expenditures to ensure that only the most beneficial programs are retained.

TAX EXPENDITURES

In an era of extremely limited resources, states are increasingly looking at their tax expenditures to ensure that they are extended to projects that generate the most revenue. Economic development tax incentives, i.e., exceptions to regular state tax rules that are meant to achieve an economic goal by encouraging people or businesses to do something that they otherwise would not have done, have been under increasing scrutiny in the aftermath of the Great Recession. Given that state policymakers allocate billions of dollars annually on tax incentives for economic development, increasing pressure is being exerted to ensure that policymakers rely on good evidence about whether these investments deliver an overwhelmingly positive return. Often, states that have conducted rigorous evaluations of some incentives virtually ignore others or assess them infrequently; other states regularly examine these investments, but not thoroughly enough.

In recent decades, states have increasingly deployed these investments and, currently, every state has at least one tax incentive program, while several operate multiple programs. Based on the evidence gathered by the PEW study, it is apparent that 13 states are leading the way in generating much-needed answers about tax incentives’ effectiveness, including the SLC member states of Arkansas, Louisiana, Missouri and North Carolina. While 12 states have mixed results in terms of assessing the efficacy of these programs, the remaining 25 states trail behind probing whether they actually provide a solid return on investment.

The PEW study documented that there are a series of questions that states should be posing to determine the validity of tax expenditures:

» To what extent did the incentive affect the choices businesses made?
» How were existing businesses affected by the incentives?
» Did the benefits outweigh the negative effects of paying for it?
» Is the program meeting the state’s goals?
» How could it be improved?
» Are the state’s incentives working together efficiently?
Like many states, Alabama faced serious challenges related to the long-term viability of its public pension program. In the last several years, the Alabama Legislature has enacted and the governor has signed into law a number of measures to bolster the fiscal position of the retirement system. One such measure was eliminating the Deferred Retirement Option Program (DROP). Before elimination, participating in the DROP was available for employees who had at least 25 years of service (exclusive of sick leave), were at least 55 years old; and eligible for service retirement. While employees could participate in the DROP for anywhere between three and five years, the employee continued to receive a regular salary with their retirement benefit plus employee's retirement contribution being paid into a DROP account that earned a guaranteed interest rate of 4 percent. Alabama's DROP disbursements proved to be very onerous and contributed toward the state's public pension unfunded liability levels. At the time DROP was eliminated in Alabama during the 2011 legislative session, it was projected to reduce employer retirement contributions by approximately 0.75 percent of payroll annually and, for fiscal year 2012, this resulted in estimated employer savings of about $60 million. Over a 10-year period, this would amount to an estimated total employer savings of more than $600 million, a substantial amount.

Another measure enacted in Alabama involved creating a separate retirement benefit structure for public employees hired after January 1, 2013 (Tier 2 employees). In terms of earnable compensation, for these Tier 2 employees, it included overtime up to 125 percent of compensation; in the past, there had been no limit. The average final compensation for Tier 2 employees will be determined by the average five of the last 10 years, whichever average is highest, while for Tier 1 employees (employees in service before January 1, 2013), it is the average three of the last 10 years for whichever average is highest. In terms of accrued sick leave, while it may convert into creditable service for Tier 1 employees it does not for Tier 2 employees. Another area with changes involves retirement age: while Tier 1 employees may retire at age 60 with at least 10 years of creditable service or at least 25 years in the system, Tier 2 employees have to be at least 62 in age with at least 10 years of creditable service. For Tier 1 employees, their pension is equal to 2.0125 percent of average final compensation multiplied by the years of creditable service; for Tier 2 employees, it is equal to 1.65 percent of the member's average final compensation multiplied by years of creditable service and, importantly, the allowance cannot exceed 80 percent of the employee's average final compensation. Finally, a Tier 1 employee pays 7.5 percent of earnable compensation into the retirement system, whereas a Tier 2 employee pays 6 percent of earnable compensation. Over 30 years, Alabama would save approximately $5 billion as a result of moving employees to the more restrictive benefits contained in the Tier 2 format.

