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Soul Mate or Serial Killer?

California, Ohio, Virginia, Florida, Texas and Michigan are all considering legislation to require online dating services to disclose whether they have checked the criminal backgrounds of their members.

A March 28 Associated Press article describes the debate in Michigan, where the legislation faces a divided Senate. Supporters say the bill will make online dating safer and raise awareness of the potential dangers. Opponents claim the measure will give users a false sense of security, won’t stop people from using fake names and increase the costs to the consumer. The article also indicates that the legislation is being pushed by True.com, the only online dating service to require criminal background checks.

True.com CEO Herb Vest is quoted in a March 3rd Yahoo! News article as saying, “I believe this raises the bar on the industry and it would bring many more single people, currently not using online-dating services, into our industry, once it’s perceived as safe.”

Kristin Kelly, senior director of public relations at Match.com, has a different take, calling the bill “special-interest legislation whereby you are taking a market differentiator of a particular company, and, through legislation, enforcing it on the rest of us.”

Land of Lincoln Links Entrepreneurs

Each year state officials find new ways to use the Internet to make their government operations run better. In an effort to create more jobs and promote economic development, Illinois has set up a new Web site designed to connect entrepreneurs.

The Illinois Entrepreneurship Network site features success stories, links to business resources around the state and a free business needs assessment that leads to a face-to-face consultation.

“Entrepreneurial activity has become the most important job growth engine of the national economy, and the guiding force behind the Illinois Entrepreneurship Network is to capitalize on this growth by helping entrepreneurs succeed and create new jobs across Illinois. Together, through hard work and innovation, we’re building a more vibrant, prosperous and entrepreneurial economy,” Gov. Blagojevich said in a press release.

Economic development partners from around the state are participating in the project, including the Small Business Environmental Assistance program, Small Business Development Centers, Procurement Technical Assistance Centers, International Trade Centers, NAFTA Opportunity Centers and Illinois Manufacturing Extension Centers.

“The Illinois Entrepreneurship Network is playing a critical role in helping young firms with high growth potential develop into economically viable and sustainable companies that will grow and create Illinois jobs. We’ve done our homework in studying the strengths and challenges of growing a small business, and these centers are designed to offer targeted services most in need by local entrepreneurs, including access to capital, markets, networks and technology,” said Jack Lavin, director of the Illinois Department of Commerce and Economic Opportunity.

You can visit the Illinois Entrepreneurship Network at www.ienconnect.com/. The Illinois Business Portal, also part of Illinois’ effort to promote economic development, provides additional resources for entrepreneurs at www.business.illinois.gov.
AARP Targets States’ Long-Term Care

In 15 years, about one out of every three Americans will be over the age of 50. Currently, about 10 percent of Americans age 65 and older live in poverty, and even more live just above the poverty line, not able to afford long-term care services if they need them. Frighteningly, about 20 percent of those over 65 have self-care or mobility limitations.

Providing long-term care to the growing population of Americans over the age of 65 is a significant issue for state officials, who are charged with implementing effective policies to aid this increasing segment of the population. Nursing facilities, Medicaid and livable communities are among the concerns of the elderly population, and a resource published by the AARP Public Policy Institute gives state leaders insights into how their state and other states are faring when it comes to taking care of the older population.

States are facing similar challenges in long-term health care for the growing population of older people, yet each state has a unique population and unique strengths and weaknesses. The AARP Public Policy Institute gives each state’s long-term care rankings in “Across the States: Profiles of Long-Term Care.” This resource can help equip state leaders with information vital to developing policies for an aging society. The report provides information on long-term care in America and gives in-depth analysis of each state’s individual long-term care needs and trends.

Using the most current data available, “Across the States” provides state profiles, compares state figures to national averages, and ranks each state according to age demographics and their current and future need for long-term care. Research in the report includes states’ financing of long-term care and data on state trends, including those in nursing facilities and Medicaid spending.

To view the entire report or your state’s profile, visit http://assets.aarp.org/rgcenter/post-import/d18202_2004_ats.pdf.

Is Early Education Good for Behavior?

Many believe that children who learn socialization skills early in life are less likely to be hyperactive, aggressive, and disrespectful. The sooner children are exposed to others, the sooner they learn what’s appropriate, right? Not so, says a recent report by the National Bureau of Economic Research. In “Does Prekindergarten Improve School Preparation and Performance?” the authors conclude that while attending a prekindergarten program improves students’ reading and mathematics skills, increased classroom behavioral problems and reduced self-control may also result from such programs.

