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States Recover Slowly

State Revenues Not Bouncing Back With U.S. Economy

State officials can be forgiven for their skepticism in recent months when they read upbeat stories about improvement in the U.S. economy.

In July, when the 59th Annual Meeting of the Midwestern Legislative Conference gathered in Des Moines, Iowa, those in attendance heard Rick Mattanow, senior economist with the Federal Reserve Bank of Chicago, report that economists are "giddy" over the U.S. economy's prospects during the next year.

However, even Mattanow agreed with the assessment of Merl Hackbart, professor of Finance and Public Administration at the University of Kentucky and a former state budget director, who said that the skies over states budgets would remain cloudy for the next several years.

Hackbart said there is a structural imbalance between outdated state tax systems based on a manufacturing economy and the reality of today's technology and service-based economy.

This imbalance, said Hackbart, will keep state revenues from bouncing back as fast as the general economy.

The media also has reported in recent months that health care spending is no longer increasing at double-digit rates, thus easing the strain on Medicaid costs for states.

However, Stephen Heffler, deputy director, National Health Statistics Group, U.S. Centers for Medicare and Medicaid Services, told the MLC that health care spending is a percentage of the economy is expected to rise from 14 percent to nearly 18 percent by 2012. He blamed that on the impact an aging population will have on Medicaid and Medicare expenditures.

There is a disconnect between what the public learns from the media and the financial realities state leaders are facing. The media reports are accurate accounts of how the general U.S. economy is faring, but often fail to show the financial realities state leaders are facing. The media reports are accurate accounts of how the general U.S. economy is faring, but often fail to show the financial realities state leaders are facing.

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Utah Spyware Legislation on Hold

New Utah legislation that went into effect this May restricting Internet marketing tactics like spyware and popup ads has been put on hold. A Salt Lake City judge issued an injunction after a New York popup ad company, WhenU!, challenged the law’s constitutionality, saying complying with the law would cause the firm irreparable damage. Rep. Stephen Urquhart sponsored the Spyware Control Act, which punishes perpetrators with fines of up to $10,000 per violation. California and New York are considering similar legislation.

Spyware is a generic term for software installed on computers that gathers data about users based on the Web sites they visit. It then displays popup advertisements geared toward their interests. It is usually installed without consent and without the owner’s knowledge.

If a user had spyware on his computer and visited Web sites about golf, for example, the spyware could make popups appear for golf retailers or equipment manufacturers.

Supporters of the legislation say spyware is like a peeping Tom that infringes on privacy and monitors what users do and where they go on the Internet. Opponents say the legislation is overly broad, premature and could potentially outlaw legitimate user tools like anti-virus programs that automatically download updates or the Windows Update feature of the Microsoft Windows operating system.

According to a recent Washington Post article, McAfee, an Internet security firm, reports that the spyware epidemic is exploding. “Potentially unwanted programs on its customer’s computers grew from 643,000 in September 2003 to more than 2.5 million in March. At an April FTC hearing on spyware, witnesses testified that computer users often don’t know how the programs got onto their machines or how to remove them.”

While the fate of the Utah law won’t be known until a judge rules on its constitutionality, the federal government is also considering anti-spyware legislation. The House of Representatives Energy and Commerce Committee recently passed Rep. Mary Bono’s SPY Act by an overwhelming margin. The bill requires user consent and mandates that the software be easily removed. Similar legislation has been introduced in the Senate.


California Secretary of State Demands Paper Trail

The race is on to make electronic voting more accountable and secure and California and Nevada are out in front.

A June 17 San Jose Mercury News editorial reads, “The pivotal player has been Shelley. He’s done what a public official should do: Listen to the arguments, look at the evidence and then reach a conclusion that is logically unassailable. He’s taken some risks for doing the right thing. Let’s hope the nation will follow his lead.”

Shelley is California Secretary of State Kevin Shelley. The editorial refers to his controversial decision to issue a directive that touch screen voting machines must provide a paper trail by 2006. The trail is intended to supply voters with confirmation that their vote was recorded and is correct. Perhaps more importantly, it also serves as a hard copy of all votes cast for use in the event of a recount.

“I was proud to be the first secretary of state in the nation to call for a voter-verified paper trail on touch screen systems, and today I am taking immediate actions that will allow us to get there,” Shelley said in a press release. “There will be a paper trail for every single vote cast in the state of California, and it will happen on my watch.”

The implications for other states are significant. According to the New York Times, nearly two-thirds of all electronic voting machines currently in use are in California and the standards set there will dictate what manufacturers produce and what is available to other states.

Nevada is also forging ahead this year according to an announcement made by Secretary of State Dean Heller to the National Press Club. “I’m here today to declare that Nevada has become the first state in the nation to complete state certification and federal qualification of the voter-verified paper audit trail (V-PAT) printer that will be used on touch-screen voting machines in the state.”

Opponents argue that producing a paper trail is costly and could result in vote buying. Proponents, who include a large and rapidly growing grassroots Internet contingent (see blackboxvoting.com or verifiedvoting.org), say that the cost is of minimal importance compared to the importance of the integrity of the democratic process. They also argue that concerns about vote buying are moot if paper ballots are stored by election boards and simply used by voters to verify their selections.

Electronic voting machines have come under intense scrutiny recently because of the possibility of election tampering. Critics say that the software, hardware and methods of data transmission all have inherent security flaws and are not reliable. The V-PAT is increasingly seen as the best and only way to mitigate these factors.

Last month the “State Trends” section of State News spotlighted the tremendous rural economic development potential of biobased products—products made from domestic agricultural sources like corn, soybeans, sunflowers and canola. The growing list of products derived from biosources is huge and includes construction materials, lubricants, fuels, paper, packaging, plastics, inks and cleaners.

Despite a slightly higher price tag than traditional goods, biobased products are environmentally friendly and can boost rural development by driving up agricultural commodities prices. Their applications in plastics and fuels can also enhance energy security by decreasing our reliance on the foreign oil industry.

The Council of State Governments has put together two comprehensive databases on our Web site to help you monitor this emerging trend. Visit www.csg.org and enter the keyword “biobased” to learn what biobased products are available throughout the country. Enter the keyword “biolegislation” for a searchable listing of previous and current state legislation related to bioproducts.
Join us in Anchorage for the
2004 CSG Annual State Trends & Leadership Forum
and the CSG-WEST Annual Meeting
September 25-29, 2004

Speaker Highlights

Peter Hutchison
author of The Price of Government: Getting the Results We Need in an Age of Permanent Fiscal Crisis
How to improve results from state services while cutting budgets

John Zogby
pollster for Reuters News Agency, NBC, MSNBC and numerous newspapers around the country
Predictions for the 2004 elections

Jeff Ansell
communications coach, Fortune 500 trainer and journalist
Media strategies for dealing with an angry public

Dr. Charles Curie
administrator, Substance Abuse and Mental Health Services Administration
Transforming the mental health system in the U.S.

For the full, updated agenda, please visit www.csg.org (keyword: Alaska).
Early-bird registration runs through August 27, 2004.
The Price of Government

In 2002, faced with more than a $2 billion budget deficit for the upcoming biennium, Washington Gov. Gary Locke decided to try something different. Rather than simply cutting the existing budget, he decided to focus on what state government should achieve with the money it had.

“Closing the $2 billion gap we face in the next biennium would require an across-the-board cut of 15 percent—if that’s all we did,” he announced. “And that is not what we are going to do. I don’t want to thin the soup. I want state government to do a great job in fulfilling its highest priorities.”

Locke hired the Public Strategies Group, a consulting firm, to help devise a plan. The result was a process called Budgeting for Outcomes, which focused on maximizing the use of public funds to meet the public’s priorities. Now David Osborne and Peter Hutchison, two of the principals at PSG, have written a book describing Washington’s experience and the philosophy behind it.

The authors claim that irresponsible federal policies, an outdated tax structure, the aging population and soaring health care costs, combined with continuing resistance to tax hikes, have made the fiscal crisis permanent. The good news is that they outline key questions and strategies to help local, state and federal officials not just weather the crisis, but produce effective results for citizens.

The Road to 21st Century Learning

At Anderson New Technology High School, questions are often more important than answers. The curriculum is based on projects and solving problems, and the emphasis is on teamwork. Students are partners, not subordinates. They learn how to think, learn and make decisions.

According to The Partnership for 21st Century Skills, this school with fewer than 200 students in rural Anderson, California is a model for how to integrate 21st century skills into the educational process. Today’s students will need these skills not only to survive in the competitive job market, but also to fulfill their roles as citizens in a democracy.

Without them, the group says, our country is in trouble.

“America risks losing its long-standing preeminence in science, engineering, technology, medicine, defense, business and even democracy.”


The report makes the following recommendations for policy-makers:

1) Adopt state standards that incorporate 21st century tools and learning skills as part of the No Child Left Behind eighth-grade technology literacy requirement. These include not just technical proficiency, but also information and communication skills, thinking and problem-solving skills, and interpersonal and self-directional skills.
2) Embed ICT (information and communications technology) literacy into current state standards, curricula and assessments for core subjects.
3) Create state and local infrastructure that supports a 21st century education, including access to the Internet, computers and other technology.
4) Provide professional development that is strategically aligned to support the goal of offering a 21st century education to all students.
5) Engage educators, employers, community members, parents and policy-makers in an ongoing dialogue that provides recommendations and advice about 21st century education.

The full report and other tools for policy-makers are available at www.21stcenturyskills.org. The Partnership for 21st Century Skills is an alliance of education, business and government leaders.
Time to Get Smart on Crime

The United States imprisons more people than any other country in the world: 2.1 million Americans are behind bars. The prison population has exploded in recent years, driven largely by state and federal drug laws—especially mandatory minimum sentences, according to a recent report by a special commission of the American Bar Association. The report says the United States relies too heavily on incarceration and needs to find more effective alternatives.

“For more than 20 years we have gotten tougher on crime. Now we need to get smarter,” said ABA President Dennis W. Archer. “We can no longer sit by as more and more people—particularly people in minority communities—are sent away for longer periods of time while we make it more and more difficult for them to return to society after they serve their time. The system is broken. We need to fix it.”

The ABA formed the commission in response to U.S. Supreme Court Justice Anthony M. Kennedy’s speech at the organization’s 2003 annual meeting, where Kennedy addressed the “inadequacies—and the injustices—in our prison and correctional systems.” The commission conducted an in-depth review of issues confronting the state and federal criminal justice systems, focusing on four areas: sentencing and incarceration, racial and ethnic disparities, prison conditions and prisoner reentry, and pardons and clemency processes.

Among its recommendations, the panel called on Congress to repeal mandatory minimum sentences. “Mandatory minimum sentences tend to be tough on the wrong people,” said Saltzburg. The full report is available at www.manningmedia.net/Clients/ABA/ABA288/index.htm.

Clean Air Compliance in the South

The federal Clean Air Act of 1990 sets limits on the amount of air pollution allowed across the nation so that all Americans can enjoy the same clean air standards. While Southern states have made tremendous strides in meeting the federal law’s requirements, compliance with certain standards has proven challenging in some areas. As the federal government moves to newer, more stringent ground-level ozone and particulate matter standards, more states are falling out of compliance. This makes the task of clean air attainment even more daunting, particularly given the region’s continued population growth and increased automobile use, electric generation and industrial expansion.

A recent Southern Legislative Conference Regional Resource, “Southern States’ Clean Air Act Compliance: Ozone and Particulate Matter Standards in Transition,” examines several key components of the Clean Air Act. In particular, it focuses on state ozone and particulate matter control strategies and compliance as these have had the greatest impact on states’ ability to meet clean air requirements. Additional focus is on the transition between the one-hour and eight-hour ozone and particulate matter standards and recent federal actions significantly affecting ozone and particulate matter emissions.