The Deferred Retirement Option Plan (DROP) is an optional retirement method that allows a public employee who has retired to defer obtaining retirement benefits (their pension, for instance) for a certain period of time while continuing to work in the public sector, often with their original employer. While neither the employee nor employer will pay contributions to the state retirement system, the employee does earn additional service credit during the DROP participation period. The employee's monthly DROP benefit is deposited into an individual DROP account which the employee can access after final retirement. At that point, the employee is provided a lump sum disbursement of the monthly DROP benefit and a guaranteed interest rate. The employee continues to earn a regular salary and accrue annual and sick leave while in DROP.

The Fiscal Affairs & Government Operations Committee elected Representative Randy McDaniel, Oklahoma, to serve as the Committee's chair, and Senator Roman Prezioso, West Virginia, to serve as the Committee's vice chair for 2013-2014.
Juvenile justice reform has been a major topic of discussion for states looking to curb recidivism rates, which can be as high as 50 percent within three years for some cohorts. In an effort to ensure detention beds are reserved for the most violent offenders, many states have examined alternative sentencing for juvenile offenders. A majority of crimes committed by juveniles are non-violent, and among the offenders allowed to remain at home, about 76 percent are considered low risk for reoffending.

In fiscal year 2013, the Georgia Department of Juvenile Justice was appropriated $300 million, nearly two-thirds of which was used for out-of-home facilities. The state’s secure residential institutions, called Youth Development Campuses (YDCs) and Regional Youth Detention Centers (RYDCs), require substantial funding, yet have yielded poor results in terms of recidivism. In fact, more than 50 percent of adjudicated youth returned to the system as delinquent or convicted of a crime within three years of release, a rate that has remained flat for the last decade, while of all status offenders — those who committed “designated felonies,” or the most serious — typically violent – crimes. Until recently, there were 30 such designations in Georgia, up from just 11 in 1980. Much of the expansion of these categories occurred during the late 1990s, at the height of the “tough on crime” movement. Currently, almost 98 percent of youth in juvenile detention centers are there for these offenses, meaning they fall into a category that requires strict, punitive punishment, with little or no opportunity for alternative sentencing.

The legislation now allows judges the discretion to give the harshest penalty, but does not require them to do so. In turn, it allows judges to mete out a combination of punitive measures along with community-based and/or substance abuse assistance.

Another aspect of the reforms requires an assessment of how likely a juvenile is to reoffend, and that information can be incorporated into sentencing guidelines. Additionally, there are now more local sentencing options for judges. One distinction the legislation makes is to differentiate between status offenders — those who commit crimes that would not be considered crimes if they were adults, such as truancy or running away from home — and those who commit actual misdemeanors or felonies. All status offenders, as well as many more misdemeanor offenders, will now be diverted to community-based programs, unless they are habitual offenders.

The Pew Charitable Trusts is working in various other states to advance similar data-based contracting. At the recommendations of the Special Council on Criminal Justice Reform for Georgians, and with the advice of the Pew Charitable Trusts, Emory University’s Barton Child Law and Policy Center, and other groups, the state passed reforms that are expected to save approximately $88 million over the next five years. This will be accomplished by ensuring that approximately 640 fewer juveniles are placed into secure state facilities, which cost taxpayers about $90,000 a year per bed, and shift them to non-secure residential facilities, which cost approximately $30,000 a year per bed. The legislation streamlines and revises the state code relating to juvenile justice and child welfare, including creating new processes for cases involving children in need of services, and eliminates the need for the state to build two additional juvenile residential facilities. HB2, which contained many of the Council’s recommendations, passed both chambers of the General Assembly unanimously and was signed into law by Governor Nathan Deal on May 2, 2013.

The Pew Center on the States and the Barton Center were integral in analyzing data from the state Department of Juvenile Justice, Georgia Bureau of Investigation and the courts. A two-year study revealed various key findings, such as recidivism rates remained flat for the last decade, while offense types and risk levels did not change dramatically during that same time. Also, most significantly, all juveniles in out-of-
driven, fiscally sound policies and practices in juvenile justice systems that are being implemented in Georgia, in order to protect public safety, hold offenders accountable, and control corrections costs.