By the turn of the century, states had increased their overall spending on early education programs to $1.9 billion; despite the increased funds, enrollment of disadvantaged youth remains comparatively low. One motivation for increasing the amount spent on these early education programs, though, was to provide disadvantaged children with better preparation prior to beginning school.

According to the report, prekindergarten programs achieve their goal of increasing reading and mathematics skill levels. On average, disadvantaged children who did not attend an early education program scored in the 33rd percentile, while those did attend scored in the 44th percentile. However, that achievement boost seems to largely dissipate before the child begins second grade. Despite this, NBER’s findings indicate that disadvantaged children or those likely to attend “low instruction” schools exhibit the most long-lasting academic benefits from prekindergarten programs.

While attending a prekindergarten program improves students’ reading and mathematics skills, increased classroom behavioral problems and reduced self-control may also result from such programs.

The data used for NBER’s report did not conclusively show whether the negative behavioral effects of early learning damaged students’ ability to achieve academic success later in life. Additionally, the behavioral problems cited typically were not serious and did not necessarily indicate similar problems outside of the classroom.

The report argues that increased state funding or further expansions of early education programs should be targeted at disadvantaged children, who seem to benefit the most. While disadvantaged children have traditionally been the target for early education programs, NBER says that current funding falls well short of giving all disadvantaged children the opportunity to enroll and glean the benefits of early learning.

The full report is available online at http://papers.nber.org/papers/W10452.
A Silent Crisis

A growing number of seniors face risk of abuse

By Carrie Abner
Grace was an elderly woman living alone in Oregon. At the age of 90, she was deaf, partially blind and in a wheelchair. She hired a full-time caregiver, who bilked her of $56,000 between March and September 1999, draining her accounts completely. Sadly, Grace’s family and officials only became aware of the abuse after her death.

In Georgia, emergency workers found Geneva, a 71-year-old woman, in her home. At 71 pounds, she was too weak to stand up. Her son, Steven, locked her in her room, refused to give her food, and stole her Social Security checks. Instead of providing loving care for his aging mother, he threatened to kill her and bury her in the woods if she complained of the abuse.

Unfortunately, cases like these represent a growing crisis in the United States. For most seniors, the “golden years” are an opportunity to relax, travel and enjoy time with family and friends. For too many Americans, however, these years turn into a nightmare of abuse, neglect and exploitation—often at the hands of people they know and trust.

A Growing Crisis

According to some estimates, as many as 5 million American seniors are victims of elder abuse each year. The National Center on Elder Abuse describes elder abuse as “any knowing, intentional, or negligent act by a caregiver or any other person that causes harm or a serious risk of harm to a vulnerable adult.”

While official definitions vary significantly from state to state, most experts agree that elder abuse can be broken down into the categories of physical abuse, sexual abuse, emotional or psychological abuse, financial exploitation, and neglect or abandonment.

Recent trends reveal a significant increase in reported incidents of elder victimization. In 1986, state adult protective services agencies received 117,000 reports of abuse and neglect of seniors age 60 and older. In 1996, APS agencies received 293,000 reports, an increase of 150 percent.

These statistics, however, fail to show the immensity of the crisis. A national study conducted by NCEA in 1998 found that cases of elder abuse were grossly underreported. The study estimated that approximately half a million seniors were victims of abuse or neglect in domestic settings in 1996, yet only 16 percent of these cases were reported to state APS agencies. For every case that was reported to officials, another five cases went unreported. In other words, experts know only the “tip of the iceberg” regarding the scope of domestic elder abuse.

Other studies point to concerns in institutional settings, such as nursing homes, foster homes, and other residential facilities. A report issued by the Special Investigations Division of the U.S. House of Representatives Committee on Government Reform in 2001 noted that approximately 30 percent of nursing homes nationwide were cited for abuse violations between January 1, 1999, and January 1, 2001. Moreover, statistics show that the number of nursing homes cited for abuse violations is rising.

And as the U.S. population ages, the incidence of elder abuse is expected to rise. In 2000, there were an estimated 35 million individuals age 65 or older in the United States, comprising nearly 13 percent of the total population. The Federal Interagency Forum on Aging-Related Statistics reports that the size of the older population is expected to double by 2030, growing to 70 million and leaving millions more seniors at risk.

“The occurrence and severity of elder mistreatment are likely to increase markedly over the coming decades, as the population ages, caregiving responsibilities and relationships change, and increasing numbers of older persons require long-term care,” according to a report issued in 2002 by the National Research Council’s Panel to Review Risk and Prevalence of Elder Abuse and Neglect.

