

PERSPECTIVES 2018-2019



Eastern Regional Conference
THE COUNCIL OF STATE GOVERNMENTS

WILLIAM PENN

THE



It is perhaps fitting that the theme of this year's Council of State Governments/Eastern Regional Conference Annual Meeting was "Disruptive States." After all, 2018 is an election year, and what can be more disruptive to the process of governing than determining who governs?

But while elections often bring changes in leadership and may result in significant changes in policy direction, they pale in comparison to the disruptive impact technological innovation has had, and will continue to have, on the way we live and work and, ultimately, on the way government functions.

The subject of disruptive innovation, particularly disruption in the energy and transportation sectors, was the focus of the 2018 Annual Meeting opening keynote address by author, entrepreneur, and educator Tony Seba. Seba no doubt caught more than a few delegates off guard with his prediction that oil, nuclear, natural gas, coal, electric utilities, and conventional cars will be obsolete by 2030.

Industry leaders have historically struggled to see disruption coming at them. Harvard Business School Professor Clayton Christensen first used the term "disruptive innovation" in his groundbreaking 1997 book, *The Innovator's Dilemma: When New Technologies Cause Great Firms to Fail*. Christensen describes disruptive innovation as a process by which a product or service initially takes root in simple applications at the bottom of a market and then moves upmarket, eventually displacing established competitors.

Christensen's theory rests on the notion that established firms focus on what he calls "sustaining innovation," incremental improvements to products

or services to serve a company's most profitable customers. This leaves a niche for smaller, innovative companies to grab a foothold in their markets and eventually displace the incumbent firms. The theory is applied to explain how the minicomputer company Digital Equipment Corporation (DEC), which had over \$14 billion in sales and more than 120,000 employees at its peak in 1988, was acquired by Compaq, a personal-computer company, a mere decade later. Ken Olsen, DEC's CEO, along with many other minicomputer companies, failed to anticipate and adapt to the rapid market shift to PC's.

While the term "disruptive innovation" has been broadly applied since Christensen's book was published, recent surveys indicate that the majority of CEOs are concerned with disruption in their industries, and many see the ability to be a disrupter and to grow as synonymous. But are state officials equally concerned with disruption — and should they be?

Governments are large, complex organizations that tend to be slow to adapt to technological change. Much like DEC in the 1980s, state governments are focused on making incremental changes to improve performance — whether it is shortening the time spent in line at a Department of Motor Vehicles or automating the process of applying for a building permit.

A perfect example is the state response to declining revenue from the gas tax, which is the main source of funding for the nation's aging transportation infrastructure. The tax is applied to purchases of motor fuels; but the increased fuel efficiency of cars has led to a drop in revenue.

Just over half of the states have raised the gas tax since 2013, according to the Institute on Taxation and Economic Policy, but the revenue is still not sufficient to meet the needs of our surface transportation infrastructure. This incremental response has only slowed the widening of the gap between the cost of maintaining our roads and bridges and available resources. In its 2017 Infrastructure Report Card, the American Society of Civil Engineers

noted that "the U.S. has been underfunding its highway system for years, resulting in a \$836 billion backlog of highway and bridge capital needs."

More importantly, however, if Seba's predictions come to pass, the gas tax will soon become irrelevant. The autonomous electric vehicle, which Seba describes as the ultimate disruptor, will affect more than the global automotive industry and how we move around. It will also significantly affect the approximately \$44 billion collected in fuel taxes in 2015 in the United States, according to the Tax Policy Center.

Oregon began to look at an alternative to the gas tax many years ago with a program known as the Vehicle Miles Traveled (VMT) tax, which charges motorists a fee based on the number of miles they drive. Recently, the I-95 Corridor Coalition, an alliance of East Coast state transportation agencies, toll authorities, and public safety organizations, announced it will begin testing a VMT tax in Delaware and Pennsylvania. Rhode Island passed a bill in 2016 to allow truck-specific tolls in an effort to raise money for RhodeWorks, a statewide infrastructure initiative spearheaded by Gov. Gina Raimondo.

While it is unclear if these state innovations will become widely adopted funding strategies, what is clear is that state officials need to be scanning the horizon as vigorously as their private sector counterparts for innovative solutions to the challenges that disruptive innovations, like autonomous electric vehicles, will certainly bring.

If there is a lesson in the demise of DEC for state officials, it is that incremental changes will not suffice in the face of these coming disruptive innovations in the transportation and energy sectors. State officials should not wait until the disruption occurs. The public adapts quickly to new technologies and will expect nothing less of government.

In his book *Clean Disruption of Energy and Transportation*, Seba quotes Jack Welch, the former CEO of General Electric, who said, "Change before you have to." State officials would do well to heed this advice.

CSG/ERC: Creating Policy Solutions

Since 1933, state officials have turned to The Council of State Governments (CSG) as an impartial source of research and information to help them meet the challenge of governing.

CSG, headquartered in Lexington, Kentucky, has four regional offices in the East, Midwest, South, and West.

CSG's Eastern Regional Conference (CSG/ERC) has been located in New York City since 1937. Our team of experienced policy staff support legislative, judicial, and executive-branch officials from our 18 member jurisdictions in areas relating to agriculture, Canada/U.S. relations, education, energy and environment, fiscal affairs, health, international trade, and transportation.

CSG/ERC facilitates the exchange of ideas among its member states, provinces, and territories, promotes networking among members, and conducts fact-based research and analysis to help shape effective public policy.

We also conduct leadership training programs and advocate on the federal level for programs and policies beneficial to our region.

CSG/ERC is here for you. Call, email, or visit us online at www.csg-erc.org.

The Council of State Governments

Eastern Regional Conference
22 Cortlandt Street, 22nd Floor
New York, NY 10007
(212) 482-2320

Writer and Editor for Perspectives 2018-2019:
Rona J. Cohen

Contributors:

Veronique Cavaillier, ELA, ETC
Don Hannon, Transportation
Debbie-Ann Paige, Council on Communities of Color
Tara Sad, Agriculture
Matthew Shafer, Education

Cover photograph:
Pennsylvania State Capitol Rotunda Dome
Credit: Rona J. Cohen

Table of Contents

Enhancing Interstate Mobility for Teachers	4
Preparing for a Transportation Disruption.....	6
Sounding the Alarm on Racialization of Public Spaces.....	8
Offshore Wind Ushers In a New Energy Economy	10
Eastern Leadership Academy	14
Can We Bridge the Political Divide?	15
The Eastern Trade Council: Helping Local Businesses Enter New Markets	16
The 2018 CSG/ERC Annual Meeting	20
Agritourism: CSG/ERC Helps Communities Navigate a Changing Rural Landscape	24

ERC Staff List

Director

Wendell Hannaford
whannaford@csg.org

Deputy Director; Canada/U.S. Relations Policy

David Biette
dbiette@csg.org

Administrative Assistant

Agnes Wilk
awilk@csg.org

Agriculture and Rural Affairs

Bob Haefner
bobhaefnerjp@comcast.net

Tara Sad

tara.eric@gmail.com

Energy and Environmental Policy; Print and Multimedia Projects

Rona J. Cohen
rcohen@csg.org

Health Policy

Oliver Kim
ojkim23@yahoo.com

Meeting Logistics, Program Manager

AR Braver
abraver@csg.org

Military and Veterans' Affairs and Council on Communities of Color

Debbie-Ann Paige
dpaige@csg.org

Northeast High-Level Radioactive Waste Transportation Project

Uldis Vanags
uvanags@csg.org

Research Associate

Jack Aitken
jaitken@csg.org

Trade Policy and Professional Development Training

Veronique M. Cavaillier
vcavaillier@csg.org

Transportation Policy

Don Hannon
danhannon@icloud.com

Steven Hewitt
shewitt109@aol.com



Eastern Regional Conference
THE COUNCIL OF STATE GOVERNMENTS

Enhancing Interstate Mobility for Teachers



Photo by Allison Shelley/The Verbatim Agency for American Education: Images of Teachers and Students in Action

As American public school students headed back to class for the 2018 – 19 school year, many of their teachers were absent.

A growing number of states are reporting widespread teacher shortages, a phenomenon largely blamed on low pay. High teacher turnover rates, declining enrollment in teacher preparation courses, and an increasing student population have compounded the problem.

So has the hodgepodge of state licensing standards, which makes it difficult to recruit qualified teachers from other states. As with lawyers and doctors, when teachers move to another state, they may not be able to take their license with them. Typically, they need to submit to a series of tests and pay fees to obtain a new certificate.