**Expansion of Medicaid: Next Steps**

Annually, more than $366 billion of federal and state funds are spent on more than 60 million Medicaid recipients. Beginning January 1, 2013, individuals and families with incomes up to 138 percent of the federal poverty level (FPL) – approximately $15,856 for an individual – will be eligible for Medicaid in every state that chooses to expand under the federal Affordable Care Act. If all states elect to expand Medicaid, the estimated number of new beneficiaries would be around 17 million. The Congressional Budget Office estimated that providing Medicaid coverage to the newly insured would cost about $6,000 per year, while health insurance purchased on the exchange would cost about $9,000 per person, since private insurers traditionally pay healthcare providers much more than Medicaid does. One huge incentive for states is that the federal government will cover 100 percent of the program for the first three years, with states gradually picking up larger percentages of the costs each year. Thereafter, one concern is that, in these economically strapped times, although states will bear a small percentage of costs, it is a small percentage of a very large figure. A second concern is that the federal government would renege on their portion of the reimbursement in future years, strapping the states with huge, and unexpected, payouts.

Ever since the U.S. Supreme Court held last year that the expansion of Medicaid is optional – that it could not be mandated by the federal government – states have examined the pros and cons of expansion, as well as the various avenues and approaches for expanding traditional Medicaid. The expansion is a difficult choice facing all 50 states, particularly since each option yields different consequences for each state, with their unique uninsured populations and healthcare systems. With uncertainty around what healthcare reform will look like in 10 years, states are unable to anticipate what measures should be taken now to ensure the greatest coverage for the least amount of money in the future. At least 17 states and the District of Columbia have passed some form of Medicaid expansion; 27 states outright rejected the prospect; and several other states are still considering the move.

In April, the Arkansas House of Representatives passed HB1219, an expansion measure, with a 77-22 majority; the next day the Senate sent the measure to Governor Beebe with a 28-7 vote. Both chambers needed a three-fourths majority for approval, since it was a spending bill. What is unique, and simultaneously significant, about the Arkansas model is that it serves as an alternative to the Affordable Care Act’s one-size-fits-all approach, and replaces it with a state-based method that will expand Medicaid coverage to an additional 225,000 individuals, placing a total of 950,000 Arkansans on the Medicaid rolls.

What has become known as “the private option” or “premium assistance plan” is being implemented through a Section 1115 of the Social Security Act waiver, not the Affordable Care Act, and will meet the budget neutrality requirement in the state. It is an exchange-based mechanism, whereby private insurance coverage is obtained through premium support. Existing Medicaid and SCHIP populations will be transferred to the private option by 2015, so that all those living at 138 percent or below FPL will be purchasing private insurance through the exchange. In addition, health savings accounts will be available for those at 50 to 138 percent of FPL. The speculation is that costs borne by the state in the next decade will be offset by a variety of savings factors. For instance, general revenue expenditures for uncompensated care will be reduced. In addition, there will be a smoothing out of the “churn” factor, whereby individuals are habitually moved in and out of the state Medicaid program. In addition, provider rates will be determined by the market, and underpayment and uncompensated payments will be mitigated, since there will be a cost shift to private insurance. Finally, administrative overhead and government agency expansion will be avoided. The state also intends to advance Medicaid program integrity reforms, which will reduce fraud, abuse and errors in the system, another cost-saving component.

At least six other states – Florida, Louisiana, Montana, Ohio, Tennessee and Texas – have considered expansion plans similar to the one passed in Arkansas. The U.S. Department of Health and Human Services, which approved the Arkansas plan, has indicated exactly what is required of states wishing to qualify for this alternative, although the agency also has stated that it would approve “a limited number of premium assistance demonstrations” as a way to test how these plans will actually work. States essentially file for a waiver of existing Medicaid rules, and state and federal public hearings are held to determine eligibility. There is concern among many states that they will go through the process of passing a plan, only to be denied expansion by the federal government. However, the Obama Administration has appeared eager to let states find their own way to provide healthcare coverage for low-income uninsured citizens.

