71st Annual Meeting of the Southern Legislative Conference

Biloxi, Mississippi

2017 Summary Report

The Premier Public Policy Forum for Southern State Legislatures
The 71st Annual Meeting of the Southern Legislative Conference, held July 29 – August 2, 2017, in Biloxi, Mississippi, brought state legislators from across the South together with policy experts to discuss, review and consider the opportunities for bringing prosperity and promise to states and communities in the region.

The meeting summaries in this report are condensed overviews of speaker presentations provided at policy sessions of the SLC Annual Meeting. Presentations from sessions, when available, can be found on the SLC website at slcatlanta.org/MS2017.
Earlier this year, Feeding America released its Map the Meal Gap 2017 report, addressing food insecurity in the United States. According to the report, more than one in five Mississippians were food insecure in 2015. To aid food insecure families in Mississippi, the SLC held its 7th annual SLC/Mark Norris Campaign Against Hunger food packaging event.

Under the leadership of the SLC chair, Speaker Philip Gunn of Mississippi, and his staff, the SLC coordinated more than 300 volunteers from the local community and attendees of the SLC’s 71st Annual Meeting to package more than 50,000 meals for food insecure families. The packaged meals and a charitable donation of $2,500 were contributed to Mississippi Food Network to benefit food insecure families.

Since 1984, Mississippi Food Network has worked to relieve poverty-related hunger in the state. It distributes more than 1.5 million pounds of food and feeds more than 150,000 Mississippians monthly. The Network receives donations from various sources, provides nutrition education and distributes meals through 430 member agencies.

Outreach Inc., an Iowa-based nonprofit with an enduring mission of providing food, water, medical care and education to millions of children in the United States and in East Africa, remains the SLC’s partner in this annual event. The SLC also presented Outreach Inc. founders Floyd Hammer and Kathy Hamilton with a donation of $1,500.
AGRICULTURAL TRADE WITH CUBA

The impasse in U.S.-Cuba relations has spanned 10 U.S. presidents, a failed invasion attempt, a nuclear missile crisis and countless asylum seekers. The tumultuous relationship, rooted in the Cold War, is characterized by a double-pronged U.S. policy emphasizing economic and diplomatic isolation of the island nation.

Despite ongoing economic sanctions, the United States has emerged as a major exporter of agricultural goods to Cuba, which imports up to 80 percent of its food. The country of 11.2 million people has a gross domestic product of approximately $81.6 billion. A number of social, economic and political changes have increased Cuba’s demand for food, as well as its ability to import goods.

Given Cuba’s geographic and economic position, states in the Southern region of the United States have competitive export advantages in terms of production, quality, logistics and proximity. Of all states exporting to Cuba, Southern states comprise nine of the top 10.

Louisiana has emerged as the United States’ leading exporter of goods to Cuba. The state is strategically well positioned and is one of only two states where all six of North America’s class-one railroads converge. The Port of New Orleans is approximately two sailing days from Havana’s Port of Mariel, while the Port of South Louisiana is the top port in the United States in terms of tonnage.

By maintaining current exportation of Cuba’s primary imports and growing exportation of other specialty products, states in the Southern region can remain the dominant U.S. exporters of agricultural goods to Cuba.

FLOODS AND FARM RELIEF PACKAGES

In recent years, Southern states have been ravaged by historic flooding, which can have a huge impact on both commercial and family farms. After the floods abate, the hard work of harvest and restoration begins. Despite a farmer’s best efforts, losses often are unavoidable. To support agricultural producers who sustained major losses not covered by crop insurance and other disaster relief funding, several states have provided one-time relief packages and support programs.

South Carolina’s Farm Aid Grant Program, established by House Bill 4717 and necessitated by historic floods in
2015, has emerged as an example of responsible, targeted aid. The program places a $100,000 cap on aggregate grants received; requires that funds be used exclusively for agricultural production expenses and losses caused by the 2015 floods; and prohibits the use of funds to buy new equipment. Grant recipients must demonstrate intent to continue agricultural operations, keep receipts with purchases made with grant funds for three years and allow for an audit, if requested. Penalties for the misuse of funds include mandatory repayment and prosecution.

The program also includes strict eligibility requirements. To be eligible for grants, an applicant must have experienced a verifiable loss of agricultural commodities of at least 40 percent as a result of the flooding; own a farm in one of the South Carolina counties that was declared a flood disaster by the U.S. Department of Agriculture; have a farm number issued by the Farm Service Agency; sign and notarize an affidavit; and provide a W-9. In total, 1,244 farmers were approved more than $35 million, at an average award amount of $28,365.

STATE IMPLEMENTATION OF THE FOOD SAFETY MODERNIZATION ACT
The U.S. Food and Drug Administration’s (FDA) Food Safety Modernization Act (FSMA) was signed into law on January 4, 2011. The law—and subsequent FDA rules—sets standards for sanitation, processing and transportation of produce and aims to ensure that the national food supply is safe, by shifting the focus of federal regulators from responding to contamination to preventing it. Under the new rules, states have the option to enforce the regulations themselves or allow enforcement to be undertaken by the FDA. The rules also allow states that decide to enforce the regulations to enact implementing legislation.