The Council of State Governments/Eastern Regional Conference (CSG/ERC) Education Committee has been exploring ways to simplify the rules to enhance teacher mobility. One possible approach is the creation of an interstate compact for licensing and certification, which offers the potential to align standards across states and facilitate movement of teachers to fill open positions in schools.

Unlike federally imposed mandates that often dictate unfunded and rigid requirements, interstate compacts provide a flexible, state-developed structure for collaborative action while building consensus among the states. Compacts can settle interstate disputes, provide state-developed solutions, allow states to retain sovereignty, and create economies of scale to reduce administrative costs for professionals. Interstate occupational licensure compacts have been used in recent years to foster greater portability for doctors, nurses, and physical therapists.

A Declining Workforce

The teacher labor market has been shrinking over time, and the decline has accelerated in recent years because of problems recruiting teachers and high attrition levels. Enrollment in teacher preparation programs fell 35 percent from 2009 to 2014, the most recent period for which data is available, according to the Learning Policy Institute, a national education think tank. That represents a decrease of nearly 240,000 teachers.

The drop is attributed to a mix of factors, including low morale over low pay, unfair evaluation methods,

and high-stakes testing requirements. Recent data from the U.S. Department of Education shows that every state is facing shortages of teachers in key subject areas.

Issues of certification reciprocity were cited by 42 percent of potential teacher re-entrants as extremely or very important in their decision about whether to return to teaching, according to the Learning Policy Institute's analysis of the most recent U.S. Department of Education Schools and Staffing Survey.

The variation in standards is particularly burdensome for teachers who are military spouses and may be required to move every few years to a new state, where they are faced with a series of fresh credentialing requirements.

"We've got a lot of servicemen and [servicewomen] that don't have a choice where they are stationed or where they move. And when they do move, a lot of times they don't meet the new state's licensure requirements, and that puts the family at a disadvantage," said Massachusetts state Senator Michael Moore.

Moore participated in a seminar hosted by CSG's National Center for Interstate Compacts (NCIC) in conjunction with the 2018 CSG/ERC Annual Meeting in Rye Brook, New York. The seminar brought together

Photo by Allison Shelley/The Verbatim Agency for American Education: Images of Teachers and Students in Action



More than 40 percent of potential teacher re-entrants said issues of certification reciprocity were extremely or very important in their decision about whether to return to teaching, according to a recent federal survey.

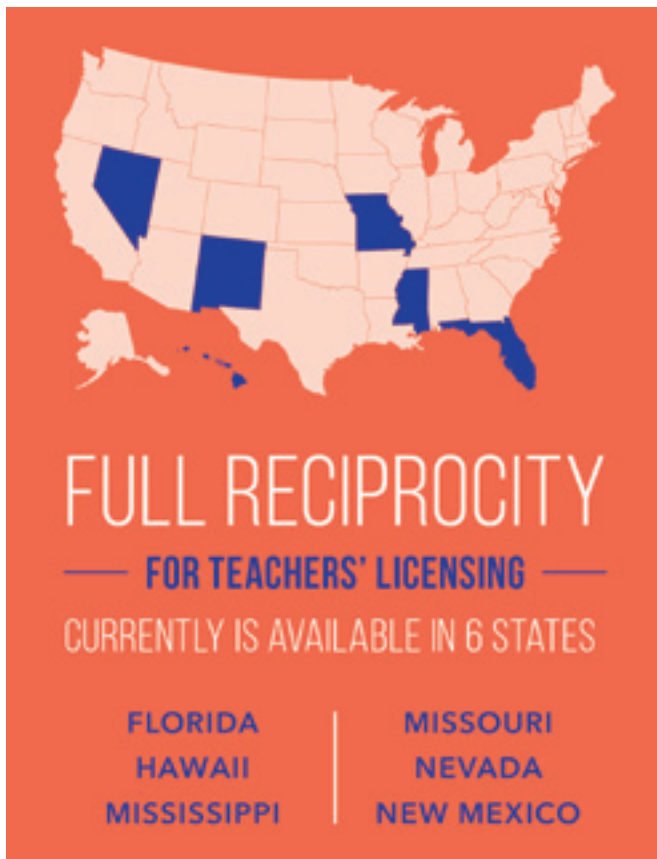
national education policy experts and elected officials and agency staff from five states, who explored teacher licensing practices in the CSG/ERC region and opportunities for creating interstate mechanisms to improve professional mobility among states.

Currently, only six states offer full teacher license reciprocity for all eligible, fully licensed teachers: Florida, Hawaii, Mississippi, Missouri, Nevada, and New Mexico. All have significant teacher shortages, and officials are using full reciprocity as a tool to attract qualified teachers. In these states, fully licensed out-of-state teachers, regardless of experience, are immediately eligible to receive a standard teaching license and are subject to few or no additional requirements.

Thirty-one states require that some or all out-of-state teacher candidates take additional coursework or training prior to entering a classroom, or within a certain number of years. Forty-three states require that some or all out-of-state teacher candidates take additional assessments.

The CSG/ERC Education Committee will continue to address this issue with NCIC as officials seek to help states meet the growing demand for qualified teachers.

"This conversation helps us think about ways to improve opportunities for people who want to go into teaching, so that we have a better balance between the labor market and the labor pool," said Robert Higgins, director of the Office of Certification within the New Jersey Department of Education. "It is a conversation that states need to keep having."



Preparing for a Transportation Disruption



Photo courtesy of Waymo.

In a crowded conference room during the opening plenary of The Council of State Governments/Eastern Regional Conference (CSG/ERC) 2018 Annual Meeting, Stanford University instructor Tony Seba presented a photo of Fifth Avenue in New York City in 1900, teeming with horse-drawn carriages surrounding a solitary gasoline-powered automobile, the new technology of the day. The next photo, taken 13 years later, showed the situation in reverse: amid a sea of cars, there was a lone horse and buggy, soon to be rendered obsolete.

Seba calls the shift from carriages to the internal combustion engine a technology “disruption,” and he believes that society is headed for another one. His prediction: In a little more than 10 years, most vehicles will be autonomous and powered by batteries, oil prices will collapse, and there will be a plunge in vehicle ownership as ride-hailing services become more affordable than owning a car.

“The 2020s will be the most disrupted decade in history, bar none,” said Seba, who is co-founder of ReThinkX and author of the book *Clean Disruption of Energy and Transportation*. “This disruption is going to happen really, really quickly. By 2030 it’s over,” he said. “And we’re on the cusp of that about to happen.”

In Seba’s view, disruption occurs when an innovative product or service creates a new market that significantly weakens, alters, or destroys an existing product or industry. Recent examples include the rise of digital imaging and the decline of film, as well as the emergence of the smartphone, which transformed personal communication.

These disruptions also created losers: the companies who failed to grasp how rapidly advancing technology and plummeting costs would make their products outmoded, and their employees, whose jobs disappeared.

While it is impossible to predict with certainty what the future holds for autonomous or “driverless” vehicles, it is no secret that Google, Uber, and every major automaker are investing heavily in radar, lidar (similar to radar but using laser light), and other technologies that enable vehicles to sense their environment and navigate roads without human input. The industry is also developing connected vehicle technology that can read traffic signs, identify bicyclists’ hand signals, and sense pedestrians, among other features.

Government has had little role in promoting these technologies, but policymakers are increasingly aware that how the technology is implemented and its impact

on society will hinge on their planning efforts. The federal government has not issued mandatory safety standards around the testing and use of autonomous vehicles, so a number of states have formed multistakeholder efforts to stay abreast of their development. They are exploring issues beyond the impacts to infrastructure — including concerns about safety, privacy, and liability. And they are raising questions about scenarios for which there is no precedent. For example, as vehicles are equipped with two-way communication capabilities, who is controlling the data and what are they doing with it? If an autonomous vehicle gets into an accident, is the passenger responsible?

“I think the technology will be ready before we have adequate laws, and on the East Coast I think we’re going to have to have coordinated planning from state to state. That’s why we need to do testing and have feedback,” said Delaware state Representative Ruth Briggs King.

CSG/ERC Efforts on Autonomous Vehicles

Briggs King first explored issues around autonomous vehicles during a CSG/ERC Transportation Committee seminar at the University of Pennsylvania’s Fels Institute of Government in 2017. There, she met industry experts; learned about different approaches underway in California, Michigan, and Arizona to test autonomous vehicles on roadways and establish guidelines for their use; and explored some of the complex policy questions that have emerged around safety and privacy. Twenty-nine states have enacted legislation related to autonomous vehicle technology, including establishment of study committees and authorization of the use of funds to incorporate two-way infrastructure-to-vehicle communication systems in transportation networks.