While there were only 54 counties and cities in six Southern states in nonattainment of the previous one-hour ground-level ozone standard, there are now 13 Southern states covering 195 local areas in nonattainment of the new eight-hour standard. And, although only one Southern county is in noncompliance of the current particulate matter standard, eight Southern states have recommended that 51 localities be designated in nonattainment with the upcoming fine particulate matter standard. The EPA will likely expand that number. In addition to signaling serious health risks, nonattainment designation of either standard entails significant regulatory oversight and considerable economic development consequences. Among them, nonattainment areas must meet several clean air requirements, which include transportation conformity; reviewing new or modified industrial operations that are major sources of emissions (New Source Review); reducing pollution by certain percentages each year and employing stricter pollution control measures; and possibly facing cuts in federal Air Pollution Control Program grant funds. These, in turn, will likely challenge an area’s ability to attract new businesses, which tend to shy away from the stricter clean air scrutiny they would face.

Compliance with the new ozone and particulate matter standards will continue to take extensive effort, cooperation and coordination among various groups, communities and governing entities at the state and local levels. While, no doubt, the task ahead is great, ensuring healthier air, continued economic development and avoiding federal regulatory oversight continue to be mutual goals shared throughout the region. Recognizing areas in need of improvement is the first step in the attainment process. Creating and implementing the control strategies necessary to reach compliance will occupy many legislative and policy-making agendas for years to come.

The publication is available for free under the “recent publications” link on the SLC Web site, www.slcatlanta.org.
### State Officials to be Elected in 2004

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<td>U.S.Virgin Islands</td>
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Note: This table shows the number of legislative seats up for election in a given year. As a result of redistricting, states may adjust some elections. The data contained in this table reflect information available at press time. (a) In American Samoa, Senators are not elected by popular vote. They are selected by county councils of chiefs.

Key: * — Number of legislators to be elected / Total number of legislators. — No regularly scheduled elections. * — Unicameral legislature.

10 state news August 2004
Here’s how state Sen. Shane Broadway, former speaker of the Arkansas House, tells the story: A new legislator encounters a veteran staff member in the men’s room at the statehouse. “How’s it going?” asks the staff member. “Let’s put it this way,” the legislator says. “This is the only room in the Capitol where I know what I’m doing.”

Versions of this story are told in term-limited states across the nation. Since they first took effect in 1996, term limits have forced out nearly a thousand legislators. As these lawmakers walked out the door, they took with them institutional memory, policy expertise and hundreds of years of collective experience, shifting the balance of power away from the legislature.

Did Term Limits Accomplish What They Set Out to Do?

First and foremost, term limits accomplished what former Michigan Speaker and term limits supporter Chuck Perricone calls the movement’s “dirty little secret.” The push for term limits, he says, was led by people who wanted to change the parties then controlling the legislatures. He thinks term limits succeeded in his state and believes that extending term lengths will iron out any wrinkles in the current system.

When it comes to throwing out incumbents and increasing turnover in the legislature, term limits are an unqualified success. Researchers report that House turnover in term-limited states increased on average about 10 percent after they were implemented in the 1990s. California went from an average House turnover of only 16 percent in the 1980s to a whopping 40 percent the following decade.

While replacing incumbents with newcomers may have brought a fresh perspective, new research indicates that term limits also led to serious and perhaps unintended consequences along the way, especially loss of power by legislative leadership and committee chairs.

In April 2004, leading academics and legislative practitioners joined forces to tackle questions about the impacts of term limits. At a conference at the University of Akron hosted by the Bliss Institute of Applied Politics, academics reported on the latest findings from a 50-state survey and from in-depth case...
studies in selected states. Seasoned legislative leaders added practical insights from their perch as the ultimate insiders. Here’s what they found.

A New Breed of Legislator?
- The people who run for and win state legislative seats after term limits look very much like they did before in terms of gender, ethnicity, ideology, age, religion, professional background and socioeconomic status.
- Term limits didn’t discourage “professional politicians.” Newcomers in term-limited states were more likely than any other group to have held public office prior to their election to the legislature.

Do Term-Limited Legislators Behave Differently?
- Lawmakers in term-limited and non-term-limited states “self report” that they spend about the same amount of time studying and developing proposed legislation, specializing in policy, campaigning and fundraising.
- Legislators in term-limited chambers say they spend less time keeping in touch with constituents than those in non-term limited states, and this is especially true in states where the limits are fully implemented, not just enacted.
- Legislators in states with term limits in effect also say that when they must choose between following their own conscience or the needs of the state versus the views of their district, they are more likely to choose state and conscience above district needs.
- Term-limited lawmakers say they spend less time securing government spending or projects for their districts.

Has Power Shifted Away from Term-Limited Legislatures?
- The national legislative survey reveals no measurable change in the power of lobbyists after term limits. Some things get better for them and some get worse. On the one hand, lobbyists may have more information than neophytes. On the other hand, long-term lobbyist relationships with incumbents have been disrupted.
- Limited evidence suggests that if staff influence has increased, the boost applies only to personal and partisan staff, not nonpartisan staff.
- The big winners in the post-term-limits power struggle appear to be members of the executive branch—the governor and administrative agencies.
- The big losers in most cases are party leaders and committee chairs. Party leaders lose influence from the moment term limits hit the books. Committee chairs retain power by virtue of their issue expertise until they are forced from office.

Are Term Limits Here to Stay?
Since the movement’s heyday in the 1990s when 21 states adopted term limits, the number of states with state legislative term limits has dropped to 15. However, in none of these states did voters initiate the overthrow of term limits.
State supreme courts in Massachusetts, Oregon, Washington and Wyoming overturned term limits, while state legislatures did so in Idaho and Utah. Legislative term limits remain in place in Arizona, Arkansas, California, Colorado, Florida, Louisiana, Maine, Michigan, Missouri, Montana, Nebraska, Nevada, Ohio, Oklahoma and South Dakota.

Whether or not term limits are here to stay, voters still love them. According to the advocacy group U.S. Term Limits, the average “yes” vote for term limits adopted at the ballot box was 66 percent.
Recent surveys of Michigan and Florida voters show that support for term limits is still strong and widespread among voters regardless of party, race, gender or socioeconomic status. In Michigan, 71 percent of voters still support term limits, and in Florida 72 percent approve of them.
A mere 13 percent to 14 percent of Florida and Michigan voters would like to extend the length of legislative terms. Only in two states did voters say “no” to term limits when confronted with a clear ballot choice—Mississippi (55 percent voted
For more than 30 years, Alan Rosenthal has been studying U.S. legislatures, earning a reputation as one of the nation's most respected and knowledgeable scholars on the subject. Only recently, though, has Rosenthal focused his research on addressing a fundamental question about American democracy: What makes for a "good" legislature?

"I've been thinking about that question throughout my career," he says. In his new book, *Heavy Lifting: The Job of the American Legislature*, the Rutgers University professor sets out to find some answers.

To begin, Rosenthal argues that a legislature should be evaluated on how it functions, rather than on its structure or public policy decisions. "The legislature is first and foremost a way we can democratically arrive at settlements," the author explained during a June interview about the book. "So it's not the particular settlements that make for a good legislature, because there's no guarantee that the majority is going to want the right thing.

"But the process itself has to be fair and effective, and it has to include a good amount of deliberations as well as negotiations that are above board."

The central question asked in the book leads to another. Are U.S. legislatures, on the whole, good?

Rosenthal believes the answer to the second question is yes. He arrived at that conclusion after traveling to five different states, including Minnesota and Ohio, where he surveyed and interviewed lawmakers and job-shadowed leaders during their 2001 legislative sessions.

The book's title refers to the great number of responsibilities given to legislative bodies and their individual members. According to Rosenthal, their tasks most often involve one of the legislature's three primary functions: representing constituents, lawmaking and balancing the power of the executive. A legislature must ably handle these three duties to be considered "good."

And while he believes U.S. legislatures are functioning well, Rosenthal warns that current performance levels are far from a guarantee in the future.

"There are ways to screw up the legislature," he says, "and it's more important to avoid screwing it up than trying to make it better."

### Balance of Powers

In their responses to the political scientist's job performance survey, individual lawmakers said they were least satisfied with the legislature’s work in balancing the power of the executive. Rosenthal agrees with this assessment, adding that the capacity of lawmakers to perform this function has diminished over the past 30 years.

"Other things being equal, the weakest executive in the country now has the upper hand over the legislature," he says. "Governors' resources and skills in communicating to the public have increased vis-à-vis the legislature, so their power has as well."

Leadership, then, becomes not only vital to effective lawmaking, but essential to a chamber's ability to check the power of the executive branch.

"There's a lot of diversity among leadership styles and approaches, and they all can work," Rosenthal says. "But a legislature has to have it [effective leadership]. Without leadership, the governor can really have his or her way in picking off members."

One method of undermining a functioning legislature, then, is to weaken its leadership.

"Term limits is the best devised way to screw it up, in part because it gets rid of any kind of leadership," he adds. "People don't have experience when they become leaders, and they're not there long enough [to be effective]."

Rosenthal believes other familiar concerns about term limits—weakening the deliberative function of legislative committees and diminishing the institutional knowledge and public policy expertise of members—are well-founded as well. The cumulative effect, he says, threatens the ability of the legislature to do its job.

"Nobody has any incentive to worry or concern themselves with the institution," Rosenthal adds.

Another central finding in the book is the importance of civic education. Without it, Rosenthal says, public support of legislatures will continue to wane—a trend that can impair the legislature's efforts to execute its three primary functions.

Lawmakers know the job of the legislature is a messy one; it is the public institution where conflicts and differences of opinion are expressed and must be resolved. The unattractiveness of the job, though, does not mean that legislators are not performing it well. Rosenthal says the challenge for people who care about legislatures is to deliver that message in a meaningful, effective way.

*Heavy Lifting: The Job of the American Legislature* can be ordered by contacting CQ Press at (866) 4CQ-PRESS or by visiting www.cqpress.com.

—Tim Anderson is publications manager for *The Midwestern Office of the Council of State Governments.*
Although state and local drug importation programs currently violate federal law, the federal government has not acted to halt existing programs. And federal policy on the subject may change in the near future. On May 5, 2004, U.S. Health and Human Services Secretary Tommy Thompson said he would ask President Bush to “not stand in the way” of importation legislation if it emerges from continuing Senate deliberations. Several bills are pending in Congress to permit drug imports from Canada and elsewhere. If a drug importation bill passes, more states and localities may pursue this option soon.

The primary reason for importing prescription drugs from foreign countries is to save money – for state and local governments, for individuals who receive health care through them, and for uninsured residents who may otherwise be unable to afford prescription drugs. State estimates of potential savings from drug importation programs include $90.7 million in total savings for Illinois, $10.4 million for Massachusetts and $1.6 million for New Hampshire. Since many brand name drugs are less expensive in Canada and elsewhere than in the United States, advocates claim that importing drugs or helping individuals access foreign supplies should be a legitimate strategy for coping with escalating prices.

Major Issues of Concern
Drug importation or re-importation (importing drugs that were originally manufactured in the United States for sale in a foreign country) poses several potential risks and unanswered questions:

- **Legality**—Although political pressure is building for a change in federal policy, importing most prescription drugs currently violates federal law, along with many state laws and regulations regarding pharmacy registration and licensing.

- **Safety**—Critics claim that importing prescription drugs heightens the risk to U.S. consumers because foreign drugs may not meet the U.S. Food and Drug Administration standards. Moreover, it heightens the possibility of counterfeit medications and other dangerous substances entering the U.S. market, increases the risk of unsupervised use of certain medications, and poses risks to consumers who receive drugs with labels in foreign languages.

- **Liability**—The question of who is liable for the safety of imported drugs remains unanswered. State and local governments that support importation may find themselves embroiled in litigation.

- **Feasibility**—Some analysts believe that importation programs are not feasible or sustainable in the long run. Proponents, they argue, underestimate the true costs and overestimate the amount of money state and local governments would actually save. In addition, some analysts question whether the supply of foreign drugs is adequate to meet U.S. demand—especially given drug manufacturers’ recent
efforts to restrict supply to Canadian pharmacies that export drugs to the United States.