Yet, awareness of elder abuse remains relatively low. According to Maine Attorney General Steven Rowe, “Elder abuse, neglect, and exploitation have not received the attention they demand. We are only slowly defining the scope of the problem in our nation, and unraveling the complexity of this societal problem.”

The Cost of Elder Abuse

While there have been no comprehensive studies of the costs associated with elder abuse, experts note they are likely significant.

“When elder abuse victims lose their homes or financial resources through exploitation and end up in a nursing home on Medicaid or in government-subsidized housing, the taxpayers pick up those costs,” said Lori Stiegel of the American Bar Association’s Commission on Law and Aging. “When elder abuse
American Probation and Parole Association Provides Training on Elder Abuse

Community corrections professionals, including pretrial, probation and parole officers, may encounter elder abuse in their work with offenders and are a vital component in a community’s response to and protection of elder abuse victims. The Office for Victims of Crime, U.S. Department of Justice, awarded a cooperative agreement to the American Probation and Parole Association to develop and pilot test a curriculum on elder abuse for community corrections professionals. The project is being conducted in collaboration with Justice Solutions and the American Bar Association’s Commission on Law and Aging. The one-day training curriculum, entitled “Identifying and Responding to Elder Abuse: The Vital Role of Community Corrections Professionals,” provides probation, parole and pretrial officers with information and skills to identify potential abuse among seniors with whom defendants or offenders on their caseloads have contact.

For additional information, contact Ann Crowe, project director, at acrowe@csg.org.

Victims need services from adult protection programs, long-term care ombudsman programs, state regulatory agencies, law enforcement agencies, prosecutors, public guardians, or the resources of a court system to help protect them from further abuse, the taxpayers bear those costs.”

The societal costs of elder abuse are equally troubling.

Trudy Gregorie of Justice Solutions, a national criminal justice organization, argues that “the elderly are more at risk than any other age groups to suffer serious consequences of victimization.”

According to the U.S. Bureau of Justice Statistics, more than one in five elderly victims of nonlethal violence between 1992 and 1997 sustained injuries. The physical impact of assaults can be serious for the elderly, as they are often more susceptible to broken bones and injuries and may require more time to recuperate than younger individuals.

For seniors targeted with financial crimes, victimization can mean the loss of lifelong savings and pension benefits. Unable to recover such losses by returning to the work force or through investments, elder victims may find themselves suddenly dependent on public assistance programs or going without food, medication or other necessities.

Moreover, a 1998 study in the Journal of the American Medical Association found that elders who are mistreated are three times more likely to die within 10 years than those who do not experience such abuse.

Overcoming Legislative and Interagency Obstacles

In recent years, states have addressed the problem of elder abuse and neglect through a variety of legislative initiatives to better respond to and prevent the victimization of American seniors.

All states and the District of Columbia have enacted laws addressing elder abuse. Yet, these laws vary greatly from state to state in their definitions of elder abuse and in the state and local mechanisms they create to detect and address incidents of abuse.

In most states, for instance, elder abuse laws protect those age 60 and older. Yet, states like Maryland and Nebraska protect those 65 and older, while Alabama’s laws cover those age 55 and older.

Forty-four states include mandatory reporting requirements as part of their laws addressing elder abuse; however, these requirements also differ substantially. Some states require only health professionals to report suspected cases of elder abuse, while others require any person to report such suspicions.

According to some experts, the differences in state laws can impact how effectively incidents of abuse are handled.

A study conducted by the University of Iowa in 2003 found higher investigation rates for states with mandatory tracking and reporting requirements. The findings also indicated higher rates of substantiating, or verifying, cases of abuse in states that include more elder abuse definitions in regulations and in states that have caseworkers who investigate elder abuse exclusively.

Other challenges states face include the need for interagency coordination at the state and local levels, a growing trend in elder abuse responses. A. Ricker Hamilton, protective program administrator for Maine and past president of the National Adult Protection Services Association, argues that coordination among agencies is critical to protect elderly victims.

“The community, multidisciplinary approach is the only one that has been effective,” Hamilton said. “Unless you have a systemic response in place, cases of elder abuse will fall by the wayside.”