When Briggs King returned to Delaware, she filed a bill calling for the creation of a task force. The bill caught the interest of Governor John Carney, who issued an executive order in fall 2017 creating an advisory council on connected and autonomous vehicles to assess their safe manufacturing, testing, and deployment. The council convened stakeholders from different industries and levels of government that will be affected by the introduction of self-driving cars, including car dealerships, insurance companies, and city planners.

Participants formed subcommittees that explored opportunities to promote economic development, minimize job losses, prioritize safety, address issues around data privacy and cybersecurity, and ensure adequate revenue for the upkeep of the transportation system. In a society dominated by autonomous vehicles



Stanford University instructor Tony Seba, author of the book *Clean Disruption of Energy and Transportation*, speaking during the 2018 CSG/ERC Annual Meeting.

and widespread ride-hailing, policymakers will need to find alternative sources of revenue to replace gas taxes, speeding tickets, and parking garages.

Briggs King said that Seba’s discussion of how quickly the internal combustion engine replaced the horse and buggy should serve as a cautionary tale to policymakers to prepare for rapid changes ahead. “Technology has exploded and is moving much faster than our ability to integrate it well,” she said.

Technology and Business Convergence

Seba said smart people in mainstream organizations often overlook impending disruptions because they fail to analyze technology cost curves or consider Moore’s law, which says that every two years, a consumer can purchase twice the computing power for the same dollar.

What enables big disruptions is not just the pace of technological change but also the convergence of different technologies and business models that can lower costs to enable functions that were not possible before, said Seba.

“Why did Google and Apple come out with the smartphone in 2007? That was the year that the technologies that made the creation of the smartphone converged,” said Seba. He cited the ability to combine computing, digital imaging, touch-screen technology, and lithium ion batteries in a single product at an affordable price.

In Seba’s theory, the current convergence propelling the transportation revolution involves rapid advances in autonomous vehicle and battery technologies, plunging costs, and the popularity of ride-hailing companies. In less than 10 years after its founding, Uber had more

Continued on page 19

Sounding the Alarm on Racialization of Public Spaces



Photo Credit: Raven Robinson

In October, New York State Senator Kevin Parker (center) and New York State Assemblywoman Dana Richardson (center right) held a press conference to address the rise in 911 calls for nonemergency situations unlikely to result in a threat to public safety.

For New York state Senator Jesse Hamilton, the tipping point came last August, when a woman called the police on him as he spoke to constituents during a campaign stop in his district in Brooklyn.

The woman said she was angry that Hamilton opposed President Donald Trump's policies, asked him to leave, and then dialed 911. When the police arrived, they determined that the senator was doing nothing wrong by exercising his right to free speech.

"Living while black is not a crime, but making a false report — especially motivated by hate — should be," said Hamilton in a statement, after announcing the introduction of anti-discrimination legislation that would make racially motivated 911 calls a hate crime in New York state. Hamilton and other officials say these incidents are a manifestation of racial fears that are ingrained in the American psyche.

Hamilton's experience was among several recent incidents of racialized public spaces that have been reported in the Northeast. Calls to 911 were used to summon police to a Philadelphia Starbucks; to the common area of a Yale dormitory; and to a York County, Pennsylvania, country club where four African-American women, all club members, were playing golf. Social media platforms have publicized the incidents to millions of people, leading to a public outcry and calls for justice.

"America has a mental health problem, and that problem is race," said New York state Assemblyman Jeff Aubry, speaking to the Council of State Governments/Eastern Regional Conference (CSG/ERC) Council on Communities of Color during the 2018 CSG/ERC Annual Meeting in Rye Brook, New York. At the request of Aubry and other members, the council has

been examining incidents of unnecessary 911 calls and exploring strategies to prevent them without discouraging the legitimate use of calling 911.

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.

"Jim Crow Lite"

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 they have endured 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 Strategy told the council that the frequency with which police are 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."

Following the council's meeting, New York state Senator Kevin Parker introduced legislation that would make it a class B misdemeanor to report a nonemergency situation that is unlikely to result in a threat to public safety.

"The reporting of nonemergency situations is becoming far too common across our country, and more and more, the target of these calls are black and brown people," said Parker.

Recently, a 9-year-old boy in Parker's district was accused of groping a white woman in a crowded neighborhood bodega after school. The woman called 911 and asked the dispatcher to send the local police to arrest the child and his mother. The woman later apologized after surveillance footage showed that the boy's book bag unintentionally grazed her.

"The reporting of nonemergency situations is becoming far too common across our country, and more and more, the target of these calls are black and brown people."

– New York State Senator Kevin Parker



Photo Credit: Sebastian Marquez/Veaz.

Maryland Speaker Pro Tempore Adrienne Jones talks about the effect of racism on the communities she represents during a panel discussion organized by the Council of Communities of Color at the 2018 CSG/ERC Annual Meeting. Also pictured is Rhode Island State Representative Marvin Abney.

"It is truly unfortunate that we live in these challenging times, where we can no longer talk to one another about our differences," said Parker. "It is my hope that in the next legislative session we can pass the bill I sponsor, Senate Bill S9150, in hopes that people will think twice before calling any of our emergency responders on another because of their prejudiced dispositions."

Parker emphasized that prosecution for unnecessary calls is just a first step. There are underlying issues that run far deeper and require broader societal action.

The council hopes to convene a summit in 2019 to bring together state government officials, members of the criminal justice community, and other stakeholders to have a difficult — but overdue — conversation about race, policing, and public safety in racialized spaces.

"We as government officials and advocates must come together to discuss the nexus between race and implicit bias, and how that is negatively affecting the policing of people and communities of color," he said.



Offshore Wind Ushers In a New Energy Economy



U.S. Department of Energy

The 30 megawatt Block Island Wind Farm, located off the coast of Rhode Island, is currently the only offshore wind farm in the United States, but several East Coast states have set ambitious targets to develop the resource over the next decade. The U.S. Department of Energy estimates that offshore wind could produce nearly double the nation's annual energy use.

When Massachusetts energy officials announced the winning bid for the nation's first major offshore wind farm in July, it was so low that even seasoned renewable energy experts expressed disbelief.

The price for power from the 800 megawatt Vineyard Wind project, slated for federal waters south of Martha's Vineyard, was 18 percent cheaper than any available alternatives on the wholesale market. Officials said it will save consumers \$1.4 billion over 20 years — a surprising development for a nascent technology that for years has been hampered by formidable cost and regulatory barriers in the United States.

“It was shocking,” said Massachusetts state Senator Marc Pacheco, who serves as Senate president pro tempore and is founding chair of the Senate Committee on Global Warming and Climate Change. “Even for those of us who have visited offshore wind farms in other countries over the years and understand the tremendous potential here, we were really amazed at the savings.”

Cost was a factor that doomed previous offshore wind proposals in the United States. The rates for the Cape Wind project, proposed in 2001 for the waters of Nantucket Sound, would have been two-thirds higher than Vineyard Wind's. But better financing, new technologies, and experience gleaned in Europe are driving costs dramatically lower. Public policy has played a role, too. A Vineyard Wind official said that getting a long-term power purchase agreement and federal tax credits helped bring down the price for the project, which will be the first of several developments required by state law.

Massachusetts is among a group of East Coast states that have set ambitious targets for offshore wind, as part of a broader commitment to transition to a low-carbon energy system and collaborate on regional climate action.

Recently, an international panel of scientists warned that those efforts will need to accelerate to avoid devastating impacts from sea level rise, species loss, and extreme weather. The Council of State Governments/

Eastern Regional Conference (CSG/ERC) has been convening policymakers from the region to share ideas about meeting this challenge in ways that are affordable and protect the most threatened communities.

Shared Targets

In May, officials from 10 northeastern states traveled to Princeton University to attend a summit organized by the CSG/ERC Energy & Environment Committee, where they considered strategies to help fulfill their states' commitments to decarbonize the way we produce and use energy.

Nearly every CSG/ERC jurisdiction has vowed to cut carbon emissions 80 percent by 2050, with the aim of limiting warming to 1.5 degrees Celsius (2.7 degrees Fahrenheit) above preindustrial levels — a boundary the international community has agreed is needed to prevent catastrophic effects.

During a keynote address, Robert Socolow, Princeton professor emeritus of mechanical and aerospace engineering, warned that the task confronting policymakers is enormous. The world has already experienced roughly 1 degree Celsius (1.8 degrees Fahrenheit) of warming since preindustrial times, and scientists forecast that unless there is a dramatic shift away from the burning of fossil fuels, temperatures will continue to rise.