Policy Options

States that plan to pursue importation of foreign prescription drugs can take steps to enhance consumer safety, ensure the program’s feasibility and minimize government liability. States can also amend their laws to allow legal operation of foreign drug stores on their territories.

Ensuring drug safety. States with proposed or existing drug importation programs have addressed safety concerns primarily by promoting quality assurance and by offering participants guidance and supervision by pharmacists. In order to promote quality assurance, states can specify the types of production facilities from which the imported drugs will originate, and inspect foreign pharmacies before offering their services to state residents. In addition to securing safe production facilities and transit routes, states can conduct random drug inspections once the medications arrive in the state. To promote regular contact between consumers and their pharmacists, Illinois’ importation plan introduces the concept of a primary care pharmacist. Patients schedule regular visits with a druggist for consultation and guidance regarding the imported medications.

Addressing legal issues. While the federal regulatory changes that would allow state importation programs to operate legally are in the hands of Congress, states have the ability to make their pharmacy licensing and registration regulations more flexible to allow the legal importation of Canadian drugs under state laws. Currently, 42 states require nonresident pharmacies to register with or be licensed by a state board of pharmacy before they can ship prescription drugs to residents of that state. Only a few of these states have laws and regulations that are broad enough to allow for licensing foreign pharmacies.

In addition, in order to avoid violating U.S. patent protections on drugs that have expired patents abroad, states can exclude such drugs from importation programs.

Determining feasibility. Producing a valid, reliable and realistic estimate of how much money states can save by importing drugs is of paramount importance. States already enjoy substantial savings as a result of pooled purchasing and the various drug manufacturers’ discount and rebate programs. If the true amount of potential savings is not substantially greater than the current discounts, the additional costs of monitoring for safety and ensuring against liability may render the logic of drug importation untenable.

States can take several steps to produce reliable estimates of financial savings: calculate savings based on participation rates that reflect the current mail-in participation rate of state beneficiaries, at least for the first year of the program; account for all additional costs associated with drug importation, including shipping, liability and implementing safety measures; and rely on the comparison of median drug prices in the United States and abroad to arrive at more accurate price differences.

Protecting against liability. Because determining liability is a very fact-specific inquiry, the absence of a legal precedent makes it difficult to evaluate the potential legal and financial liability for states that broker imported medications. Most state Web sites that link consumers to Canadian pharmacies include explicit disclaimers. Wisconsin, for example, warns patients that the state “makes no representation as to the legality of the importation or re-importation of pharmaceuticals from Canada, and it expressly disclaims any and all liability from such importation or re-importation or the use of any products so acquired.” Similarly, many Canadian drug stores require people to sign waivers of the pharmacy’s legal responsibility for the quality and effectiveness of the drugs sold.

Although such waivers may partially insulate participating governments from legal liability, they make consumer recourse difficult in cases of defective medication.

Continued growth in prescription drug spending and a growing number of uninsured citizens are challenging state and local governments to come up with effective solutions to rising prescription drug costs. Importing drugs from Canada and possibly from Europe is a trend that is rapidly gaining popularity among state and local officials. Before pursuing this option, however, state decision-makers should consider the legality, safety, liability and feasibility of importation programs to evaluate the potential risks and benefits.

TrendsAlert: Prescription Drug Importation explores the recent trends in state efforts to import medications, and provides an overview of related issues and policy options. The full report is available at www.csg.org (keyword: importation).

—Irakli Khodeli is a research assistant at The Council of State Governments.
At a NASTD meeting of state telecommunications and technology professionals earlier this year, one of the hot topics was why some of their customers, other state agencies and employees, bought services elsewhere.

It is those customers, not appropriated funds, who provide much of the operating capital for state government networks. In practice, the central information technology agency often provides low-cost service by aggregating demand from many agencies to deliver products and services at a lower cost than might otherwise be possible.

The trend 20 years ago was a struggle for control of employee desktops with the development of personal computers. Some policy-makers and technologists argued that mainframe computers, those goliaths housed in temperature-controlled rooms, could offer the same utility as the emerging desktop machines. However, employees ultimately decided that the mainframe, with its more difficult technology, was not as useful as personal computers. They preferred the independence and value offered by PCs, which started to appear on desktops everywhere. State government gained a partner in the same productivity revolution that has powered the economy for the past two decades.

Phone Sweet Phone

Today, mobility technologies are again transforming the workplace. Employees can communicate wirelessly from the road or kitchen table using any number of methods unavailable even five years ago. And employees are as attached to their personal technology devices as they were to PCs 20 years ago.

One of the defining characteristics of today’s technology is the degree to which people tailor it to fit their personality. Anyone annoyed—or amused—by a colleague’s wireless phone ring tones can verify that. When force-fed through tinny speakers, some musical ring tones can scream like a bad Father’s Day tie.

The fact is some employees opt to use their personal phones to conduct state business. This allows employees to avoid activity logs to separate personal from public communication. Employees do not want to surrender the value of personal technologies during the one-third of their lives spent at work. It was of course much simpler when a phone was wired to the wall, had one ring tone and did not track your friends and colleagues. Ma Bell did not do ring tones—or mobile data networks, for that matter.

Personal Choice

If state government wants to attract the best and the brightest it will need to accommodate employees by offering physical freedom. The good news is that personal technologies can make more productivity possible. So what will these employees need from state technology professionals?

They need security above all. Left unprotected, customers whose network is mission critical—meaning it can’t be unavailable for any reason—may find themselves on the outside looking in if the products and services they’ve obtained suddenly breakdown.

State technologists thus find themselves managing a transition, harmonizing many different technologies into a cohesive whole, connecting people and things to each other. In such a diverse network, personal choice will occasionally conflict with the security of the government enterprise. Someone has to safeguard important communications, to ensure a malicious code does not take down a network, or to protect the privacy interests of citizens and public employees. The security role for technologists is likely to grow even more important.

In the middle of this transition, NASTD members can now discuss a collegial tension between security professionals, whose job is to secure as much network communications as possible, and network managers, who will resist measures that may slow or place limits on network speed. It is a healthy discussion.

However, in the end, customers who choose outside providers will need to supply the proper electronic credentials to work securely with other state government employees, whether from the cubicle or corner coffee house. Not everyone will use the state-sanctioned, least-cost, best-and-final solution. The bright new hire just might insist on using that sleek model sheathed in neon pink and download ring tones that belt out James Brown. Thank goodness.

—Wayne Hall is a technology analyst with NASTD, a CSG affiliate.
The threat of terrorism has created a new playing field in how the nation responds to disasters—some say an uneven one. Many people in the field of emergency management and homeland security believe that in order to best handle a variety of critical disasters like Hurricane Lili, the Oklahoma City bombing and the Sept. 11 attacks, they need a new game plan. Beginning in 2005, state and local governments will be required to adopt one.

The National Strategy for Homeland Security, released in 2002, charged the Department of Homeland Security with developing a single, comprehensive national approach for responding to disasters. The plan must be adaptable to the wide range of potential man-made and natural hazards and be encompassing enough to integrate all emergency response disciplines.

This was a tall order, considering it must be implemented from the top levels of the federal government to the street-level emergency responder. In some cases the plan would have to cut through the traditional theories of disaster management and integrate disparate plans, principles and doctrines. It would also have to accommodate the wide range of threats that have entered the national lexicon—bioterrorism, agroterrorism, weapons of mass destruction, etc.

DHS developed the National Response Plan to guide the actions of federal, state and local agencies when they respond to a disaster of significant magnitude. The NRP builds on concepts from the Federal Response Plan—the nation’s first standardized disaster plan, which was conceived from the 1988 Robert T. Stafford Disaster Relief and Emergency Assistance Act—and other established federal agency plans. It supersedes the Initial National Response Plan, which has been in effect since October 2003, as well as the FRP and other hazard-specific response plans.

*Photos courtesy of the Federal Emergency Management Agency*
State, local and tribal jurisdictions are expected to adhere to the NRP when the response to a disaster requires the assistance of the federal government, and they have been asked to align their state plans accordingly. A review team of state and local emergency response representatives was convened during the drafting of the plan to ensure that the drafters considered the perspectives of stakeholder organizations. Compromises were made to preserve some of the best features of other national plans, including salvaging some of the traditional terminology and the tried-and-true concepts of the FRP that were most familiar to state and local emergency responders.

For state and local government officials, integrating the NRP into their state operations poses some challenges. States will need to consider how implementing the plan will affect their emergency response operations, what changes should be made to their emergency operations plans, and what adjustments state agencies and local governments must make to function in this new environment.

The Basic Plan

The NRP identifies four principal areas of focus in disaster management: prevention, preparedness, response and recovery. Each of these incorporates the activities of emergency responders throughout the life cycle of a disaster. The plan also outlines specific roles for federal agencies in disaster response and introduces new coordination and management structures—along with a flurry of new acronyms—with which states and local jurisdictions must become familiar, including the following:

- **Principal Federal Official.** An important role established under the Initial NRP in 2003, the PFO is considered the single federal authority when the federal government is called upon to assist in the response to a disaster. The PFO has wide-ranging authority to mobilize resources, determine the appropriate course of action in a given situation, and make federal policy recommendations as needed to adapt the response to the emergency. By default, the secretary of DHS is designated as the PFO, unless the situation calls for another federal agency representative to serve in this lead role. The PFO will serve as the federal liaison to the top ranking officials of affected jurisdictions. For states, the presidential declaration process will remain the same as outlined in the Stafford Act.

- **Joint Field Office.** When activated in response to a disaster, the Joint Field Office will be the new hub of coordination near the incident scene and will combine the activities of federal, state and local law enforcement and emergency management into one location. This replaces the Disaster Field Office commonly used by the Federal Emergency Management Agency, but does not in any way replace the state Emergency Operations Center, which remains the central coordinating facility for state operations.

- **Homeland Security Operations Center.** In early July, DHS established the HSOC as the “nerve center” for information sharing and incident management for the nation. The center is currently up and running at DHS and FEMA. It combines intelligence and law enforcement entities under one roof to assist the department in identifying, preventing and responding to threats of terrorist attacks and notifying designated state and local homeland security agencies.

- **Interagency Incident Management Group.** Under the NRP, the IMG will serve as a sort of “Joint Chiefs” during a catastrophic event and will direct federal disaster operations from the HSOC. Representatives from federal agencies and nongovernmental organizations involved in the disaster response will convene to advise the PFO on what actions should take place and what resources are available. The NRP is set into motion when an event is declared an “incident of national significance.” According to the plan, this can include credible threats, indications or acts of terrorism within the United States; major disasters or emergencies as identified through the Stafford Act; catastrophic incidents; or any unique situation that may require coordination with the Department of Homeland Security, such as high-profile, large-scale events that may be considered targets for terrorism.

The national political conventions, the G-8 Summit, and major sporting events such as the Olympics and the Super Bowl are classified as “National Special Security Events.” Because of their size and complexity, the unique security needs of the proceedings and attendees, and their symbolism to the nation, these events require extensive coordination among federal, state and local officials. During such events, the NRP provides the protocols for the involvement of DHS and other federal agencies.

As with the Federal Response Plan, the NRP is comprised of a basic framework and several supplemental documents that detail the roles and responsibilities of specific federal agencies.

The Emergency Support Functions categorize disaster assistance by functional areas. Compared to the FRP, nearly every function has been altered to modernize and better define the scope of responsibility. Three new functions have been added to recognize Continued on page 35
National defense is a mission often associated with the federal government, yet increasingly states are playing a vital role, overseas and at home, in providing troops, technology and manpower.

When they are deployed, troops in the Guard must put their civilian lives on hold. The concerns about job security, diminished income, and time away from loved ones put great pressure on these troops and their families.

“The increasing frequency of call-ups is becoming a hardship for some members of the guard who make considerably less in military pay than in their civilian jobs,” said Rhode Island Lt. Gov. Charles Fogarty. “This has left some of our guard families in tight financial situations, forcing them to struggle to pay bills while their loved ones fight on behalf of our country.”

“One third of our Guard members make less in the military than at their civilian jobs and they are worrying about making ends meet,” Fogarty said.