The Maine Elder Death Analysis Review Team includes representatives of a number of agencies involved in addressing elder abuse, such as the state police, the Office of the Attorney General, Office of the Medical Examiner, Victims Services and Health Care Crimes Unit, Long Term Care Ombudsman Program, Adult Protective Services, the Maine Chiefs of Police and others. According to Hamilton, who chairs the team, the diversity promotes synergy among team members, enhancing the group’s capacity to address incidents of elder abuse and neglect and to protect victims in a cost-effective way.

While multidisciplinary teams like MEDART are becoming increasingly common, coordination remains a major challenge for states due to limited agency mandates, finite resources, competing priorities and work force shortages.

In a report to the U.S. Senate Special Committee on Aging in 2004, the Government Accountability Office cited a lack of systematic coordination among agencies and courts when incapacitated elders are abused by their guardians or representative payees. The GAO found that agencies and courts rarely notify each other of such incidents, leaving seniors vulnerable to further abuse or neglect.

The result of such lack of interagency coordination, Hamilton warns, is that “these victims remain hidden. Elder abuse continues to be undetected and underreported. We need to develop a systemic response to elder abuse before we become victims.”

Strengthening State Responses

As state officials become increasingly aware of the problem, they face a number of challenges in developing mechanisms to address it.

A recent survey by the National Association of State Units on Aging highlighted interagency coordination, community educa-
tion, training for staff and service providers, and funding as ongo-
ing challenges for states as they strengthen programs to protect seniors from abuse.

Experts also cite a lack of clarity in state laws regarding elder abuse as a major challenge. Some point to the need to ensure that state laws are clear, that victims are included in discussions about the design of such laws, and that penalties are increased for those who abuse seniors.

As states continue to address this growing problem, they should consider the following recommendations:

- **Provide opportunities to develop multidisciplinary teams.**
  In October 2004, the Oregon Governor’s Elder Abuse Task Force reported, “Nearly every county in Oregon has implemented elder abuse MDT’s, and the numbers of investigations and prosecutions has steadily risen ever since.” Multidisciplinary teams promote interagency communication regarding complex cases of elder abuse and neglect, enabling states to better meet victims’ needs and to develop comprehensive prevention programs.

- **Provide training opportunities for state agency staffs and their private sector partners on elder abuse and appropriate responses.** It is critical to provide ongoing training opportunities for law enforcement, state units on aging, adult protective services, long-term care ombudsmen and employees of agencies on aging to ensure that employees are equipped to respond to elder victimization. Extending such training to private partners, including legal, medical and financial professionals, can further enhance a community’s capacity to properly identify and respond to cases of elder abuse.

- **Promote public awareness campaigns.** As communities become increasingly aware of the problem of elder abuse and state mechanisms for reporting incidents, it is likely that more cases will be referred to state officials for investigation, substantiation and, where appropriate, prosecution. Public awareness campaigns also empower victims to report cases of abuse and educate them about the services available to protect them.

- **Institute mandatory reporting and tracking mechanisms.** Studies show that states with systems in place to report and track cases of elder abuse have greater rates of investigation and substantiation.

- **Have a dedicated team of investigators who handle elder abuse cases exclusively.** Research indicates a significant increase in the rate of substantiation for states with investigators dedicated exclusively to elder abuse cases, compared to states with investigators who handle both child and elder abuse cases.

- **Clearly define elder abuse in state laws, statutes and regulations.** States are able to more effectively document and investigate cases of elder abuse when official definitions are clear and precise.

- **Promote and share promising practices in response and prevention.** A number of state programs are yielding positive responses. States can learn a great deal from each other on how best to address the problem of elder abuse when promising practices are shared broadly.

- **Collaborate with other states to standardize elder abuse laws.** The variation in state laws on elder abuse makes it difficult to understand the scope of the elder abuse crisis in the United States. States should collaborate with each other to address disparate laws and standardize official definitions of elder abuse by developing model laws or new interstate agreements.

Cases like those of Geneva and Grace demonstrate the serious threats seniors face. Their stories also serve as powerful reminders of the need to continue efforts to combat the elder abuse crisis. Given the complexity of the problem, officials must continue to enlist the help of a variety of state agencies, private sector partners, community members and seniors themselves.

As the U.S. population ages, states will continue to face the challenges of elder abuse, neglect and victimization. While states have already taken important steps to address this growing problem, much more remains to be done.

—Carrie Almer is a public safety and justice policy analyst at The Council of State Governments.

### Innovative Programs: The Oregon Elder Abuse Task Force

In February 2004, Oregon Gov. Ted Kulongoski established the Elder Abuse Task Force to develop recommendations to strengthen state systems to protect seniors from abuse. In October 2004, the governor highlighted several recommendations he plans to pursue through administrative action in partnership with state and local agencies and the private sector, including the following:

- Develop an expedited process for criminal background checks of caregivers and strengthen guidelines provided to caregivers who are hired before background checks are completed.