Nevertheless, falling prices for solar and wind offer hope that the transition to low-emitting fuels can be affordable, he said. The average price of onshore wind in the United States has dropped by more than 70 percent since 2009, according to the U.S. Department of Energy, and prices for utility-scale solar energy have slid by roughly the same amount since 2010.

“Plummeting costs are the most exciting development of the last decade,” said Socolow during the summit, which was co-sponsored by the Andlinger Center for Energy and the Environment at Princeton.

A report released in October by the United Nations' Intergovernmental Panel on Climate Change warned that nations must act quickly to transform the global energy infrastructure. Keeping warming to 1.5 degrees Celsius will require “rapid, far-reaching and unprecedented changes in all aspects of society,” including energy, transportation, and agriculture, within the next 12 years. Global greenhouse gas emissions must fall 45 percent below 2010 levels by 2030 and reach net zero by 2050 in order to avoid dire climate impacts, the report said.

“The good news is that some of the kinds of actions that would be needed to limit global warming to 1.5°C are already underway around the world, but they would need to accelerate,” said Valerie Masson-Delmotte, co-chair of the panel's Working Group I, in a statement accompanying the report's release.

Creating a New Industry

Offshore wind is among the technologies that policymakers in Massachusetts are hoping will be part of the solution. In 2016, Governor Charlie Baker signed legislation requiring utilities to procure 1.6 gigawatts of offshore wind by 2027; in July, lawmakers doubled that target to 3.2 gigawatts by 2035, enough to supply more than 20 percent of the state's energy needs. Among other things, the legislation was intended to ensure the power is affordable. It contains a provision requiring that each new offshore wind project come in at a lower price than the previous one.

Prices are already falling faster than anticipated. The Vineyard Wind project is more than 60 percent cheaper than the next-lowest price for a U.S. offshore wind farm, which came in Maryland's 2017 auction for a 368 megawatt project.

Declining costs bode well for New Jersey and New York, which collectively seek to develop nearly 6 gigawatts of offshore wind in a little more than a decade — roughly the output of six nuclear power plants. There is hope that such a massive supply of power could serve as a replacement for aging nuclear reactors set to retire in the coming years and stimulate the regional economy. A string of utility-scale projects could bring investment in a vast local manufacturing supply chain, creating jobs and further driving down costs.

As with any new technology, there will be growing pains as new projects advance. Massachusetts has held more than 100 stakeholder meetings to address questions about impacts on the fishing industry, avian life, and transmission siting and ownership, among other concerns. The state of New York recently received an \$18.5 million grant from the U.S. Department of Energy to lead a research and development consortium to work through some of these issues nationwide. Some 25 gigawatts are in various stages of development in federal waters along the U.S. coasts and in the Great Lakes.



Princeton University, Office of Engineering Communications, Frank Wojciechowski (2018)

Participants in the CSG/ERC Northeastern Legislative Climate and Energy Summit at Princeton University on May 11. The summit was co-sponsored by the Andlinger Center for Energy and the Environment at Princeton. From left: Connecticut State Representative Lonnie Reed; Jerry Taylor, President, Niskanen Center; Karen Florini, Vice President for Programs, Climate Central; and Massachusetts State Senator Marc Pacheco, Senate President Pro Tempore.

Ramping Up Renewables Mandates

State support for offshore wind fits into a trend among lawmakers, primarily in the Northeast and in the West, to push for more generation from zero-emission energy sources.

Under a 2015 Vermont law, 75 percent of the state’s power must come from renewables by 2032; earlier this year, Massachusetts and New Jersey raised their renewables target to 50 percent by 2030, a goal shared by New York.

In the West, California and Hawaii are aiming even higher: Both states have established mandates of 100 percent by 2045, though their approaches differ. Hawaii must get all of its power from renewable sources by its deadline. California’s law, enacted earlier this year, calls for 100 percent carbon-free power — a definition that could include nuclear generation and carbon capture and sequestration. Given that California has the world’s fifth-largest economy, its mandate could prove the feasibility of transitioning to zero-carbon fuels on a scale never seen before.

As these policies advance, there will be challenges around incorporating massive quantities of intermittent power into a system that was designed to accommodate large, centralized coal, nuclear, and oil-and-gas plants

that can run around the clock. States are addressing issues around siting and permitting; wholesale markets; utility business models; and fair compensation for generators of solar, wind, energy efficiency, and other distributed resources.

California and a few northeastern states have also set targets for energy storage, understanding that tremendous investment will be needed in batteries and other utility-scale storage options to supplement solar and wind when the sun doesn’t shine and the wind doesn’t blow.

Powering Vehicles

While state and federal mandates have been critical in driving deployment of renewables, plummeting costs are widely expected to accelerate their development, perhaps exponentially. Wind and solar are now cheaper than building new coal plants and cost-competitive with new combined-cycle natural gas plants across the United States, according to Lazard, an international financial advisory firm.

A similar global trend is fueling record deployment, particularly of solar energy. In 2017, more solar capacity was added worldwide than the new additions of coal, gas, and nuclear power combined, said the Paris-based International Energy Agency.

Continued integration of renewables is expected to help tackle the largest source of carbon emissions in the United States — transportation — by supporting electric vehicle use.

Although electric vehicles currently represent only 1 percent of the U.S. vehicle fleet, major automakers have invested billions of dollars in battery technology and artificial intelligence, and they are preparing to roll out large numbers of commercial models in the next few years.

In a report released in June, Bloomberg New Energy Finance anticipated that time-of-use tariffs and dynamic pricing will allow vehicle owners to choose to charge during high-supply, low-cost periods, which will help to shift demand to periods when cheap renewables are running.

The report forecast that renewables will make up 50 percent of global energy demand by 2050, driven by dramatic reductions in the cost of solar, wind, and batteries. In the United States, wind and solar produced less than 8 percent of overall power generation in 2017.

During the 2018 CSG/ERC Annual Meeting in Rye Brook, New York, Stanford University instructor Tony Seba predicted an even faster transition away from fossil

fuels — along with the massive emissions reductions that UN scientists warn are essential.

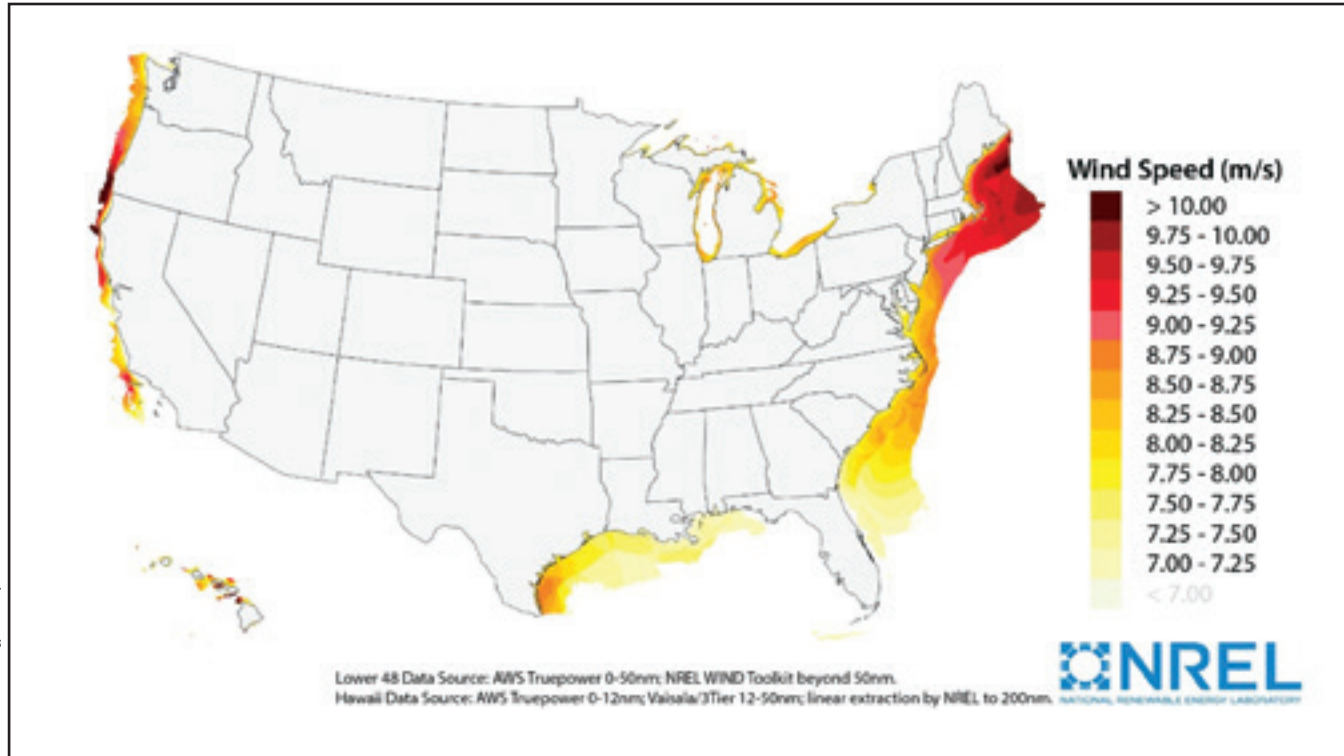
In a presentation during the meeting's opening plenary session, Seba asserted that by 2030 wind and solar will be so cheap that they will make up all new generation. By then, most vehicles will be autonomous and powered by batteries, leading to a 90 percent drop in emissions from transportation, he said.