In a survey of 481 Army National Guard members from six states, the GAO found that 450 of them had experienced pay problems. Families state-side bear the burden.

In the war on terror, record numbers of National Guard members are being called up for longer deployments. Since Sept. 11, 2001, half the nation’s Army National Guard and 30 percent of the Air National Guard units have been activated to meet the national requirements of the war on terrorism, according to a report by the General Accounting Office based on the congressional testimony of Janet A. St. Laurent, the GAO’s director of defense capabilities and management.

Deployments of this size, which have not occurred since the Korean War, are bringing atten-
tion to the challenges faced by “civilian solders” and their families.

Deployment Since Sept. 11 and the Federal Outlook

The National Guard is composed primarily of civilians who serve their country, state and community part-time (usually one weekend each month and two weeks during the summer.) Each state, territory and the District of Columbia has its own Army and Air Force National Guard units. The Army National Guard has 350,000 troops—38 percent of the Army’s force structure. The Air National Guard has about 107,000 troops—34 percent of the total Air Force.

For state missions, the governor, through the state adjutant general, commands Guard forces. The governor can call the National Guard into action during local or statewide emergencies, such as storms, fires, earthquakes or civil disturbances. In addition, the president can activate the Guard for participation in federal missions.

More soldiers were called up and served in support of this nation in 2003 than in any year in the past 50 years. According to the Department of Defense, approximately 140,000 Army and Air Force National Guard and Reserve troops were on duty as of June 30, 2004. While the Guard is under the joint jurisdiction of the states and the military, Reservists are strictly under the control of the U.S. Department of Defense.

Challenges for States

Some state officials are concerned that with longer deployments, the Guard’s absence may put states at risk if there is a terrorist attack or natural disaster. New York Gov. George Pataki appeared in Congress recently urging lawmakers to support a plan that would ensure that at least half of all Guard troops would remain available for use by states in the event of emergencies or natural disasters. As if the end of March, 41 percent of New York’s National Guard troops were deployed.

Another concern about large Guard deployments is that small communities may lose first responders, including police officers and firefighters—popular professions among National Guard members.

Some states feel the squeeze more than others. Many state officials say they have enough Guard members available to deal with local emergencies. Thirteen percent of Vermont’s Guard members are on federal active duty, for example, well below the national average of 30 percent.

While national retention is currently on par with 2003, the stresses of long deployments and fear of injury or casualty may have a negative impact on retention and recruitment rates. Between October 2003 and February 2004, the Rhode Island National Guard was running 20 percent below its 10-year average for enlistments. As one of the state’s largest employers, the National Guard’s contribution to the local economy is significant.

In addition to staffing shortages, the Guard faces equipment shortages, at home and abroad. Air and Army Guard units have reported that they are short-handed with equipment overseas and that some of the equipment is outdated. Some Guard troops

In the war on terror, record numbers of National Guard members are being called up for longer deployments. The Pentagon projects that over the next three to five years, it will require between 100,000 and 150,000 Guard and Reserve forces to support ongoing military operations.

Left: Lt. Gen. H. Steven Blum briefs reporters on the transforming roles of the National Guard. Department of Defense photo by Helene C. Stikkel.
expressed concern that the active Army receives the most current equipment and technologies.

According to the GAO report, 22,000 pieces of equipment belonging to the National Guard had to be transferred from non-deploying units to deploying units to meet the demand overseas. In the event of a domestic emergency, “equipment and personnel may not be available to the states when they are needed because they have been deployed overseas,” the report concluded.

The Guard Restructures for Increased Responsibilities

In response to the Guard’s increased responsibilities, National Guard Bureau Chief Lt. Gen. H. Steven Blum outlined a plan last year to streamline the state military bureaus, the Army Guard’s state area commands, and the Air Guard’s state headquarters into single joint headquarters. Last summer, the National Guard Bureau began functioning as a joint headquarters and the state and territorial headquarters began functioning as provisional joint commands in October. The intent is to have the 54 joint force headquarters fully operational by October 2005.

“This will ensure a rapid and coordinated response to any emergency, making the National Guard more versatile, relevant, and able to meet our national security challenges,” said Blum in congressional testimony.

The reorganization will also make it easier to implement one of the Guard’s homeland security pilot programs. Twelve states have been selected to field enhanced chemical, biological and incident response task forces. The states in the pilot program are California, Colorado, Florida, Hawaii, Illinois, Massachusetts, Missouri, New York, Pennsylvania, Texas, Washington and West Virginia.

Many of the concerns about longer and increased deployments have been bolstered by the April GAO report, which called for further restructuring of the Guard. The report, Reserve Forces: Observation on Recent National Guard Use in Overseas and Homeland Missions and Future Challenges, says that the Defense Department, the states and Congress face three major challenges with regard to balancing the Guard’s future role in overseas and domestic missions:

- the eroding readiness of Army Guard units that may be mobilized for overseas operations within the next few years;
- the need to determine how the Army National Guard should be structured and funded to support federal missions in the longer term; and
- how to balance homeland and overseas requirements.

Although the report commends Blum’s restructuring efforts, it recommends that the National Guard be restructured further to reflect its expanded role in defense. In order for Blum’s reforms to work, it adds, they must be backed up by federal funding and by increased cooperation among the Defense Department, Congress and the states.

“There are 311,951 dependents of citizen soldiers who have plenty to worry about when their loved ones are stationed on the frontlines in the fight against terrorism.”

— Illinois Lt. Gov. Pat Quinn

State Initiatives to Support the Guard

While decisions on restructuring the Guard will come from the federal level, state officials have been working to ease the strain on activated troops.

Many state governors across the country are taking the lead in ensuring that National Guard troops and their families are provided for during deployment and upon their return. Lieutenant governors are also working to guarantee that state needs, whether homeland security or natural disaster response, are met during periods of high National Guard deployment.
States Prepare For Attacks on Public Health

Assessing state health powers and readiness

By Chad Foster

In 1894, an outbreak of smallpox in Milwaukee ended with 10,679 cases and 244 deaths. Fifty-three years later, a similar outbreak in New York City resulted in just 12 cases and two deaths. How did New York officials in 1947 effectively control the spread of the disease and, ultimately, save lives? They understood the use of isolation and quarantine.

America is still vulnerable to chemical, biological or radiological attacks. Those threats were demonstrated in 2001 when anthrax was found at local post offices and again in 2003 when a letter laced with ricin was mailed to the White House and Capitol Hill. Additionally, the continued threats and capabilities of terrorist groups such as al-Qaida make a large-scale attack extremely plausible. If there was such an attack, how prepared would the states be to respond?

In May, The Council of State Governments hosted a national teleconference to examine state emergency health powers and the awareness and readiness of public officials regarding isolation and quarantine.

Beliefs Versus Realities

Isolation and quarantine both involve the physical separation and confinement of individuals. Isolation deals specifically with people who are infected or believed to be infected with a contagious disease. Quarantine, on the other hand, is used for those who may have been exposed to a disease but do not show any of its symptoms.

“The underlying purpose in conducting isolation and quarantine is to control the spread of an infectious disease that is communicable from person to person,” said Dr. Georges Benjamin, executive director of the American Public Health Association. “It is usually done either as a voluntary or legally compelled action.”

The federal government retains quarantine authority for diseases that originate outside of the country and cases that span across state boundaries. Otherwise, states retain the authority through state constitutional, statutory or executive powers to order and conduct isolation and quarantine.

State and local chief executives are ultimately responsible for public protection during a chemical, biological or radiological (CBR) attack. Primary responsibility for the isolation and quarantine of the public, however, typically falls under the authority of the state public health department.

Many other state agencies have a role in enforcing and supporting isolation and quarantine. Key public health responsibilities include the detection and surveillance of the communicable
disease; administering vaccines and medicines; and providing general care for those within isolation and quarantine.

State emergency management provides the incident command structure necessary to coordinate the response to a CBR attack. State and local law enforcement play a critical role in enforcing isolation and quarantine orders, handling public relations, and providing security to facilities, personnel and stockpiles of vaccines and medicines. Furthermore, many logistical functions would fall on the shoulders of state transportation and local public works departments.

For citizens, isolation and quarantine typically conjure up images of government intervention, forced detention and martial law. Scenes from the 1995 movie “Outbreak” with Dustin Hoffman likely come to mind, with military forces surrounding a small town in California to prevent the spread of a lethal virus.

“In the public’s mind, isolation and quarantine involve separating people from their families, jobs and daily lives,” said James Hodge, executive director of the Center for Law and the Public’s Health. “Although it involves some level of compulsory action … it typically does not involve the onerous, long-term isolation and quarantine that too many people envision.”

In fact, there is a range of quarantine-like options available to public officials to control the spread of a disease. “From simply telling people not to go to work, to stay home, to stay away from certain places, closing schools and businesses … these are often the most effective ways to deal with a large-scale spread of infection,” said Benjamin.

Additionally, government officials may seek voluntary home curfew, suspend group activities, cancel public events, close public places, and suspend public travel.

During the 1947 smallpox outbreak in New York, public health officials asked citizens to stay at home unless they were going to get a vaccination or displayed symptoms that required hospitalization.

**Public Relations Strategies**

Due to the great potential for panic during a CBR attack, communication between public officials and citizens is critical. Pre-crafted and coordinated public information messages worked successfully for Illinois during the 2003 TOPOFF 2 exercise, which involved the simulated covert release of the pneumonic plague in Chicago. Mike Chamness, chairman of the Illinois Terrorism Task Force, said, “Having a coordinated public information message was invaluable to effectively dealing with those exposed and those not exposed.”

Also critical is the coordination of public messages among the state and local jurisdictions, a key lesson for Illinois during TOPOFF 2.

Many counties in the state maintain their own stockpiles of medications and plans for distribution. During the exercise, Illinois officials learned that one county had a plan to distribute medication to every citizen in their jurisdiction. Surrounding counties, however, planned to distribute the medication only to those displaying symptoms. State officials quickly realized the potential for public outcry and produced a coordinated plan of distribution. Otherwise, citizens would likely flood...
counties that provided distribution to all citizens while placing blame and assertions of neglect on the other county’s officials. According to Chamness, “a coordinated plan and public message between the state, counties and municipalities is absolutely critical.”

Another concern for public officials during a CBR attack is the safeguarding of vaccines and antibiotics and control of access to those medicines. Using a “snow day” approach to quarantine, Illinois used a strategy of appealing to the public’s sense of citizenship and fear to control access to medicines at the distribution center.

Because of the limited supply of antibiotics, Illinois officials asked citizens to remain at home unless they were displaying symptoms of the disease. Otherwise, lifesaving medicine would be wasted on healthy individuals. This message appealed to the public’s sense of citizenship.

Secondly, officials warned the public about the dangers near the distribution center and the high likelihood of exposure due to the high concentration of those infected. This coordinated, two-prong strategy helped to manage the numbers at the distribution center.

The Legal Framework

According to a report by The Center for Law and the Public’s Health at Georgetown and Johns Hopkins universities, state isolation and quarantine laws and powers derive their authority from the “police power” reserved to the states under the 10th Amendment of the U.S. Constitution.

Soon after the 2001 terrorist attacks, many states began reviewing and updating their public health emergency powers. In doing so, most found antiquated laws and outdated rules and procedures.

In December 2001, the center released The Model State Emergency Health Powers Act. This model legislation provides states with policy suggestions, including:

- definitions related to isolation and quarantine;
- methods to assist in planning for a public health emergency;
- declarations of a public health emergency in the state;
- legislative language that supports the management of property and protection of persons during isolation and quarantine; and
- the release of information to the public.

According to the center, 32 states and the District of Columbia have passed bills closely related to the model act. Proponents of these measures said that public health officials must have the authority and protection of the government when responding to an attack. During a public health crisis, officials must have the authority to make decisions based on the public safety and the “common good.”

Opponents worry that the new laws give too much power to state and local officials, many of whom may not be qualified to assess the health risks of a CBR attack. Some believe that certain state laws are too restrictive, potentially in violation of civil rights. Also, many think that states with laws that overly protect officials from damages or lawsuits make those officials less accountable for their actions and more likely to make hasty and harmful decisions.