- Develop a criminal history registry to alert care-providers if an applicant has a criminal record.

- Renew training for bank employees about fraud and financial exploitation of the elderly.

- Develop a best practices curriculum and training video to educate caregivers on caring for the elderly and signs of possible abuse.

Kulongoski is also considering recommendations for an “Oregon Elder Justice Act of 2005,” which would provide additional protection to elder victims of financial exploitation, theft or physical abuse; include sexual abuse as part of the state’s statutory definition of elder abuse; and strengthen Oregon’s mandatory reporting law.
As Much as I Hate It, We Need a National ID

By Sen. Lamar Alexander

The House recently passed legislation requiring states to turn 190 million driver’s licenses into national ID cards, with state taxpayers paying most of the cost.

The first thing wrong here is that the House stuck the ID card proposal on the appropriations bill that supports troops in Iraq and sent it over to the Senate. We should not slow down money for our troops while we debate ID cards.

The second problem is that states not only get to create these ID cards, they’ll likely end up paying the bill. This is one of the unfunded federal mandates that we Republicans promised to stop.

Supporters argue that this is no mandate because states have a choice. True, states may refuse to conform to the proposed federal standards and issue licenses to whomever they choose—including illegal immigrants—but if they do, that state’s licenses will not be accepted for “federal purposes,” such as boarding an airplane. Some choice. What governor will deny his or her citizens the identification they need to travel by air and cash Social Security checks, or for “other federal purposes”?

Of course, the ID card may still backfire on Congress. Some feisty governor may say, “Who are these people in Washington telling us what to do with our drivers’ licenses and making us pay for them, too? California will use its licenses for certifying drivers, and Congress can create its own ID card for people who want to fly and do other federally regulated things—and if they do not, I will put on the Internet the home telephone numbers of all the congressmen.”

If just one state refused to do the federal government’s ID work, Congress would be forced to create what it claims to oppose—a federal ID card for citizens of that state.

Finally, if we must have a better ID card for some federal purposes, then there are better ideas than turning state driver’s license examiners into CIA agents. Congress might create an airline traveler’s card. Or there could be an expanded use of U.S. passports. Since a motive here is to discourage illegal immigration, probably the most logical idea is to upgrade the Social Security card, which directly relates to the reason most immigrants come to the United States: to work.

I have fought government ID cards as long and as hard as anyone. In 1983, when I was governor of Tennessee, our legislature voted to put photographs on driver’s licenses. Merchants and policemen wanted a state ID card to discourage check fraud and teenage drinking. I vetoed this photo driver’s license bill twice because I believed driver’s licenses should be about driving and that state ID cards infringed on civil liberties.

That same year, on a visit to the White House, when a guard asked for my photo ID, I said, “We don’t have them in Tennessee. I vetoed them.” The guard said, “You can’t get in without one.” The governor of Georgia, who had his photo ID driver’s license, vouched for me. I was admitted to the White House, the legislature at home overrode my veto and I gave up my fight against a state ID card.

For years state driver’s licenses have served as de facto national ID cards. They have been unreliable. All but one of the Sept. 11 terrorists had a valid driver’s license. Even today, when I board an airplane, security officials look at the front of my driver’s license, which expired in 2000, and rarely turn it over to verify that it has been extended until 2005.

I still detest the idea of a government ID card. South Africa’s experience is a grim reminder of how such documents can be abused. But I’m afraid this is one of the ways Sept. 11 has changed our lives. Instead of pretending we are not creating national ID cards when we obviously are, Congress should carefully create an effective federal document that helps prevent terrorism—with as much respect for privacy as possible.

—Lamar Alexander is a Republican senator from Tennessee. He was chairman of the National Governors Association in 1985–86.
Public Safety Struggles: Interstate Compacts to the Rescue

Opportunities exist for states to cooperate on current and emerging public safety trends.

By John J. Mountjoy

Several months prior to the convention, officials from both states had discussed allowing New Jersey state troopers to supplement Massachusetts’ state and local security at the high profile, multi-day event. However, because concerns of liability and reimbursement clouded the issues of safety and security, no agreement was reached, and an available resource to help maintain order and respond to emergency events went untapped.