"This will happen for purely economic reasons," said Seba, who is co-founder of the think tank RethinkX and the author of the book *Clean Disruption of Energy and Transportation*.

"Solar and wind and storage are going to eat everything. And that tipping point is two to three years away," he said.

Seba's message was encouraging to policymakers who are determined to find an affordable path to a low-carbon economy, although few were convinced that the marketplace alone would transition us away from fossil fuels with the scale and timing that states and the international community are seeking, absent a government push.

Nevertheless, there was optimism that costs in the region were moving in the right direction.



Breezes that flow along the Atlantic Seaboard are considered to offer some of the most favorable conditions for ocean-based wind generation in the world, but until recently, formidable cost and regulatory barriers have hampered progress here.

Sharpen Your Skills

The Robert J. Thompson Eastern Leadership Academy (ELA) offers officials and staff from all three branches of state and provincial government a unique opportunity to hone their leadership and communication skills and network with colleagues from the Eastern region.

Located in the heart of Philadelphia, and working in cooperation with the University of Pennsylvania's Fels Institute of Government, the unique five-day program includes workshops and hands-on training with experts from academia as well as the public and private sectors. ELA offers strategies tailored to the challenges facing public officials every day, in areas including resolving conflicts, fostering civil discourse, and mastering social media and branding, in a focused setting that promotes experiential learning.

ELA is designed to help members:

- **Develop leadership skills.** Through a series of hands-on group workshops ranging from consensus building to media relations, ELA provides training to sharpen and develop the skills needed to become an effective leader.
- **Improve understanding of key regional issues.** ELA is the only leadership academy designed exclusively for Eastern regional officials from all three branches. Scholars from the Fels Institute of Government and outside experts provide a context to effectively evaluate information, communicate messages successfully with constituents and colleagues, and develop strategies for relating to the media and the public.
- **Network with the best and brightest.** ELA convenes some of the most promising state officials from across the region to share knowledge and to learn from one another's experiences.

Photos by Scott Spitzer Photography

What graduates are saying about ELA:

"As a seasoned veteran, I never thought I could learn useful skills to deal with the everyday decision-making process in the Legislature, but I was wrong. I learned so much, and I have already been able to incorporate new leadership techniques into my work."

– Senator Carmelo Ríos Santiago, Majority Leader, Puerto Rico

"The passionate speakers with expert knowledge gave me practical takeaways that I can implement immediately."

– Delegate Mark Chang, Maryland

"The ELA provided concrete tools that I use daily, not lofty theory that plays out fine in a classroom setting but not in the House chamber."

– Representative Camille Vella-Wilkinson, Rhode Island

"Attending ELA was a rewarding and enriching experience that took my leadership skills to another level. I strongly encourage those in state government to apply."

– Representative Patricia Billie Miller, Assistant Majority Leader, Connecticut



From left: Stephanie Mantegna, Communications Officer, Delaware State House of Representatives Republican Caucus; Simon Bérubé, Advisor, Interparliamentary and International Relations and Protocol, Québec National Assembly.



Former Nebraska State Senator David Landis leading a session on conflict resolution and negotiations.



From left: Connecticut State Representative Robyn Porter; Jordan Lesser, Counsel, New York State Assembly; Rhode Island State Representative Camille F.J. Vella-Wilkinson.



From left: New Hampshire State Representative Will Pearson; Venessa Karpeh, Legislative Assistant, Delaware State Senate.

Can We Bridge the Political Divide?

Matthew Levendusky

It seems like every time you turn on the TV news; read a newspaper; or even open Facebook, Twitter, or other social media platforms, you are inundated with stories about how Democrats and Republicans are deeply, perhaps irrevocably, divided. In Congress, it appears that the only thing Democrats and Republicans can agree on is that there is no more common ground, only partisan bickering — witness the rancor at the Senate's confirmation hearings for Brett Kavanaugh. Even in the electorate, things are not much better. Ordinary Democrats and Republicans hold very different views on the economy, the Robert Mueller investigation, and even previously apolitical topics like the National Football League. Party affiliation also shapes the way people shop and spend money, and even how they select romantic partners. Given all of this, it can easily seem that polarization is insurmountable.

But is it? There are certainly deep differences between the parties, and on some issues, there is no easy way of finding consensus. But that said, we overestimate how extreme those from the other party are, especially because the media emphasizes the voices of the most dogmatic. For example, take the contentious issue of health care reform. Polling data shows that Democrats and Republicans have been sharply divided over the Affordable Care Act (also known as Obamacare) since its 2010 passage. This would suggest that they disagree fundamentally about how health care should be structured, but that is not the case. There is broad bipartisan agreement on what health care should look like in America. Supermajorities of both parties support allowing young people to remain on their parents' insurance until age 26, fully covering preventive care, and subsidizing the costs for low- and

moderate-income Americans. While important differences exist, especially on issues like the individual mandate, there is actually quite a bit of common ground and consensus on this issue.

Health care is not the only issue for which this is the case. On campaign finance reform, parental leave, child care subsidies, and many other issues, there is broad agreement in the public about what policy should be. This is consistent with research by Stanford political scientist Morris Fiorina, who finds that Democrats and Republicans share similar views on many issues and that most Americans are more centrist than extremist.



John Pankatz

Finding the middle can also pay political dividends. Some of the most popular governors in America in recent years have been Republicans in blue states, like Charlie Baker in Massachusetts and Larry Hogan in Maryland. While these governors have their own unique styles, what unites them is that they are more in tune with their voters than their party's leaders in Washington. While state politics is far from a panacea, states have made progress on issues that have stymied politicians in the nation's capital. For example, a bipartisan group of governors has put forth plans to improve health care, and

red and blue states alike have expanded Medicaid to provide health care to low-income Americans. For example, in Virginia, a Democratic governor and Republican legislature worked together to expand Medicaid, and approximately 400,000 more Virginians now have access to health care. Similarly, states across the political spectrum — from New York to Alaska, California to South Dakota — saw increases in their minimum wages this year, despite gridlock in Washington.

Often, when I talk about these findings with political activists, they are flummoxed because it is at odds with their lived political experience. It's easy to understand their surprise, since if you are enmeshed in politics, it seems that everyone in the process has strong views. After all, those who are more ideologically extreme are much more likely to contact legislators, give money, or express their political attitudes via social media. But it's worth remembering that this is a fairly narrow slice of the electorate and not representative of the views of the broader public.

So in the end, what lessons can we draw? Perhaps the most important one is that there is room for compromise and consensus. Finding ways to build trust between legislators on small issues can lead to larger, more productive compromises down the road — in Virginia, the governor and Republican legislative leaders worked through small compromises to build trust for the Medicaid expansion. Over time, a record of problem-solving accomplishment that improves people's lives appeals to voters more than ideological grandstanding.

Matthew Levendusky is the Penny and Robert Fox director of the Fels Institute of Government and professor of political science (and, by courtesy, in the Annenberg School for Communication) at the University of Pennsylvania.

The Eastern Trade Council: Helping Local Businesses Enter New Markets



Lorna Colquhoun, NH Division of Economic Development

CSG/ERC's Eastern Trade Council helps states navigate the process of applying for STEP grants, which offer states matching funds to help small businesses enter foreign markets. "The grants have made our attendance at the trade shows possible," said Glenn Welch, CEO of Laconia, New Hampshire-based Welch Technologies. Canadian sales of the company's BITEHARDER sharpening tools have seen annual increases of between 50 percent and 300 percent since January 2013.

Five years ago, Glenn Welch was an avid snowmobiler on a mission to make the sport safer.

Welch knew that each year, hundreds die and thousands are injured in snowmobile-related accidents in North America, and that often, the culprit is a loss of traction from carbide runners and studs that become dull over time.

