

# DAILY MEETING NEWS

THE COUNCIL OF STATE GOVERNMENTS | EASTERN REGIONAL CONFERENCE



## Political Analyst: Uncertainty Surrounds Crucial 2018 Midterm Elections

Analyst Projects GOP Will Retain Senate, Lose House | By Jason Thompson

There are “weird things happening in politics” in the lead-up to the 2018 midterm elections, political analyst David Wasserman told attendees at Tuesday luncheon plenary, “Outlook: The 2018 Midterm Elections and Beyond.”

Among those “weird things”: a Bigfoot hunter running for Congress in Virginia’s 5th Congressional District, and a tattooed Democrat war veteran winning a Congressional race in a deep-red district that President Trump carried by a 60 point margin.

Wasserman projects that Democrats currently have a slight edge in their effort to retake the House majority, while Republicans have a better chance of retaining control of the Senate. That prediction is based on the fact that House and Senate candidates are fighting on two completely different battlegrounds.

Control of the House will be dictated predominately by the outcome of suburban swing districts, while control of the Senate will be fought on a “heavily rural and lopsided battlefield,” including 26 seats held by Democrats and just nine currently held by Republicans. In order to win the Senate, Democrats would have to win Senate races in every state carried by Hillary Clinton in 2016 and 11 states that voted for Trump.

“When any president has a 42 percent approval rating, you typically lose control of the House,” Wasserman said. “This is an even bigger problem for Republicans now. A lot of people who got behind Trump aren’t Republicans. They identify as anti-elites. They love Donald Trump. They don’t love Congressional Republicans.”

Another factor dragging down Republican Congressional candidates is the effect of tariffs on farmers in the Midwest. One soybean farmer Wasserman spoke with summed up his frustrations with the tariff situation and subsequent aid package this way: “If you’re going to punch me in the face and hand me an ice pack, why don’t you just not punch me in the face?”



Political analyst David Wasserman discussed prospects for the upcoming election during the plenary session, “Outlook: The 2018 Midterm Elections and Beyond.” Photo by Sebastian Marquez Velez

One factor working in the GOP’s favor is the improving economy, he said. While President Trump’s approval rating is just 42 percent, approximately two-thirds of Americans have a favorable view of the economy. Also, Wasserman pointed out the political geography favors Republicans because Democrats are more tightly packed into urban areas, while Republican voters are spread out throughout rural and suburban districts.

Wasserman also cited a tendency for Democrats to focus on issues that don’t resonate as strongly with swing voters, such as judicial appointments. “That’s not what people really care about when we talk to voters. They care about jobs, taxes and the economy,” Wasserman said.

Even if Democrats retake the House, Wasserman raised the possibility that as many as 10 Democrats would not vote for current Minority Leader Nancy Pelosi for Speaker. “Many of them don’t feel like they owe the Democratic hierarchy anything,” he said.

With the retirement of current House Speaker Paul Ryan, new leadership will take the reins in 2019 regardless of which party wins the House, creating an interesting dynamic that will carry over into the 2020 elections and beyond, he said.

WEDNESDAY, AUGUST 8, 2018

Executive Committee  
Closing Business Session

7:30–8:30 a.m. | Grand Ballroom North

Farewell Breakfast

8:30–10:00 a.m. | Grand Ballroom Center/South

CTE in Football Players: A Looming  
Public Health Crisis



# States Face Challenges in Regulating Industrial Hemp

Variety of Products, Uses Bring New Dynamic to Ag Industry | By Jason Thompson

Since it was legalized in 1998, industrial hemp has become a rapidly growing industry, and the production and marketing of hemp-related products is expected to grow significantly in the coming years.

Members of the ERC Agricultural and Rural Development Committee heard from experts and legislators about the challenges states are facing as they seek to monitor and regulate an industry and product that has so many potential uses.

"We are stronger in numbers, so the more states that have industrial hemp, the better," said Brent Burchett, director, Plant Division, Office of Agricultural Marketing for the Kentucky Department of Agriculture. "Hemp is like catnip for the media, and it's bringing a whole new dynamic to the agricultural industry."

He outlined how Kentucky is rolling out its industrial hemp program and marketing the product. Hemp is marketed as seed and grain, fiber or plant extracts, and Phytocannabinoids. Seventy-five percent of the hemp grown is now used to make Cannabidiol, or CBD, a chemical compound in marijuana with a variety of uses. This share of the market is expected to continue to increase with the growing use and legalization of medical marijuana.

Rusty Rumley, senior staff attorney for the National Agricultural Law Center, said 40 states now have legislation involving industrial hemp, and policies and regulations vary greatly. Many legal issues surround hemp because it contains THC, which is considered a controlled substance by the federal Drug Enforcement Agency.

