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The Challenge of Change

By Jack Penchoff

While the only thing certain in state government is change, it seems the pace of that change is accelerating. It wasn’t too long ago when mastering voice mail was the most technologically challenging piece of office equipment. Soon there were computers, laptops and the Internet. Today, a BlackBerry smart phone can become outdated before you take it out of the box.

Challenges confronting state governments are rising even faster. In just the past three years, states have had to deal with homeland security, constrained state budgets and federal mandates such as No Child Left Behind, the Help America Vote Act and the Medicare Modernization Act.

The Council of State Governments is dedicated to providing state officials a competitive edge by alerting them to emerging trends affecting their states. Through CSG programs, publications and meetings, decision-makers move across state borders to discuss these trends and their implications with a wider view and depth that comes from a shared dialogue across all three branches of government.

This month, State News reports on 10 change drivers with major implications for the states. The impact these trends, among others, will have on states will be analyzed by CSG during 2005. We will share these findings with our members through State News magazine and our other publications; through our national meetings and programs; and through our committee and task force.

One of the 10 change drivers is the role of government. This month, former Oregon state Sen. James Gardner offers a more in-depth analysis of the relationship between states and the federal government. In particular, contends Gardner, the so-called “clawback” provision of the Medicare Modernization Act has turned state governments into debt collectors for a federal program.

Childhood obesity has captured a lot of media attention recently. Some states, however, have already established programs to combat this problem. Sarah Donta, a CSG health policy research associate, writes about programs in Texas, California and Arizona.

Legislative action on obesity and other problems will require more civility in the nation’s statehouses. During the CSG State Trends and Leadership Forum and CSG-WEST annual meeting in September, a forum addressed the question: Can legislative civility survive polarized voters and contentious politics?

Mary Lou Cooper, manager of the Western Legislative Academy and other professional development programs for CSG-WEST, writes about the discussion. No consensus emerged about why there is such incivility, but the dialogue raised some suggestions that could lead to state leaders disagreeing without being disagreeable.

—Jack Penchoff is senior editor of State News magazine.
healthy states

CSG’s partnership to promote public health

In partnership with the Centers for Disease Control and Prevention, The Council of State Governments announces its new Healthy States initiative to educate state officials on public health issues. Areas include cancer, diabetes, immunization, school health and environmental health.

Look for these new resources and services:

- Quarterly newsletter, issue briefs and other publications
- e-Weekly
- Inquiry service
- Issues analysis
- Comprehensive website

For more information, check out the Healthy States website at www.healthystates.csg.org.
Voting Centers, Election Seasons on Horizon?

What began last year in Larimer County, Colorado as an idea to make voting easier, more efficient and faster has already begun to spread to other states, as elections officials debate the idea of voting centers.

The concept is this: consolidate small, precinct-based polling places into fewer voting centers designed to handle higher volume and offer voters more flexibility. Voting centers made their debut in Larimer County in the 2003 coordinated election as a first-in-the-nation pilot program. Colorado Senate Bill 153 enabled the county to use the voting centers in the 2004 presidential election, consolidating 143 polling places into 25 voting centers. Voter turnout this year was 94 percent, up from 62 percent in the 2000 election.

According to an editorial in the Fort Collins Coloradoan by Larimer County Clerk Scott Doyle, “Vote Centers allow voters to choose where they want to vote, accommodate large numbers of voters, guarantee accessibility to persons with disabilities, and comply with legislative changes in a cost effective manner. … They are close to heavy traffic areas, larger residential areas and major employers.” Rather than having to vote in the precinct nearest their home, residents can now vote anywhere in the county.

Doyle first got the idea when he heard about New York City combining precincts to streamline the process. Judging by turnout and the feedback he’s received, the system is popular with voters and is catching on in other states.

At its winter meeting in Orlando, the Florida State Association of Supervisors of Elections endorsed the concept of voting centers and took it one step further: expand Election Day into Election Season. This would allow people to vote over the course of 11 days instead of just one.

According to an article in the Orlando Sentinel, the group will begin lobbying lawmakers this spring to bring about the necessary legislation. “The overwhelming response to this year’s 15 days of early voting—when an estimated 2.3 million people cast ballots statewide before Election Day—convinced most supervisors that voters are now demanding new freedom to show up at the time and place of their own choice,” the paper reported. The group claims that by combining precincts into voting centers and opening up an Election Season, the state could make voting more convenient, decrease confusion, and cut overhead by consolidating poll workers and other election resources.

The plan is not without criticism, however. Ann McFall, incoming Volusia County supervisor of elections, told the Daytona Beach News-Journal that, as a voter, she liked the idea. “But McFall admitted she wasn’t so fond of the concept as a candidate who had to adjust her campaign accordingly, and face the prospect of sending out literature to people who had already voted.”

Meredith Imwalle, director of communications for the National Association of Secretaries of State, said that the Florida initiative differs from the early voting available in 30 states in 2004 because it would run right up until Election Day. A state-by-state breakdown of early voting initiatives is available on the NASS Web site at www.nass.org/Early%20Voting%20Survey.pdf.

Web Site Promotes Best Practices in Emergency Management

Protecting our nation against the threat of terrorism is an increasingly complex effort. But everyday, front-line responders at the local, state and federal levels are creating new and innovative best practices. Exercises and real-world incidents have produced valuable lessons for emergency response professionals.

To help emergency responders and state agencies share this valuable information, the National Memorial Institute for the Prevention of Terrorism in Oklahoma City, in cooperation with the Department of Homeland Security’s Office for Domestic Preparedness, has developed “Lessons Learned Information Sharing.” LLIS.gov is a secure system limited to public and private emergency response providers and related agencies. All applicants are validated prior to receiving a username and password, ensuring that the system remains a secure community. By using strong encryption and active site monitoring, the site is authorized to house For Official Use Only and sensitive information.

The site is frequently updated with new reports and publications and houses an extensive catalog of after-action reports from exercises and actual incidents. Authorized users also have access to an updated list of homeland security exercises, events and conferences; a directory of responders and homeland security officials by functional expertise; and online collaboration and information-exchange tools, including secure e-mail and message boards.

For more information, visit www.llis.gov.
Report Highlights Tools to Help States Address Aging Population

A new report by the Merck Institute of Aging and Health and the Centers for Disease Control and Prevention spotlights serious health issues for older Americans and effective state strategies for addressing them. *The State of Aging and Health in America* 2004 provides a snapshot of health and aging in the United States and maintains that promoting healthy lifestyle patterns is the single most important factor to ensure wellness. It cites several findings as cause for concern, including the following:

- One-fifth of older Americans are obese.
- Two-thirds do not eat enough fruits and vegetables.
- One-third of elderly Americans do not engage in any leisure time physical activity.

The publication highlights several innovative state programs to improve seniors’ health and quality of life:

- Kansas has begun planning for the increasing elderly population by collecting extensive county, regional and state-level data on seniors to address shortcomings in public services. The resulting 172-page book, *Kansas Elder Count*, is available at www2.kumc.edu/coa/eldercount.
- The Maine Bureau of Health used a grant from the Health Resource and Services Administration’s Office on Women’s Health to study the state’s aging female population. The resulting report, *Assessing and Monitoring the Health Status of Maine’s Elder Women: The Elder Women’s Health Indicators Project*, can be obtained by contacting Sharon Leahy-Lind, women’s health coordinator, at (207) 287-4577 or sharon.leahy-lind@maine.gov.
- North Carolina agencies are using a new report on the elderly population to design a four-year plan to address healthy aging issues. North Carolina’s senior population is anticipated to increase from 28 percent of the total population today to 35 percent by 2030. *A Health Profile of Older North Carolinians in 2003* is available at www.schs.state.nc.us/SCHS.
- A new publication by the Washington State Department of Health is designed to guide policy changes to encourage people 45 and older to adopt healthy lifestyles. Its primary goals are to improve quality of life and reduce health care costs through prevention and healthy living. *Healthy Aging in Washington State—the Need for Action* is available at www.doh.wa.gov/cfh/OHP/stepstohealthyaging.htm.

A copy of the entire Merck Institute report, with in-depth state-by-state statistics, is available online at www.miahonline.org.

Out with the Old, in with … What?

State and local governments have been hard-pressed in the last few years to make ends meet. So now that the economy is picking up, are blue skies in sight? Probably not, according to a recent report by the Brookings Institution and the National League of Cities.

The report, ominously titled *Are State and Local Revenue Systems Becoming Obsolete?* was prepared by Robert Tannenwald, assistant vice president and economist at the Federal Reserve Bank of Boston. He says that, while short-term or cyclical factors may be largely to blame for the recent fiscal mess, long-term economic and technological developments also play a role, and they “will continue to constrain state and local revenue growth well into the foreseeable future. In simple terms, we are changing what and how we produce and consume. As a result, state and local tax systems are becoming increasingly ‘out of sync’ with the economy’s changing structure.”

Unfortunately, Tannenwald also says that most efforts to modernize state tax systems would cause their own problems. “Most plans to modernize state and local revenue systems would sacrifice important tax policy goals. In other words, no solution presents state and local policy-makers with a clear win-win situation, in which they could halt or reverse the decline in the revenue productivity of their taxes without sacrificing autonomy, competitiveness, neutrality, or administrative simplicity.”

Nevertheless, he says, state and local policy-makers have to try to come up with creative solutions.

The report is available online at www.brookings.edu.
‘Clawback’ May Fuel Federalism Debate

Medicare provision makes states federal revenue sources

By James N. Gardner

THE DISTINCTIVELY AMERICAN doctrine of federalism polices the uneasy frontier demarcating the domains of state and national legislative power in the United States. Constantly evolving, ever controversial, and invariably complex, this doctrine is at the heart of the nation’s foundational political consensus: the U.S. Constitution.

As Supreme Court Justice Anthony M. Kennedy put it: Federalism was our nation’s own discovery. The framers split the atom of sovereignty. It was the genius of their idea that our citizens would have two political capacities, one state and one federal, each protected from incursion by the other. The resulting Constitution created a legal system unprecedented in form and design, establishing two orders of government, each with its own direct relationship, its own privity, its own set of mutual rights and obligations to the people who sustain it and are governed by it.

Carrying forward Kennedy’s metaphor of the politics of federalism as atomic physics, we may be on the verge of a thermonuclear exchange between the states and the federal government. The fuse that may ignite this conflagration is an obscure provision in the new Medicare Prescription Drug, Improvement, and Modernization Act of 2003, commonly known as the MMA.

During the conference committee deliberations that shaped the final version of the MMA, a so-called “clawback” provision was inserted which conscripted the 50 states and the District of Columbia as revenue sources to help pay for the new federal prescription drug benefit offered under Medicare Part D. Neither the Senate nor the House-passed version of this legislation contained such a provision; it was inserted by House and Senate conferees in order to stay within a budget constraint, which limited the cost of the MMA to no more than $400 billion over 10 years.

The practical effect of the clawback provision is to commandeer state legislatures as revenue-raising agents to help Congress pay for the new federal Part D Medicare coverage. This exercise in creative financing, while undeniably novel, may not be constitutional under the judicial doctrine of federalism, as recently articulated by the U.S. Supreme Court and lower federal tribunals.
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Possible Constitutional Infirmitities

The clawback provision raises profound questions under the Supreme Court’s state sovereignty jurisprudence. Here are some key issues:

- Does the clawback provision impermissibly commandeer state legislative processes by forcing states to raise taxes and remit budget resources to the federal government to pay for a federal program?
- Does the provision cross the constitutional line at which federal encouragement becomes impermissibly coercive—at which federal “pressure turns into compulsion”?
- By signing up for Medicaid and agreeing to the terms and conditions which the Medicaid program imposes on states, did the states also thereby intentionally relinquish, abandon or waive their sovereign rights to refrain from remitting state tax revenues to the federal government to underwrite the costs of a purely federal program?

Elegant in Principle, Contentious in Practice

While elegant in principle, the dual-sovereignty structure created by the framers of the U.S. Constitution has proven to be the source of contentious debate about the proper location of the boundary separating the realms of state and national political authority. As Justice Sandra Day O’Connor stated in the landmark Supreme Court decision of New York v. United States:

While no one disputes the proposition that “[t]he Constitution created a federal government of limited powers,” and while the Tenth Amendment makes explicit that “[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people,” the task of ascertaining the constitutional line between federal and state power has given rise to many of the Court’s most difficult and celebrated cases.