These traction products are attached to the bottom of the track and skis on a snowmobile to guide it through various terrains. Once the runners and studs wore down, they could not be sharpened; typically, they would need to be replaced. Welch, a mechanical engineer by trade, believed that if he could find a fast, cost-effective way to sharpen these components, he would give riders more control and save lives.

Welch was accustomed to working with carbide at his company, Laconia, New Hampshire-based Welch Manufacturing Technologies, which makes products for the aerospace and automotive industries. He developed a portable, diamond-coated tool that was hard enough to sharpen the traction products on a snowmobile and more affordable than buying new parts. Welch named this new division BITEHARDER, given the product's

ability to create more traction in all conditions, including snow and ice.

In a sense, developing his product was the easy part. The challenge lay in marketing it to the 2 million snowmobilers in the United States and Canada. "I had no idea how to reach them or export them across the border to Canada," said Welch, who was accustomed to selling to the military and to large companies like Pratt & Whitney, Rolls-Royce, and GE, but not to consumers abroad.

He contacted Tina Kasim, an economic development program manager at the New Hampshire Department of Business and Economic Affairs. Kasim and her team work with the U.S. Commercial Service, which is part of the U.S. Department of Commerce. They showed Welch how to set up an export plan and helped him get assistance through the federal State Trade Export Promotion (STEP) grant program, which offers states matching funds to help small businesses enter foreign markets.

STEP grants reimburse a company up to 50 percent of the cost of attending a trade show, including travel costs and entrance fees, up to a total of \$6,000.

EXPORTS FROM THE ETC REGION, JOBS, AND FOREIGN MARKETS



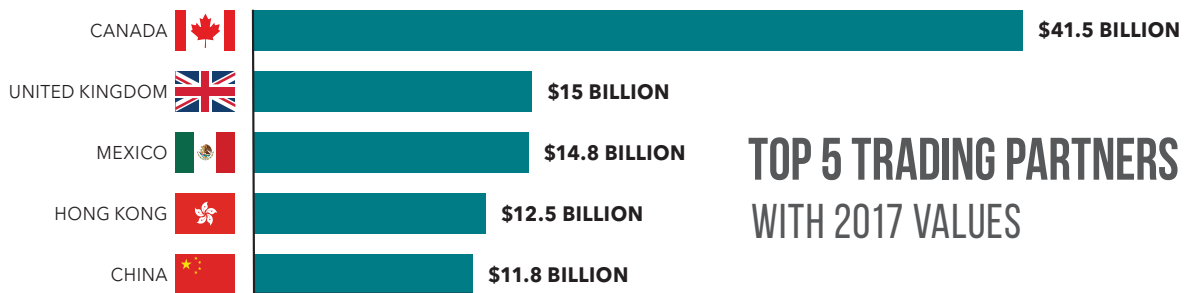
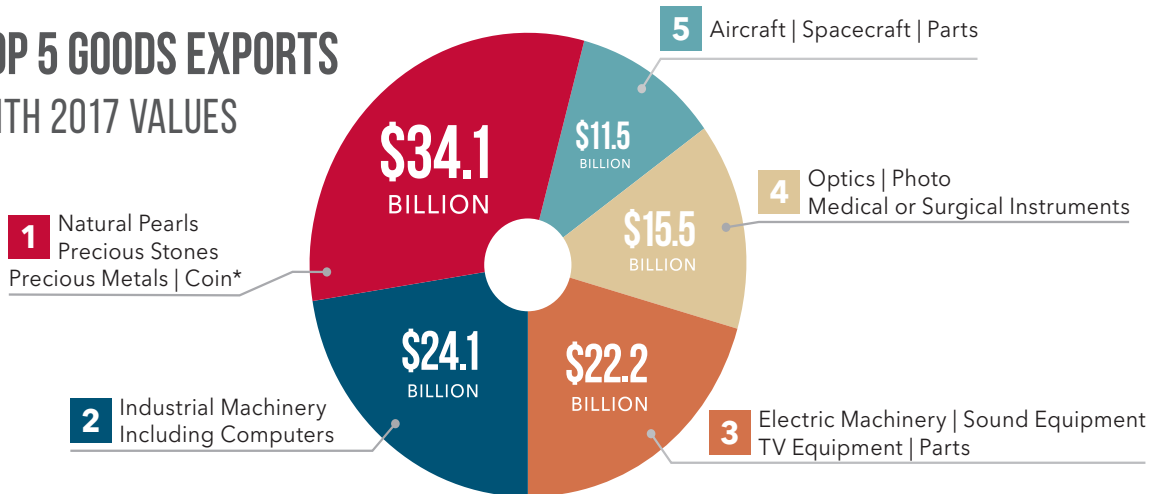
ETC WORKS WITH THE 11 NORTHEASTERN STATES FROM MAINE TO MARYLAND



\$382 BILLION

2017 TOTAL EXPORTS OF GOODS AND SERVICES FROM THE ETC STATES

TOP 5 GOODS EXPORTS WITH 2017 VALUES



TOP 5 TRADING PARTNERS WITH 2017 VALUES

2.2 MILLION JOBS IN ETC STATES ARE LINKED TO EXPORTS OF GOODS & SERVICES INCLUDING DIRECT & INDIRECT JOBS



*Gold, worked diamonds, and valuable artwork are excluded from the export data for New York State. | Infographic Sources: The Trade Partnership, WISERTrade. FOR MORE INFORMATION, PLEASE CONTACT ETC DIRECTOR VERONIQUE CAVAILLIER: VCAVAILLIER@CSG.ORG.

“That is an incredible amount of assistance when you’re spending a lot of money to attend a show,” said Welch. Typically, he needs to take three employees with him, given the large number of potential customers who approach his booth. “The grants have made our attendance at the trade shows possible,” he said.

CSG played an instrumental role in the rollout of the program in 2011. Applying for STEP grants is highly competitive, and helping states navigate the process is a function of the Council of State Governments/Eastern Regional Conference’s Eastern Trade Council (ETC), whose members include Kasim’s agency, along with the international trade offices of 10 other northeastern states.

Kasim said that ETC has been a voice in advocating for the STEP program in the face of budget cuts. A few years ago, when there was a pause in STEP programming and funding, ETC met with federal officials administering the program to educate them about how critical the grants were in helping local businesses access foreign markets. “ETC helped advocate that the program be kept online and with funding,” said Kasim.

Assistance from STEP opened doors for Welch in ways that he would not have imagined. At a trade show in Toronto that he attended through a STEP grant, Welch met the president of the Prince Edward Island Snowmobile Association, who invited him to speak about safety issues at the International Snowmobile Congress last June in Halifax, Nova Scotia. At the conference, Welch showcased a new effort his company is launching next year in the United States and Canada, in which it will give back 10 percent of every sale it makes to enable state agencies and Canadian federations to provide better equipment and more effectively groom trails to promote safer riding.

“Without a STEP grant, we might not have gone to the Toronto show, and if we didn’t go we wouldn’t

have met the individual who recommended us to make an appearance at the congress,” said Welch. “It was a tremendous opportunity.”

Part of ETC’s mission is to provide state trade offices with timely, customized trade data so they can gauge how local companies are faring in foreign markets. Recently, Kasim used this data to analyze how recent federal tariffs on steel and aluminum imports have affected exports from specific manufacturing industries in the state. The data enabled Kasim and her colleagues to take a month-by-month look at when tariffs were put in place and the impacts on exports.

“Through this service that ETC provides to us, we are able to take a look at what our export numbers are at any time around the world. We can drill down two, three levels’ worth of information, which we don’t necessarily get from the [federal] census. That’s been really helpful when we need to report to our legislature and governor,” she said.

The value of New Hampshire’s exports hit a record \$5.1 billion in 2017 and supported more than 19,000 jobs. Most of those jobs were sustained by exports of manufactured goods produced by companies like Welch Manufacturing.

Welch said that his company has added five new employees to an original staff of 30 since he launched his BITEHARDER tools in January 2013. During that time, Canadian sales of the product line have seen annual increases of between 50 percent and 300 percent.

Recently, the company began exporting to Sweden.

“It’s been a wild ride, as our primary business was manufacturing complex components for much larger industries, and BITEHARDER was a little hobby business,” said Welch. “Now, it’s grown into something a lot bigger.”

“Through this service that ETC provides to us, we are able to take a look at what our export numbers are at any time around the world. We can drill down two, three levels’ worth of information, which we don’t necessarily get from the [federal] census. That’s been really helpful when we need to report to our legislature and governor.”