Kearnan Stone, a small business owner who produces and markets hemp, discussed the history of industrial hemp growth in Canada.



New York Assemblywoman Donna Lupardo, National Agricultural Law Center Senior Staff Attorney Rusty Rumley, Delaware Senate Minority Leader Gary Simpson and Vermont Representative Carolyn Partridge participate in a panel discussion regarding industrial hemp. Photo by Sebastian Marquez Velez

While it faced challenges early on, the crop is now being marketed for an increasingly wide range of uses, from seed production, to clothing and food products. She said many lessons are still being learned in the production and harvesting of the hemp crop and standards must be developed to encourage consistency and uniformity.

# Committee Sounds Alarm on Racialization of Public Spaces

Members Say Troubling Cases of Racism and Prejudice Demand Solutions | By Erin Spangler

Social media has brought to light an alarming frequency of incidents where police are called on people of color. The CSG-ERC Council on Communities of Color examined the issue and strived to find reasons for why these incidents continue and what can be done to stop them.

"America has a mental health problem and that problem is race," said New York Assemblyman Jeff Aubry. He said the unnecessary 911 calls are a sign and carrying out of racial-based fears that are ingrained in the American psyche.

Race continues to be a difficult topic to discuss. Black communities see the incidents now heavily shared on social media as a continuation of experiences that have occurred throughout history. For white communities, these incidents are uncomfortable because they show situations many believe to be part of history, things that no longer occur.

While Public Enemy once rapped that "911 is a joke," Charles Ellison of BE Strategies said today's frequency of police being called on black people is no joke at all. He said the events create a "Jim Crow-lite" existence, where the black community lives with anxiety and fear when they enter places they "don't belong."

Incidents of unnecessary 911 calls were discussed by the council. Two black men were arrested while waiting for a meeting at Starbucks. The police were called on a woman while she waited for her Uber. Tamir Rice was 12 when he was killed by police after someone saw him playing with a toy gun in a park.

The Council on Communities of Color discussed that while laws exist to prohibit making false and unnecessary reports, there has been minimal legal action to deter people from calling 911 for simply feeling uncomfortable in the presence of people of color.

Prosecution of individuals making false calls is a necessary step, but the underlying issues run deeper.



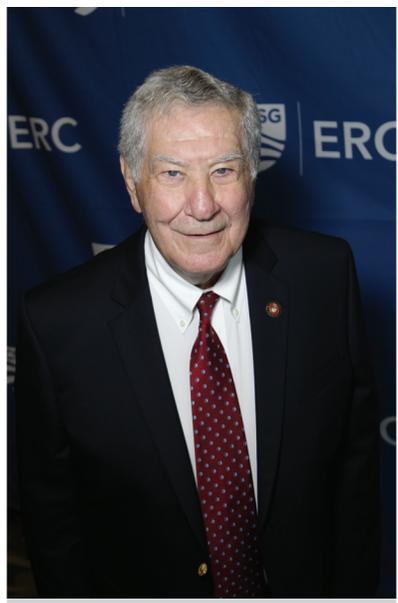
Maryland Speaker Pro Tempore Adrienne Jones participates in a conversation about the effect of racism in the communities she represents during a panel discussion by the Council of Communities of Color. Also pictured is RI Representative Marvin Abney.. Photo by Sebastian Marquez Velez

"It's not just policing, it's an entire system of government," said Pennsylvania Rep. Austin Davis.

Outraged conversations need to bring solutions. Legislatures need to revise 911 laws. Policing should be community based. The justice system needs to improve and appoint people to file complaints against those who abuse emergency services in these situations.

The council strongly expressed the need for governments and the judicial system to have an overdue, and possibly uncomfortable, discussion on race.

# A NEW YORK STATE OF MIND



Clockwise from top left: Congratulations to New Hampshire Sen. Lou D'Allesandro, who was elected to serve as CSG 2019 National Chair. Former Ontario House Speaker Dave Levac was named the recipient of CSG-ERC's highest honor in 2018 - the W. Paul White Award. National Association of State Budget Officers Executive Director John Hicks discusses the fiscal conditions of states during the CSG-ERC Budget and Tax Chairs Committee. CSG-ERC Vice Chair and Pennsylvania Rep. Becky Corbin poses with Pennsylvania Sen. Judith Schwank. Rep. Corbin will serve as co-chair of the 2019 CSG-ERC annual meeting in Pittsburgh. NY Assemblyman Steve Otis and NY State Environmental Facilities Corporation CEO Sabina Ty discuss ways to help local governments fund expensive clean water projects. Carlos Mercader, Director of PR Federal Affairs Administration, Puerto Rico Senate Majority Leader Carmelo Rios, New York Assemblyman Marcos Crespo, and (standing) U.S. Virgin Islands Senate President Myron Jackson participate in a conversation about island recovery efforts following Hurricanes Maria and Irma. Photos by Sebastian Marquez

# Opioid Epidemic Demands National Attention and Solutions

Saving our communities with access to personalized treatment | By Alison Evans

The nation's opioid epidemic continues to ravage all communities, taking the lives of friends, family members and coworkers at an alarming rate.