In the New York case, the issue was whether Congress could simply command states to either accept ownership of radioactive waste originating within their borders or, alternatively, regulate the disposal of such waste in accordance with the direction of Congress. The Supreme Court ruled that such congressional action infringed on New York’s constitutionally protected sovereignty:

Because an instruction to state governments to take title to waste, standing alone, would also be beyond the authority of Congress, it follows that Congress lacks the power to offer states a choice between the two. . . . A choice between two unconstitutionally coercive regulatory techniques is no choice at all. Either way, “the Act commandeers the legislative processes of the states by directly compelling them to enact and enforce a federal regulatory program,” an outcome that has never been understood to lie within the authority conferred upon Congress by the Constitution.

O’Connor carefully distinguished this situation—an attempt by Congress to simply “commandeer” state legislative processes—from the far more common category of federal legislation (like the federal Medicaid law) in which Congress seeks to encourage states to legislate or regulate in a particular way by imposing conditions (often highly detailed) on the receipt of federal funds:

Under Congress’ spending power, “Congress may attach conditions on the receipt of federal funds.” . . . The residents of the state retain the ultimate decision as to whether or not the state will comply. If a state’s citizens view federal policy as sufficiently contrary to local interests, they may elect to decline a federal grant. . . . Where Congress encourages state regulation, rather than compelling it, state governments remain responsive to the local electorate’s preferences; state officials remain accountable to the people.

Limits on Congress to ‘Encourage’ State Action

Two recent decisions—one by the Supreme Court and one by the U. S. Court of Appeals for the Second Circuit—place significant new state sovereignty-based constitutional restrictions on the ability of Congress to exercise the spending power in order to “encourage” state legislative action. In the 1999 decision in College Savings Bank v. Florida, Justice Antonin Scalia delivered an opinion for the Court that held as follows:

In cases involving conditions attached to federal funding, we have acknowledged that “the financial inducements offered by Congress might be so coercive as to pass the point at which ‘pressure turns into compulsion.’” . . . In any event, we think where the constitutionally guaranteed protection of the states’ sovereign immunity is involved, the point of coercion is automatically passed—and the voluntariness of waiver destroyed—when what is attached to the refusal to waive is the exclusion of the state from otherwise lawful activity.
“Where Congress encourages state regulation, rather than compelling it, state governments remain responsive to the local electorate’s preferences; state officials remain accountable to the people.”
—Justice Sandra Day O’Connor

In a 2001 decision interpreting College Savings Bank, the Second Circuit ruled in the case of Garcia v. S.U.N.Y. Health Sciences Center that the state of New York had not waived its sovereign immunity by accepting federal funds, despite the fact that Congress had clearly expressed its intent to condition the receipt of funds on such a waiver. Under the Supreme Court’s state sovereignity jurisprudence, the Second Circuit opined, an inference that a state has waived its sovereign prerogatives requires, on the state’s part, an “intentional relinquishment or abandonment of a known right or privilege.” No such intentional abandonment of New York’s state sovereignty could be inferred, the Second Circuit ruled.

**Reverse Revenue-Sharing**

Here is how the new clawback provision, which is a unique exercise in reverse state-federal revenue sharing, will work. Beginning in January 2006, each state participating in Medicaid will be forced to write a monthly check to the federal government to finance not that state’s share of Medicaid expenditures, but rather a formula-based share of the new fully federal Part D Medicare benefit. If a state fails to make the monthly payments owed to the federal government, then “the amount so owed and applicable interest shall be immediately offset against amounts payable to the State” under the Medicaid program. In addition, it appears that the full panoply of debt collection machinery available to the federal government under the Federal Claims Collection Act of 1996 will be available to extract clawback payments from a recalcitrant state.

From the viewpoint of the doctrine of federalism, the enactment of the clawback provision of MMA is a momentous event. In the words of a Kaiser Family Foundation report entitled The ‘Clawback’: State Financing of Medicare Drug Coverage: “For the first time since the enactment of the Medicare and Medicaid programs in 1965, a specific Medicare benefit will be financed in significant part by state payments.”

These payments, the report points out, “will constitute the largest single flow of funds from states to the federal government from 2006 onward.” The Congressional Budget Office estimates that over the first five years of the Part D program, states will contribute a whopping $48 billion to assist the federal government in paying for the program.

From the perspective of state-federal relations, the enactment of the clawback payment requirement represents a truly revolutionary change. As the Kaiser report puts it:

*States are responsible for a portion of the cost of prescription drug coverage for dual eligibles, even though these beneficiaries are entitled to drug coverage through Medicare.* The clawback establishes a watershed national policy precedent regarding responsibility for the health care costs of low-income Medicare beneficiaries. To the extent that those beneficiaries are eligible for and enrolled in a state’s Medicaid program, the state is responsible for a portion of the cost of their prescription drug coverage, even though they are not receiving the coverage through Medicaid but are instead entitled to that coverage through Medicare Part D.

Moreover, as the Kaiser report goes on to point out, since the projected clawback payments are part of the Medicare Part D baseline for federal budget purposes, the question naturally arises of whether Congress might decide to raise the clawback amount in future years to backfill a possible federal budgetary shortfall: “This means that if Medicare Part D expenditures are higher than projected and Congress wishes to address the overrun, one of its options would be to increase state clawback payments.”

**Encourage vs. Coerce**

It is important to distinguish the new clawback provisions of the MMA from the traditional—and presumptively constitutional—exercise in federal “persuasion” manifested in the Medicaid program. In the Medicaid arena, the federal government has used its spending power to encourage a certain set of state behaviors by conditioning state entitlement to federal grants on a state’s compliance with federally promulgated program standards. Here, by contrast, the federal government has declared unilaterally that the states “owe” it a certain amount in perpetuity to help defray the cost of a federal program. If the states fail to pay the amounts “owed” in a timely fashion, their clawback “debt” will be offset against sums to which they are otherwise entitled under the Medicaid program. As the Kaiser report concludes: “The only way that states can completely absolve themselves of the responsibility for contributing toward the costs of Medicare prescription drug coverage (other than persuading Congress to change the law) is to withdraw from the Medicaid program altogether—a highly unlikely occurrence.”

—James N. Gardner is a partner in the Oregon law firm of Gardner & Gardner. He is a former Oregon state senator and a former law clerk for the late U.S. Supreme Court Justice Potter Stewart. Gardner is also the author of BIOCOSM, which was selected by the editors of Amazon.com as one of the 10 best science books of 2003. (jgardner@gardnerandgardner.com)
In 2005, many states will be dealing with tax reform. Those states and others will be trying to rein in the rising costs of prescriptions drugs. And improving access to broadband and wireless Internet service will be at or near the top of many state lawmakers’ agendas.

While tax reform, the Internet and prescription drugs are different issues, they all reflect the driving forces that are reshaping state government. These driving forces, or change drivers, are not short-term issues that will disappear in a few years. They are long-term, broad-reaching developments that will cut across policy areas to affect state government for years to come.

The Council of State Governments is dedicated to equipping state leaders with an all-important competitive edge by alerting them to emerging trends that are most likely to alter state resource allocations and policy priorities.

As part of our trends research in 2005, CSG will monitor the following 10 change drivers, identified by focus groups of our public and private sector members and by expert futurists:

I. The Age Wave

The Graying of America

The U.S. population is rapidly aging. While the population age 65 and older is projected to more than double to nearly 82 million by 2050, the 85 and older population is projected to quadruple within the same timeframe.

This graying of America presents states with emerging challenges, such as:

- Demand for health care. This will be particularly critical in dealing with a nationwide nursing shortage.
- Impact on state tax collections. The older population tends to spend money in non-taxed areas such as health care services. In addition, while many elderly will continue to work, much of their income will likely come from sources, such as pensions and Social Security, which are not taxed as heavily as salaries and wages.
- Community development. The aging population will encourage smart growth. As baby boomers get older, there will be an increased demand for communities that are more pedestrian-friendly with residential and commercial areas in closer proximity to one another in order to decrease the need for driving.
- Work force shortages. The graying of America affects all economic sectors, especially those that are already having trouble attracting younger workers, such as agriculture, education and government.

To meet these challenges, the competitive edge will go to states that keep experienced, older workers in jobs with more flexibility in hours and benefits. States that find ways to keep the elderly productive and actively engaged in society will reap additional benefits.

In addition, planning for replacing retiring workers, training and retaining existing work force, helping the elderly pay for prescription drugs and dealing with long-term care will be the issues on most policy-makers’ radar screens.
2. A Nation of Immigrants
Harnessing Human Assets

During the last decade, the foreign-born population grew by almost 60 percent compared with a 9.3 percent increase in the native population. Migration from Latin America and Asia is the primary cause for this growth. By 2030, one-quarter of all Americans will be either Hispanic or Asian. Moreover, the Hispanic and Asian populations are expected to triple by 2050.

The influence of immigration has policy implications throughout state government, particularly in:

- **Education.** Immigration is the driving force behind increases in elementary and high school enrollment. State officials, however, will have to address gaps in educational achievement between natives and immigrants at the elementary and secondary levels. Children with limited English skills are more expensive to educate.

- **Health care.** Racial and ethnic health disparities may influence health care research and costs. Cultural competency and health literacy can affect the quality of health care. Many immigrants are uninsured.

- **Government work force.** States are already experiencing a need for bilingual teachers, law enforcement officers and public health workers. The need for bilingual government employees will only grow in the coming years.

States moving proactively to enhance immigrant skills and knowledge will gain an economic and cultural asset. At the same time, they must address the unique demands on government services.

3. Regional Hot Spots
Adapting to Shifting Populations

The populations of the South and West are growing. A major factor in the accelerated growth in these two regions is domestic migration, but they are also hot spots for immigration as well. In addition to these regional shifts, the United States is becoming more and more a suburban nation. The percentage of the population living in metropolitan areas is expected to increase over the next two decades, leaving fewer than 18 percent of the population in non-metropolitan areas by 2020.

States can expect these population growth patterns to influence many policy areas. For example:

- **Demands on natural resources.** Regional shifts in population will accentuate water shortage problems in these areas. Growing regions will also have to address the increasing demand for infrastructure and government services.

- **Changes in political power.** The influx of people into the South and the West may also change the political makeup of these areas, depending on the demographics of the new arrivals. Bedroom communities are thriving, but more remote rural areas and urban centers are losing population. This will lead to shifts in political power to the suburbs.

Bedroom communities are thriving, but more remote rural areas and urban centers are losing population. This will lead to shifts in political power to the suburbs.
4. New Forces at Work
The States' Role in a Global Economy

It is difficult to talk about economics without talking about politics, technology and culture. What happens in China may be as important as what happens in Washington, D.C. All these factors have a profound impact on the states, especially in the following areas:

- **International trade agreements.** These agreements, which are decided at the federal level, may limit states’ ability to exercise regulatory and legislative powers. States may be inadvertently violating trade agreements approved without their input.

- **Offshoring jobs to other countries.** Potential job losses can affect state economies profoundly. There is a potential downward pressure on U.S. wages to compete with workers in other countries, on the one hand, but offshoring also opens new markets for U.S. products by increasing wages and standards of living for people in other parts of the world.

Policy-makers should be aware of the importance of educating Americans about our global society. Our current and future work forces may not understand the political and economic implications of globalization. In addition, policy-makers will need to realize what their state’s strengths are so their work forces can more effectively compete in the global economy. States may need to pay for retraining workers who have lost jobs because of offshoring, especially an issue now that higher-skilled jobs are being offshored.

Continued on page 34
I M A G I N E J O E, a man diagnosed with paranoid schizophrenia and drug dependence. He is homeless, and after setting up a makeshift home in front of a store, he is picked up by police for panhandling, public intoxication and vandalism. Joe is convicted of a misdemeanor and is sentenced to 45 days in jail. By law, he receives mental health treatment in jail. While Joe serves out the length of his sentence, his enrollment in two federal benefit programs, Supplemental Security Income (SSI) and Medicaid, is suspended.

After 45 days, Joe returns to the street with only a few dollars and a few days’ worth of medication. Corrections and mental health staff at the jail were unable to complete and get the enrollment paperwork for SSI and Medicaid approved before his release. Joe was unfamiliar with the administrative processes. Lacking enrollment in the benefit programs, providers in the community are unwilling to serve him without assurances they will be reimbursed, and Joe has no way to pay for medication or treatment.