Among the seven rules issued by the FDA under the FSMA is the Produce Safety Rule (PSR), which establishes science-based minimum standards for the safe growing, harvesting, packing and storage of fruits and vegetables for human consumption. The PSR sets standards for personnel qualifications and training; health and hygiene; agricultural water; biological soil amendments of animal origin; domesticated and wild animals; growing, harvesting, packaging and holding activities; equipment, tolls, buildings and sanitation; and sets specific requirements for sprouts.

Of the 15 states in the Southern region, 13 received funding through the FDA’s State Produce Implementation Cooperative Agreement Plan, which assists states in designing and implementing compliance programs. As of February 2017, 42 states were pursuing state programs to implement the Produce Safety Rule.

Mississippi is not currently pursuing a state program for the implementation of the PSR. The state Department of Agriculture and Commerce (MDAC) has not advocated a PSR program at the state level for a variety of reasons, including: lack of long-term funding; uncertainty surrounding farm inspection protocols; concern of over-regulation; and a lack of statutory authority. Furthermore, the state has a long history of produce safety and no history of produce foodborne illness outbreaks. While MDAC is not pursuing a state program, it is actively providing information to farmers through other means, such as a partnership with Mississippi State University to offer FDA-approved certifications to extension workers in the state. The department also is continuing to participate in FDA discussions and monitoring the progress of implementation in other states to assess possible benefits of implementing a state program.
AUTONOMOUS AND CONNECTED VEHICLES: THE ROAD AHEAD

The advent of driverless vehicles presents innumerable new issues that state and federal lawmakers will need to consider and address. For example, policymakers may need to determine levels of driver liability for accidents involving split-second decisions made by a vehicle’s operating computer. New methods for estimating road capacities and necessary maintenance may need to be devised as new segments of the population become eligible to “drive” autonomous vehicles and daily commuters accept longer driving distances. And, inevitably, the movement of autonomous vehicles across multiple local and state lines will impact the revenues of federal, state and local governments, while posing new jurisdictional questions for law enforcement authorities.

The U.S. Department of Transportation and the National Highway Traffic Safety Administration issued policy guidance for autonomous vehicles in September 2016. Beyond basic definitions, the document establishes a voluntary 15-point safety assessment for automakers and a model state policy for autonomous vehicles. Primarily, the federal government’s role is to regulate vehicle safety and hardware/software systems, while states will retain responsibility for licensing human drivers, registering vehicles, inspecting individual vehicles, regulating insurance and establishing liability parameters.

More than 40 states have considered autonomous vehicle legislation since 2012. Executive orders were issued in four states and 19 states adopted legislation. The Tennessee General Assembly addressed self-driving vehicles in 2016 by creating definitions for the technology. This year, lawmakers authorized standards for testing vehicle safety and deployment of autonomous vehicles. The legislation requires that self-driving vehicles are capable of following the rules of the road, have adequate auto insurance to cover losses and are compliant with federal safety standards.

THE WORKFORCE OF 2025: ONE STATE’S PATH FORWARD

A common theme in any discussion of economic development is how to supply a skilled workforce to meet the specific labor and technical needs of new industry. States approach job training in different ways, but one element...
ELECTION OF OFFICERS
The Economic Development, Transportation & Cultural Affairs Committee elected Representative Jeanie Lauer, Missouri, to serve as the committee's chair, and Representative Manly Barton, Mississippi, to serve as the committee’s vice chair for 2017-2018.

in all successful methods is efficient and timely completion of the educational process. Southern states compete for new business and job creation in a regional economy, and those states that can demonstrate proficiency in producing a skilled workforce enjoy an advantage in economic development.

Tennessee Promise and the state’s Drive to 55 initiatives are aggressive programs that seek to incentivize more residents into entering and completing a postsecondary education. The goal of Drive to 55 is to equip Tennesseans with a college degree or certificate by the year 2025. Meanwhile, Tennessee Promise provides a free education for students attending community and technical colleges, while also linking college degrees and certifications to jobs that are in high demand. College officials now examine degree programs to determine whether jobs exist in the fields of study offered at institutions. Degree programs without potential jobs at the end are minimized so that more instructional resources are invested in training the workforce that meets the needs of employers.

THE GOLDEN TRIANGLE: ADVANCED MANUFACTURING IN MISSISSIPPI
Economic developers at the state and local level employ multiple tools to attract new industry and the jobs that fuel manufacturing. Developers offer land, infrastructure, tax abatements, broadband access, public subsidies and the promise of skilled labor, among other incentives.

A highly successful program in the Columbus, Mississippi, region has put forth another component of industrial growth—attitude. The CEO of the Golden Triangle Development Link likens his area’s approach to luring industry to that of building a winning national championship football team, and cites his team’s ultra-aggressive, high-expectations attitude as the driving force that continues to win national and regional competitions for new industrial investments.

The Golden Triangle approach starts from the economic premise that there is nothing bright in the future of a one-company town. The failure of the textile economy across the nation demonstrates that reliance upon one industry is one step away from local economic collapse. Rather, developers and local officials are wise to seek manufacturing and technological companies that not only raise the minimum salary levels for entry-level employees, but also attract ancillary service companies that support primary industrial processes. Longstanding research by Florida-based Policom Corporation, an independent state and local economics research firm, reveals that communities seeking to rescue or boost local economies must attract more primary industry jobs that pay a wage higher than the area’s average wage. The Golden Triangle’s aggressive approach supports the notion that communities must demonstrate an “all-in” attitude to lure new industry.