**Election of Officers**

The Human Services & Public Safety Committee elected Senator Emmett Hanger, Jr., Virginia, to serve as the Committee’s chair, and Representative Joni Jenkins, Kentucky, to serve as the Committee’s vice chair for 2013-2014.
Provisions that benefit state programs are oftentimes the only funding that the federal government can cut without severe political repercussions. In FY13, states lost more than $2.7 billion in federal funding, spread across 13 programs, and funding for states may very well be the target for further cuts this year. According to the National Governors Association, the top overall tax expenditures in 2013, other than funds for the exclusion of employer payments for health insurance, were provisions that benefit states ($105 billion), which comprises deductibility of state and local incomes, sales and property taxes ($69 billion), and exclusion of interest on public purpose state and local bonds ($36 billion). This makes states a huge target for cuts.

Currently, the Senate is holding out for a grand bargain, but the House of Representatives refuses to pass anything that includes revenue, resulting in a stalemate and Continuing Resolution that will fund the government at FY13 levels and trigger more cuts. The debt ceiling will be hit as soon as September, sparking another cliff-like deadline. The House has hinted that a debt ceiling deal may be linked to an expedited vote on tax reform. Both the House and the Senate have embarked on a comprehensive effort to limit or remove tax exemptions in order to lower rates or, potentially, generate revenue. The president has proposed capping tax exemptions at 28 percent, which would limit the attractiveness of municipal bonds as an investment tool. The House has proposed eliminating the bond exemption altogether. During the last decade, state and local governments have funded more than $3.2 trillion in infrastructure through the bond market. If a 28 percent cap had been in place, this same infrastructure would have cost $173 billion more and, had the bond exemption been eliminated, it would have cost $500 billion more. The Council of State Governments and its coalition partners have made protecting the bond market a top priority for the year ahead.

One of the other major issues before Congress is the Marketplace Fairness Act. State and local governments currently lose more than $23 billion every year in uncollected sales tax on remote purchases (both online and catalogue sales). The Marketplace Fairness Act would give states the option to compel remote sellers to collect and remit sales tax in return for streamlining their sales tax systems. In May, the Senate voted 69-27 to pass the Marketplace Fairness Act. However, opponents of the legislation have lobbied heavily against it in the House over the past several months to dissuade members from bringing it up for consideration.

In the 2012-13 term, the U.S. Supreme Court considered a number of important cases, specifically those that addressed the Voting Rights Act of 1965 and the issue of same-sex marriage. In a 5-4 decision, the Supreme Court held in Shelby County v. Holder that Section 4 of the Voting Rights Act, which the District Court had upheld, was unconstitutional. The majority insisted that, although the coverage formula was permissible at the time of the Act’s passage, “current needs” did not justify the Act’s violation of the “fundamental principle of equal sovereignty” by forcing some states—but not others—to bear the burden of preclearance. However, the Court did not throw out Section 5 of the Act, which deals with the preclearance coverage formula and was challenged in the case, stating that it is Congress’ prerogative to do so, if they so choose. Section 2 of the Act, which prohibits discrimination in voting procedures and is enforced by lawsuits, is unaffected by the ruling and remains in force. In short, formerly covered states and localities no longer will need to ask for federal permission to make minor changes to voting procedures.

In United States v. Windsor, the constitutionality of the Defense of Marriage Act (DOMA) was challenged and struck down by the Court. The case involved a same-sex couple whose marriage was recognized by the state of New York but not the federal government. When one partner passed away, the living spouse was forced to pay $363,053 in estate taxes from which an opposite-sex couple in the state would have been exempted under federal law. The Supreme Court ruled that Section 3 of DOMA was unconstitutional, emphasizing its examination of the “design, purpose, and effect of DOMA,” as well as the federalism aspect of the case, namely that the federal government has always deferred to the states on the issue of marriage and that the federal government should be required to extend the same benefits to all couples married under the state law, including same-sex couples.
A variety of other decisions were decided by the court, including those involving the Clean Water Act, the Privilege and Immunities Clause, the National Voter Registration Act of 1993, drug warnings, DNA arrest laws, water permitting, the Federal Aviation Administration Authorization Act, and many others that had far-reaching implications for states.