Hodge believes that The Model State Emergency Health Powers Act strikes a balance between the authority provided to public officials during a crisis and the constitutional rights of citizens. “Whenever governments exercise their authority to confine individuals, be it in a criminal setting or mental health setting … there is a definite need to look at due process and that is also true during emergencies,” said Hodge. “The model act provides due process protections for individuals or groups of individuals that work while public authorities implement isolation and quarantine.”

Examples of due process provisions include petition-oriented processes as well as opportunities for citizens to seek and contest isolation or quarantine orders through administrative or court-based tribunals.

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The Business of Caring

By Cari DeSantis

When caring is your business, you must take care of the business side of your organization. This is the operating philosophy of Delaware’s Department of Services for Children, Youth and Their Families and one that could be employed in state agencies nationwide. Sound business practices and proven corporate strategies are essential if we in government are to be good stewards of public dollars and the public trust.

DSCYF consumes the third largest share of state dollars and has an annual operating budget of more than $146 million. With 1,200 employees, we are one of the 25 largest employers in the state. Every day, more than 8,000 children and their families come to us in crisis seeking child protective, mental health, substance abuse and juvenile justice services. We also license more than 2,000 child care centers, which serve more than 42,000 of our youngest children; and we provide a variety of prevention and early intervention programs in schools and communities.

Putting Children First

Three years ago DSCYF began focusing on using corporate management strategies to transform Delaware’s 1970s child welfare system into one that meets the needs of today’s children. We are better for it and, more importantly, so are our children.

Paradoxically, the recent national budget crunch led to spending reductions that forced us to improve how we manage our limited resources and deliver services. Instead of a simple “slash and burn” approach, we re-engineered how we manage our limited resources and service delivery systems. We cut a nearly $10-million crippling budget deficit down to end fiscal year 2003 with a nominal surplus, all the while completely reforming our foster care system, re-engineering juvenile probation, opening new group homes and therapeutic services and embracing a holistic service approach to meet the needs of our toughest, multidisciplinary children with intense and special needs.

How did we do it? We developed a clear vision that has become a touchstone for all employees as they make service or administrative decisions. That vision is encapsulated in five little words: “Think of the Child First.” This vision is supported by a dynamic strategic plan with five key strategic initiatives which have enabled us to weather the national economic crisis well.

The needs of Delaware’s children should not be compromised, so the department marshals limited resources to the areas of greatest need; finds flexibilities in funding streams; and re-engineers, reallocates and redeploy resources throughout the department to stay focused on the end goal. It helped us engage our external partners to maximize nontraditional service distribution channels in the public, private and faith-based arenas.

Gov. Ruth Ann Minner’s support was instrumental in our success, as was the dedication and hard work of the department staff. DSCYF involved many line people in developing the budgets, spending reduction plans, and new service research and development. In many cases, these were people who had never before been asked for input. We balanced front line suggestions with what managers knew was doable within the construct of the state system, looking for where we could bend the rules without breaking them, which rules needed breaking, and where we needed a good dose of out-of-the-box thinking. Today we are much more customer service oriented, managed by data analysis, and have implemented “best practice” services across the department.

Keeping Score

So how do we know that our changes have added value? Can we deliver on the promise of our vision and strategic initiatives? We asked ourselves these questions and settled on the Balanced Scorecard approach, as do many private businesses today, to help us measure and monitor our performance department-wide. This scorecard will tell us if the department is creating a child-focused system of care, serving children holistically, using leading-edge management tools, inspiring our work force to do their best, and engaging community partners in service delivery for Delaware’s children in crisis. At the end of the day, this scorecard will tell us if we are, indeed, thinking of the child first.

Beyond our own internal performance monitoring, we invited an independent audit of our progress in delivering value to our customers, and the approach used in doing so. This audit has been conducted by the Delaware Quality Award Consortium, an organization devoted to improving organizational effectiveness through use of world-class standards—the Malcolm Baldrige Award criteria. They examine strategic planning, leadership, customer services, process management, human resources, information and results. Over the past three years, their reports have shown our steady and significant progress. In each succeeding year, our scores have been higher in all categories, with the most recent scores in most categories meeting or exceeding the highest quality award standards.

Today as we continue to go about the business of caring, our task is to stay focused, to complete our organizational transformation, and to embed the new philosophy so that progress will continue whether governors, cabinet secretaries or appointed department leadership change. Our organizational transformation was essential so that everyone involved in children’s services in Delaware would always “Think of the Child First.” Our 8,000 kids deserve no less.

—Cari DeSantis is cabinet secretary of the Delaware Department of Services for Children, Youth and Their Families.
States Adopt Technology

From mapping wildlife to health care management, technology helps states

State governments’ adoption of new technologies has varied not only from state to state but also among jurisdictions within the same state. While a revenue agency may be completely wired, allowing seamless sharing of data across invisible jurisdictional boundaries, citizens are still required to wait in line for hours to secure an automobile registration issued by a separate agency. While a city may offer wireless kiosks in its public library, the county in which the city is located may still record probation and parole information on 3-inch by 5-inch index cards.

This month, CSG’s Policy Group examines technology and its impact on states, governance and policy.

Health Information Technology

Health information technology including electronic prescribing and paperless medical records has tremendous potential to reduce medical errors and improve quality.

Concerns about patient privacy, high costs and uncertainty surrounding the efficiency and benefits of upgrading current administrative practices have delayed many technological updates. In the face of this reluctance, policy-makers at the state and federal levels are planning to require the health care industry to adopt new technology.

In May, President Bush’s Health Information Technology Initiative established the goal of improving health care information technology and ensuring that most Americans have electronic health records within 10 years. A national, interoperable health information infrastructure is in development that would allow secure and fast access to information needed for patient care, while still protecting patient privacy. The Department of Health and Human Services’ Centers for Medicare & Medicaid Services...
awarded a $100,000 grant to the American Academy of Family Physicians to support the pilot project that standardized electronic health record software in several health care facilities. The new Medicare Modernization Act, passed in December 2003, provides guidelines and incentives for HIT that many analysts believe will spur further adoption of electronic prescribing and use of electronic medical records.

Several state programs have also developed methods of electronic recordkeeping. The Delaware Health Information Network is a statewide network for health information and electronic data interchange. It has reduced costs, stimulated competition based on quality, improved access to patient records and best practices, and provided information about available resources to health care providers.

Gov. Jeb Bush of Florida recently established the Governor’s Health Information Infrastructure Advisory Board. The board will help to promote and implement the adoption of electronic health records and the Florida health information infrastructure.

Rhode Island’s Quality Institute, a unique public-private partnership, has helped to create a statewide electronic prescribing program connecting physician offices with pharmacies.

Despite the high start-up costs and the concerns for privacy, statewide databases and electronic prescribing are expected to lower health costs and improve patient care by increasing accuracy and access to a patient’s medical history. With support from policy-makers, applying technology could be an innovative step to a more efficient health care system.

Sarah Donta is a health policy project assistant with CSG.

GIS Guides Natural Resources Management

Ongoing advances in computer technology have greatly expanded the quantity and quality of information available to state natural resources management agencies, thereby facilitating improved planning and decision-making. The evolution of Geographic Information Systems is an example. GIS is a term used to describe the data, hardware, and software systems used to analyze and spatially display information. Pioneered in the 1980s by firms like Environmental Systems Research Institute, GIS usage significantly expanded in the following decade with the advent of desktop-PC applications, such as ESRI’s ArcView.

In particular, GIS has proven to be an extremely useful tool in state efforts to manage fish, wildlife and other ecological resources. For example, 35 state natural resource management agencies have adopted the Natural Heritage Network’s methodology to inventory and document rare plants, animals and types of ecological communities. Most of these agencies, 25 as of July 1, 2004, have converted from paper maps to the GIS-based data management system developed by NatureServe—a private, nonprofit conservation organization. Several more agencies are either considering or currently in the process of making the switch.

Information regarding where particular types of rare species or natural areas are located or are likely to be found is a tremendously valuable planning tool for guiding efforts to conserve state biological diversity and making informed land use decisions.

Another major GIS-driven initiative is the National Gap Analysis Program (www.gap.uidaho.edu). Its mission “is to provide regional assessments of the conservation status of native vertebrate species and natural land cover types and to facilitate the application of this information to land management activities.” The program is a cooperative public-private effort consisting of state-level projects coordinated by the U.S. Geological Survey.

Maps and the ability to accurately show information relative to where things actually occur “on the ground” have always been useful for informing the public, as well as for guiding agency management decisions. GIS has substantially enhanced this capability through the use of relational databases, digital imagery and computerized cartographic tools, to provide more accurate, readily modified and easily produced maps. Mapping projects that would have taken an agency many months to complete in the past are now completed in a few days.

As GIS technologies continue to be refined, natural resource management agencies will undoubtedly find new and creative applications for using spatial data to help preserve and protect their states’ ecological resources.

—Ron Scott is an environmental policy analyst with CSG.


Improving Schooling, Easing Rigors

Technology in schools has changed not only when, where and how students and their teachers learn, but it also has vastly improved the ability for local and state education agencies to collect and report mountains of data related to academics, attendance, and fiscal matters. The delivery of such services, educators agree, promotes the bottom line in education: improved learning.

Two promising examples of applied technology are likely to change the way districts and states conduct the business of education and the infrastructure that supports it.

Over the next four to six years, Idaho will build a centralized, uniform system that includes a host of Web-based resources and tools for education stakeholders. The Idaho Student Information Management System will focus on four major areas: student information management; curriculum management; data analysis and reporting; and special education software.

For teachers, the system will deliver curriculum and lesson plans; class assessment and progress reports; standards-based report cards; and tools for communicating with parents on homework, attendance and progress toward student goals. For parents and students it will deliver homework assignments, attendance records, and progress reports toward graduation requirements. For schools and school districts, the system will provide student data on state and local tests; state and national comparison data; and school, district and program performance data. In addition, for the public and for policy-makers it will report student achievement information, state and national comparison data, and district and state report cards. To view the site, visit isimsproject.org.

In Wisconsin, the School Aids Financial Reporting program provides an Internet-based school district finance data-reporting program that allows districts to edit their data for accuracy while they are preparing it for submission to the state Department of Education. This self-correcting technology saves Wisconsin’s state education agency as much as six months of auditing, reducing the average audit to four months, and provides timely data for use in calculating general aid money for the state’s 426 school districts.

Operational since July 2003, the user-friendly program provides teaching tutorials through audio and video streaming and runs more than 100 checks for accuracy before the final data is submitted to the state. The School Financial Services Team received an $80,000 federal grant from the National Center for Education Statistics to begin building the program. It can be viewed by visiting www2.dpi.state.wi.us/safr/.

—Charlotte Postlewaite is CSG’s chief education policy analyst.

Drunken Drivers Don't Start

European car maker Saab recently announced a prototype ignition-locking system called “Alcokey” which could lead to revolutionary advances within the industry and, ultimately, improve public safety across the states.

Like traditional interlock systems that have been in existence since the early 1980s, this new system serves the same overall purpose—to keep drunk drivers off the roads by restricting the operation of their vehicles.

Alcohol-related accidents and fatalities continue to plague the states. According to the National Highway Traffic Safety Administration, 17,419 traffic fatalities in 2002, accounting for 41 percent of all traffic fatalities, involved alcohol. And, alcohol-related fatalities have been steadily rising since 1999.

In 2003, the Gallup Organization reported that 97 percent of the driving age public viewed drinking and driving as a threat to their public safety. Therefore, states are tightening drunken driving laws, and most view the ignition interlock system as a key component to a comprehensive drunk driving program.

How effective is this technology? According to a 2001 report by the International Council on Alcohol, Drugs and Traffic Safety, ignition interlock devices reduced the rate of repeat drunk driving
offenses of convicted offenders by 40 percent to 95 percent when part of a comprehensive monitoring program.