HISTORIC PRESERVATION AND TAX CREDITS
Throughout the Southern region, cities and towns face the choice of demolishing older buildings or investing in expensive rehabilitation to keep them in service. An economic study from Mississippi State University’s John C. Stennis Institute of Government and Community Development concluded that restoration of historic structures provides multiple benefits to local communities. The research links tax incentives for restoring historic buildings to increased real estate investments nearby and job creation beyond the construction and renovation phases. In some instances, these incentives have resulted in a broader revitalization of communities by out-of-state investors. On a civic level, saving historic properties and buildings not only preserves the structures, but also helps residents maintain a community identity. With the commitment of legislative leaders, Mississippi has supported preservation and local economic development through its historic tax credit program. In 2016, the Legislature raised caps on the amount of available historic preservation tax credits by $60 million to provide even more opportunities for revitalization of local communities.
MISSISSIPPI EDUCATION WORKS

In 2013, Mississippi began implementing a series of education reforms to promote effective literacy policies; ensure quality teachers and leaders for every student; boost childhood education; provide school choices for Mississippi families; and increase college and career readiness standards.

The Literacy Based Promotion Act brought more emphasis to “reading to learn” rather than “learning to read;” mandated that student assessments be administered three times per year for grades K through 3; and required that students pass a summative reading assessment at the end of grade 3, or be held back. Since the act’s passage, Mississippi’s fourth grade National Assessment of Educational Progress scores have risen and, as of 2016-2017, 92 percent of third graders achieved a passing score on the summative reading assessment.

Meanwhile, the state’s early learning collaboratives (ELCs) were recognized by the National Institute for Early Education Research for meeting all 10 quality standards for early childhood education, one of only five states in the nation to meet all benchmarks. Previously, there were 10 ELC’s throughout the state serving more than 1,700 children, which increased to 14 beginning in the 2017-2018 school year.

Charter schools also were prominent in the state’s reforms. Students who reside in a school district rated C, D or F are given priority to attend charter schools if they choose to do so. The changes ensure that charter schools give preference to underserved students in the recruitment and enrollment process.

LOAN FORGIVENESS AND SCHOLARSHIPS FOR TEACHER RECRUITMENT AND RETENTION

The nation's teacher shortage problem is the result of multiple factors. Fixed wages, whereby pay is determined by educational attainment and years of experience, with little to no variation across grade levels, subject areas or schools within a district, deter many qualified individuals...
from entering the teaching profession. Generally, there is a shorter supply of teachers in subjects that require particular skills and credentials, or when professions requiring those same skills offer higher average incomes. Across schools, the pool of teachers correspondingly declines if working conditions are perceived to be poor.

To address the shortage of teachers in underserved classrooms, states and school districts can loosen hiring requirements, issue “emergency” teaching certificates or expand alternative certification. The demand for teachers can be reduced by increasing class sizes, restricting course offerings or promoting the use of online education, solutions that do not always lead to better outcomes.

Loan forgiveness and bonuses offer a third option for resolving teacher shortages. Based on the results of financial incentive programs in Florida, there is evidence to support their effectiveness. Loan forgiveness reduced teacher attrition in Florida by approximately 6.3 percent, with higher reductions recorded as payouts became higher. Annual payments per teacher ranged from $2,100 to $4,900 until the program ended in 2011. Bonuses for teachers were even more effective than forgiveness programs at reducing attrition rates throughout the state, reducing exit rates by as much as 35 percent.

**LEVERAGING TECHNOLOGY IN THE CLASSROOM**

Technological advances have created exciting opportunities within the classroom for students and teachers alike. However, effectively utilizing new and emerging technological platforms requires hard work and innovation. The National Educational Technology Plan (NETP), released by the U.S. Department of Education, articulates a comprehensive vision to make technology more equitable and transformative in every classroom. Written for teachers, policymakers, administrators and teacher preparation professionals, the NETP focuses on all aspects of education, including learning, teaching, leadership, assessment and infrastructure.

In Tennessee, the advantages of technology in the classroom are evident from the recently created Tennessee Digital Resources Library (TDRL). Formed by the state School Boards Association and its partners, TDRL helps school districts use and share open educational resources aligned to the state’s education standards. In August 2015, teachers from across Tennessee curated digital learning materials for 14 high school courses. In 2017, the School Boards Association announced an expansion of TDRL through a partnership with one of Tennessee’s leading book companies, thus allowing teachers to search various curriculum, eBooks and other educational resources from a wider volume of materials.

**THE STATE OF BROADBAND IN RURAL SCHOOLS**

School districts across the South have made huge strides to ensure every student has access to high-quality broadband infrastructure. However, plenty of work remains to reach every student. The Schools and Libraries Program, administered by the Federal Communications Commission and commonly known as E-rate, provides discounts to schools and libraries to upgrade their internet and telecommunications infrastructure. The E-rate program was modernized in 2015, creating a two-year opportunity for schools to upgrade their broadband bandwidth. The additional funding allocated to the modernization effort permitted new construction of fiber lines, thereby creating more opportunities for previously unconnected schools to gain access. Presently, there is $3.9 billion per year available in E-rate funding that allows schools and libraries to upgrade their infrastructure.