THE EVOLVING ROLE OF STAFFING SERVICES IN TERM-LIMITED STATE LEGISLATURES

In 1954, the American Political Science Association’s Committee on American Legislatures issued a report saying that “a good research and clerical staff is an indispensable aid to the legislature.” Legislative staff have played an integral role in the daily work of running local and regional government since before the existence of states. In fact, there is early indication of involvement of staff in legislative processes since the founding of the nation. Many great American leaders worked as staff. For instance, Benjamin Franklin served as clerk of the Pennsylvania Assembly.

During the 1800s, states saw growth in professional legislative staff, driven largely by need. This dynamic progressed even more rapidly through the second half of the century into the 1900s. In 1890, Melvil Dewey (of the “Dewey Decimal System”), helped establish in New York state the nation’s first legislative reference unit. During this same time, Charles McCarthy, who held a Ph.D. in history, was hired as a document cataloger to run a small library in the Wisconsin state capitol. Once he took over the library, on his own initiative, he began providing research assistance to legislators. In 1903, appreciative lawmakers appropriated funds to support his efforts. McCarthy’s unit quickly evolved into the Legislative Reference Bureau, one of the first in the country. In fact, the U.S. Congress followed Wisconsin’s lead by establishing the Legislative Reference Service (now called the Congressional Research Service), in 1914. By 1910, 19 states had created legislative reference services of some capacity.

The provision of reference services was promoted in states as an efficient way to compensate for the inexperience of most legislators, which obviously located more power with staff. Just as the importance and power of legislative staff grew, so did the potential for corruption, and the growth of legislative staff was stunted, in part, during the first decades of the 20th century. By 1935, the best estimate is that less than 500 full-time staff worked for the 48 states legislatures.

Legislative staff size has continued to ebb and flow to this day. From 2003 to 2009, 32 states had staff that either stayed the same size or increased, and 18 states had staff sizes that decreased. Term limits for lawmakers, which became popular for states in the 1990s, as well as greater turnover in membership in general, have increased the need for expertise among legislative staff. A report from the University of Michigan states, “Under term limits, legislative staff may not become more influential, but they clearly become more important to the effective work of legislators and the institution.” Currently, 16 states have term limits for lawmakers, including five SLC states. Oklahoma was the first state in the nation to pass term limit restrictions in 1990 by a margin of 2 to 1. The measure limited House and Senate members to 12 years maximum lifetime service beginning in 1991. The full impact of the shift was felt in the 2004 election cycle. The House of Representative, for instance, which comprises 101 members, saw 36 open seats due to term limits. The election resulted in 39 newly elected members and brought about a change in the majority party. Four years later, another 26 new members replaced outgoing members.

Term limits also restricts the ability to accumulate organizational knowledge and means lobbyists have more institutional tenure than many elected officials. While term limits has, in part, increased the need for staff expertise, it also has increased the reliance on professional staff to teach fundamentals, the number of partisan leadership staff, and staff workload, and has diluted staff expertise in specific policy areas. However, it also has increased transparency, collegiality among staff, staff efficiency (due, in part, to advances in technology), and led to staff being more proactive about educating members about what services they provide.

DEMOGRAPHIC CHANGES IN STATE LEGISLATURES: THE ROLE OF WOMEN IN GOVERNMENT

In 1894, the first female state legislators were elected to serve in the United States, when three women – Clara Cressingham, Carrie C. Holly and Frances Klock – were elected to the Colorado House of Representatives. In 1896, the first woman state senator, Martha Hughes Cannon, was elected in Utah. However, today women still are disproportionately represented in state government. Particularly, compared to other industrialized countries, the United States fares poorly in the percentage of women officials serving in public office compared to that of the general population, and certainly compared to the proportion of woman voters. The 2014 Project, a statewide, nonpartisan campaign to increase the number of women serving in government, attempts to highlight the benefits of having more women in state and national positions, and provide opportunities for women who seek public office through educational campaigns and public service events. Although the project began in Alabama, satellite programs have been implemented in Mississippi, Oklahoma and South Carolina, and initiatives are being developed in Arkansas and Louisiana. These programs involve both political parties and seek to recruit women of all ethnicities and backgrounds.
ALABAMA DEPARTMENT OF COMMERCE