**Tina Kasim, Economic Development Program Manager,
New Hampshire Department of Business and Economic Affairs**

Transportation Disruption, continued from page 7

bookings than the entire taxi industry in America, he said. Seba calculates that electric, self-driving vehicles of the future will be 10 times cheaper to operate, so most people will stop driving and opt for ride-sharing, saving the typical household an average of \$6,000 per year.

In the New York City metropolitan area, planners are already anticipating this shift. A report released in October 2017 by the Regional Plan Association, a research and advocacy organization in the New York City metropolitan area, forecast that autonomous vehicles will lead to a boom in the use of on-demand ride-sharing companies by lowering their costs. The report also warns of possible downsides, such as the loss of jobs for drivers and the potential for increased suburban sprawl and traffic congestion if the use of autonomous vehicles is not properly managed and takes riders away from public transit.

“AVs [autonomous vehicles] offer both great promise and peril depending upon how the technology is applied. What is clear, based on lessons learned from recent experiences from government with new ‘disruptive’ technologies is that the time to act is now,” the report says.

Preparing for an Electrified, Autonomous Future

Some industry sources question Seba’s ambitious timeline, pointing out that currently, electric vehicles make up around 1 percent of the vehicle fleet in the United States and globally and that self-driving vehicles are still in the testing stage. But few doubt that electrification and automation will figure prominently in the future of mobility, given the pace of investment that is underway.

Last year, the global electric vehicle stock grew by 57 percent, according to the International Energy Agency. Volvo has announced that starting in 2020, all of its new cars will be electric or hybrids. Manufacturers including Ford, Honda, GM, and Toyota have collectively invested billions of dollars in artificial intelligence and robotics technology. Recently, Toyota announced a \$500 million investment in Uber, and GM has invested \$500 million in Lyft to develop an integrated network of on-demand, self-driving cars.

Briggs King said Delaware is in a unique position to ensure that its infrastructure is prepared for the impending changes. The state owns 90 percent of its roadways and has already invested in sensors and other infrastructure needed to support connected autonomous vehicles. The University of Delaware has been testing the vehicles on its STAR (Science, Technology and Advanced Research) campus. The state is also operating a pilot program to explore the feasibility of implementing a



Delaware State Representative Ruth Briggs King (center) participating in a panel discussion on autonomous vehicles during the 2018 CSG/ERC Annual Meeting. Also pictured, from left: Vermont State Representative Patrick Brennan; Paul Godsmark, Chief Technology Officer, Canadian Automated Vehicles Centre of Excellence; Roger Cohen, Senior Advisor to the Secretary, Pennsylvania State Department of Transportation; and David Strickland, Former Administrator, National Highway Traffic Safety Administration.

mileage user tax as an alternative to gas taxes.

In a report released in September, the governor’s task force recommended that state transportation officials continue to invest in infrastructure to support connectivity on roadways, and officials approved funding in the state budget for rural broadband expansion that can reach beyond major roads. The report also suggested collaborating with neighboring states to remove regulatory hurdles and encouraging greater investment in autonomous vehicle infrastructure.

CSG/ERC’s Transportation Committee has been actively involved in supporting collaborative efforts throughout the region. During the past three years, the committee has held discussions with state, territorial, and Canadian provincial leaders and industry experts on critical issues relating to autonomous vehicles. Earlier this year, CSG/ERC transportation policy consultant Don Hannon made a presentation to the Delaware task force on legislative and executive branch actions on autonomous vehicles across the nation.

Last September, Briggs King attended CSG’s Toll Fellowship program in Lexington, Kentucky, where she met with transportation leaders from around the country and discussed how they were moving forward. CSG/ERC staff also informed her about model legislation introduced in other states. Briggs King said that information will prove helpful to her work on the governor’s task force, which will continue to meet on a quarterly basis going forward.

“I feel that we are moving in the right direction, and for me a lot of that started at CSG/ERC’s conference in Philadelphia,” said Briggs King.

The 2018 CSG/ERC Annual Meeting



New York State Assemblyman Michael Benedetto, 2018 CSG/ERC Co-Chair

The CSG/ERC Annual Meeting is the largest regional gathering of state and Canadian provincial government leaders in the Northeast, attracting several hundred participants. Our members work in all three branches of government and together with senior representatives from the corporate community and academia, they meet to discuss emerging policy issues in an engaging, nonpartisan environment.

Our policy workshops are tailored to address issues that our members care about. They also offer ample opportunity to interact with speakers and colleagues, providing participants with rewarding networking opportunities.

For more information, visit us at www.csg-erc.org.

All photos by Sebastian Marquez Velez



Left photo: New York State Senate Majority Leader John Flanagan. Middle photo: Pennsylvania State Representative Becky Corbin, 2018 CSG/ERC Co-Vice-Chair; Connecticut State Senator Terry Gerratana, 2017 CSG/ERC Co-Chair. Right photo: New Hampshire State Senator Lou D'Allesandro, CSG 2019 National Chair-Elect; New York State Senator James Seward, 2018 CSG/ERC Co-Chair.

The Importance of LeadHERship: The Status of Women in Politics



Women have historically been underrepresented in federal, state, and local governments, but since the 2016 election, there has been a dramatic increase in the number of women running for elected office. “For me as a political reporter, it is the biggest trend in politics,” said *TIME* political correspondent Molly Ball, who moderated one of two panels that addressed how women navigate conventional power structures. “Is this just a moment or does this represent a new future?” she asked.

From left: Kimberly Peeler-Allen, Co-founder, Higher Heights for America; Bethany Hall-Long, Lieutenant Governor of Delaware; Connecticut State Representative Themis Klarides, House Republican Leader; Molly Ball, National Political Correspondent, *TIME*, and Staff Writer, *The Atlantic*.

Immigration: The Need to Build Connections

During a panel discussion titled “Immigration 101: Challenges of Policy and Practice,” participants said the negative rhetoric surrounding immigration is creating anxiety in immigrant communities. New Haven, Connecticut Mayor Toni Harp stressed the importance of building positive relationships between immigrants and law enforcement. Community policing in New Haven, where law enforcement hands out business cards and actively helps immigrant communities, has led to a reduction in crime and an increase in trust, said Harp.



From left: Claudia Calhoon, Director of Health Policy, New York Immigration Coalition; Toni Harp, Mayor, New Haven, Connecticut; Erika Tindill, Superior Court Judge, Connecticut; Puerto Rico Senate Majority Leader Carmelo J. Ríos Santiago; Rhode Island State Representative Carlos Tobon.

Puerto Rico and the U.S. Virgin Islands: The Long Road to Recovery



U.S. Virgin Islands Senate President Myron Jackson joined leaders from Puerto Rico to discuss the rebuilding effort 11 months after two of the most devastating hurricanes on record — Maria and Irma — hit the islands. Participants addressed federal, state, and local efforts to promote the long-term recovery of the islands and to improve the resilience of their infrastructure and communities to the impacts of future storms.

CTE in Football Players: A Looming Public Health Crisis



Chris Nowinski, Ph.D., co-founder and CEO of the Concussion Legacy Foundation, talked about his path-breaking research around chronic traumatic encephalopathy (CTE), a degenerative brain disease caused by repetitive impacts to the head. In the past decade, hundreds of tackle football players have been diagnosed with CTE; research shows the disease can develop even in individuals who played football only as children. Nowinski asked whether government should intervene to prevent more children from developing CTE from the sport. New York is one of four states that have proposed legislation banning tackle football for children below a certain age.

Safeguarding Election Systems Against Cyberattacks



Following reports of attempted cyberattacks on state elections systems, experts from state government, industry, and academia offered strategies that states can use to ensure that elections are safe and fair.

From left: Matthew Masterson, Senior Cybersecurity Adviser, U.S. Department of Homeland Security; Jim Condos, Secretary of State, Vermont; B. David Mussington, Ph.D., Director of the Center for Public Policy and Private Enterprise, University of Maryland School of Public Policy; Debora Plunkett, Senior Fellow, Belfer Center, Harvard Kennedy School; Ryan P. Harkins, Director of State Affairs and Public Policy, Microsoft Corporation.

#MeToo and Women in Politics



From left: Pennsylvania State Representative Christopher M. Rabb; Rhode Island State Representative Teresa Tanzi; Maryland State Delegate Adrienne Jones, Speaker Pro Tempore; New York State Assemblywoman Nily Rozic; Kelly Dittmar, Center for American Women and Politics, Eagleton Institute of Politics, Rutgers University.