Arkansas has been particularly successful at expanding broadband across the state. One of only six states in the nation to have high-speed broadband in all school districts, Arkansas’s rollout gained traction following the codification of Act 187 in 2015, requiring that all public high schools and charter schools offer at least one computer science course to their students. Since then, average broadband speeds have increased exponentially and the overall costs of maintaining a broadband network have dropped. In conjunction with the expansion of statewide broadband, other creative solutions have been developed, such as offering Wi-Fi on public school buses and parking them in low-income neighborhoods to serve as hot spots for students living in unconnected households.
LESSONS IN RESILIENCE: COASTAL RESTORATION IN MISSISSIPPI

Hurricane Katrina made landfall in August 2005, damaging thousands of homes and businesses, decimating public infrastructure, and displacing tens of thousands of Mississippi residents. Nearly five years later, the April 2010 Macondo well blowout, and subsequent oil spill, caused serious damage to marine and wildlife habitats, as well as fishing and tourism industries. These two disasters, one natural and one manmade, had substantial impacts on the Mississippi Gulf Coast economy.

Since the 1950s, Mississippi has lost approximately 12,000 acres of land. Much of the land loss has occurred in salt marshes and other ecologically valuable habitats that are vitally important for fisheries, coastal protection and water quality. The state's barrier islands play a key role in coastal protection. One way the state is working to increase the resiliency of these barrier islands and mitigate historic land loss is through the Beneficial Use of Dredged Material program. As an example, the state used 3.3 million cubic yards of material dredged during the Pascagoula Channel expansion to restore 220 acres of habitat on Round Island. The dredged material initially was set to be discarded at a cost of $2 million. Instead, it was put to beneficial use, resulting in substantial cost savings for the state.

Coastal restoration in the wake of the 2010 oil spill benefited from three funding streams: Natural Resources Damage Assessment, National Fish and Wildlife Federation (the court-appointed trustee for criminal penalties levied against responsible parties) and the Restore Act. In total, the state is set to receive almost $2.2 billion in funds. In addition to restoring the physical coastline and
estuaries, these funds also may be allocated to infrastructure, workforce, and economic development programs that benefit the coastal economy.

The resiliency of the state’s coastal communities is of critical economic importance to the nation, as they provide a large portion of the nation’s oil and gas supply, host key port complexes and provide vital habitat for economically important fisheries.

THE ROAD TO THE FUTURE: GEORGIA’S LABORATORY FOR SUSTAINABLE INFRASTRUCTURE INNOVATION

Highways connect our communities, but they also can create critical problems and divisions, disrupting ecosystems and habitats. In July 2014, the state of Georgia honored the legacy of late carpet mogul and Georgia native Ray C. Anderson by renaming a stretch of Interstate 85 as the Ray C. Anderson Memorial Highway, or “the Ray.” Through a unique partnership between private, nonprofit and state entities, the Ray is poised to become one of the nation’s safest and most fuel-efficient highways. Serving as a working laboratory for the development of sustainable transportation infrastructure, the Ray features a solar roadway, public solar-powered vehicle charging station, butterfly habitat and bioswales that filter storm water runoff.

In 2018, the Ray will complete a solar right-of-way comprising approximately 3,000 solar panels and generating enough electricity to power 170 homes. Through a partnership with Georgia Power, the panels will be directly connected to the power grid, eliminating the need for on-site storage. The land immediately surrounding the panels will be planted with pollinator-friendly vegetation. This project will transform under-utilized land into a recurring revenue stream and enhance the productivity of local agricultural land. Other projects being considered by the Ray include integrated solar noise barriers, right-of-way wind generation, drone monitoring, sensor networks for safety and sustainability, a connected vehicle pilot, and right-of-way farming, all of which could revolutionize the safety and sustainability of transportation infrastructure.

ENERGY RESILIENCE AND THE U.S. MILITARY: LESSONS FOR THE STATES

Energy has long been a fundamental enabler of military operations. To enhance national security, the U.S. military is increasingly focused on strengthening resilience by implementing on-site distributed generation, renewable energy technologies and smart microgrids. On-site generation and storage, combined with specialized control systems, could enable the electricity to be directly routed to essential requirements at military installations in the event of a grid disruption or other power emergency.

To ensure mission-critical operations are supported during sustained power losses, the U.S. Department of Defense (DoD) regularly evaluates the resilience of operations. This allows for a more comprehensive, strategic framework and extends beyond traditional “building-by-building” or “generator-by-generator” designation for resilient designs. When evaluating and strengthening installation energy resilience, DoD prioritizes mission and economic performance. The cost efficiency for energy solutions is particularly important, as appropriations for energy resilience remain flat. Low-cost options for increasing resiliency include generators, microgrids and/or point-of-use solar installations.

States can take a similar approach to evaluating energy resiliency. To do so, state leaders must understand their current systems and infrastructure; ensure energy resilience systems are placed only on critical loads and are appropriately sized; and standardize a process to ensure the operation, maintenance and testing of energy systems for full reliability. Doing so can help determine baseline resilience metrics to inform future decisions.
PUBLIC PENSIONS: A FISCAL IMPERATIVE

Most state and local governments recognize the unfunded liabilities in pension plans that they administer; however, not all are acting to correct deficiencies. Despite recent public employer contribution increases, the aggregate funded ratio barely has budged. Unfunded liabilities remain near record levels relative to the economy, signaling to policymakers that additional aggressive action is warranted. In Southern states, public employer contribution increases generally have been small, while unfunded liabilities relative to the economy remain large.