Alabama’s success in linking workforce development, education and economic development is attracting a great deal of attention across the country and already is a model for other states. The importance of aligning the efforts of these independent agencies toward providing a well-trained and well-prepared workforce to tackle the challenges of the 21st century manufacturing environment is increasingly important in the contemporary global economy.

Alabama’s efforts to provide a competent and well-trained workforce to companies operating in the state began in fiscal year 1971, when the Alabama Industrial Development Training (AIDT) program was established. While AIDT was inaugurated as a contract program reporting to the State Board of Education, in 2012, AIDT became a division of the Alabama Department of Commerce. AIDT’s mission is to provide quality workforce development for Alabama’s new and expanding businesses and to expand the opportunities of its citizens through the jobs these businesses create. The critical point related to AIDT is that it encourages economic development through job-specific training. Training services are offered in many areas of the state, at no cost, to new and expanding businesses operating in Alabama.

ALABAMA COMMUNITY COLLEGE SYSTEM

The successful collaboration and partnership between the Alabama Department of Commerce (through AIDT), Alabama Community College System and corporations such as Mercedes, Toyota and dozens of others is exemplified in the following example. In January 2013, Mercedes and AIDT formalized a contract valued at $1.6 million for Shelton State Community College (Tuscaloosa, Alabama) to support technical programs for prospective Mercedes employees. Shelton State Community College will use the largest portion of the funds ($1.2 million) to buy equipment that will be housed on campus to train students in robotics, electrical and other high-tech skills required in automotive manufacturing. The remainder of the funds will be used to support students with tuition, fees and other program expenses. Based on their performance at Shelton State, these students will be eligible to be hired as Mercedes employees.

TOYOTA MOTORS AND MANUFACTURING

Toyota has more than 40 years operating facilities in North America and, since the late 1980s, operates major manufacturing facilities in five SLC states: Alabama, Kentucky, Mississippi, Texas and West Virginia. The more than a dozen Toyota facilities operating across the United States involve a collective investment of more than $24 billion and 40,000 direct employees, a clear indication of its enormous economic footprint. Toyota’s Huntsville, Alabama, facility, which manufactures four- and six-cylinder engines for a variety of Toyota and Lexus models, opened in June 2001. The 334-acre property with more than 1.13 million square feet in building space involves an investment of about $864 million. By January 2014, the Huntsville facility will have a total of 1,150 direct employees.

The Huntsville facility’s extremely efficient engine production operation has resulted in several expansions and additional investments in the last 12 years. The driving force behind this success has been the very competent workforce operating the plant. In terms of identifying the most competent worker to operate the sophisticated equipment at the facility, Toyota has been very pleased in the collaboration with the Alabama Industrial Development Training (AIDT). For the most recent round of hiring, AIDT assisted Toyota in screening 10,000 applicants to help select the most qualified 300 candidates. AIDT’s efforts involved a 40-hour pre-hiring “hands on assessment” of all the applicants prior to selecting the finalists. AIDT also has assisted Toyota in training workers for the company’s renowned Advanced Manufacturing Technician Program at local community colleges.
COMMITTEE TECHNICAL TOURS

WATERS NURSERY & SIRMON FARMS

The Waters Nursery is a 120-acre container-grown wholesale nursery located in Robertsdale, Alabama. The family-owned and operated company got its start in 1998 and they have come to specialize in 1 to 200 gallon containers. Sirmon Farms, located in Daphne, Alabama, has been in operation for more than 60 years. The Sirmon family operates Sirmon Produce, a sweet potato brokerage business and Sirmon Farms, which consists of 1,200 acres of cotton, 1,200 acres of peanuts, and 550 acres of sweet potatoes.