As the medication he received in prison runs out, the symptoms of his mental illness return, and Joe resumes his illegal drug use. He is arrested for possession and drug use, convicted of a felony, and sentenced to 14 months in prison. Again, his mental illness is treated in prison, but he is not enrolled in SSI and Medicaid upon release. When his sentence expires, Joe returns to the street, and the cycle continues.

The Challenges of Re-Entry

Joe’s story is a composite, but his problems are very real. The Bureau of Justice Statistics estimates that on any given day more than 16 percent of adults incarcerated in the United States have a mental illness—about 284,000 men and women. Faced with challenges including finding housing, employment, substance abuse treatment, and social support, few people with mental illness succeed in the community upon release from prison or jail. A study of individuals with serious mental illness leaving Washington state prisons showed that 77 percent had some post-release arrest, violation or offense.

The difficulty transitioning into the community often leads to a cycle of recidivism that has significant public safety, fiscal and human costs.

“These issues surrounding mentally ill offenders are raised most often when a horrific incident occurs. They deserve
more attention,” according to New York Assemblyman Jeffrion Aubry, chair of The Council of State Governments/Eastern Regional Conference Criminal Justice Board of Directors. Aubry is chairman of the New York Assembly’s Corrections Committee.

State officials are recognizing the budget impacts caused by growing prison populations. The Pennsylvania Department of Corrections estimates that a person with serious mental illness costs $140 per day to incarcerate, as opposed to $80 per day for an average inmate—costs that add up when people with mental illness recidivate.

The successful re-entry of offenders with mental illness into the community enhances their quality of life and affords them the ability to secure critical services. Sharon Autio, director of the Mental Health Division of the Minnesota Department of Human Services, noted that “in Minnesota, there is a great deal of concern about the human suffering of people going in and out of jails.”

When released, many offenders with mental illness lack financial support. Upon re-entry into the community, these individuals rely on SSI and/or Medicaid to help pay for community-based mental health services, housing, food and medical treatment. Although some of these individuals had these benefits upon entry, few are actually enrolled upon release.

“We are not asking for handouts, but for the benefits necessary to ensure successful transition to the community for those eligible,” said Pennsylvania Sen. Robert Thompson, former chair of the CSG/ERC Criminal Justice Board of Directors. Thompson is chairman of the Pennsylvania Senate Appropriations Committee.

Several factors create enrollment problems for eligible offenders with mental illness including a lack of awareness in key policy-making circles; confusion among state and local government officials about federal regulations on benefits; the absence of a clear federal policy; and inadequate coordination among corrections administrators, state benefit agencies, community mental health agencies and other groups to ensure comprehensive transition planning.

CSG Forum Tackles Issue of Federal Benefits

Recognizing that many of these issues can be best resolved by fostering dialogue among state legislators, senior state administrators and federal officials, CSG brought together stakeholders for a forum in Washington, D.C. September 13–14, 2004, to discuss SSI/Medicaid enrollment for eligible offenders with mental illness leaving state prison. Small teams of high-level state officials from Minnesota, New York, Pennsylvania and Texas shared information on their pioneering programs. They also worked within state teams to determine ways to improve policy and practice in their jurisdictions.

Federal representatives in attendance included Domingo S. Herráiz, deputy director of the Bureau of Justice Assistance, Department of Justice; Dennis Smith, director of the Center for Medicaid and State Operations, Centers for Medicare and Medicaid Services; and James L. Stone, deputy administrator of the Substance Abuse and Mental Health Services Administration. They provided guidance on the federal rules and highlighted their agencies’ commitment.

The forum was part of the ongoing work of CSG’s Criminal Justice/Mental Health Consensus Project. The project released a major report in June 2002 and has worked since then in a variety of ways to encourage implementation of the report’s recommendations. More information is available at www.consensusproject.org.

Attention to this issue also intersects with the work of CSG’s Re-Entry Policy Council. Modeled on the Consensus Project, the initiative’s goal is to develop recommendations for state and local policy-makers to facilitate the safe and successful return of all individuals who are released from prison and jail in the United States. The council released a comprehensive report in December 2004. More information is available at www.reentrypolicy.org.

At the forum, findings were presented from a two-year study to determine the impact of medical insurance on recidivism rates for offenders with serious mental illness. Joseph Morrissey, professor at the University of North Carolina–Chapel Hill, and Henry J. Steadman, president of Policy Research Associates, a firm known nationwide for its research on mental health and criminal justice issues, reported that having Medicaid upon release is associated with greater use of services and decreased arrests.
However, Morrissey added that “benefits are necessary but not sufficient. Medicaid alone is not preventing arrests.” People with serious mental illness need services that their communities often lack. This includes integrated mental health and substance abuse treatment, supportive housing, and clinicians who are culturally competent. Until those and other support systems are available, enrollment in Medicaid will not translate into major reductions in recidivism.

State Initiatives

At least three states represented at the forum have passed legislation or created programs that facilitate the process of connecting eligible mentally ill offenders to federal benefits on re-entry. New York established the Medication Grant Program, a county-based initiative which provides psychiatric medications in the community for individuals released from prisons, jails and hospitals. It seeks to connect these individuals to Medicaid and other benefits such as food stamps and cash assistance. The program’s success hinges on coordination between the Office of Mental Health, Department of Health and the Office of Temporary Disability Assistance.

Pennsylvania has a statewide Forensic Interagency Task Force composed of key forensic stakeholders in the state, who are interested in continuity of care for inmates requiring mental health services. Through this task force, efforts are currently underway to submit applications for eligible offenders with mental illness before their release to ensure access to benefits on re-entry.

“Transitioning from an informal, localized level of coordination among agencies to a formal system of coordination is crucial to ensure that all required processes and support services are occurring consistently throughout the state,” said Catherine McVey, deputy secretary for administration of the Pennsylvania Department of Corrections.

Texas obtained a waiver from the federal Health Insurance Portability and Accountability Act because the state had existing legislation permitting the exchange of medical information among state agencies. This allows health services agencies in Texas to share information on individuals receiving health-related services and ultimately helps officials fill out benefits applications on behalf of offenders.

Memorandums of Understanding (MOUs) between agencies have proven effective in several jurisdictions. For example, in 1994, the New York State Office of Mental Health and the State Division of Parole signed an MOU to identify and better serve people with mental illness. The agreement included implementing mental health training for parole officers and increased discharge planning for inmates with serious mental illness.

Federal Initiatives

Problems in the current mental health service delivery system that allow inmates to fall through the cracks have led to various responses at the federal level. The Mentally III Offender Treatment and Crime Reduction Act (S 1194), which passed the U.S. House and U.S. Senate, was signed into law by the president on October 30. The bill authorizes $50 million in federal grants in each of the next two years for collaborative efforts between criminal justice and mental health agencies at the state and local level to improve the response to people with mental illness.

Also, the New Freedom Commission on Mental Health, launched by President Bush in 2002, seeks to identify and address problems in the nation’s mental health delivery system including the loss of benefit eligibility by people with mental illness in the criminal justice system.

Federal officials present at the forum made recommendations for how states and federal agencies can effectively work together. Nancy Veillon, associate commissioner for income security programs of the Social Security Administration, promoted the use of pre-release agreements—formal written agreements between penal institutions and local Social Security offices. Some agreements include provisions for SSA to train jail and prison staff on enrollment rules and for jails and prisons to notify SSA of inmates likely to meet Supplemental Security Income criteria.

Veillon explained that the states signing them “have a strong working relationship with the federal government.” States with pre-release agreements include New York and Texas. Additional advice from the SSA focused on streamlining the pre-release process. SSA representative Kenneth Brown suggested that states should expedite the forwarding of medical records to the federal agency.

Beyond Benefits

While federal benefits will play a crucial role in helping offenders with mental illness transition into the community, CSG forum participants agreed that a holistic approach with a variety of services is needed.

“Three-quarters of people with mental health disorders in the criminal justice system have substance abuse problems,” according to Steadman. “These individuals need assertive case management.”

Housing, medical care, substance abuse intervention and treatment, and social support are all necessary components of successful re-entry for individuals with mental illness. The promising state efforts to ensure that benefits are reinstated promptly upon re-entry may help halt the revolving door that too often returns these individuals to correctional facilities soon after their release.

—Karen Imas is publications manager for The Council of State Governments Eastern Regional Conference.
Mind Your Manners

Can legislative civility survive polarized voters and contentious politics?

By Mary Lou Cooper

It's really no surprise that elected officials hold sharply divergent views. So do their constituents.

That was the message from Shawnta Watson Walcott, director of communications for polling firm Zogby International, when she spoke at the combined 2004 CSG-WEST and CSG State Trends and Leadership Forum last September.

But does dissent have to mean disrespect? State officials and academics discussed that question during a forum on legislative civility convened by CSG-WEST's Western Legislative Futures Forum. Alaska Rep. Lesil McGuire, chair of the committee, asked participants: Can legislative civility survive polarized voters and contentious politics?

Why Are People So Cranky?

Political and personal civility are hot topics for the 21st century, McGuire said, and she pointed to a growing number of popular magazine articles with titles like “The Rude Age” and “Why is Everyone So Cranky?”

In the 2004 presidential election, voters were bombarded by political commentators who talked endlessly about conservative-leaning “red states” and liberal-leaning “blue states.” According to Walcott, not only are voters polarized on the big issues of Iraq, gay marriage, gun control, the environment and abortion, we are a nation divided on the small stuff too.

When Zogby pollsters looked at undecided voters (about 10 percent of all voters), they found disagreement over preferences in ice cream, soft drinks, TV stations, coffee, movies and more. Undecided voters in “red” states, for example, preferred Haagen-Dazs to Ben & Jerry’s ice cream and liked to get their news from Fox TV. Undecided voters in blue states drank Starbucks’ coffee and got their news from CNN.

These political, social and cultural divisions seem to be increasingly accompanied by a lack of tolerance in the legislative process. But political incivility isn’t new, McGuire noted.

When Thomas Jefferson ran for president, John Adams’ supporters called him an atheist, an anarchist, a demagogue, a coward and a trickster. Andrew Jackson was accused of adultery, gambling, cockfighting, bigamy, drunkenness, theft, lying and murder.

“Legislatures are adversarial forums where strong disagreements flourish. The trick is to disagree without being disagreeable.”

Elected officials need to be concerned about civility or lack of it, said McGuire, because “all of us who run for office must eventually turn to governing.”

**Why Can’t Lawmakers Be More Civil?**

University of Maryland professor and national political civility expert Eric Uslaner shared his insights with forum participants. Uslaner is the author of *The Decline of Comity in Congress*. When he first began looking at the subject of civility, Uslaner said, people attacked each other across party lines and within party lines. He recalled that in 1985, Newt Gingrich called Sen. Bob Dole, then Republican Senate leader, the tax collector for the welfare state and that by today’s standards that would almost be a compliment.

More recently, attacks have become far more partisan and far more personal—in both Congress and in state legislatures. Uslaner noted that in Wisconsin, a state with a long tradition of civility, lawmakers started calling each other Nazis on the floor. One member banged a microphone into a desk, breaking the desk.

So what brought about all this incivility? Uslaner disagreed with those who think that structural reforms that took power away from central leaders are to blame. Incivility exists not just in the “reformed” U.S. House of Representatives, but also in the U.S. Senate that never reformed itself, in many state legislatures, on the U.S. Supreme Court and in “every little city council you can imagine.”

Neither does Uslaner attribute incivility to divided government where one party controls the legislature and another controls the executive branch. He pointed out that Dwight Eisenhower actually preferred to deal with Democratic leaders of Congress. Uslaner also disagrees that “the media did it.”

Uslaner said that this distrust between people who think differently is not just a political phenomenon, but also a social and cultural phenomenon. He pointed to research from 1960 that found 58 percent of Americans agreed that most people can be trusted. By 2002 and 2003, only 33 percent felt this way.

Long-time legislative observer and political author Alan Rosenthal with the Eagleton Institute of Politics at Rutgers University agreed that the most important cause of legislative incivility is partisan competition. And that competition doesn’t stop after the election is over.

Rosenthal suggested that the legislative session is part of the campaign, and that more than ever before, campaigning and governing are totally intermixed. “When you’re targeting members of the other party in a chamber, it’s difficult to maintain friendships or civility. It’s not only that you campaign in a guy’s district, but you’re killing him in the legislative process as well.”