Pension fund analysts observe that policymakers and pension managers often project unrealistically strong performances from their investments. Even if predicted investment yields are met, broad fluctuations can create havoc within pension plans. Analysts also point to public officials’ reliance on internal and external actuarial reports, which may assume higher interest rates than are viable or sustainable over long periods. When put to the glare of more conservative Federal Reserve Board standards, localized actuarial studies appear less predictive of economic reality. This means those responsible for state and local pension funds may be seeing an overly optimistic snapshot of fund sustainability and performance.

In addition to decisions about whether to increase employer contributions, policymakers must consider how shrinking state employee rolls reduce fund revenue. As more states engage in public-private partnerships, the number of state employees is diminished, further lowering the amount of employee contributions.

Analysts recommend that state officials adhere to the following strategies to help secure pension plans: increase employer contributions, reduce the reliance on interest rate performance, and examine how diminishing

SUNDAY, JULY 30

PUBLIC PENSIONS: A FISCAL IMPERATIVE

*Herb Frierson*, Commissioner, Department of Revenue, Mississippi

*Donald J. Boyd, Ph.D.*, Director of Fiscal Studies, Rockefeller Institute of Government, New York

RECENT TRENDS IN STATE BUDGETS

*John Hicks*, Executive Director, National Association of State Budget Officers, Washington, D.C.

MONDAY, JULY 31

THE HIDDEN RISKS OF P3S: FISCAL CHALLENGES AND OPPORTUNITIES

*Bradley J. Nowak*, Partner, Williams Mullen, Washington, D.C.

COMPARATIVE DATA REPORTS

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

**Adult Correctional Systems**

*Monique Appeaning*, Legislative Fiscal Office, Louisiana

**Education**

*Hank Hager*, Senate Education Committee, West Virginia

**Medicaid**

*Zachary M. Rau*, Legislative Fiscal Office, Louisiana

Comparative Data Reports are prepared under the auspices of the Conference’s Fiscal Affairs & Government Operations Committee. Reports for 2016 and previous releases, dating to 2000, are available through the SLC website at: slcatlanta.org/Publications/.

ELECTION OF OFFICERS

The Fiscal Affairs & Government Operations Committee re-elected Representative Eric Johnson, Texas, to serve as the committee’s chair, and Representative Penny Houston, Georgia, to serve as the committee’s vice chair for 2017-2018.
employee numbers and moves to defined contribution plans affect existing and future fund balances.

**RECENT TRENDS IN STATE BUDGETS**

Southern governors proposed significantly lower increases in general fund spending for FY 2018 than they did during the past two fiscal years. In addition to uncertainty about economic growth, governors and legislative budget writers sought to improve structural budget balances and increase rainy day reserves. Re-engineering efforts included belt-tightening, cutting services and flat funding. Additionally, some states sought efficiency or chose to reorganize departments and consolidate services.

Many states are examining or re-thinking K-12 funding, while others are investing state dollars in career readiness programs to train a skilled labor force to meet economic development challenges. Several states are improving child and family services with funds to reduce caseloads and boost foster care. During the previous two fiscal years, transportation funding was the most active area of state funding. Going forward, Medicaid and pension reform/funding likely are targets for new dollars. National experts warn states that federal funding for infrastructure improvements may be unavailable, leaving the bill to state taxpayers and users.

Ongoing research by the National Association of State Budget Officers has found that, nationally, 35 states faced economic challenges and lowered revenue forecasts an average of 2.0 percent in fiscal year 2017. Only 14 states raised revenue forecasts, with an average increase of 2.3 percent. Among Southern states, 10 out of 15 reduced estimates. Southern states’ general fund revenue growth forecasts averaged 2.6 percent, slightly better than the 48-state average of 2.4 percent.

Revenue source trends have changed little since 1998. Southern states’ dependence on personal income and sales taxes matches the average for all 50 states at just above 40 percent and 30 percent, respectively.

**HIDDEN RISKS OF P3s: FISCAL OPPORTUNITIES AND CHALLENGES**

While no universal definition of public private partnerships (P3s) has been adopted, state policymakers will benefit from the parameters expressed in the National Council for Public-Private Partnerships (NCPPP): “a contractual arrangement between a public agency and a private sector entity. Through this agreement, the skills and assets of each sector are shared in delivering a service or facility for the use of the general public. In addition to the sharing of resources, each party shares in the risks and rewards potential in the delivery of the service and/or facility.”

Experience in P3s shows that policymakers make better decisions when adhering to elements of the NCPPP definition. Those without a clear understanding of P3 ventures often assume that all P3s involve privatization or that private financing is the only benefit. These misconceptions can be dissolved with more accurate information.

Legislators and state officials considering P3s should seek early clarification on performance standards and guarantees, revenue expectations, revenue sharing and risk sharing. Partnerships can present both political and financial risks. Therefore, legislators should use the same level of critical thinking that a lender uses to assess and underwrite a large business loan. Government officials should know that not all risks can be transferred to the private sector and the state is responsible for due diligence in assuring private partners have demonstrated proficiency and reliability in similar projects.
MANAGING FOSTER CARE SYSTEMS

Many states continue to struggle with inadequate foster care systems. According to the most recent available federal data, there are more than 400,000 children in foster care throughout the United States—including more than 200,000 in SLC states—many of whom do not receive adequate support and cannot be placed with permanent families due to a lack of resources.