PORT OF MOBILE

This technical tour involved a visit and briefings at the Port of Mobile. The tour, which included a water tour, was hosted by Mr. Jimmy Lyons, CEO, Alabama State Port Authority, who briefed legislators on the infrastructure upgrades recently introduced at the Port; new container terminal and the post-Panamax gantry cranes currently operational; other preparations for the Panama Canal expansion; multimodal aspects of the Port’s development strategy; economic impact of the Port; and the role played by the Port in Mobile in attracting an impressive roster of multinational corporations (including Airbus, Thyssen-Krupp, AUSTAL, Hyundai, Mercedes, Toyota, Honda) to the state of Alabama.

JAMES M. BARRY ELECTRIC GENERATING PLANT

The James M. Barry Electric Generating Plant is a coal- and natural gas-fired electrical generation facility that has been capturing and sequestering carbon dioxide since June 2011. The plant, located along the Mobile River, is owned and operated by Alabama Power. The carbon recovery and compression processes used at Plant Barry require considerably lower energy consumption than most plants, and ensure a lower level of impurities contained in the coal-fired flue gas, making the captured product more commercially viable. The 25 megawatt plant has more than 42 gigawatts of total generating capacity, and serves more than 4.4 million customers. The facility is designed to capture about 500 metric tons per day from energy production processes, eliminating about 90 percent of the carbon dioxide from the inbound flue gas slipstream. Annually, the plant captures 150,000 to 200,000 tons of carbon dioxide. The facility utilizes state-of-the-art technologies, including those developed by Mitsubishi Heavy Industries, to support the goal of reducing carbon emissions from electricity generation through capture and sequestration.

This year’s technical tours offered legislators an opportunity to grasp a specific understanding of programs unique to Alabama. The three tours took in four destinations that demonstrate a handful of the many successes of public and private sector operations.
CONFERENCE NOTES

SLC STAR PROGRAM

The Southern Legislative Conference, Southern Office of The Council of State Governments (CSG), has a long history of highlighting exceptional state government programs. The CSG Innovations Awards Program recognized and promoted creative and successful state government programs and initiatives for nearly 40 years. Begun in 1975 as the Innovations Transfer Program, refined and renamed the CSG Innovations Awards in 1986, the program transitioned to the regional level in 2013. The SLC STAR Program is the Southern regional adaptation of the former, national CSG Innovations Awards program.

Twelve panelists, comprising Southern state legislators, legislative staff, international affiliates, and Southern Legislative Conference staff, selected two winners for the 2013 State Transformation in Action Recognition (STAR).

The first, from Kentucky, Veterans’ Connect Program, identifies and provides services for combat veterans at the time of an arrest. Specifically, the program requires pretrial investigations and services to ask whether an individual has been in combat and, if so, provide contact information to services available for combat veterans. Vets are connected to a wide range of services available to veterans through the United States Veterans Administration, the state Department of Veterans Affairs and other sources.

The program only required amendment of the form used by pretrial services officers during their initial interview; no additional equipment or software was needed. What was required was the willingness of the officers to do the extra work to identify and assist veterans. Supervisor training for the new program was conducted at no or minimal cost. Kentucky pretrial services officers have displayed a willingness and enthusiasm to perform this service for those who have served the country.

The second winner selected by the panel was Virginia Department of Corrections’ (DOC) Step Down Program for Administrative Segregation, which utilizes evidence-based practices (EBP) to provide a safe and secure way for offenders in Administrative Segregation to earn their return to the general population. The Virginia DOC is the first state correctional agency to apply the principles and practices of EBP research to an Administrative Segregation super-max prison population, and the program has significantly reduced the number of offenders in Administrative Segregation by 53 percent; increased safety by reducing prison incidents by 56 percent; and reduced staff stress and improved morale as evidence by a decrease in use of sick leave.