While this example may seem benign, it highlights the struggles states and localities experience when it comes to sharing public safety and homeland security resources. In a new age where the need exists—but structures, agreements and
**Terrorism’s Impact on State Law Enforcement**

The Council of State Governments, in partnership with Eastern Kentucky University, has conducted research and case study analysis on the implications of terrorism for state law enforcement agencies. Working with local, state and federal officials, through support from the National Institute of Justice, the project seeks to inform state leaders about the new roles and responsibilities of state-level agencies and the critical issues of their operation, including communication, governance, resources and training.

Specific recommendations include:

- establishing intelligence fusion centers to improve information sharing among states;
- implementing regional approaches for homeland security planning and operations;
- exploring methods to improve communication and collaboration among state law enforcement on regional and national levels; and
- developing “dual use” procurement systems.

The final report will be released in May 2005. For more information, visit www.csg.org (keyword: protect).

-guidelines to facilitate these crucial exchanges of resources, intelligence and communications do not—states are entering uncharted territory.

“In the New Jersey/Massachusetts example, an interstate compact or even some less formal agreement could have helped,” said Tom O’Reilly, Administrator of New Jersey’s Office of the Attorney General. Unlike many states, New Jersey’s Attorney General oversees state level law enforcement, including state police, traffic safety and counter-terrorism activities. “But as it turned out, we were unable to make it happen.”

New Jersey has since successfully shared its security resources. The New Jersey Rapid Deployment Team, an urban area security initiative consisting of New Jersey State troopers and local police officers, did go to Washington, D.C., to assist with the Presidential Inauguration activities earlier this year.

Following the Sept. 11 terror attacks, New Jersey, like many states and cities, anxiously awaited guidance from the federal government—guidance that was long in coming and is still, from many states’ perspectives, incomplete. “While NIMS and NRP seek to address the coordination issues from a national level, they do not overcome some of the narrow issues like jurisdiction, liability and law enforcement authority between cities and between states,” said O’Reilly, speaking of the National Incident Management System and the National Response Plan.

Globalization has made the world smaller in terms of economic opportunity and reliance. When it comes to effectively handling cooperation on issues of public safety, globalization can be a model for the evolving interrelationships between states. It is incumbent upon neighboring jurisdictions (bi- and tri-state metropolitan areas, bordering states and regions composed of both) to explore and develop lasting agreements that will facilitate the sharing of public safety resources to prevent and appropriately respond to events, in addition to strengthening traditional law enforcement and public safety activities.

**Intelligence/Criminal Justice Information Sharing**

While Sept. 11 raised the issue of widespread intelligence and information sharing needs to the public, the problems states face in allowing multi-jurisdictional access to criminal justice information continue. Efforts such as the Global Justice Information Sharing Initiative (GJISI) sponsored by the U.S. Department of Justice seek to establish standards and a mutual understanding of the information sharing process. GJISI is composed of key policy players from federal, state and local governments, as well as critical stakeholder groups, and fostered the development of the National Criminal Intelligence Sharing Plan (NCISP). NCISP is a set of 28 recommendations to strengthen the intelligence gathering and information sharing structures critical to successful counter-terrorism and to regional cooperation as related to modern public safety activities.

NCISP identifies the key structures and processes necessary for the development of a national intelligence and information sharing system. To be successful, NCISP’s recommendations are reliant upon voluntary adoption by local, state and federal agencies.

One example of formal, yet unmandated, collaborative information sharing is the 1-95 Initiative sponsored by Rutgers University’s Police Institute. State and local police agencies along the Interstate 95 corridor—originally from Massachusetts to Maryland, now extending to Miami, Florida—periodically assemble to share terrorism-related intelligence and to develop better day-to-day communications methods between agencies. The effort, like so many similar forums, is a voluntary cooperative endeavor to generally strengthen law enforcement activities and to share best practices and information unique to the region.

While states need new structures to facilitate intelligence and information sharing, they must also examine current restrictions that prohibit them from sharing data with other states.

Another example of effective state cooperation on intelligence and information sharing is the Memorandum of Understanding on Cooperative Efforts in Unclassified Intelligence signed between Arizona and New Mexico in 2004. This agreement permits the development of information sharing protocols for both routine activities and special circumstances. While on the rise, the use of such mechanisms might be more widespread with the adoption of formal agreements on bi-state or regional levels.