In addition to partisanship, Rosenthal said that outside interest group advocacy, particularly on ideological and social issues, contributes heavily to legislative incivility. “They do believe the other side is the enemy and is evil.”

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| Nevada        | Kenny C. Quin (R) | Lorraine T. Hunt (R) | Brian K. Krolicki (R) | Brian Sandoval (R) | Dean Heller (R) |
| New Hampshire | John Lynch (D) | Thomas R. Eaton (R)*** | Michael Abolwich | Kelly Ayotte (R) | William Gardner (D) |
| New Jersey    | Richard J. Codey (D) | Vacant | John E. McCracken (R) | Peter C. Harvey | Regina Thomas (D) |
| New Mexico    | Bill Richardson (D) | Diane Denih (D) | Robert E. Vigil (D) | Patricia A. Madrid (R) | Rebecca Vigil-Giron (D) |
| New York      | George E. Patski (R) | Mary Donohue (R) | Aida M. Brewer | Eliot Spitzer (D) | Randy Daniels (R) |
| North Carolina| Michael F. Easley (D) | Beverly Perdue (D) | Richard H. Moore (R) | Roy Cooper (R) | Elaine Marshall (R) |
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| Oklahoma      | Brad Henry (R) | Mary Fallin (R) | Robert Buskin (R) | W.A. Drew Edmondson (D) | M. Susan Savage (D) |
| Oregon        | Ted Kulongoski (D) | Bill Bradbury (R)*** | Randall Edwards (R) | Hardy Myers (D) | Bill Bradbury (D) |
| Pennsylvania  | Ed Rendell (D) | Catherine Baker Knoll (D) | Robert P. Casey Jr. (D) | Tom Corbett (R) | Pedro Cortes (D) |
| Puerto Rico   | Anibal Azoedo-Vila (PDP)*** | Jose M. Izquierdo * | Juan Flores Galarza | William Vazquez Irizarry | Jose M. Izquierdo |
| Rhode Island  | Don Carieri (R) | Charles J. Fagorany (D) | Paul J. Tavares (D) | Patrick C. Lynch (D) | Matthew A. Brown (D) |
| South Carolina| Mark Sanford (R) | R. Andre Bauer (R) | Grady L. Patterson (R) | Henry McPhatter (R) | Mark Hammond (R) |
| South Dakota  | Mike Rounds (D) | Dennis M. Daugaard (R) | Vernon L. Larson (R) | Larry Long (R) | Chris Nelson (R) |
| Tennessee     | Phil Bredesen (D) | John S. Wilder (D)*** | Dale Sims | Paul Summers (D) | Riley Darnell (D) |
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| Utah          | John M. Huntsman Jr. (R) | Gary R. Herbert (R) | Edward T. Alter (R) | Mark Shurtleff (R) | Gayle McLeod (R)*** |
| Vermont       | James Douglas (R) | Brian Dubie (R) | Jeb Spaulding (R) | William H. Sorrell (D) | Deborah Markowitz (D) |
| Virginia      | Mark Warner (D) | Timothy M. Kaine (D) | Jody M. Wagner | Jerry Kilgore (R) | Anita A. Rimmer (D) |
| Washington    | Dino Rossi (R)*** | Brand Owen (D) | Michael J. Murphy (R) | Rob McKenna (R) | Sam Reed (R) |
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| Wisconsin     | Jim Doyle (D) | Barbara Lawton | Jack C. Voight (R) | Peg Lautenschlager (D) | Douglas La Follette (D) |
| Wyoming       | Dave Freudenthal (R) | Joe Meyer (R)*** | Cynthia Lummis (R) | Pat Crank (D) | Joe Meyer (R) |


Note: If no party affiliation is listed, the position is either nonpartisan or appointed.

Data reflects officials known as of December 15, 2004.
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<td><a href="http://www.ls.state.ms.us">www.ls.state.ms.us</a></td>
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<tr>
<td>Missouri</td>
<td>Jan. 5</td>
<td>May 30</td>
<td>H: (573) 751-2979; S: (573) 751-4666</td>
<td><a href="http://www.moga.state.mo.us">www.moga.state.mo.us</a></td>
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<tr>
<td>Montana</td>
<td>Jan. 3</td>
<td>90 L</td>
<td>April 23</td>
<td>(406) 444-3064</td>
<td><a href="http://www.leg.state.mt.us/css">www.leg.state.mt.us/css</a></td>
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<td>Nebraska</td>
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<td>90 L</td>
<td>TBD</td>
<td>(402) 471-2271</td>
<td><a href="http://www.unicam.state.ne.us">www.unicam.state.ne.us</a></td>
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<tr>
<td>Nevada</td>
<td>Feb. 7</td>
<td>120 C</td>
<td>June 6</td>
<td>Assembly: (775) 684-8555; S: (775) 684-1400</td>
<td><a href="http://www.leg.state.nv.us">www.leg.state.nv.us</a></td>
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<tr>
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<td>Jan. 5</td>
<td>45 L</td>
<td>TBD</td>
<td>H: (603) 271-2548; S: (603) 271-3420</td>
<td><a href="http://www.gencourt.state.nh.us/ie">www.gencourt.state.nh.us/ie</a></td>
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<td>No limit</td>
<td>TBD*</td>
<td>(609) 292-4840</td>
<td><a href="http://www.njleg.state.nj.us">www.njleg.state.nj.us</a></td>
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<tr>
<td>New Mexico</td>
<td>Jan. 18</td>
<td>60 C</td>
<td>March 19</td>
<td>(505) 986-4600</td>
<td><a href="http://www.legis.state.nm.us">www.legis.state.nm.us</a></td>
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<td>North Carolina</td>
<td>Jan. 26</td>
<td>No limit</td>
<td>TBD</td>
<td>(919) 733-7779</td>
<td><a href="http://www.ncleg.net">www.ncleg.net</a></td>
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<tr>
<td>North Dakota</td>
<td>Jan. 4</td>
<td>80 L</td>
<td>April 27</td>
<td>(701) 328-2916</td>
<td><a href="http://www.state.nd.us/ldr">www.state.nd.us/ldr</a></td>
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<tr>
<td>No. Mariana Islands</td>
<td>Not available</td>
<td>90 L</td>
<td>TBD</td>
<td>H: (670) 664-8848; S: (670) 664-8850</td>
<td><a href="http://www.cmnihouse.gov.mp">www.cmnihouse.gov.mp</a></td>
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<td>Ohio</td>
<td>Jan. 3</td>
<td>No limit</td>
<td>TBD*</td>
<td>(614) 466-9745</td>
<td><a href="http://www.legislature.state.oh.us">www.legislature.state.oh.us</a></td>
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<tr>
<td>Oklahoma</td>
<td>Feb. 7</td>
<td>50 L</td>
<td>May 27</td>
<td>H: (405) 521-2733; S: (405) 521-5642</td>
<td><a href="http://www.ls.state.ok.us">www.ls.state.ok.us</a></td>
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<tr>
<td>Oregon</td>
<td>Jan. 10</td>
<td>No limit</td>
<td>TBD</td>
<td>(503) 986-1187</td>
<td><a href="http://www.leg.state.or.us">www.leg.state.or.us</a></td>
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<td>Pennsylvania</td>
<td>Jan. 10</td>
<td>No limit</td>
<td>Nov. 30, 2006*</td>
<td>(717) 787-2342</td>
<td><a href="http://www.legis.state.pa.us">www.legis.state.pa.us</a></td>
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<td>No limit</td>
<td>TBD</td>
<td>(401) 222-2473</td>
<td><a href="http://www.rilin.state.ri.us">www.rilin.state.ri.us</a></td>
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<td>South Carolina</td>
<td>Jan. 11</td>
<td>No limit</td>
<td>TBD</td>
<td>(800) 922-1539 or (803) 734-2060</td>
<td><a href="http://www.scstatehouse.net">www.scstatehouse.net</a></td>
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<td>South Dakota</td>
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<td>40 L</td>
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<td>See Web site</td>
<td>legis.state.sd.us/index.cfm</td>
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<td>Tennessee</td>
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<td>90 L in 2 years</td>
<td>TBD</td>
<td>(615) 741-3511</td>
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<td>140 C</td>
<td>May 30</td>
<td>(512) 463-2182</td>
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<td>No limit</td>
<td>TBD</td>
<td>(340) 693-3530</td>
<td><a href="http://www.senate.gov.vi">www.senate.gov.vi</a></td>
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<td>Utah</td>
<td>Jan. 17</td>
<td>45 C</td>
<td>March 2</td>
<td>H: (801) 538-1029; S: (801) 538-1035</td>
<td><a href="http://www.le.state.ut.us">www.le.state.ut.us</a></td>
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<tr>
<td>Vermont</td>
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<td>No limit</td>
<td>TBD</td>
<td>(802) 828-2231</td>
<td><a href="http://www.leg.state.vt.us">www.leg.state.vt.us</a></td>
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<td>Virginia</td>
<td>Jan. 12</td>
<td>30 C</td>
<td>Feb. 10</td>
<td>H: (804) 698-1500; S: (804) 698-7410</td>
<td>legis.state.va.us</td>
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<td>Washington</td>
<td>Jan. 10</td>
<td>105 C</td>
<td>April 24</td>
<td>(360) 786-7780; S: (360) 786-7579</td>
<td><a href="http://www.leg.wa.gov/wsladm/default.htm">www.leg.wa.gov/wsladm/default.htm</a></td>
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<td>(304) 347-4836</td>
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<td>Wyoming</td>
<td>Jan. 11</td>
<td>40 L</td>
<td>March 7</td>
<td>(307) 777-7881</td>
<td>legisweb.state.wy.us</td>
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TBD – To be determined; L – Legislative days; C – Calendar days; H – House; S – Senate.

Note: As of December 15, the Washington governor’s race was still subject to recount.
Ironically, said Rosenthal, tougher ethics laws also contribute to incivility in legislative chambers. “The lobbyists used to bring members together across parties,” he reported. But that doesn’t happen as much now, and the legislature is probably better in some ways for it. However, when lawmakers never get together socially, it’s tougher to build consensus across the aisle.

Are there consequences to incivility? Yes, says Rosenthal: the legislature as an institution suffers when there is no recognition that the other side has a legitimate point of view. The lack of civility feeds the public’s negative perception of legislatures, according to the scholar.

Legislators themselves had a few things to say about the consequences of incivility. They mentioned gridlock in getting the work done, lack of respect for the institution, and lack of trust in the process. Incivility, some said, leads to an atmosphere of retaliation and gamesmanship. Good public policy and constituent service suffer, and the public’s confidence in the legislature goes down.

Is There a Cure?

Can anything be done to reverse this apparent growing incivility in many state legislatures? Forum participants offered a wide variety of solutions. Uslaner asked lawmakers to declare their own unilateral cease fire—to call off their dogs first. Stop legislative procedures that obstruct what the majority does or run roughshod over the minority. He also asked legislative leaders to quit leading campaigns against incumbents of another party. If you fail to defeat these incumbents, it’s not easy to work together. Campaign instead for open seats, he advised.

Uslaner suggested that interfaith summits are one way to build bridges in a society where the biggest conflicts are religious and cultural. Further, leaders from across the political spectrum need to have a national discourse so we remember that despite our differences, we have a shared faith in our country. “I’m asking more people to be like Bob Dole who is truly a man of the Senate and ... could work with people on both sides,” Uslaner said. You have to accept the legitimacy of all or at least 97 percent of your colleagues, he told the audience.

Rosenthal offered his own remedies for incivility. Retreats that encourage members and families to get to know each other as human beings make it more difficult for legislators to be uncivil. Including all members in orientation and other training sessions would give people an opportunity to get together. He mentioned that in Maryland new members and some senior members take a bus trip around the state. The speaker sponsors the trip, which allows members to see other parts of the state beyond their district and to talk to each other.

Rosenthal implored legislators, especially incumbents, not to bash or run against their own institutions. He also argued that it is the legislature’s job to explain to citizens—and to school kids in particular—about representative democracy and the legislature’s role in it.