Many state judicial and corrections systems permit or mandate the use of the ignition interlock systems for offenders as a condition of release or within terms of their probation or parole sentence.

In 1986, California became the first state to pass a law allowing a pilot ignition interlock system. Today, approximately 40 states have statutory provisions for the use of ignition interlock devices for convicted drunk drivers.

What makes the Saab prototype unique is its size and functionality. Traditional devices are built into existing vehicles, using bulky and expensive components to include the actual breathalyzer, wiring devices and ignition-locking mechanism.

The Saab prototype is installed in the vehicle at the factory. Furthermore, the breathalyzer is wireless, small and built into the key fob. The system can be adjusted to accept different levels or traces of alcohol, making it easily adapted to any state’s alcohol laws. Saab estimates the cost for the systems at around $300 per unit, much lower than traditional systems that cost between $4 and $10 per day to lease or more than $1,000 to purchase.

Despite these advancements, many challenges continue to plague the industry. Reducing the chance of false-positive results is one ongoing problem. Another is the matching of the system with the actual driver to prevent circumvention of the system by way of a third party. In fact, some companies today are experimenting with voice recognition technology to match the system with the driver.

Nonetheless, advances with ignition locking systems today show great promise for sober and safer drivers tomorrow.

—Chad Foster is CSG’s chief public safety and justice policy analyst

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Term Limits
Continued from page 12

against) and North Dakota (53 percent). Idaho voters supported the Legislature’s action to overturn term limits on a referendum. Some experts, however, believe a confusing ballot question affected the outcome.

Despite overwhelming public support for term limits, many of the term-limited lawmakers interviewed said they should be repealed entirely or at the very least extended. Once in office these legislators find that it takes more than a few terms to master the job. Limited time in office forces legislators to focus on short-term issues rather than long-term, complicated matters like transportation, budgets and water. Term limits, said one termed-out leader, don’t encourage a body of work from legislators, but rather produce a series of hit-or-miss issues.

Perhaps the biggest impact of term limits is the revolving door pattern for legislative leaders. Said one former speaker, “The minute I was selected, the race began to succeed me.”

All of that makes running a term-limited legislature a very tough job. One former Senate president summed it up this way: “Managing the Legislature under term limits is like fielding a baseball team of free agents.”

—Mary Lou Cooper is communications and program manager for CSG-WEST, the Western office of The Council of State Governments.
The 2004 Henry Toll Fellowship Class met in Lexington, Ky. June 26-July 2. The class enjoyed fellowship with other leaders from around the country and engaged in leadership training from some of today’s well known leaders, including Arkansas Gov. Mike Huckabee. Pennsylvania Secretary of State Pedro Cortes was chosen as the 2004 Class Representative.

CSG and the entire 2004 Toll Class would like to thank the sponsors of this year’s program: Kentucky Legislative Research Council, Beverly Enterprises, AstraZeneca Pharmaceuticals, Bayer Corporation, Hoffmann-LaRoche, PhRMA, Pfizer Inc., Procter & Gamble, Brown-Forman Corporation and Eastman Kodak Company.

Three members of the 2004 Toll Fellows were not profiled in the June-July issue of State News. We are pleased that Kentucky Sen. Alice Forgy Kerr, Ohio Sen. Robert Schuler and Arizona Rep. Tom O’Halleran were able to join the class.

The 2005 Henry Toll Class will meet in Lexington September 24-29, 2005. For application materials, visit the CSG Web site at www.csg.org (keyword: Tolls) or contact Amanda Mays at (859) 244-8236 or amays@csg.org.
Teleconference Series Explores Health Policy

Understanding the wide range of problems and issues that affect Americans’ health can be a daunting task for state policymakers. To ease this burden and provide quick access to information on current health policy, CSG has developed the Health Policy Monitor Teleconference Series. These teleconferences bring together a variety of experts and legislators to discuss critical health issues, innovations, best practices and model programs.

In April, a panel of experts discussed medical malpractice, including policies such as caps on damages and state-based medical malpractice insurance funds. In July, CSG held a teleconference on health insurance affordability. Expert presenters discussed how states can make insurance more affordable for small businesses and the uninsured. Transcripts and audio recordings of the teleconferences as well as other resources on these topics are available at www.csg.org (keyword: health teleconferences). For more information or to add your name to the mailing list, please contact Jenny Sewell at (859) 244-8154 or jsowell@csg.org.

CSG Health Task Force Studies Emerging Trends

The Health Task Force met during CSG’s spring meeting held in April in St. Paul, Minnesota to study a number of important emerging state issues and trends in health care. A subcommittee discussed the top 10 health care trends, covering areas such as medical malpractice, health care quality, aging and long term care, obesity and chronic illness, and health care information technology.

The task force held a session on the implications of the Medicare Modernization Act for states with Dennis Smith of the Centers for Medicare and Medicaid Services, Mary Kennedy of Minnesota Medicaid Office and Donna Boswell of the Washington, D.C., law firm of Hogan and Hartson. The task force also approved unanimously a resolution on Medicaid financing. The resolution is a response to federal criticism of intergovernmental transfers and other state financing solutions and recent actions by the administration and Congress.

For copies of the speaker presentations and other resources from the meeting, visit www.csg.org (keyword: health task force), or contact Trudi Matthews at (859) 244-8157 or tmatthews@csg.org.

Conference Focuses on Mental Health Policy

Developing sound health care policy to serve people with mental illness is a delicate task. During a Health Policy Forum on Mental Health held in May, CSG brought together state officials and mental health experts to discuss the complex issues in providing access to quality care for people with mental illness. Several important issues were covered, including an overview of brain disorders, access to care from a patient’s perspective, the current state of health insurance programs, best practices from the states, and the costs of addressing mental health issues.

The forum was made possible through an educational grant from Wyeth. For copies of speaker slides, policy resources and links to mental health organizations, please visit www.csg.org (keyword: health forum) or contact Sarah Donta at (859) 244-8244 or sdonta@csg.org.

Lieutenant Governor Becomes Governor

Connecticut is experiencing the first party split between the office of governor and lieutenant governor in 25 years. On July 1, Gov. M. Jodi Rell succeeded to the office from the position of lieutenant governor, after former Gov. John Rowland resigned.

Rell becomes the state’s first Republican female chief executive. She is a past Executive Committee member of the National Lieutenant Governors Association, a CSG affiliate. She hosted an NLGA meeting in Hartford, Conn., last October.

As specified by the state constitution, four-term state Senate President Pro Tem Kevin Sullivan, a Democrat, became lieutenant governor on July 1 as part of the gubernatorial succession. According to the NLGA, three gubernatorial succesions have occurred since September 2003—in Indiana, Utah and Connecticut. NLGA serves the state and territorial officeholders first in line of gubernatorial succession.
**Eastern Trade Council to Open Office in China**

The Eastern Trade Council, an affiliate of CSG/Eastern Regional Conference, voted in April to hire a trade representative in China. The trade representative will focus primarily on developing export opportunities for companies in the Northeast states.

In late May, an ETC delegation met in Beijing and Chengdu, in the western province of Sichuan, with American and Chinese leaders to discuss the office and opportunities for Northeast exporters in China. The group included Wade Merritt, current ETC chair and Maine Inter-national Trade Center Bangor office director; Wendell Hannaford and Veronique Cavaillier of CSG; and New York Assemblyman Robert Straniere.

Central to the discussions were the biotech/pharmaceutical industry, where Chinese producers are in need of U.S. expertise in testing and quality assurance, as well as infrastructure and environmental needs. U.S. Department of Commerce staff in both cities were very encouraging about the chances for success for U.S. companies attempting to enter the Chinese market in these and other sectors.

While business development efforts will concentrate on Sichuan, businesses interested in exploring opportunities in other regions of China are strongly encouraged to take advantage of this office. Oriamer LLC of Delaware will represent the ETC states in China. Staffed by Jeffrey Qi and David Lin, Oriamer LLC is an experienced trade consulting practice, having worked for Delaware in a similar capacity for the past 12 years.

The trade representative, Jeffrey Qi, will focus mainly in Chengdu. With a population of approximately 11 million residents, it is the third largest city in China.

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**CSG/CSG-W EST Convene In Alaska September 25-29**

Anchorage, Alaska beckons elected officials from 50 states, Canada, islands and territories September 25-29 for a joint annual meeting of the CSG State Trends and Leadership Forum and the CSG-WEST Western Legislative Conference. This is the first time CSG national and one of its regions will convene an annual meeting together. CSG and CSG-WEST will jointly host plenary sessions, social events and select forums, while concurrently convening their respective task forces and committees. CSG-WEST Chair Bart M. Davis, Idaho Senate majority leader, is pleased that CSG-WEST will further enrich the CSG agenda, offering participants a broader program menu.

On behalf of the host state, CSG President and Alaska Gov. Frank H. Murkowski has chosen the meeting theme “The Pacific Rim: Leading the Way.” Plenary sessions will focus on the Pacific Rim region and relations as well as offer insights on future energy supplies. Joint forums will tackle No Child Left Behind and its impact on states, life with term limits and a new national oceans policy.

The CSG-WEST Western Legislative Academy alumni will host a continuing education workshop on “Media Strategies for Dealing with an Angry Public,” as CSG-WEST continues to explore other key issues and questions of concern to the Western region. How can states develop a results-oriented budget in an age of permanent fiscal crisis? What can the region do in the face of increased water demand and decreased supplies? How will the West fare under the proposed federal highway funding formula? Has globalization taken a toll on the West? Are legislatures less civil than they used to be? What does the Medicare Modernization Act mean for states?

In addition to days filled with workshops and sessions on matters of vital importance to states, the Alaska host state will offer a variety of activities designed to showcase the spectacular beauty and natural resources of the “Last Frontier.” From a train ride to Seward where a boat cruise will offer sightings of eagles, whales, puffins and seals to glacier-watching, meeting participants and their families will have opportunities to see one of the most scenic states in the nation.

For information on how to register for the Alaska meeting, call (800) 800-1910 or visit www.csg.org and click on “Meetings.”
Treasurers Honored at Annual Meeting

The National Association of State Treasurers and the College Savings Plans Network recently concluded their annual conference in Norfolk, Virginia.

During the conference treasurers from around the country discussed the economy, the investment management industry and cost-saving programs. The treasurers also spent time comparing 529 plans, discussing the evolution of the market and receiving updates on mutual funds.

Time was set aside during the conference to honor past and present treasurers. The Harlan E. Boyles Distinguished Service Award was given to former New Hampshire Treasurer Georgie Thomas. During Thomas’ 18 years of financial stewardship she has become a widely respected professional who is considered an honest voice at the table.

Nevada State Treasurer Brian Krolicki was presented with the Jesse M. Unruh award for his ideas and programs that have made a large impact on his state and the entire financial community. Krolicki has assisted in forging a plan to make NAST a leader in corporate governance and investor protection.

Former Virginia State Treasurer Ron Tillett received the Honorary Corporate Affiliate Award. Tillett is now in the private sector and continues to show exemplary support for NAST programs.

The conference also recognized the service men and women fighting for our country. Each treasurer had a chance to meet a seaman from their state and present him or her with mementos from home. In addition, members of the NAST Foundation enjoyed a memorable tour and dinner aboard the Navy’s newest aircraft carrier, the USS Ronald Reagan.

Conference Promotes Watershed Planning and Management

Valparaiso University in Valparaiso, Ind., was the site of CSG’s “Watersheds: Growth, Land Use and Opportunity” conference from June 6–10. The activities began with a pre-conference grants workshop, followed by presentations focused on identifying current and emerging watershed management issues in four areas: growth and development, agriculture, lakes management and coastal management. A series of workshops explored each of these topics in-depth in an interactive fashion. Attendees also learned about potential solutions to the issues identified, along with local efforts and techniques, and they participated in a field trip to the Coffee Creek Watershed Preserve.

Additional workshops were designed to draw on participants’ experiences and opinions concerning various ways to solve watershed management problems locally. The conference concluded with a facilitated summary and a discussion by representatives from the nonprofit sector, the Indiana Department of Environmental Management, and the Northwest Indiana Regional Planning Commission regarding their actions to enhance watershed planning and management.