Children’s law centers have emerged throughout the country to focus on a host of important issues related to foster care, including abuse and neglect; adoption; commercial and sexual exploitation; custody; disabilities; domestic violence; education; immigration; and juvenile justice. These entities often convene relevant stakeholders, directly represent children, conduct policy work and research, and provide technical assistance, among many other important services.

The Children’s Law Center at the University of South Carolina School of Law works with the Joint Citizens and Legislative Committee on Children (JCLCC) to advance the interests of children in foster care. Through a process that includes researching and studying the most critical issues pertaining to foster care services in South Carolina, followed by annual public hearings, the JCLCC offers policy priorities and recommendations that often are taken up by the General Assembly during subsequent legislative sessions.

LONG-TERM CARE IN THE SOUTH

As people age, the probability of needing long-term care (LTC) significantly grows. Among men, 50 percent aged 65 and older will experience high levels of need during their lifetimes; among women, it is 60 percent. SLC states are projected to see some of the highest rates of growth among people aged 85 and older, the demographic most likely to need assistance with daily activities. In Georgia, Texas and Virginia, the number of people 85 and older is expected to increase by 315 percent, 284 percent and 282 percent, respectively, by 2050. South Carolina, North
ELECTION OF OFFICERS
The Human Services & Public Safety Committee re-elected Senator Doug Overbey, Tennessee, to serve as the committee’s chair, and Senator Katrina Shealy, South Carolina, to serve as the committee’s vice chair for 2017-2018.

Carolina and Tennessee also are expected to experience growth greater than 200 percent, while the remaining Southern states are expected to see increases between 114 percent and 199 percent.

Nearly two-thirds of older adults with LTC needs living at home receive all their support from unpaid family and friends. Reversing this trend will be pivotal, as the projected family caregiver support ratio in the United States is expected to decline during the next few decades. In 2014, there were seven caregivers for every LTC recipient. By 2030, that ratio is expected to fall to 4:1, and in 2050 it will be under 3:1.

There are several options to reform LTC financing. In the LTC insurance market, for example, there are opportunities to expand the availability of modestly priced policies by limiting the duration of coverage, encouraging automatic enrollment through employer-sponsored LTC insurance plans, and expanding the use of retirement accounts to purchase LTC insurance without incurring withdrawal fees.

Other options include creating universal catastrophic coverage for those with long-term, high-cost ailments, such as dementia and Alzheimer’s, and reversing Medicaid’s institutional bias, which often forces people to enter expensive nursing home settings even when they prefer to receive care at home or in the community.

MEN’S HEALTH
Due to cultural and biological factors, men live sicker and shorter lives than women, dying on average five years earlier. Generally, men have poorer health and schedule fewer physician appointments. As a result, a disproportionate number of men are afflicted with many leading causes of death, including cardiovascular diseases, cancer and diabetes. Poor health particularly is severe in the

HEALTHCARE REFORM
Recent policy proposals in Congress could result in significant changes to the Affordable Care Act (ACA). The American Health Care Act (AHCA) in the House and the Better Care Reconciliation Act (BCRA) in the Senate would phase out the ACA’s Medicaid expansion, while converting Medicaid funding to per capita limits based on inflation. Moreover, both proposals would repeal the individual and employer mandates, alter insurance tax credits, and repeal cost-sharing subsidies in 2020. To offset premium increases that likely would result from the changes, the AHCA and BCRA would create stability funds, allocating more than $100 billion during the course of the next decade.

While there is no guarantee that a major overhaul to the current healthcare system will be successful, state lawmakers still should be aware of potential changes to the way healthcare is delivered to their constituents if the ACA is overturned. Moreover, if the ACA remains in place, lingering uncertainty about the future of healthcare could increase premiums in 2018 and beyond. Cost-sharing reduction payments and enforcement of the individual mandate remain in question, which could lead to substantial premium increases for consumers.
UNITED STATES SUPREME COURT UPDATE
The addition of Justice Neil Gorsuch and several decisions relevant to state governments made the United States Supreme Court a topic of much discussion during its 2016-2017 term. As the court only had eight justices for most of the term, many controversial cases were not considered, reverting them to the lower courts.

The most notable development of the term was the confirmation of Associate Justice Neil Gorsuch. Prior to his nomination as associate justice, Justice Gorsuch was perhaps best-known for his opposition to *Chevron deference*, the legal doctrine established in the 1984 Supreme Court decision, *Chevron U.S.A. v. Natural Resources Defense Council*, which requires judges to defer to the policies and practices of federal agencies when the law in question is unclear.

In *Endrew F. v. Douglas County School District*, the court ruled that public schools must provide education to students with disabilities that goes beyond a previous, minimal standard. Implementation of the new standard for free appropriate public education for students with disabilities may prove financially burdensome for many Southern states.

AFFORDABLE CARE ACT REPEAL: UPDATE FOR STATE GOVERNMENTS
In May, the U.S. House of Representatives passed the American Health Care Act, which would overturn major components of the federal Affordable Care Act (ACA). The U.S. Senate has debated several proposals that would repeal and replace the ACA. The Better Care Reconciliation Act, the most prominent proposal, would have kept the ACA health insurance marketplaces...
intact. Currently, one-third of U.S. counties only have one insurer offering coverage through the marketplaces, with many of these counties in the South. The Better Care Reconciliation Act and two other ACA repeal bills—one that would repeal the entire ACA and one that would repeal certain provisions—died in the Senate in July.