Legislators offered each other practical advice on reducing incivility, including the following suggestions:

- Senior lawmakers should mentor newer lawmakers.
- Set clear standards for what behavior is acceptable and what is not.
- Leadership must set a tone of civility from the beginning.
- Hold retreats and outside activities like basketball games or bowling tournaments where members of both parties can get to know one another.
- Have regular lunches with members of the opposite party to promote bipartisanship.
- Consider shared committee leadership by both parties to promote comity.
- Attack ideas; don’t attack people.
- Encourage training and professional development activities to build trust and benefit the legislature as a whole.

After more than 30 years as a student of state legislatures, Rosenthal cut to the heart of why legislative civility matters. “Members will become more civil when they learn to appreciate the overriding importance, not only of their bills, not only of their parties, not only of their agendas, not only of their careers, not even of their constituencies, but of the legislature, which is the engine of democracy.”

—Mary Lou Cooper manages the Western Legislative Academy and other professional development programs for The Council of State Governments-WEST.
Protecting Rural America

Rural areas face special challenges

By Chad S. Foster and Dr. Carolyn Orr

“Nobody in Arcadia, the only incorporated city in DeSoto County, with a population of 7,000, expected to grapple with Charley. With just a few hours’ warning and tornadoes touching down, most of the residents hunkered down in their bathrooms and closets ... Charley’s winds tore flimsy mobile homes, RV parks and older wooden homes to shreds ... it will take days to figure out who was home and who wasn’t when Charley came knocking.”
— USA Today, August 15, 2004

THIS USA TODAY news story paints a scene that's all too familiar in Florida and other southeastern states. This year’s barrage of hurricanes and other natural disasters has amplified awareness and concerns regarding how we prepare for and respond to the threat of hurricanes, and by extension, all threats we face today.

But now we must add to the mix the need to also serve our rural areas and the fact that rural public health infrastructure lags behind its urban equivalent.

The size of the problem is enormous: according to the U.S. Census Bureau, 97.5 percent of the total U.S. land area is classified as rural. Further, 61.7 million people, roughly 25 percent of the U.S. population, live in rural areas, leaving many states with no choice but to consider evacuation and emergency response over these vast and often desolate areas. In addition, each state must also address unique threats and vulnerabilities within its agricultural industries as well as the economic costs of providing adequate response capabilities. Obviously, state officials are left with a particularly thorny homeland security challenge to face.

In an effort to find solutions to the problem, The Council of State Governments hosted a national teleconference in October 2004 to examine these rural challenges for states and the innovative solutions they are developing to address them. (For a full transcript of the teleconference, visit www.csg.org, keyword: homeland security.)

Evacuation and Response

Local police departments and sheriffs’ offices provide the bulk of law enforcement services to rural communities. As with many other services, rural areas are severely constrained by a lack of law enforcement resources.

According to a Bureau of Justice Statistics report in 2000, 46.5 percent (5,894) of all local law enforcement agencies employed 10 or fewer
Agricultural Security Challenges

According to CSG’s State Official’s Guide to Critical Infrastructure Protection, “Our nation’s agriculture and food consumer welfare, and local officials. A recent study by the Advancing National Strategies and Enabling Results Institute for Homeland Security suggests that rural hospitals are alarmingly unprepared to respond to terrorism. “While rural hospitals throughout the nation have achieved different levels of preparedness, many remain inadequately prepared to respond to either a bioterrorist event or an emerging infectious disease,” said Dr. Elin Gursky, author and senior fellow for biodefense and public health at ANSER.

The study also examined possible causes for the disparities between rural and urban hospitals. Work force shortages, lack of access to health care, fiscal restraints, high degrees of complacency, and the perception that rural areas are not at risk are all likely contributors to a general lack of preparedness.

To improve the readiness of rural hospitals, the report recommends:

- **Consolidating planning for homeland security funds across all programs.** The current federal funding system promotes an insular planning across the homeland security disciplines. This “programmatic” approach creates “stove-pipe” environments detrimental to integration of resources and efforts among the disciplines.

- **Integrating public health systems vertically and horizontally.** The public health community is often fragmented at the state and local levels, contributing to the disparities between rural and urban hospitals. States should develop and expand regional structures to unite local planning efforts and foster intrastate and interstate aid, promote the sharing of costs and knowledge, and facilitate management of public health activities and grant programs.

- **Improving communications interoperability.** The lack of communications interoperability among public safety and health officials continues to hinder preparedness, especially in rural areas. It is not uncommon for rural dispatch centers, ambulance personnel, emergency medical technicians and hospital personnel to lose communications with each other during emergency response situations.

- **Addressing false or invalidated expectations of support.** While conducting the study of rural hospitals, Gursky found that “there were expectations that the police and military would guard the hospitals and that the state health department would vaccinate people—all expectations of external support that I believe have not been validated.”

There is also a belief among rural health providers that patients will be sent elsewhere for treatment and care in case of a terrorist incident. However, these beliefs are unfounded and are likely inaccurate. For example, a patient infected with a communicable foreign disease would typically be isolated or quarantined in place, along with the staff and other patients in the facility. Rural hospitals must prepare accordingly.
systems and the industries that comprise this sector … account for close to one-fifth of the gross domestic product. In addition, this sector contributes heavily to our export economy.” Unlike other sectors of the national economy, the agriculture sector has historically been responsible for a national trade surplus in the vicinity of $10 billion annually.

Furthermore, a report by the Midwestern Legislative Conference notes that “the actual risks posed by agroterrorism are substantial; many experts consider attacks on agricultural interests both easier to carry out and more likely to inflict widespread economic damage than other, more familiar forms of terrorism.”

This complex system includes supply chains for feed, animals and animal products; crop production and its associated supply chains (seed, fertilizer and related materials); post-harvesting components of the food supply chain, including processing, production, packaging, and storage and distribution; and retail food sales, institutional food services, and consumption (restaurant and home).

“One of the biggest challenges is simply grasping the entire farm-to-fork continuum,” said Richard Kirchoff, executive director for the National Association of State Departments of Agriculture.

Another complicating factor is the short time span between food production and consumption. “We have a short duration food supply between the day it’s produced and the day it’s consumed, probably six or seven days … so if there is a problem introduced into the system, we have to identify it fast,” said Kirchoff.

A successful food-supply system at the national and state levels also requires the timely and regular movement of animals and plants across state lines. State veterinarians understand this and see the need to establish consistency among states around risk assessments for the agricultural industry and disease surveillance plans and systems.

Unfortunately, many veterinarians across the country lack knowledge and experience in identifying and responding to foreign animal and plant diseases. State-level training and exercises have been identified as a critical component to addressing these shortfalls, but the states lack training resources. Adding such tools and resources at the national level would strengthen overall readiness and consistency across all states.

But federal control presents problems of its own; state officials are inundated with regulations, programs and requests from multiple federal departments and agencies, including the Food and Drug Administration, Centers for Disease Control and Prevention and the U.S. Departments of Agriculture, Defense, and Homeland Security.

In response, the U.S. Department of Homeland Security established a Food and Agriculture Government Coordinating Council to better integrate federal efforts and provide states with a single forum to discuss issues and concerns. This public sector council will work closely with an equivalent private sector council, comprised of firms and associations representing interests throughout the “farm-to-fork” continuum.

Among other success stories, the Laboratory Response Network (LRN) provides a much-improved approach to identifying, confirming and responding to the presence of biological and chemical agents. Established in 1999 by the Centers for Disease Control and Prevention, LRN is a national network of roughly 120 labs that supports public health, agricultural security and environmental testing needs. The network includes FDA and USDA labs and others that are responsible for ensuring the safety of the food supply.

Multistate partnerships also provide a means to identify interstate challenges and solutions around agricultural security. One successful example is the Multi-States Partnership for Security in Agriculture, a cooperative agreement among Midwestern states including Illinois, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota and Wisconsin.

“The Partnership seeks to review the different state response plans and determine compatibilities and the incompatibilities among the plans,” said Dr. Ed Hall, assistant director of the Animal Health Division, Kentucky Department of Agriculture. “Other priorities include the development of an interstate surveillance system and a uniform vulnerability assessment tool.”

The partnership’s success is spreading; states outside of the Midwest have shown an interest in joining this partnership and forming others for improved agricultural security.

**Special Consideration for Rural America**

Urban areas present many unique security challenges to the states given their high population densities, critical infrastructure and key assets. However, a disproportionate amount of homeland security money has been channeled to urban areas. Although these areas are important, they should not be secured at the expense of rural areas.

Rural areas not only contain a significant segment of the U.S. population, they also produce the food consumed in the urban areas. Rural areas should receive consideration in future planning and grant programs. Low population density does not translate to a low probability of terrorist attack. Rather, many rural and agricultural interests may be easier and more attractive targets for terrorists, especially given the vulnerabilities and possibilities of widespread economic damage.

—Chad S. Foster is a public safety and justice policy analyst at The Council of State Governments. Dr. Carolyn Orr is the chief agriculture and rural policy analyst at CSG.
New Year’s Day is traditionally the kick-off day for diets in America. Across the nation, the beginning of the year marks a time when adults pledge to lose weight by eating more healthfully and working out more frequently. What is sometimes forgotten is that maintaining a healthy weight is also a struggle for an unprecedented number of American children.

Childhood obesity is not just a matter of personal health. It is breaking state budgets and jeopardizing personal and family well-being. According to the Centers for Disease Control and Prevention, overweight adolescents have a 70 percent to 80 percent chance of becoming overweight adults. With obesity health care costs estimated at $117 billion in 2000, state budgets cannot afford to have future generations with an even greater percentage of obese members using up limited health care dollars and reducing their own quality of life. It is critical for lawmakers to find ways to help reduce the rate of childhood obesity in order to keep health care costs down and improve students’ health and quality of life.

Eating Away at the Problem

Because children spend so much of their day at school, one solution is to target school nutrition, including the food choices available for school lunches, parties, concession stands and vending machines. Nearly a dozen states have considered legislation to turn off school vending machines during class time, remove unhealthful food options or impose new taxes on soft drinks.

These proposals, however, have been controversial. Some food and beverage industry representatives disagree with legislative efforts to limit school soda and snack sales. They argue that legislation to improve health instruction or require physical education would be a more effective solution in combating obesity.
“Consumers don’t want to have legislation around something that they consider a personal issue,” explained Donna Shields, an author and nutrition consultant for the Beverage Institute for Health and Wellness. “I think we can do a better service to our kids . . . by really stepping up the role of nutrition education in schools. It’s practically a forgotten science in schools.”

Additionally, many schools and parents nationwide use the proceeds from vending machines to fund extracurricular activities. Ironically, the sale of the very foods accused of making students fat often support sports programs. Afraid of losing these dollars, some school districts oppose any proposed restrictions. In many cases, this opposition has been vocal enough to weaken or defeat measures, or to stall them until a future legislative session. According the CDC, several states have attempted to pass legislation related to school nutrition, but only a few states have actually done so. Of those that have, Texas, California and Arkansas stand out for their unique approaches to this problem.

Texas

In Texas, childhood obesity and other diet-related diseases are increasing at an alarming rate. According to the CDC, more than 35 percent of Texas schoolchildren are considered overweight or obese, which is almost 20 percent higher than the national average.

The Texas Department of Agriculture Food and Nutrition Division recently set goals for meeting improved nutrition standards in schools through its authority under the U.S. Department of Agriculture’s School Nutrition Programs. The new policy lays out firm guidelines for what students may and may not consume during the school day. For example, elementary children may not have “foods of minimal nutritional value” or candy at any time. Additionally, french fries may not exceed three ounces per serving and may only be served once a week. Schools are also being asked to eliminate frying as a method of preparing any meals, a la carte items or snack foods. Overall, the policy seeks to reduce all junk food and unhealthful foods during the school day, including food in vending machines, sold as fundraisers, or brought for snack by parents or teachers.

In addition to working with schools to improve nutrition, the Texas Department of Agriculture is releasing six educational TV commercials in English and Spanish as well as radio commercials to promote better nutrition. The commercials will increase public awareness of obesity and encourage a healthful lifestyle for families.

“If you’re trying to work on state legislation, you definitely should include your health department and any state agencies that are health related,” said Brenda Dotson of the Texas Department of Agriculture. “We connected those groups and we made sure that we promoted those groups. That was very instrumental in the framework for our policy.”

California

California legislators recently passed a law that prohibits any drinks but milk, water or juice from being sold in elementary schools and shortens the time during the school day that middle school and high school students can purchase from vending machines. Former Gov. Gray Davis signed a bill in 2003 that restricts the kinds of foods and drinks that can be sold in school vending machines. Additionally, state officials are putting added emphasis on making healthier food choices at school and home.