For more information, contact Ron Scott at (859) 244-8031 or rscott@csg.org.
CSG Awards Environmental Grants to 10 States

The Council of State Governments recently awarded nearly $900,000 in grants to 10 states through the State Environmental Initiative program. The grants will support the efforts of California, Georgia, Idaho, Illinois, Maine, Maryland, Minnesota, New Jersey, Oregon and Wisconsin to address some of the critical environmental issues in India, Indonesia, Sri Lanka, Thailand and Vietnam. The states provide matching contributions of more than $1 million, making the total value of the proposed projects close to $2 million.

The grants include five Environmental Partnership Grants and seven Immediate Response Grants. Details are available at www.sei-asia.org.

- The Minnesota Trade Office, in partnership with the Wisconsin Department of Commerce, has been awarded a grant to accelerate the use of industrial wastewater treatment technologies, water purification systems and water metering technologies in Sri Lanka’s capital, Colombo.
- Portland State University is the lead institution for a CSG-sponsored canal restoration initiative in Ho Chi Minh City, Vietnam. Other players in the alliance are the Portland Environmental Services Bureau, Metropolitan Group of Portland, Oregon Office of Economic and Community Development, Portland Office of Sustainable Development, Runkel and Associates (a Portland business), and Northwest Power and Conservation Council.
- The San Diego Environmental Services Department will use its expertise in integrated municipal solid waste management to help the Indian Municipal Corporation of Hyderabad implement a cost-effective solid waste strategy. A grant to the California Business, Transportation and Housing Agency will support the partnership.
- Oregon’s Economic and Community Development Department received a grant to help Thailand establish a business energy tax credit program. The department is partnering with the Oregon Department of Energy and Bonneville Power Administration to share this energy conservation solution with Thailand’s Energy Efficiency Development Association and its Industrial Finance Corporation.
- The New Jersey Department of Environmental Protection will take the lead in a project to establish a Model Command Zone for water quality surveillance and testing in New Delhi, India. In the second part of the project, Arizona’s Department of Environmental Quality will lead a public awareness campaign to encourage water conservation.
- Using an IRG grant, Idaho’s Department of Commerce led a very successful environmental trade delegation to the Entech/Pollutech Asia Trade Show in Bangkok, Thailand in June. AMS Inc, a member of the delegation, expects to sign a new distribution agreement in Thailand and to explore a joint venture partnership for manufacturing a “weed cutting” boat to clean up pollution on waterways. Similarly, North Wind Inc. plans to work in the Thai market as a broker for alternative energy technologies. The company was encouraged by the number of Thai industrial clients who want to reduce agricultural waste from the production of rice, palm oil and tapioca.

Since 1994, the CSG/SEI matching grants have been funded by the United States Agency for International Development through the US-Asia Environmental Partnership. The grants strengthen U.S. states’ capacity to foster environmental partnerships with Asian partners while supporting the US-AEP’s goals.

For more information, please contact Sundaresan Subramanian, SEI program director, at (859) 244-8178 or subi@csg.org or Karen Marshall, EPG coordinator, at (859) 244-8234 or kmarshall@epg.org.

Lieutenant Governors Support Military Relief Funds

Illinois Lt. Gov. Patrick Quinn testified to the U.S. Veterans Affairs Committee in June regarding innovative state efforts to assist military personnel. Quinn appeared on an invitation issued by The Council of State Governments and its affiliate, the National Lieutenant Governors Association.

Quinn explained that the Military Relief Fund concept is a voluntary check-off placed on the state income tax form. Taxpayers may donate to a fund that provides monetary assistance to National Guard and Reserve member families suffering financially due to the disparity in their household incomes between in-service and non-service pay.

Quinn said that as of June, the Illinois program had distributed $1.3 million to 2,500 families to assist with rent, utilities and food. In testimony, Quinn pointed out that NLGA unanimously passed a resolution endorsing the concept of military relief funds. Maine, Wyoming, Rhode Island and South Carolina have acted on this program.

Quinn operates the Web site www.OperationHomeFront.org. The site has had 7.2 million hits and is among the most visited military sites in government. “My message to the hundreds of troops I’ve met with—particularly the citizen soldiers who abruptly left behind families and jobs—is simple: ‘We’ve got your back,’” said Quinn.
A New Game Plan for Disasters Continued from page 18

the important roles of law enforcement, economic recovery and public information and warning in a disaster (see “Components of the National Response Plan”).

While it may appear that the changes are mere semantics, the federal ESF system is at the core of each state’s disaster planning and operations. Any changes to the ESF structure must be instituted on the state and local level to establish a clear division of responsibility and to ensure the seamless coordination of resources and personnel across all disciplines and at each level of government.

The Incident Annexes describe the mission, policies and responsibilities related to incidents that present unique challenges and therefore require a specialized response, such as cyber or biological terrorism. They delineate which federal agencies will have primary responsibility for the incident, what priorities are considered above others, and what specific actions will be taken to respond to the situation.

States Must Adapt
State public safety agencies must integrate the NRP into their operations and exercises, train their personnel, modify their state emergency operations plans, and in some cases alter state laws to accommodate the new policies and language—all of which take money, manpower and time.

“We see the NRP as an extension of our state emergency operations plan,” said Jamie Turner, director of the Delaware Emergency Management Agency. “Our staff will need to be trained. Exercises will be conducted to ensure it is fully integrated into our operations. But the biggest issue for us is time, considering all of the state’s other responsibilities in homeland security.”

Given the tight timeframes set forth by DHS to have the NRP integrated into federal, state and local operations, time is of the essence. According to the department, the plan will go into effect 90 days after it is approved by DHS Secretary Tom Ridge’s top homeland security advisory council in early August.

DHS will implement a national training and evaluation system to train federal personnel on the new procedures. Assessments will be conducted and adjustments made to the plan within the first year and then every four years thereafter. State and local governments are asked to integrate the new procedures into their systems by early 2005.

A standardized NRP implementation and training program for state and local personnel has not been identified, however, raising concern that a consistent application of the NRP may not be achieved to the degree that DHS officials expect.

“We recognize the need for a standardized, national framework for disaster response,” said Mike Sherberger, emergency management director for the state of Georgia. “Our job at the state level is to make it fit into Georgia’s system. Certainly there will need to be some refinement to the plan as it is tested.”

In contrast to the FRP and despite efforts to retain its emphasis on operational policy, mitigation was not retained as a major theme in the plan. “Mitigation” includes activities taken to reduce the effects of a disaster on property and lives. Mitigation programs, such as property buyouts, flood zone relocation and fire prevention, are important to many states and remain one of the best ways to lessen the impact and cost of future disasters.

The loss of mitigation as a key concept in the overall plan reflects the shift in federal government policy away from funding and programs for loss prevention. While the NRP does outline mitigation activities as an annex, the emphasis on mitigation programs as a pre-disaster and post-disaster priority appears to be lessened.

Overall, while the NRP is intended to guide the federal response to all hazards, it focuses heavily on the prevention of, response to and recovery from terrorist incidents. Although this serves to prepare the national emergency response system for a new reality that seemed unlikely a few years ago, the ongoing concern for states is that federal resources may be diverted away from programs that have traditionally been used to support the response to natural hazards, which still pose significant risks. However, the inclusion of state and local organizations in the plan’s development process is a promising sign that the NRP is truly a national effort.

“To us, this is the next evolution of disaster management. It recognizes the dynamic nature of terrorism but respects the concepts of a successful system currently in place to manage natural disasters,” said Sherberger.

—Amy C. Hughes is a policy analyst with the National Emergency Management Association, an affiliate of The Council of State Governments.

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Components of the National Response Plan

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| Telecommunications and Information Technology (expanded) |
| Firefighting |
| Mass Care, Housing and Human Services (expanded) |
| Public Health and Medical Services (expanded) |
| Oil and Hazardous Materials Response (expanded) |
| Energy |
| Community Recovery, Mitigation, and Economic Stabilization (new) |

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National Guard

Continued from page 21

The National Lieutenant Governor’s Association, a CSG affiliate, has passed two resolutions supporting these goals—one urging state legislatures to pass military relief funds to support Guard members’ families, and another urging balance between the Guard’s state and federal roles (visit www.nlga.us to read the resolutions).

“Having the resolutions passed by NLGA has brought increased attention to the issue, leading to more initiatives among state officials to support the National Guard,” said Julia Hurst, executive director of the association.

Military relief funds are part of a national effort to provide grants of $500 to $2,000 to families of National Guard members and reservists. The first military relief fund law came into effect in Illinois in February 2003. More than $1.3 million in grants has been distributed to more than 2,500 families in the state to help with rent, utility bills and other expenses. Individuals can donate to the fund by checking a box on their state tax forms.

“There are 311,951 dependents of citizen soldiers who have plenty to worry about when their loved ones are stationed on the frontlines in the fight against terrorism,” said Illinois Lt. Gov. Pat Quinn.

He has launched Operation Home Front, a Web site dedicated to offering services to National Guard members and reservists and informing them about their rights under the Soldiers’ and Sailors’ Civil Relief Act.

Maine Gov. John Baldacci and Wyoming Gov. Dave Freudenthal also recently signed into law military relief fund legislation, and South Carolina’s bill was awaiting Gov. Mark Sanford’s signature as of this writing. Similar bills are pending in California, Connecticut, Michigan, Minnesota, New York, North Carolina, Pennsylvania, Rhode Island and Washington.

Delaware Gov. Ruth Ann Minner set up a military relief fund in April 2003 through executive order. Delaware also has pending legislation for a check-off box to appear on state tax forms that would allow individuals to donate to the fund.

The recently passed and pending military relief fund bills will not take effect until taxes are collected for 2004. In the meantime, state officials have responded quickly to other Guard needs, particularly equipment and supply shortages. They have done so through care package drives, working with corporations for donations of supplies, and lobbying on the federal level.

In Delaware, Gov. Minner appointed Lt. Gov. John Carney to lead a comprehensive program to help part-time troops in the state. One initiative would extend state health insurance benefits for Guard member families up to two years from the current six months.

Federal Legislation

Addresses Concerns

In late June, the House and Senate passed their FY 2005 defense authorization bills, which addressed some of the Guard and Reserve readiness issues. As this article went to press, conference negotiations were about to begin. The Senate authorized the establishment of a commission to study Guard and Reserve roles and missions, including the pay and benefit process. The committee’s report would be due at the end of 2005.

Both the House and Senate set aside funds for body armor and Humvees in response to equipment shortages faced by Guard members and reservists. The bills also seek to extend greater health benefits to Guard members and Reservists through Tricare, the health care program for active duty and retired members of the uniformed services. The Senate bill goes further by offering National Guard and reserves access to Tricare even when they are not deployed.

Rhode Island Lt. Gov. Charles Fogarty, House Majority Leader Gordon D. Fox and Senate Majority Leader Teresa Paiva-Weed are leading the “Strong Families, Strong Troops” campaign, advocating for tax credits, education assistance, health care and financial protection for National Guard members and their families. There are 21 pending bills in the Legislature related to the initiative.

To bolster retention and recruitment, one of the Rhode Island bills would authorize the National Guard to establish a three-year program to pay a recruitment finder’s fee for persons referring enlistees who complete basic training. Two related bills would provide free tuition to public universities in the state to the spouse and children of members of the Guard or reservists who die on active duty.

In the Commonwealth of Puerto Rico, the government passed a law in April 2003 ensuring that university students in the reserves and the Puerto Rico National Guard are not academically or financially penalized when called to duty. There are 6,000 Guard members and reservists enrolled in Puerto Rico’s universities and advanced academic institutions.

As these initiatives show, although state officials can’t control foreign policy or natural disasters, they can help support Guard members and their families adjust to the new reality.