"Drug cartels can produce fentanyl at an incredible profit margin. A \$6,000 investment, if you press it into pill form, can become \$6 million for them on the streets. That is the kind of insidious force we're battling," Kentucky Justice and Public Safety Cabinet Secretary John Tilley, said in the ERC Health Committee joint presentation with the CSG Justice Center.

Battling substance use disorder, a chronic condition, requires access to treatment. While this may seem obvious, clinics are too often staffed weekdays from 9 a.m. to 5 p.m. States that have moved in the direction of 24/7 access centers have seen the value of treating people during times when they are least likely to be using.

Another treatment access issue is transportation.

"What happens a lot of times is the treatment facilities may not be in the best neighborhoods, so you're asking them to walk the gauntlet and really test their wills when they're not ready," said Adriana Torres-O'Connor, director for Catholic Charities, Diocese of Trenton's Behavioral Health Services. "Transportation really alleviates all that pressure,"

When people do access treatment, it's critical that their care is medically assisted. Too often, judges send people to jail to detox. But very few jails offer the assistance of medication, meaning that people are thrust into physical pain, depression, severe insomnia and starvation as nausea prevents them from eating.

Their top priority after being released is to get the drug that will help those horrendous symptoms subside.

Jails taking the cutting-edge approach are providing Vivitrol injections, which is a non-addictive medication to be taken once a month to ease a person out of opioid dependence, a month prior to release, day of release and once more a month later.



Kentucky Justice and Public Safety Cabinet Secretary John Tilley and New York Commissioner of Alcoholism and Substance Abuse Services Arlene Gonzalez-Sanchez discuss the devastating impact of the opioid crisis with members of the CSG-ERC Health Committee.. Photo by Sebastian Marquez Velez

Vivitrol is designed to be used with treatment. To maximize effectiveness, it must be personalized. Some people, after going through an initial program, need to be assessed daily to remain successful. Others are able to reach out when they're struggling by working with a certified recovery peer advocate or calling a hotline.

But regardless of the many options available to help with the chronic condition of substance use disorder, one concept remains true for all.

"The best course of action is not punishment, but treatment," said Torres-O'Connor.

## States Seek to Make Election Systems Safer from Cyber Attacks

Training, New Technology, Awareness All Key to Responding to Threats | By Carol Milligan

State officials have been scrambling since the 2016 elections following substantiated reports of hacking and are now taking a closer look at ways to improve cybersecurity to ensure that elections are fair and safe. But where does that process start and what resources are out there to increase cybersecurity?

"States have really been struggling with how to confront these threats and make their systems safer," Ryan Harkins, director of State Affairs and Public Policy for Microsoft, said during a panel discussion Tuesday morning. He said states can take some basic steps to improve cybersecurity. "This includes training employees to detect phishing attacks and implementing multi-factor authentication."

He stressed that one of the most common ways computer systems get infected is if they are old and out of date. "If your offices are running old operating systems, they are incredibly vulnerable, so get rid of them and invest in new technology," he said. "Make sure you are running software that is up to date."

Vermont Secretary of State Jim Condos said his state has the "ultimate, simple, best practice for safe elections, which is a paper ballot." Vermont also conducts election audits to look for discrepancies and backs up voter registration information daily.

"Cybersecurity is like a race without a finish line," he said. "We can never stop."

David Mussington, director of the Center for Public Policy and Private Enterprise, said there are many unknowns that constrain states' ability to respond to threats, including not knowing the specifics of their election infrastructure and not recognizing when there is a heightened threat of attacks.



Debora Plunkett, senior fellow, Defending Digital Democracy Project, Belfer Center, Harvard Kennedy School, moderates a panel on cybersecurity and how states can make their election systems safer.. Photo by Sebastian Marquez Velez

He added that staff training is perhaps the best return on states' investment and recommended using expert-managed service providers to review election systems and make recommendations.

Panelists in the discussion on cybersecurity agreed that there is a need for more information sharing, intelligence and analysis among states and federal agencies to identify and manage risk and promote greater awareness of potential hacking.