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The Council of State Governments
The need for new teachers is growing. The National Center for Education Statistics predicts that by 2010, public schools will need at least 2 million new teachers. Unfortunately, schools will be short by one million teachers, says the Milken Family Foundation. Many school systems and state governments are proposing to solve this problem through the use of financial incentive programs to recognize advanced skills, training and professional experience.
In Denver, Colo., for example, the public school system is working to implement a plan called ProComp in partnership with the Denver Classroom Teachers Association. ProComp has received national attention because it rewards teachers for their professional accomplishments while linking pay to student achievement.

The plan would raise the maximum pay for most teachers from $60,000 to $100,000, and teachers and other school employees would earn raises if students meet academic targets. The system would also reward teachers for getting advanced certification, working in high-poverty schools or teaching subjects like math and science, where qualified instructors are in short supply.

ProComp is designed to combat the current and future shortage of teachers. Experts predict a dramatic increase in students in the coming decade. Western states, including California, Idaho, Nevada and New Mexico, expect double-digit increases in enrollment. Another issue is that teachers are getting older. According the U.S. Census Bureau, nearly one-half of current teachers will retire during the next decade.

An even greater cause of the teacher shortage, though, can be found in teacher turnover rates. Nationwide, one third of new teachers leave the classroom within five years, and in some urban areas, teacher turnover averages 50 percent within three years. While local school districts have traditionally been responsible for recruitment and compensation decisions, states now play a larger role because demographic shifts are making it more difficult to meet the demand for teachers. Some policy experts argue that focusing on retaining teachers, rather than on simply recruiting new ones, makes the most sense.

The Teaching Commission, an organization that supports teacher quality initiatives, reports that newly hired teachers with the best credentials and highest test scores are also far more likely to leave the profession after three years. Many in education feel that incentives which reward exceptional performance would help reverse these trends. The commission reports that 85 percent of teachers and 72 percent of principals feel that providing financial incentives would “help a lot” when it comes to attracting and retaining good teachers. In Chattanooga, Tenn., turnover was reduced and teacher quality improved in the city’s most troubled schools through incentives for teachers, including performance-based pay.

### Teacher Turnover and the Achievement Gap

Teacher turnover rates are especially severe in high poverty schools, where effective teachers are needed most in order to alleviate the persistent achievement gap. Eliminating this achievement gap is becoming increasingly urgent as minorities occupy a larger share of the population. As the percentage of students lagging behind the top students increases, the consequences for falling behind are becoming more severe. By 2010, 67 percent of jobs will require some form of higher education. Also, the failure to close the achievement gap will make it unlikely that U.S. citizens will replace all of the high-wage, high skilled workers who are nearing retirement.

Performance-based compensation plans may make it easier to maintain an equitable distribution of high quality teachers so that progress can be made in closing the achievement gap. The outcome could be a larger number of students with attractive job opportunities in the future.

### Support for Pay Incentives

In the 1980s, 29 states implemented some sort of merit pay plan to recognize and reward the best teachers. Policy experts have concluded that these efforts failed because they were poorly designed. During the 1990s, states and local districts continued to experiment with new approaches for paying teachers. These innovations included: knowledge-and skills-based salary schedules, school-based performance award programs, bonuses for obtaining the National Board for Professional Teaching Standards certification, and incentives for teaching in high-poverty schools.

The performance-based compensation model has two primary forms. The first, commonly referred to as knowledge-and-skills-based pay, uses salary increases to reward teacher performance. This approach coincides with efforts already underway to comply with the No Child Left Behind Act’s requirement to have a “highly qualified” teacher in every classroom. Districts such as Baltimore, Charlotte-Mecklenburg, Cincinnati, Houston, New York City and San Francisco, and states such as California and North Carolina have used market-based incentives for teachers. In some cases, the extra pay is permanent and in other cases the incentive is a one-time signing or hiring bonus.

The second approach, school-based-performance award programs, tie financial bonuses to goals such as improving test scores in core subjects and reducing absenteeism and dropout rates. Some school districts restrict the funds to school-improvement projects, whereas others give bonuses directly to staff with no restrictions. This approach has been tried in California, Kentucky, Florida, and North Carolina, and districts such as Charlotte-Mecklenburg, Steamboat Springs, Colo., Houston and New York City. School-based plans are much more popular, representing about 98 percent of all plans currently in place.
There is evidence and consensus from the Education Commission of the states that targeting teacher recruitment programs at specific populations can be successful, and retention and teacher success rates are high for programs that seek out candidates for hard-to-staff, high-minority schools. What is most uncertain about financial incentives, however, is their long-term impact. Since highly desirable teacher candidates often have other career options, offering financial incentives may be only a short-term fix unless the issues of career advancement and salary satisfaction are addressed.