PARLIAMENTARY PROCEDURE: HISTORY AND PRACTICE

All legislative bodies utilize a set of rules or a manual to establish the parliamentary procedures that govern debate, ethics and decorum of the body. One of the first written manuals on parliamentary procedure is the Lex Parliamentaria, which was written in 1689 as a pocket manual for members of the British Parliament to consult regarding the proper way to conduct debate and deliberation. Today, the most commonly used rules are Mason's Manual of Legislative Procedure, A Manual of Parliamentary Practice for the Use of the Senate of the United States, and Robert's Rules of Order.

Mason’s Manual is the most widely used manual for state legislative chambers, followed in 70 of 99 state chambers in the United States. The popularity of Mason’s Manual, written by scholar Paul Mason in 1935, may stem from the fact that it contains specific rules for state legislatures and includes legal precedents and theory. Compared with other parliamentary manuals, Mason’s Manual is easier for legislators to understand and use, possibly due to the many years Mr. Mason served as parliamentarian for the California Senate.

A Manual of Parliamentary Practice, written by Thomas Jefferson in 1801, is considered the first American book on parliamentary procedure, making Jefferson the first American parliamentarian. The manual was intended for use by the U.S. Senate, but has been utilized more by the U.S. House of Representatives, which adopted Jefferson’s Manual into their official rules.

Robert’s Rules of Order, written by U.S. Army Major Henry Robert in 1876, is the most commonly used manual of parliamentary procedure in the United States, being employed by legislative chambers, church groups, nonprofit organizations and others. Major Robert was inspired to write the manual after being asked to preside over a meeting at his church and discovered that he needed more information to manage the meeting effectively.

PROGRAM DESIGN AND PERFORMANCE EVALUATION

Since 2012, the Mississippi Legislature has partnered with the Pew-MacArthur Results First Initiative to promote the use of government funds toward effective programs and policies backed by high-quality research. This partnership initiated a broader effort on behalf of the state to revitalize its work in performance budgeting, which began with passage of the Mississippi Performance Budget and Strategic Planning Act of 1994. The primary tools employed are the Seven Elements of Quality Program Design.

The Seven Elements of Quality Program Design were created by Representative Toby Barker and Senator Terry Burton, working with input from staff of the Joint Legislative Committee on Performance Evaluation and Expenditure Review. All new funding requests must be supported by data which addresses the following seven criteria: 1) Program premise: What public problem is the program seeking to address? 2) Needs assessment: What is the statewide extent of the problem in numerical and geographic terms? 3) Program description: What specific activities will be carried out to achieve the program’s expected outcomes? 4) Research and evidence filter: All programs must be classified as evidence-based, research-based, a promising practice, or none of the above. 5) Implementation plan: What start-up activities will be needed to implement the program and how much does each activity cost? 6) Fidelity plan: All requests must include a plan that will be implemented with fidelity to the research-based program design. 7) Measurement and evaluation: What specific outcomes are expected? All expected outcomes must be stated in measurable terms.

In the program’s first year, no funding requests met all of these criteria. The state currently is conducting a pilot program with four departments—Corrections, Education, Health and Transportation—to test the effectiveness of the Seven Elements of Quality Program Design. The preliminary findings are promising, but suggest that the project needs continued focus to succeed.
HUNTINGTON INGALLS INDUSTRIES
ECONOMIC DEVELOPMENT, TRANSPORTATION & CULTURAL AFFAIRS

Huntington Ingalls Industries is Mississippi’s largest private manufacturing employer, situated on 800 acres. The technical tour provided participants with briefings by shipyard officials and guided viewings of facility operations and the state-of-the-art Maritime Training Academy. Approximately 70 percent of the Navy’s surface fleet was built at Ingalls, the only shipbuilder in the country capable of building four classes of ships at the same time.

THAD COCHRAN MARINE AQUACULTURE CENTER
AGRICULTURE & RURAL DEVELOPMENT

Tour participants visited the Thad Cochran Marine Aquaculture Center and received briefings on the University of Southern Mississippi’s Gulf Coast Research Laboratory’s marine aquaculture research and graduate education programs. The university’s $25 million aquaculture facility employs cutting-edge technology, peer-reviewed research and hands-on testing to grow fish in an environmentally responsible and economically feasible manner. The center works directly with blue crab, red snapper, marine shrimp, spotted seatrout and striped bass.

WETLAND CONSERVATION AND THE COASTAL ECONOMY
ENERGY & ENVIRONMENT

This technical tour included a water tour of the Pascagoula River’s old growth swamps and tidal marshes and a briefing on the important connection between wetland conservation and the coastal economy. Launching from the Pascagoula River Audubon Center, participants received a private boat tour of one of the last free-flowing rivers in the continental United States, followed by a briefing on the unique ecosystem of the Pascagoula River watershed and its vital role in supporting local tourism, recreational and commercial fishing, and critical storm protection.

JOHN C. STENNIS SPACE CENTER

The John C. Stennis Space Center was established to flight-certify the rocket of the Apollo Program that carried humans to the moon. For more than five decades, it has served as NASA’s primary rocket propulsion testing ground. Participants received briefings on the history and operations of the center during a tour of the 13,800-acre test facility.
The State Transformation in Action Recognition (STAR) Judges Panel—comprising state legislators, legislative staff and policy experts—convened on August 1 to select two winners of the 2017 STAR award from a cohort of five finalists. This year marked the first time that evaluation of the programs and scoring for the STAR award was conducted paper-free, with hand-held tablet computers. The two winning programs were from the Tennessee Higher Education Commission and West Virginia Department of Education.