“California has done amazing things to promote fruit and vegetable consumption. They’ve been working with schools on gardens and farmers’ market programs,” noted Dr. Howell Wechsler, acting director of the Division of Adolescent and School Health at the Centers for Disease Control and Prevention.

One example is “Farm to School” projects. These programs integrate locally grown produce into school cafeterias, which provides a nutritious food source for schoolchildren and helps to develop a relationship between school communities and local agriculture. At the Farmers’ Market Salad Bar in Santa Monica, produce is purchased at the local farmers’ market two times per week to stock school salad bars with California-grown produce.

Other ideas include establishing a school garden, bringing farmers to the classroom, and hosting a “local food day” to teach children about locally grown produce. These programs often vary since they are implemented locally, but all have the same goal of connecting farmers with schools to provide more nutritious food for children.

Arkansas

In 2003, Arkansas legislators passed a comprehensive law aimed at reducing childhood obesity. H.B 1583, now Act 1220, created a Child Health Advisory Committee to study and fight childhood obesity. This act eliminated vending machines in elementary schools; required annual body mass index measurement and reporting to parents; and required new standards for physical education, nutrition, training and health curricula. The Arkansas Center for Health Improvement will establish and maintain a database containing the body mass index of every school-age child in Arkansas, from kindergarten to 12th grade.

In September 2004, the data showed that even more children than were previously thought have a weight problem: more than 38 percent of public school students are either overweight or at risk of being overweight. Letters were sent home to every parent to inform them of their children’s weight status, along with recommendations from the American Academy of Pediatrics. The recommendations include offering healthier snacks, allowing fewer soft drinks, getting kids more active, and limiting their TV and computer time.

Healthy Schools Teleconference Series

In response to the rising childhood obesity epidemic, the Council of State Governments held a three-part teleconference series, “Healthy Schools, State Solutions” in 2004. This series focused on ways states are combating childhood obesity by improving school nutrition and increasing physical activity. To listen to the Healthy Schools teleconferences or to view additional resources from the series, please visit www.csg.org (keyword: Healthy Schools).

Continued on page 37
Minner, Hettrick Lead CSG in 2005

Delaware Gov. Ruth Ann Minner and Nevada Assembly Member Lynn Hettrick begin their yearlong terms this month as the 2005 leaders of The Council of State Governments.

The CSG Governing Board elected Minner and Hettrick to their leadership posts in September at CSG’s Annual State Trends and Leadership Forum in Anchorage, Alaska.

Also serving on the organization’s Executive Committee this year are Vermont Gov. Jim Douglas, president-elect; West Virginia Senate President Earl Ray Tomblin, chair-elect; and Delaware state Rep. Roger Roy, vice chair. The vice president for 2005 has not yet been selected.

Minner has been a member of CSG since the 1970s and Delaware has a long involvement in the organization, hosting regional conferences in Wilmington in 1987 and 1998. Wilmington will host CSG’s 2005 Annual State Trends and Leadership Forum Dec. 1–4.

“During my years of involvement with CSG, it has been a constant source of research and information about how other states are handling issues, and Delaware has often been able to show other states the ways we are being innovative,” said Minner.

Minner actively participated in CSG as a state representative, senator, and lieutenant governor, and now as governor.

Like Minner, Hettrick is a long-time contributor to CSG at both the regional and national levels. He chaired the Western regional organization in 2001–2002. As chair of the Western Committee on the Future of Western Legislatures, Hettrick was charged with oversight of activities affecting the institution of the legislature. He is also a leader in the region’s efforts to secure federal compensation for lost revenues due to vast public land holdings.

At the national level, Hettrick has played a major role on the CSG Finance Committee and serves on CSG’s strategic planning, intergovernmental and executive committees.

“It’s an honor to chair an organization that has been so active in helping states increase efficiency by identifying the best new and creative approaches to state problems,” Hettrick said. “And CSG’s leadership training helps state officials enhance their skills in managing strategic change.”

The Gardnerville assembly member has served in the Nevada Legislature since 1993, with one term as co-speaker of the Assembly.

Adult Commission Elects New Officers at Annual Meeting

The Interstate Commission for Adult Offender Supervision held its third annual meeting October 25–27 in Atlanta, Georgia. Forty-seven states, the District of Columbia and Puerto Rico were represented at the three-day meeting, during which members approved new rule and bylaw amendments and elected new officers.

The 2005–2006 officers are:

- **Chairman**—David Guntharp, director of community corrections, Arkansas
- **Vice chairman**—Harry Hageman, deputy director, Division of Parole and Community Services, Ohio
- **Treasurer**—Genie Powers, compact administrator, Louisiana

Regional representatives for 2005 are:

- **East**—Ben Martinez, Board of Probation and Parole, Pennsylvania
- **Midwest**—Ed Ligtenberg, compact administrator, South Dakota
- **South**—Joe Kuebler, compact administrator, Georgia
- **West**—Dori Ege, deputy compact administrator, Arizona

In addition, the members heard about the National Center for Interstate Compacts—a new CSG initiative to promote the use of interstate compacts to solve multistate problems or as an alternative to federal preemption of state powers. The center will serve as an information clearinghouse; provide training and technical assistance; and help states review and revise existing interstate compacts and create new ones.

The Interstate Commission is the administrative body formed by the Interstate Compact for Adult Offender Supervision. Forty-nine states, the District of Columbia and Puerto Rico are members of the compact. For more information, visit www.adultcompact.org.
Prize-Winning Historian to Address Midwestern Legislators

Joseph Ellis, the Pulitzer Prize-winning author known for his scholarly work on the nation’s Founding Fathers, will be a featured speaker at the 2005 Midwestern Legislative Conference Annual Meeting in Saskatchewan. The history professor’s latest book is *His Excellency: George Washington*, a landmark biography about the life and career of America’s first president.

Ellis won the Pulitzer Prize for his best-selling book *Founding Brothers: The Revolutionary Generation* and the 1997 National Book Award for *American Sphinx: The Character of Thomas Jefferson*.

In addition to Ellis, several other renowned speakers will be a part of next year’s MLC meeting, which will be held July 31–Aug. 3 in Regina, Saskatchewan—the first time in the event’s 60-year history that it will be held in a Canadian province. The provinces of Manitoba, Ontario and Saskatchewan are affiliate members of the MLC.

Registration for the meeting can be completed online at www.csgmidwest.org.

Midwestern Legislative Service Directors Share Ideas

At a two-day meeting held in October in Chicago, directors of the region’s nonpartisan legislative service agencies shared ideas on how to meet some of the current and future challenges that their organizations face.

The event’s seven sessions were led both by outside experts and the directors themselves. Alan Rosenthal, a professor of public policy and political science at Rutgers University, led participants in a discussion of how various structural, demographic and political changes are shaping and changing the Midwest’s legislative institutions.

The meeting began by examining the impact of and lessons learned from the recent reorganizations of several state legislative service agencies. In other sessions, the directors talked about ways to cultivate good relations with legislators and promote professional development among their staff.

The Midwestern Legislative Service Agency and Research Directors Group is staffed by the Midwestern Office of The Council of State Governments. The regional group will meet again this year in Wisconsin.

Western Legislative Staff Learn Mediation Skills, Elect Officers

When members of the CSG-WEST Legislative Service Agency/Research Directors Committee met October 28–30 in San Diego for their annual fall training seminar, their attention turned to mediation skills. Lisa Maxwell, senior trainer for the National Conflict Resolution Center, conducted the training. Using highly interactive exercises and role playing, Maxwell delivered a practical workshop on the use of mediation skills to resolve workplace conflicts. She introduced LSA/RD members to the principles of mediation, what works and what doesn’t work to resolve conflicts and conflict resolution strategies.

Other topics tackled during the training seminar included security considerations during employee terminations, value-added customer service to legislators, legislative service agency budgets, changing demographics of Hispanics in the West and new member legislative orientation sessions. Limited copies of the document “Western States New Legislator Orientation Programs” are available from CSG-WEST at (916) 553-4423.

CSG-WEST honored outgoing LSA/RD Committee Chair and Idaho Legislative Services Director Carl Bianchi for his eight years of extraordinary contributions to the nonpartisan legislative staff leaders in the Western states. Oregon’s Legislative Administrator Dave Henderson was elected to chair the committee in 2005–2006, and Nevada Legislative Counsel Bureau Director Lorne Malkiewich was elected as vice chair.
Northeast Businesses Establish Trade Ties in Poland

Businesses in the Northeast are increasingly looking for markets overseas to export their products. With the help of the Eastern Trade Council, companies in the region are diversifying their opportunities. Representatives from 12 American companies recently traveled to Poland on a business development mission to enhance trade ties between the Northeast states and Poland. The trade mission, which took place October 4–8, was sponsored by the ETC, an organization created to increase cooperation among the Northeastern states in export development.

While Poland may seem an unlikely partner for the Northeast, the country has steadfastly pursued a policy of economic liberalization throughout the 1990s and today stands out as a success story among transition economies.

“With a population of 39 million, Poland’s market potential is very promising for companies in the Northeast,” said former Assemblyman Robert Straniere, who co-chaired The Council of State Governments’ International Committee.

Peter Murray, manager of business development at Clean Earth Technology, saw the trip as an opportunity to market his groundwater remediation products. Poland’s history of heavy industry and the occupation by the Soviet military left a great deal of groundwater contamination, Murray explained. He added that Poland was an excellent match for him because of its “recent entry into the EU, the strong economy compared to the rest of Eastern Europe, the positive relationship with the U.S., and the fact that competitors have yet to discover the market.”

Other industry sectors represented on the trip included automotive devices, telecommunications, Internet security, environmental technology, defense, financial services and art reproduction. Several of the delegates are well-positioned to win contracts and establish joint ventures as a result of the mission.

Delegates visited Warsaw and Krakow and had the unique opportunity to meet with local and federal government officials. US Ambassador Victor Ashe welcomed the delegation to Poland. The director of the American Chamber of Commerce, Dorota Dabrowska, held a business briefing to help prepare delegates on business etiquette, and the minister of Treasury, Jacek Socha, spoke about the Polish government’s privatization plans. Also, political specialists addressed the group on the structure of Poland’s local and regional government.

“Bringing the public and private sector together was useful. Having good political contacts (in Poland) is important particularly because we are small companies, not multinationals,” said Randall Richard, president of Allegiance Financial Group in Maine.

The Eastern Trade Council seeks to strengthen state and regional economic competitiveness in the global marketplace by sharing trade development information, jointly promoting regional products, and collectively advocating for federal trade promotion programs and policies which will benefit the region.

The ETC is supported by annual appropriations from its 11 member jurisdictions.

Project Examines Community Supervision of Impaired Driver Offenders

The American Probation and Parole Association has entered into a cooperative agreement with the National Highway Traffic Safety Administration to conduct a project on the community supervision of impaired driver offenders. The purpose of the three-year project is to develop recommended guidelines and protocols for the community supervision of offenders accused or found guilty of driving while impaired by alcohol or drugs. The goal is to reduce DWI recidivism through improved community supervision of pre-and post-trial DWI offenders.

The project will be conducted in three phases:

1) Gather information. Staff will gather data on current community corrections policies and practices for the supervision of pre-trial defendants or convicted offenders.

2) Identify trends and best practices. When the data gathering process is complete, staff will scour the data to identify trends and exceptional practices, particularly those that seem especially effective or promising.

3) Disseminate recommended guidelines and protocols. Data gathered through this process will be used to prepare a document that will outline guidelines and model protocols for effective community supervision of impaired driver offenders. The publication will outline recommended program principles and procedures and will include case studies on specific, proactive programs.

For additional information, please contact Karen L. Dunlap, American Probation and Parole Association, P.O. Box 11910, Lexington, KY 40578–1910, (859) 244-8211 or kdunlap@csg.org.
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- What the specific elements of a best-practice performance evaluation system are
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- How to manage performance effectively in a unionized environment
- A step-by-step guide to confronting and correcting the marginal performer
- Tools, tips, and techniques you can use now to assure performance appraisal excellence
- Immediate changes your city or agency can make to improve existing systems

You will learn:
- How to conduct a Strategic Business Planning process which:
  - Organizes services around results
  - Structures performance-based budgets
  - Aligns services and performance to strategic goals
  - Develops measures for each program
  - Fully integrates planning, performance, accounting, and budgeting
  - Gives managers information they need to make good government decisions
  - Where your jurisdiction’s budgeting process has hidden management information
  - How your budgeting system can show the public what they are getting for their money

WORKSHOP LEADER:
Mary Weidner, Founder and President, Weidner Consulting, Inc.