As the #MeToo movement has gained steam following sexual misconduct revelations about several high-profile male executives and journalists, more and more women around the country have spoken out against a pervasive and unchecked culture of sexual harassment in American business. Politicians are dealing with the #MeToo movement as well. Staffers, lobbyists, and elected officials have been accused of harassment in statehouses

across the nation. Rutgers Professor Kelly Dittmar probed panelists on new and pending state legislation to counter sexual harassment, and on standards for confidential and fair investigations of harassment claims. Maryland Delegate Adrienne Jones outlined policies the Maryland General Assembly has implemented to address harassment issues.

For more information about the Annual Meeting, please email us at ercannualmeeting@csg.org.



Eastern Regional Conference
THE COUNCIL OF STATE GOVERNMENTS

Agritourism: CSG/ERC Helps Communities Navigate a Changing Rural Landscape



Chattoga Belle Farm

Last April, CSG/ERC brought together state agriculture officials, farmers, legal experts, and local government representatives to discuss strategies for addressing the rising number of conflicts that have emerged from farm-based activities that are open to the public.

For several years, Stephen Forster hosted weddings on his 110-acre property in rural New Hampshire, a venture that brought in revenue to supplement the income he earned from Christmas tree farming. Then in 2012 the operation was shut down, after neighbors complained to local officials about the extra noise and traffic. Forster sued, and eventually, the case made its way to the state Supreme Court, which ruled against him.

“All I’m trying to do is get enough money to pay my taxes and survive here,” Forster told the *Union Leader*, a local newspaper, in March 2016.

Forster’s experience is one with which many small farmers in the region can identify. Hosting private events or other nonfarming activities has proven essen-

tial for many working farms struggling to remain financially viable, given declining commodities prices and rising costs for fertilizer, equipment, and other inputs in recent years. In some communities, the economic success of these ventures has led to a new set of challenges: clashes with neighbors and local authorities unprepared for the influx of crowds.

Last April, The Council of State Governments/Eastern Regional Conference (CSG/ERC) brought together nearly two dozen state agriculture officials, farmers, legal experts, and local zoning government representatives from seven states during a seminar in Providence, Rhode Island. They examined Forster’s case and others like it and discussed strategies to assist state and local

officials facing conflicts that have emerged from farm-based activities known as “agritourism.”

The Need for Diversification

Agritourism is used to define a variety of on-farm activities that are open to the public, including fruit picking, corn mazes, petting zoos, farm-to-table dinners, demonstration farms, rural bed-and-breakfasts, farmers markets, and weddings. The bleak marketplace for many commodities in recent years has left some farmers with two choices: venture into agritourism, or abandon farming altogether.

More than 50 percent of farm households are losing money from farming, and nationwide, net farm income in 2018 is expected to decline 13 percent from 2017 levels, to \$65.7 billion, nearly its lowest level since 2002, according to the U.S. Department of Agriculture’s Economics Research Service 2018 Farm Sector Income Forecast. The forecast pointed to lower prices for wheat, beef, and other commodities; bad weather in some areas; trade disputes with China; and uncertainty about the future of the North American Free Trade Agreement as reasons for the decline.

Those who have embraced agritourism have tapped into a growing market. From 2007 to 2012, income from agritourism in the Northeast rose nearly 22 percent, according to 2012 data from the USDA’s census of agriculture, which is conducted every five years. Farms that offer agritourism are worth an average of \$794,000, roughly 74 percent more than those that don’t.

A Fine Line

But diversification has led to disputes with neighbors and local authorities. Increased noise, traffic, and parking issues in areas without sufficient law enforcement or traffic control personnel have led to costly litigation. Local zoning boards and town governments are scurrying to adapt their laws to the new reality.

The popularity of agritourism has given rise to another phenomenon: people from outside the farming community buying up rural land for the express purpose of hosting large weddings or other events, and lobbying their elected officials to change statutes to support these activities.

In 2017, a bill passed the Rhode Island House of Representatives that would have broadened the definition of activities permitted under the state’s right-to-farm law to allow a wide range of nonagricultural pursuits and prevent towns from restricting them.



Photo by A.R. Brewer

Participants in the CSG/ERC agritourism seminar in Providence, Rhode Island last April.

The original law was enacted during a period of rapid urbanization in the 1980s to protect farmers whose land was being encroached on by the growth of suburban subdivisions. It provides a definition of protected agricultural operations, with the purpose of keeping agriculture alive in the state. The law was amended in 2014 to allow mixed uses of farmland, such as hayrides and petting zoos.

The 2017 bill would have permitted “weddings, festivals and other special events” on farms that were 15 acres or larger, without local zoning approval. Cities and towns could regulate these events but not prohibit them.

At a hearing in June 2017, the only testimony in support of the bill reportedly came from Carolyn’s Sakonnet Vineyard, which was purchased in 2012 by the founder of the Alex and Ani jewelry company. In 2015, the vineyard launched the Alex and Ani summer concert series, reportedly drawing up to 2,000 concertgoers — nearly half the year-round population of the village of Little Compton, where it is located.

The legislation died in the Senate. Since then, state Senator Susan Sosnowski, who grows hay and vegetables on 60 acres of farmland in southeastern Rhode Island, has encouraged her colleagues in local government to pass ordinances that detail the extent to which certain activities will be permitted.

“You can allow for these activities, but also put some restrictions in place, and require them to come before a



Rhode Island State Senator Susan Sosnowski

town zoning board to get a permit — so you don't have Woodstock on a half-acre," she said.

Sosnowski recalled that recently, a man purchased a farm in the town of Exeter and intended to turn it into a wedding venue, believing that the activity was permitted under the state's right-to-farm law. The town stepped in to block him. He sued, and the state Superior Court ruled in the town's favor. The landowner appealed, and in January of 2018 the state Supreme Court upheld the Superior Court's decision, ruling in favor of the town's ability to deny the owner a permit to hold weddings on the property.

"The wedding industry has really ignited a firestorm in some local communities," said Sosnowski, who participated in CSG/ERC's seminar in Providence. "The farming community really needs to be involved with their local planning community and town councils, so these people know who's legitimate and who isn't."

In another case, an individual wanted to purchase 50 acres of forested land, clear-cut it, and erect solar panels, but the proposal was rejected by the town.

"The main thing is, we want to keep agriculture viable, to allow for accessory uses on the farm — whether it's agritourism or energy — and I think it's a fine line," she said.

Liability Concerns

Then there is the potential for conflict around liability issues, which is a significant concern for farmers, ranchers, and others who operate agritourism enterprises. Landowners could be considered legally responsible if a member of the public is injured on their property.

Over half of all U.S. states have enacted statutes that address agritourism, and many of them have provisions that protect farmers and their customers, said Rusty Rumley, senior staff attorney at the National Agricultural Law Center at the University of Arkansas, during the seminar in Providence. But the statutes' effectiveness differs substantially from state to state.

Participants in the seminar shared model legislation and suggested language that could be used to alter state statutes to assist farmers.

The most important step a state legislature can take to protect farmers from costly lawsuits is to make sure that the definition of "agritourism" exists in the proper place in the statutes, said Rumley.

In the 2015 case concerning the New Hampshire Christmas tree farmer, *Forster v. Town of Henniker*, the state Supreme Court ruled against Forster because the definition of agritourism was not explicitly listed under the section of law dealing with agriculture. But the majority opinion left room for lawmakers to act, saying

"We want to keep agriculture viable, to allow for accessory uses on the farm – whether it's agritourism or energy – and I think it's a fine line."

– Rhode Island State Senator Susan Sosnowski

that if they disagreed with the court's statutory interpretation, the legislature would be free to amend the statute. In 2017, lawmakers approved an amendment that changed the location of the definition in the state code.

As for Forster, voters in his town of Henniker approved a zoning ordinance in March of 2016 that added "on-farm weddings and similar events" to the town's definition of agritourism. Another ordinance would enable a conditional-use permit for agritourism if the activity met certain requirements, such as those dealing with public safety and environmental impacts. Forster asked the zoning board to allow him to hold weddings under the new ordinances, but his neighbors were opposed. His wedding operations have been dark ever since, and he is reportedly looking to sell his land.

"If the community wants to support agriculture, we have to allow for different uses on farms," said Sosnowski. "The nonfarming public sometimes doesn't understand that the farming community wants to be able to adapt."



Save the Date!

**59TH ANNUAL MEETING &
REGIONAL POLICY FORUM**

JULY 28-31, 2019
Pittsburgh, Pennsylvania

WE LOOK FORWARD TO SEEING YOU THERE!



Eastern Regional Conference
THE COUNCIL OF STATE GOVERNMENTS



David Berte

Pennsylvania State Capitol.



Eastern Regional Conference

THE COUNCIL OF STATE GOVERNMENTS

22 Cortlandt Street, 22nd Floor
New York, NY 10007
(212) 482-2320
www.csg-erc.org