CARTER/HELLARD LEGISLATIVE STAFF AWARD

The Carter/Hellard Award is presented to the individual whom, in the judgment of the LSA Directors Group, has demonstrated excellence and dedication in staffing service to state legislators in the South. Bryan Vincent, who recently marked his 20th anniversary of joining the staff of House Legislative Services of Louisiana, was the recipient of the 2013 Award.

In 1993, Bryan began his long and productive tenure of service with the House as a legislative analyst for the House Committee on Municipal, Parochial and Cultural Affairs in the Governmental Affairs Division. In 2001, Bryan was promoted to the position of Director of the Resource and Infrastructure Division. In the aftermath of Hurricanes Katrina and Rita in 2005, Bryan was at the forefront of working on issues related to the momentous impacts these storms had on Louisiana.

In 2007, upon the retirement of E. Anne Dunn, 2003 recipient of the Carter/Hellard Award, Bryan assumed the position of Director of the House Governmental Affairs Division. He has served most capably in this capacity, supervising the staff and work of four of the House’s standing committees and advising legislators on various issues including education, local government, ethics, executive branch reorganization, campaign finance laws, and House rules revisions.
COMPARATIVE DATA REPORTS

Comparative Data Reports (CDRs) are prepared annually by select SLC states’ fiscal research departments. Because CDRs track a multitude of revenue sources and appropriations levels in Southern states, they provide a useful tool to legislators and legislative staff alike as they determine their own state spending. The reports presented at the SLC Annual Meeting were:

- Education
- Transportation
- Medicaid
- Adult Correctional Systems

Comparative Data Reports are prepared under the auspices of the Conference’s Fiscal Affairs & Government Operations Committee. Reports for 2013 and dating back to 2000 are available through the SLC website at: www.slcatlanta.org/Publications/.

POLICY POSITIONS ADOPTED AT THE 67TH SLC ANNUAL MEETING

The Southern Legislative Conference adopted four policy positions at the 67th Annual Meeting:

- Concerning Federal Transparency on State Medicaid Payment Error Rate Measurement (PERM)
- Encouraging the Southern United States-South Korean Economic Council
- Relating to the 2013 Farm Bill

To view the full text of these policy positions and those of previous years, please visit www.slcatlanta.org/policy_positions/. In accordance with SLC Rule X, these Policy Positions of the Southern Legislative Conference shall sunset the first day of the following Annual Meeting. The SLC collaborated with the CSG Washington, D.C., office to forward the positions to the proper authorities.

CONTINUING LEGAL EDUCATION

For the third consecutive year, the Southern Legislative Conference Annual Meeting gave attendees an opportunity to earn Continuing Legal Education (CLE) credit for attending substantive sessions of SLC standing committees. Attendees were eligible for up to 12 hours of CLE credit by attending informative sessions. For more information regarding the annual meeting CLE accreditation, contact Mikko Lindberg at mlindberg@csg.org or the SLC office by calling (404) 633-1866.

THOMAS B. MURPHY LONGEVITY OF SERVICE AWARD

James T. “Jabo” Waggoner is the current state senator who represents Jefferson and Shelby counties’ 16th district in the state of Alabama. Senator Waggoner has the longest record of service of any legislator from Jefferson County in Alabama history, having served 17 years in the House of Representatives and 20 years in the Senate.

CENTER FOR THE ADVANCEMENT OF LEADERSHIP SKILLS (CALS) ALUMNI EVENT

With the implementation of term limits in five SLC member states, and in recognition of the changing political landscape in the South, the Executive Committee of SLC approved the establishment of the Center for the Advancement of Leadership Skills to help emerging leaders from the South develop their communication, conflict resolution, consensus building and critical decision-making skills.

CALS embodies the SLC’s mission of championing excellence in state government and providing non-partisan forums for state officials who might rarely cross paths to share ideas. CALS offers full scholarships for candidates from the legislative, executive and judicial branches of state government. Visit http://www.slcatlanta.org/CALS/ for more information.
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**STAFF COORDINATOR**

Happy Fulford, Executive Director, Office of Governmental Relations, University of South Alabama

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IN LITTLE ROCK.

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