TENNESSEE HIGHER EDUCATION COMMISSION: PRIORITIZING STUDENT VETERANS

In 2014, the Tennessee General Assembly passed the Veterans Education Transition Support (VETS) Act, sponsored by Senate Majority Leader Mark Norris and House Speaker Pro Tempore Curtis Johnson, to promote enrollment and degree completion by veterans in higher education, while also encouraging campuses to develop services and resources for student veterans. The primary components of the legislation include charging in-state tuition for veterans enrolling at public post-secondary education institutions and creating the VETS Campus Designation program to recognize public colleges and universities that demonstrate significant commitment to student veterans. As of May 2017, 21 institutions in Tennessee have been recognized as VETS Campuses. Since their creation, these campuses have educated more than 8,000 Tennessee veterans, annually. In March 2017, the program was expanded to provide in-state tuition to veterans’ dependents, and a new online tool was developed that allows veterans to see how their military occupational specialty equates to academic credit at Tennessee’s higher education institutions.

WEST VIRGINIA DEPARTMENT OF EDUCATION: ELECTRONIC APPLICATION PROCESSING SYSTEM

In 2015, the Department of Education (DOE) created the Electronic Application Processing System to provide a better way for teachers to obtain or renew a West Virginia teaching certification. The traditional teacher certification and renewal process required educators to know which of 43 forms they needed to complete, while requiring the DOE to collect multiple approval signatures from institutions of higher education. To standardize and streamline the process, DOE developed a secure online system that allowed applicants to complete certification and renewal forms online, submit them for approval, and process credit card payments through the state Treasurer’s Office. The system has reduced the time needed to process an application from weeks to days. Applicants now receive real-time status updates as their application traverses through the approval process. During the first year of the new system, more than 8,000 applications were submitted.
CARTER/HELLARD LEGISLATIVE STAFF AWARD
Each year, the Carter/Hellard Legislative Staff Award is presented to a staff member who has demonstrated excellence and dedication in service to state legislators in the South. John Snyder, Transportation Committee staff administrator for Kentucky’s Legislative Research Commission (LRC), is the recipient of the 2017 award.

Mr. Snyder began his service with the LRC in 1989, working on management audits for the Program Review and Investigations Committee. In May 1997, he was promoted to analyst for the LRC’s Transportation Committee and, in 2004, advanced to his current position.

In addition to his service with the LRC, Mr. Snyder has worked closely with the Southern Legislative Conference, compiling an annual comparative data report on state transportation funding that he presents at the SLC Annual Meeting, as well as coordinating host state transportation at the 60th and 70th Annual Meetings in Louisville and Lexington, respectively.

CONTINUING LEGAL EDUCATION
The SLC continues to provide an array of services to its legislative members and staff by providing the opportunity to earn Continuing Legal Education (CLE) credits for attending certified substantive sessions during the Annual Meeting. 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.

FUTURE SLC ANNUAL MEETINGS
July 21-25, 2018 ST. LOUIS, MISSOURI
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THOMAS B. MURPHY LONGEVITY OF SERVICE AWARD
The Thomas B. Murphy Longevity of Service Award is presented to a legislative member of the SLC who has demonstrated a commitment to public service.

The recipient of this year’s Thomas B. Murphy Longevity of Service Award is Tennessee’s Lieutenant Governor Randy McNally. Having served in the Tennessee General Assembly for 39 years, McNally chaired the Senate Finance, Ways and Means Committee and oversaw the passage of the state budget for a decade. Recognized across the state as a finance and budget expert, McNally has been critical in keeping Tennessee’s budget in balance.

In addition to his 26 years on the Senate Finance, Ways and Means Committee, Lieutenant Governor McNally also served as chair of the Senate Education Committee in the 102nd and 103rd General Assemblies. He has served in his current role as lieutenant governor and speaker of the Senate since January 2017.

After earning a bachelor’s degree from Memphis State University, McNally continued into pharmaceutical studies, graduating from University of Tennessee's College of Pharmacy in 1969. He worked as a hospital pharmacist in Oak Ridge from 1979, until his retirement in 2010. Lieutenant Governor McNally and his wife, Janice, have two adult daughters, Melissa and Maggie, and three grandchildren: Haley, Morgan and Trent.
The Southern Legislative Conference extends special thanks to the following friends for their generous assistance with the general and substantive programs for our 71st Annual Meeting. We are grateful for their continued support and interest in the Conference.

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<td>Speaker Philip Gunn</td>
<td>Speaker Pro Tem Greg Snowden</td>
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<td>Lieutenant Governor Tate Reeves</td>
<td>Representative Richard Bennett</td>
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<td>South Carolina</td>
<td>Oklahoma</td>
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<td>Representative Jeanie Lauer</td>
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<td>Representative Penny Houston</td>
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<td>Georgia</td>
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<td>Senator Ed Emery</td>
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<td>Missouri</td>
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<td>Representative Eric Johnson</td>
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<td>Director</td>
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<tr>
<td>House Committee Services</td>
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<td>Oklahoma</td>
<td>Kentucky</td>
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