CUSTOMER CENTERED GOVERNMENT
Methods and Tools for Radically Improving Customer Satisfaction with Government
WASHINGTON, DC: FEBRUARY 3

WORKSHOP LEADER:
Ken Miller, Author, The Change Agent’s Guide to Radical Improvement

You will learn how to:
- Clear the mental hurdle that keeps government from improving customer satisfaction
- Identify your most important customers
- Balance competing customer interests
- Ask the magic questions to discover what customers want
- Measure customer satisfaction without surveys
- Produce radical improvements in performance, customer satisfaction and cost savings in less than six months

Who Should Attend:
Elected state and local officials, county and city administrators, executives and program managers, state agency directors and managers and anyone with oversight of customer satisfaction, planning, budgeting, performance, or change programs in state or local government.

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Interstate Compact Aids Hurricane Response

More than 500 people from 26 states assisted Florida in response and recovery efforts for Hurricanes Bonnie, Charley, Frances and Ivan through the Emergency Management Assistance Compact. EMAC assistance was also provided to Alabama in the wake of Hurricane Ivan and to West Virginia following severe flooding resulting from these storms.

Response and recovery efforts for these hurricanes are just one example of outstanding partnerships between local, state and federal government agencies working together to assist victims of these and all disasters.

EMAC is a national interstate mutual aid agreement that enables states to share resources during times of disaster. To date, 48 states, two territories and the District of Columbia are signatories to the compact, which was ratified by Congress in 1996. EMAC is administered by the National Emergency Management Association.
5. Winners and Losers
The Economy in Flux

The U.S. economy has evolved from a manufacturing-based economy centered on natural resources and standardized products to a service-based economy focused on knowledge and ideas. Today, people need to have critical thinking skills, be able to convert information into knowledge, and use and understand emerging technologies.

States, however, have been unable capture all the benefits of this New Economy, particularly in two areas:

- **Sales taxes.** The sales tax base has eroded because states’ sales taxes are mostly levied on durable goods rather than services. As evidence of this, sales taxes currently account for a smaller portion of state revenues than they did in the 1970s. Services account for more than half of personal consumption, so they are a substantial potential revenue source.

- **E-commerce.** States and local communities are losing $16.4 billion a year in sales and usage tax revenue because of online and catalog sales. According to some economists, this number could rise to $45 billion in 2006 and $66 billion in 2011. Because of a federal moratorium, however, states currently cannot collect taxes on electronic transactions.

Entrepreneurship is extremely important in the New Economy. Rapidly growing new firms are a major source of job creation, so entrepreneurs are one of the driving forces for the economy. Because of its economic importance, policy-makers need to foster an entrepreneurial culture in their states. At the same time, the focus of many state officials’ activities will be on modernizing the tax structure, to reflect the new nature of the economy.

6. Disseminating Information
24/7 Connectivity: Sorting it Out

Information now flows at a dizzying pace. You can have instant access to almost any type of information you need or want. Today businesses rely on this instant information to compete in the global economy, but there are some less positive impacts on this unlimited access to information.

The following developments will greatly influence state government:

- **Access.** People are rarely unreachable. While technological advances such as the cell phone and BlackBerry can make us constantly available, they can also be very isolating. People are choosing technological interaction over face-to-face communication, which can affect social skills.

- **Filters.** People hear only what they want to hear. People have wider choices for obtaining their news. They can go to Web sites, participate in blogs and chat rooms, getting only the information they want to get. They do not have to listen to two sides of the story.

These changes in disseminating information will alter the way politicians and state officials communicate their messages to constituents. In addition, such changes increase the need for educating students with critical thinking skills so they can process all this information responsibly and intelligently.
7. Privacy and Security
Technology: Boon or Bane?

The more information that is available, the more potential there is for misuse of this information. States will have to address privacy and security concerns on several fronts.

- **Identity theft.** Criminals can use many methods, ranging from rummaging through your trash to finding pre-approved credit offers to hacking into your company’s computer system to find Social Security numbers, to obtain personal information and commit fraud or theft.

- **Nanotechnology.** This emerging tool changes the molecular structure of products to make them cleaner, stronger, lighter and more precise. While this technology has many potential positive uses, it does bring up privacy issues as well. With the ability to make common devices such as cameras smaller and smaller, there is also the ability to invade people’s privacy.

- **Biometrics.** This emerging technology increases security but raises privacy concerns. Biometrics refers to the automated methods of recognizing a person based on physiological or behavioral characteristics. Biometric technologies are becoming the foundation of an extensive array of highly secure identification and personal verification solutions. They measure a person’s face, fingerprints, hand geometry, handwriting, iris and voice.

State officials, while supporting the development of these very promising technologies and implementation of rules and regulations, will also have to evaluate their impact on privacy and security, and therefore on public perception and reaction.

8. Quality of Life
Managing our Natural Resources

The growing population in this country and around the world will increase the demands on the environment. The responsible use of natural resources and the protection of environmental quality will continue to drive many social, political and economic decisions. For example, state officials will be confronted with the following quality of life issues:

- **Urban sprawl.** Changing population patterns stress our natural resources. The result is urban sprawl that increases driving time and the use of petroleum fuels. In some cases, there is the development of ecologically valuable wetlands, and the conversion of prime farmland to residential and commercial use.

- **Conserving Energy.** Energy is becoming a more important issue because experts project that the world could reach its peak oil production capacity in the next 10 to 40 years. After that, the supply of oil may not keep up with demand. With this in mind, some states are leading the way in promoting energy efficiency and conservation. California, for instance, has built a “green” government building, and New York renovated one of its government office buildings to be more environmentally friendly. In addition, many states have incentive programs aimed at encouraging the purchase of alternative fuel vehicles, the conversion of vehicles to run on biofuels and the installation and operation of fueling facilities to serve these vehicles.

Policy-makers will have to focus on longer-term policies, programs and commitments in order to ensure balanced approaches to the use of natural resources and development of “greener” and “cleaner” technologies. Air quality as well as water quality and availability will remain on the agendas of many state officials.
9. A Growing Chasm

Increasing Polarization

The United States is starting to realize a growing polarization of society. Polarization touches most areas of society, such as:

- **Politics.** Some experts contend polarization is the result of gerrymandering to create “safe” districts. Because these districts are safely Republican or safely Democratic, there is an opportunity for Democrats who are more liberal than the average American and Republicans more conservative than the average to win office. This leads to increased difficulty in finding political compromises among elected officials.

- **The economy.** According to the U.S. Census Bureau, the country has experienced a long-term trend of a widening income gap. In other words, there is increasing income inequality between the “haves” and the “have nots.” The trend may create more pressures on government services on one hand, and impact taxation policies on the other.

- **The culture.** Intergenerational conflicts may emerge as older and younger voters expect different things from government. Younger voters, for instance, may be willing to pay higher taxes to finance public schools while older citizens may vote against any tax increase.

The growing economic, cultural and political differences in this country are leading to a call for more civility among citizens and among their elected officials. There is an increased need for leadership and respect for differences in opinion, beliefs and economic status so that state leaders can do their jobs effectively.

Intergenerational conflicts may emerge as older and younger voters expect different things from government.

10. The Role of Government

Who is in Charge?

The role of government in American society has shifted many times during our country’s history. The pendulum swings between strongly centralized and decentralized relationships the states have with the federal government.

Two forces in particular are having an impact on the role of government. They are:

- **Local initiatives.** States have experienced the conflict between what the public wants and what they are willing to pay. In some cases, citizen ballot initiatives have created costly programs without providing revenue sources for them. These initiatives, combined with a growing anti-tax sentiment, will make it more difficult for states to fund programs adequately, which may lead them to examine what should be core government responsibilities and what functions should be terminated.

- **Federalism.** As state policy-makers and administrators know, federal mandates and federal court decisions are major influences on state budgets. Because of the relative inflexibility of federal programs and policies, states have to reorganize their priorities to adhere to mandates. The same is true for court decisions. This reprioritization adds uncertainty to budget forecasting, making it more difficult to predict future expenditures. It also alters the critical balance of federal-state relations, relegating states to be merely “branch offices” to carry out federal policy mandates.

The voice of state government must be heard in this dynamic political environment. State leaders should be active in state membership organizations. This is one avenue for leaders to express their concerns and to learn from other states that may have dealt with those same concerns. State leaders must also build good relationships with their congressional delegations so that federal decision-makers understand how federal policy can affect the performance of state government.

Some states are already experiencing the impact of these change drivers. CSG will continue to monitor these changes in 2005 through our national publications and meetings, our committee and task force work, and CSG programs such as Suggested State Legislation and the Innovations Awards program.
Working Out a Solution

Although it’s widely recognized that physical education is vital for schoolchildren to develop a foundation for lifelong health and learning, the CDC reports that daily enrollment in physical education classes among high school students dropped from 42 percent to 25 percent between 1991 and 1995. The lack of activity and the growing childhood obesity epidemic have prompted state officials to act to improve children’s lifestyles through school-based policies and programs.

Children benefit from a strong P.E. program in the classroom as well. As many educators are aware, physical activity is essential in balancing academics and health. Exercise not only helps to control weight, build lean muscle, and relieve stress and depression, it ultimately produces a better, more focused student.

“Exercise, actually, is good for the mind. The extra time spent in physical education has associated physical benefits and no negative academic repercussions,” explained Dr. Guy Le Masurier, assistant professor of kinesiology at Pennsylvania State University.

These findings underscore the importance of building a solid foundation in youth to promote fitness in adulthood. For many Americans, P.E. classes during school are the only times they are exposed to health education and physical activity.

Although curricula decisions are often controlled on a local level, state officials can play a crucial part in improving the quantity and quality of schoolchildren’s physical activity.

Charlene Burgeson, executive director of the National Association for Sport & Physical Education, noted several ways that states can provide support and set relevant policy:

- Ensure that students are provided with a comprehensive education. Subjects like physical education and health education should be treated as indispensable elements of the curriculum.
- Require that subjects are taught by highly qualified teachers. Certified physical education teachers cannot be replaced by classroom teachers or aides. Professional training and continuing education keeps teachers up to date on the best methods for teaching P.E.
- Coordinate efforts between school districts and state departments of Education. This leadership is essential for supervising curriculum, managing professional development, and ensuring that facilities and programs are adequate.
- Adopt policy or legislation that supports physical education. Examples of such policies include requiring continuing education for educators; only hiring certified physical education teachers; requiring all students to spend time in physical education, with very few exemptions; and developing state standards for physical education that determine what students should know and be able to do by the time they graduate.

No Single Answer

Responsibility for addressing the issue of obesity does not lie solely with any one source. Collaboration among policy-makers, school systems and parents will play a significant role in reducing this epidemic. Because children spend so much time in school, the educational system offers an opportunity to provide nutritious food and to promote healthy behavior. Parents can set a good example by leading a healthy lifestyle, providing nutritious food and encouraging exercise. States, which are paying heavily for obesity, should take an active interest in reducing this problem for the sake of future generations. Legislation alone won’t cure childhood obesity, but with help from parents and cooperation from schools, it can be reduced.

—Sarah Donta is a health policy research associate at The Council of State Governments.

Healthy People 2010 and Adolescent Health

In order to raise awareness of the importance of adolescent health, the Centers for Disease Control and Prevention have developed The National Initiative to Improve Adolescent Health by the Year 2010. This initiative tackles the most serious health and safety issues facing youth aged 10-24, including mortality, unintentional injury, violence, substance use and mental health, reproductive health, and prevention of adult chronic diseases.

To help state officials understand the role state government can play in addressing adolescent health, the CDC has published a new guide designed specifically for state and local agencies, Improving the Health of Adolescents & Young Adults: A Guide for States and Communities. Please visit www.cdc.gov/HealthyYouth/NationalInitiative/guide.htm for more information.
### 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](http://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](http://www.csg.org).