—Karen Imas is publications manager for The Council of State Governments Eastern Regional Conference.
States Prepare for Attacks on Public Health
Continued from page 24

Other difficult legal issues that many states struggle with include:

- declaration of a public health emergency;
- situations that require compulsory vaccinations;
- appropriate use of force to support quarantine orders;
- provision of rights afforded to civilians during a quarantine;
- provision of rights afforded to those wrongfully detained; and
- transition of authority and control from the state to the federal government and vice versa.

Building Capacities
To improve emergency health powers laws and the readiness of responders, states should consider several steps or strategies.

- **Conduct formal assessments.** “The most important thing for states is to evaluate what laws and systems are in place … rather than starting from scratch with a new policy,” said Benjamin. Many tools exist to assist states in assessing their laws and readiness.

- **Review historical case studies.** A look into the past may help identify successful strategies and plans. The 1894 and 1947 smallpox case studies are excellent historical examples. More recent examples include events such as the 2001 anthrax cases at post offices and the spread of Severe Acute Respiratory Syndrome (SARS).

- **Develop a disease control strategy.** Since the effective execution of quarantine requires many public health efficiencies, a comprehensive strategy of disease control should be developed, encompassing isolation and quarantine. “Its not just a matter of controlling people,” said Benjamin. “There are many other tasks that must happen from a disease control perspective to ensure a successful quarantine is maintained.”

- **Implement a training and exercise plan.** The development and implementation of an aggressive training and exercise plan for all levels of decision-makers and practitioners would help identify gaps and validate plans. Although the national TOPOFF 2 exercise proved invaluable for Illinois, smaller-scale exercises may be equally beneficial for the states and their local jurisdictions.

Early planning is critical for public safety and cost savings. The case studies from Milwaukee and New York City and the number of deaths from each suggest that adequate planning and successful strategies can minimize casualties.

Furthermore, prior planning minimizes the opportunity for price gouging. “If you don’t have a plan in place that includes legal restrictions on price gouging, providers of critical supplies and materials will hike prices during an emergency,” said Benjamin. The execution of a large-scale isolation and quarantine order might require the procurement of massive quantities of food, water, supplies, transportation assets, and barrier materials.

Many states, like Illinois, retain a state disaster fund to help pay for the response to a state-declared emergency such as a CBR attack. However, costs would likely be incurred at all levels of government. Therefore, establishing cost estimates and responsibilities during the planning stages can help alleviate confusion and wasteful spending during a crisis.

Early planning and preparation are the key factors of a solid quarantine strategy and successful implementation. “The most valuable part of TOPOFF 2 was the build-up period leading up to the exercise, which we spent discussing the issues and possible scenarios, and building and strengthening partnerships that would prove to be a deciding factor during the exercise,” Chamness stressed.

Whether in response to an act of terrorism or a natural outbreak, isolation and quarantine play important roles in safeguarding the public’s health. By examining the past, balancing individual rights with the protection of the public, validating plans through exercises, and learning from others, states can prepare for the next CBR incident.

—Chad Foster is a public safety and justice policy analyst at The Council of State Governments.
conference

calendar

This calendar lists meetings as designated by CSG’s Annual Meeting Committee. For details of a meeting, call the number listed. “CSG” denotes affiliate organizations of CSG. Visit www.csg.org for updates and more extensive listings. Other meetings have value to state officials. Purchase a meeting listing by calling 1 (800) 800-1910 or by e-mailing sales@csg.org. Announce your meetings to thousands in the state government market through an advertisement, a Web listing, or a banner ad in In the News, CSG’s weekly electronic newsletter. Get your free subscription to In the News at www.csg.org.

August 2004

Aug. 6-8 CSG/National Association of State Election Directors Annual Conference—Salem, O.R.—The Benson Hotel. Contact Melinda Glazer at (202) 624-5460 or mglazer@csg.org

Aug. 8-11 CSG/Eastern Regional Conference Annual Meeting—Springfield, MA—Sheraton. Contact Pamela Stanley at (212) 482-2320 or pstanley@csg.org

Aug. 14-18 CSG/Southern Regional Conference Annual Meeting—Little Rock, AR.—The Peabody Little Rock and the Doubletree Hotel. Contact Na Vienthongsuk at (404) 633-1866 or nai@csg.org or visit www.scalifornia.org

Aug. 21-26 CSG/NASTD Annual Conference—Providence, RI—Westin Providence & RI Convention Center. Contact Karen Britton at (859) 244-8187 or kbritton@csg.org

Aug. 22-25 CSG/NAST Northern State Treasurers and National Association of Unclaimed Property Administrators Annual Conference —Boston, MA—Westin Copley Place. Contact Adnee Hamilton at (859) 244-8174 or ahamilton@csg.org or visit www.nast.net

September 2004


Sept. 12-14 CSG/Southern Governors’ Association Annual Meeting—Richmond, VA—Hotel TBA. Contact Liz Purdy at (202) 624-5897 or sga@iso.org

Sept. 12-15 CSG/NAST Western and Midwestern State Treasurers Conference —Grand Teton WY—Jackson Lake Lodge. Contact Adnee Hamilton at (859) 244-8174 or ahamilton@csg.org or visit www.nast.net

Sept. 25-29 CSG Annual State Trends and Leadership Forum—Anchorage, AK—Egan Convention Center. Visit www.csg.org or contact Wanda Hines at (859) 244-8103 or whines@csg.org

Sept. 25-29 CSG/WEST Annual Meeting—Anchorage, AK—Hilton Anchorage Hotel. Contact Cheryl Duvauchelle at (916) 553-4423 or cdvauh@csg.org

Sept. 27-29 CSG/National Youth Court Center: Implementing and Enhancing Youth Court Programs—Portland, OR. Contact the NYCC at (859) 244-8193 or nycc@csg.org

December 2004

Dec. 4-7 CSG/National Association of State Treasurers Treasury Management Conference—Scottsdale, AZ—Doubletree Paradise Valley. Contact Adnee Hamilton at (859) 244-8174 or ahamilton@csg.org or visit www.nast.net

Dec. 7-10 CSG/CSCS/WEST Western Legislative Academy—Colorado Springs, CO. Contact Cheryl Duvauchelle at (916) 553-4423 or cdvauh@csg.org

January 2005

Jan. 28-30 CSG/Rural Policy Research Institute/National Conference of State Legislatures: 2005 Legislative Agriculture Chairs Summit—Memphis, TN—The Peabody Memphis. Contact Dr. Carolyn L. Ott at (859) 244-8221 or cor@csg.org

February 2005


Feb. 13-16 CSG/American Probation and Parole Association Winter Training Institute—Anaheim, CA—Hyatt Regency O’range County. Contact Kris Chappell at (859) 244-8204 or kchappell@csg.org

Feb. 26-March 1 National Governors Association Winter Meeting—Washington, D.C. Susan Dotchin at (202) 624-5327 or sdotchin@nga.org

June 2005

June 5-8 CSG Spring Committee and National Task Force Meeting—Lake Tahoe, CA—Resort at Squaw Creek. Contact Wanda Hines at (859) 244-8103 or whines@csg.org

July 2005

July 8-12 CSG/Midwestern Legislative Conference 11th Annual Bowhay Institute for Legislative Leadership Development—Madison, W.I.—Fluno Center for Executive Education. Contact Laura Tomaka at (630) 810-0210 or ltomaka@csg.org

July 16-19 National Governors Association Annual Meeting—Des Moines, IA. Contact Susan Dotchin at (202) 624-5327 or sdotchin@nga.org

July 24-27 CSG/Eastern Regional Conference Annual Meeting—Connecticut. Contact Pamela Stanley at (212) 482-2320 or pstanley@csg.org

July 24-27 CSG/American Probation and Parole Association 30th Annual Training Institute—New York, N.Y.—Marriott Marquis Hotel. Contact Kris Chappell at (859) 244-8204 or kchappell@csg.org

July 27-30 CSG/National Lieutenant Governors Association Annual Meeting—Wakiki Beach, H.A.—Hawaii Hilton Resort. Contact Julia Hurst at (859) 244-8111 or jhurst@csg.org

July 30-Aug. 3 CSG/Southern Legislative Conference Annual Meeting—Mobile, AL. Na Vienthongsuk at (404) 633-1866 or nai@csg.org

July 31-Aug. 3 CSG/Midwestern Legislative Conference 60th Annual Meeting—Regina, Saskatchewan, Canada—Delta Regina Hotel. Contact Mike McCabe at (630) 810-0210 or mmccabe@csg.org

August 2005


Aug. 28-30 CSG/Southern Governors’ Association Annual Meeting—Greensboro, GA—Ritz Carlton Lodge at Reynolds Plantation. Contact Liz Purdy at (202) 624-5897 or sga@iso.org

September 2005

Sept. 24-29 CSG Henry Toll Fellowship Program—Lexington, KY. Contact Amanda Mays at (859) 244-8236 or amays@csg.org
A

lthough the federal government tends to get more attention, state officials are often on the front lines of cutting-edge trends and issues. On the other hand, sometimes in the community of state government, the more things change, the more they stay the same. In print since 1958, *State News* (formerly *State Government News*) has chronicled many of the changes … and continuities.

Here’s what we reported on:

40 Years Ago—August 1964

By the Numbers

“In six sweeping decisions the United States Supreme Court ruled June 15 that districts in both houses of bicameral state legislatures must be based on population,” we reported.

Writing for the majority, Chief Justice Earl Warren based the rulings on the Equal Protection Clause of the 14th Amendment. “With respect to the allocation of legislative representation, all voters, as citizens of a state, stand in the same relation regardless of where they live. Any suggested criteria for the differentiation of citizens are insufficient to justify any discrimination, as to the weight of their votes, unless relevant to the permissible purposes of legislative apportionment.”

In the wake of the rulings, several U.S. congressmen introduced legislation to limit or deny the Court’s jurisdiction in apportionment matters. One bill, for example, would have provided that “each state shall have exclusive power to determine the composition of its legislature and the apportionment of the membership of each house thereof. Such power shall not be infringed by the United States or by any branch of the government thereof.”

25 Years Ago—August 1979

Crisis or Conspiracy?

The August 1979 issue focused on “The Energy Mess.” The 1979 energy crisis, the second that decade, was brought on partly by oil shortages early in the year caused by the Iranian revolution. But *State Government News* editor Elaine Knapp reported that “most Americans don’t believe the energy crisis is real. Even after President Carter’s July 15 speech, only 35 percent said they thought there was an energy crisis. Most blame the oil companies for gasoline shortages and price hikes.”

The price of OPEC crude oil rose from $1.80 per barrel in 1970 to $14.54 in April 1979, then from $18 to $23.50 a barrel that July. (In June 2004, oil prices reached a record high of more than $42 a barrel.) U.S. dependence on imported oil increased from 23 percent of demand in 1970 to more than 50 percent nine years later.

In three speeches on July 15 and 16, President Jimmy Carter announced a series of proposals to lessen U.S. reliance on foreign sources of oil. Among his proposals were decreasing imports, spending $140 billion to increase energy security, creating an Energy Security Corporation, mandatory state-by-state conservation and gasoline rationing, and creating a Solar Bank to achieve 20 percent of total energy from the sun by the year 2000.

10 Years Ago—August 1994

Teens in Trouble

“Kids who should be getting in trouble for chewing gum in class are serving time for stabbing and shooting their peers. Legos and Barbies are out; Lugers and Brownings are in. States and communities are searching for answers,” we wrote 10 years ago to introduce our series on youth violence.

Between 1985 and 1990, the fatality rate from gunshots for black males nearly tripled, and the rate for white males nearly doubled. In 1991, more than 60 percent of the people arrested for crimes were between the ages of 13 and 29. The adolescent homicide rate more than doubled between 1988 and 1994.

“The dramatic rise in deaths from adolescent violence is explained almost entirely by the increased use of handguns,” we reported, based on findings from the University of Colorado’s Center for the Study and Prevention of Violence.

To help state policy-makers confront this reality, we reported on programs from around the country designed to prevent youth violence.

According to the Children’s Defense Fund, the number of child and teen gun deaths peaked in 1994 at more than 5,700, dropping 42 percent to 3,365 in 2001.