#### January 2005

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<tr>
<td>Jan. 14-16</td>
<td>CSG/NASTD—Telecommunications &amp; Technology Professionals Serving State Government Executive Board Meeting</td>
<td>Lexington, KY—Embassy Suites</td>
<td>Contact Karen Britton at (859) 244-8187 or <a href="mailto:kbritton@csg.org">kbritton@csg.org</a></td>
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<tr>
<td>Jan. 22-25</td>
<td>CSG/NASTD Southern Region Winter Seminar—Jacksonville, FL—Ramada Inn</td>
<td>Contact Karen Britton at (859) 244-8187 or <a href="mailto:kbritton@csg.org">kbritton@csg.org</a></td>
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<tr>
<td>Jan. 28-30</td>
<td>CSG/Rural Policy Research Institute/National Conference of State Legislatures: 2005 Legislative Agriculture Chairs Summit—Memphis, TN—Peabody Memphis</td>
<td>Contact Dr. Carolyn L. Orr at (859) 244-8221 or <a href="mailto:cor@csg.org">cor@csg.org</a></td>
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<tr>
<td>Jan. 28-30</td>
<td>CSG/National Association of State Personnel Executives Mid-Year Meeting—Arlington, VA—Hilton Arlington &amp; Towers</td>
<td>Contact Leslie Scott at (859) 244-8182 or <a href="mailto:lscott@csg.org">lscott@csg.org</a></td>
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<tr>
<td>Feb. 4-6</td>
<td>CSG/National Association of State Election Directors Winter Conference—Washington, D.C.—Hyatt Regency</td>
<td>Contact Melinda Glazer at (202) 624-5460 or <a href="mailto:mglazer@csg.org">mglazer@csg.org</a></td>
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<tr>
<td>Feb. 8-11</td>
<td>CSG/National Lieutenant Governors Association Winter Meeting—Washington, D.C.—The Madison</td>
<td>Contact Jula Hurst at (859) 244-8111 or <a href="mailto:jhurst@csg.org">jhurst@csg.org</a></td>
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<tr>
<td>Feb. 13-16</td>
<td>CSG/American Probation and Parole Association Winter Training Institute—Anaheim, CA—Hyatt Regency Orange County</td>
<td>Contact Kris Chappell at (859) 244-8204 or <a href="mailto:kchappel@csg.org">kchappel@csg.org</a></td>
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<tr>
<td>Feb. 26-March 1</td>
<td>National Governors Association Winter Meeting—Washington, D.C.</td>
<td>Contact Susan Dotchin at (202) 624-5327 or <a href="mailto:sdotchin@nga.org">sdotchin@nga.org</a></td>
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<tr>
<td>March 20-23</td>
<td>CSG/National Association of State Treasurers Legislative Conference—Washington, D.C.—Willard InterContinental Hotel</td>
<td>Contact Adinee Hamilton at (859) 244-8174 or <a href="mailto:ahamilton@csg.org">ahamilton@csg.org</a></td>
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<tr>
<td>April 30-May 4</td>
<td>CSG/NASTD Eastern Region Seminar—Burlington, VT—Wyndham Burlington</td>
<td>Contact Karen Britton at (859) 244-8187 or <a href="mailto:kbritton@csg.org">kbritton@csg.org</a></td>
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<tr>
<td>May 1-5</td>
<td>CSG/National Association of State Treasurers Southern State Treasurers &amp; National Association of Unclaimed Property Administrators Annual Conference—Point Clear, AL—Grand Hotel Marriott</td>
<td>Contact Adinee Hamilton at (859) 244-8174 or <a href="mailto:ahamilton@csg.org">ahamilton@csg.org</a></td>
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<tr>
<td>May 14-17</td>
<td>CSG/NASTD Midwestern Region Seminar—Des Moines, IA—Des Moines Marriott</td>
<td>Contact Karen Britton at (859) 244-8187 or <a href="mailto:kbritton@csg.org">kbritton@csg.org</a></td>
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<tr>
<td>June 4-8</td>
<td>CSG/NASTD Western Region Seminar—Salt Lake City, UT—Hilton Salt Lake City Center</td>
<td>Contact Karen Britton at (859) 244-8187 or <a href="mailto:kbritton@csg.org">kbritton@csg.org</a></td>
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<tr>
<td>June 5-8</td>
<td>CSG Spring Committee and National Task Force Meeting—Lake Tahoe, CA—Resort at Squaw Creek</td>
<td>Contact Wanda Hines at (859) 244-8103 or <a href="mailto:whines@csg.org">whines@csg.org</a></td>
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<tr>
<td>June 11-15</td>
<td>CSG/NASTD Southern Region Summer Seminar—Nashville, TN—Renaissance Hotel</td>
<td>Contact Karen Britton at (859) 244-8187 or <a href="mailto:kbritton@csg.org">kbritton@csg.org</a></td>
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<tr>
<td>June 19-22</td>
<td>CSG/National Association of State Treasurers Midwestern &amp; Western State Treasurers Conference—Rapid City, SD—Rushmore Plaza Holiday Inn</td>
<td>Contact Adinee Hamilton at (859) 244-8174 or <a href="mailto:ahamilton@csg.org">ahamilton@csg.org</a></td>
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<tr>
<td>June 25-29</td>
<td>CSG/National Association of State Facilities Administrators/National Association of State Chief Administrators Joint Annual Conference—Phoenix, AZ—Ritz Carlton</td>
<td>Contact Marcia Stone at (859) 244-8181 or <a href="mailto:mstone@csg.org">mstone@csg.org</a></td>
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<tr>
<td>July 8-12</td>
<td>CSG/Midwestern Legislative Conference Ith Annual Bowhay Institute for Legislative Leadership Development—Madison, WI—Fluno Center for Executive Education</td>
<td>Contact Laura Tomak at (630) 810-0211 or <a href="mailto:ltmak@csg.org">ltmak@csg.org</a></td>
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<tr>
<td>July 16-19</td>
<td>National Governors Association Annual Meeting—Des Moines, IA</td>
<td>Contact Susan Dotchin at (202) 624-5327 or <a href="mailto:sdotchin@nga.org">sdotchin@nga.org</a></td>
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<tr>
<td>July 16-20</td>
<td>CSG/National Association of State Personnel Executives Annual Meeting—Denver, CO—Westin Tabor Center Downtown</td>
<td>Contact Leslie Scott at (859) 244-8182 or <a href="mailto:lscott@csg.org">lscott@csg.org</a></td>
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<td>July 23-27</td>
<td>CSG/National Association of Government Labor Officials Summer Conference—Portland, ME—The Eastland Park</td>
<td>Contact Helene Glazer at (202) 624-5460 or <a href="mailto:mglazer@csg.org">mglazer@csg.org</a></td>
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<td>July 24-27</td>
<td>CSG/National Association of State Treasurers Northeast State Treasurers and College Savings Plan Network Annual Conference—Baltimore, MD—Renaissance Harborplace Hotel</td>
<td>Contact Helene Glazer at (202) 624-8174 or <a href="mailto:ahamilton@csg.org">ahamilton@csg.org</a></td>
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<tr>
<td>July 24-27</td>
<td>CSG/Eastern Regional Conference Annual Meeting—Connecticut</td>
<td>Contact Pamela Stanley at (212) 482-2320 or <a href="mailto:pstanley@csg.org">pstanley@csg.org</a></td>
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<tr>
<td>July 24-27</td>
<td>CSG/American Probation and Parole Association 30th Annual Training Institute—New York, N.Y.—Marriott Marquis Hotel</td>
<td>Contact Kris Chappell at (859) 244-8204 or <a href="mailto:kchappel@csg.org">kchappel@csg.org</a></td>
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<td>July 26-30</td>
<td>CSG/National Lieutenant Governors Association Annual Meeting—Wakiki Beach, HI—Hilton Honolulu Resort</td>
<td>Contact Jula Hurst at (859) 244-8111 or <a href="mailto:jhurst@csg.org">jhurst@csg.org</a></td>
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<tr>
<td>July 30-Aug. 3</td>
<td>CSG/Southern Legislative Conference Annual Meeting—Mobile, AL.</td>
<td>Contact NAlvininthongpak at (404) 633-1866 or <a href="mailto:na@csg.org">na@csg.org</a></td>
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<tr>
<td>July 31-Aug. 3</td>
<td>CSG/Midwestern Legislative Conference 60th Annual Meeting—Regina, Saskatchewan, Canada—Delta Regina Hotel</td>
<td>Contact Mike McCabe at (630) 810-0210 or <a href="mailto:mmccabe@csg.org">mmccabe@csg.org</a></td>
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#### August 2005

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<th>Date</th>
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<th>Location</th>
<th>Contact Information</th>
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<tr>
<td>Aug. 12-14</td>
<td>CSG/National Association of State Election Directors Summer Conference—Beverly Hills, CA—Hotel Bel-Air</td>
<td>Contact Melinda Glazer at (202) 624-5460 or <a href="mailto:mglazer@csg.org">mglazer@csg.org</a></td>
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<tr>
<td>Aug. 28-30</td>
<td>CSG/Southern Governors’ Association Annual Meeting—Greenboro, GA—Ritz Carlton Lodge at Reynolds Plantation</td>
<td>Contact Liz Purdy at (202) 624-5897 or <a href="mailto:sig@ssg.org">sig@ssg.org</a></td>
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Although 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 governments, 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—January 1965
I Want My ETV

The January 1965 issue of State Government News described states’ pioneering use during the 1950s and 1960s of a new educational tool: television.

“It is the most magnificent tool devised for the use of education in the 20th century,” said Dr. Rufus Putnam, superintendent of Minneapolis schools. “It may well be the most important tool devised for education since the invention of printing and movable type.”

“ETV,” as it was called, originated at Iowa State College in 1950, and spread quickly throughout the country. By 1965, the territory of American Samoa had one of the world’s most modern and expensive ETV systems, according to the magazine.

25 Years Ago—January 1980
Déjà Vu All Over Again

State lawmakers who expected the 1980s to bring a new set of challenges were probably disappointed, according to a survey of CSG’s Governing Board reported in the January 1980 issue of State Government News.

“Veteran state lawmakers may experience issue déjá vu during their first session of the new decade. … Energy—its cost, conservation, and availability—remains the number one issue facing state governments in 1980, according to the Council’s survey.”

The number two concern was tax reform, especially property taxes, and highway maintenance ranked third. The number four issue was collective bargaining for public employees and other concerns in public employment, such as retirement funding. Although environmental concerns in general did not rank high (in contrast to the mid-1970s), control of toxic waste was the fifth most commonly mentioned concern.

Other issues mentioned frequently included housing, water allocation rights in the West, the size and cost of government, inflation, education, Medicaid, prisons and correctional systems, and health care costs.

10 Years Ago—January 1995
The GOP Makeover

In November 1994, Republicans not only took control of the U.S. House of Representatives for the first time since 1954, they also gained control of state legislatures across the country.

“November’s elections reversed a two-decade trend favoring Democratic statehouses,” wrote Elaine Stuart, managing editor of State Government News. “Republicans hold governorships in 30 states, their highest number since 1970. Further, Republicans now control both houses in 19 states, including 15 where the governor’s office also is GOP.” The Democrats, meanwhile, controlled both chambers in 18 states, including eight with Democratic governors.

“And there are signs the Democratic South is cracking,” Stuart reported. “North and South Carolina legislative bodies switched to the GOP for the first time since the aftermath of the Civil War.” High on the Republicans’ agenda, she said, were tax cuts, tougher crime sanctions, and welfare reform.
The Council of State Governments is now accepting applications to the 2005 Henry Toll Program.

The Henry Toll Fellowship holds a national reputation of being the most prestigious development program for state government officials. CSG’s mission for the Toll Fellows Program is to equip talented state policymakers with the skills and strategies to meet the leadership challenges these turbulent, dynamic times demand.

Tolls are a very diverse group representing all three branches of state government.

In its 19th year, the Toll Fellows Program will convene in Lexington, Ky. September 24–29, 2005.

“Of all the leadership programs that I have been to, this has been the most useful to me. It is a program about personal growth. A program that develops me as a leader so that I may go back and face those challenges at home more effectively.”

— Senate President Gene Therriault, Alaska
Class of 2004

If you have questions on the application process or the Toll Fellows Program, call Amanda Mays at (859) 244-8236 or send e-mail to amays@csg.org.

Applications are available at www.csg.org, keyword “tolls” and must be postmarked by March 17, 2005 to be considered for the 2005 Class.

September 24–29, 2005

“Make no small plans.”

—Henry Toll