**Approaches to Pay Incentives**

Denver’s ProComp, up for voter consideration in November, will require raising property taxes by $25 million annually. If the tax increase is approved, property taxes on a home valued at $251,000, the median home price in Denver, will rise by approximately $50 per year. The funding will amount to a 12 percent increase in teacher compensation across the district, although individual pay increases will vary.

Though none have advanced as far as Denver’s ProComp plan, other large cities have recently adopted limited measures linking extra pay and the performance of teachers. Minneapolis began a modest experiment two years ago that pays teachers up to $2,000 a year more for taking district-sponsored training courses, if they result in improved instruction, and Houston gives all teachers a bonus based largely on students’ test scores. In Florida, all school districts are mandated to create salary systems tied in part to student progress.

Programs to retain well-qualified teachers seem to achieve their goal of better educated students. A study published in March, 2004, found that more than 60 percent of schools using the Milken Family Foundation’s Teacher Advancement Program (TAP) made significantly higher achievement gains than control schools in reading, language, and math. In Chattanooga, Tennessee, which does not use the TAP program, the percentage of third graders reading at or above grade level increased from 22.6 percent in 2001 to 35.9 percent in 2003. Last year, the Washington Post reported that Chattanooga schools using incentive-based programs reduced teacher vacancies from 60 per year to only 25 per year, and those positions were easily filled.

What might spell the difference between failure and success in these programs is the involvement of teachers. In the Denver plan, teachers participate only if they agree to it, and they must be involved in developing the criteria for performance-based pay.

**Pay Incentives Controversial**

Performance-based compensation, however, continues to be controversial. The National Education Association, the nation’s largest union, officially opposes departures from the traditional pay scale. The NEA does, however, support additional compensation for teachers in hard-to-staff districts and for those who earn national certification. The Teaching Commission reports that 57 percent of teachers surveyed in 2003 support financial incentives for teachers accredited by the National Board for Professional Teaching Standards.

Some performance-based pay initiatives have failed due to inadequate funding, insufficient support, or open resistance from teachers, unions and administrators. In 2002, Cincinnati teachers resoundingly rejected a pay-for-performance plan that had been in the making for several years. The plan was rejected even though it steered clear of the most controversial area of performance-based pay: rewards linked to student test scores.

Some object to performance based compensation because it could reward teachers for focusing too much of their teaching efforts on tests. Moreover, many argue that the results from tests do not accurately reflect a teacher’s competence.

**Recruitment Without Retention Doesn’t Add Up**

Attrition rates suggest that pouring money into recruitment efforts without fixing the retention problem is counter-productive. According to Richard Ingersoll of the University of Pennsylvania, teacher turnover is the most significant contributor to the U.S. teacher shortage, particularly in “hard-to-staff” areas. Furthermore, emphasizing retention helps ensure a pool of “highly-qualified” teachers, while saving money. Every year, American schools spend $2.6 billion on teacher attrition. According to the Texas Center for Educational Research, Texas school districts lose $329 million when 15.5 percent of the teachers leave to teach in another district, change careers, or retire. These costs arise from administrative tasks associated with a teacher’s departure, hiring costs and training and support costs.

An article written in *Education Next*, and published by the
TAP is a leading non-profit performance pay and teacher professional development program established in 2000. As of spring 2004, more than 70 U.S. schools in Arizona, Arkansas, Colorado, Florida, Indiana, Louisiana, Minnesota and South Carolina were in various stages of TAP implementation.

The Teacher Advancement Program (TAP)
The TAP program is designed to attract, motivate, develop and retain high-quality talent in the teaching profession. It has four key elements:

- Multiple career paths allow teachers to pursue a variety of positions throughout their careers depending on their interests, abilities and accomplishments. As they move up the ranks, their qualifications, roles and responsibilities increase—and so does their compensation.
- Performance-based accountability evaluates teachers’ effectiveness through a comprehensive, research-based system that combines such criteria as position responsibilities, classroom observations, and students’ gains in test scores.
- Ongoing applied professional growth requires a change in the school schedule that allows time during the regular school day for teachers to learn, plan, mentor, and share with other teachers so they can constantly improve the quality of their instruction.
- Market-driven compensation allows schools to compensate teachers on the basis of their performance and the performance of their students.

—Lisa A. Satin, JD is an education policy analyst for The Council of State Governments.
Some dates in history stick with us because of their significance. For example, June 6, 1944—D-Day, the invasion of France.

For health care policy officials and professionals, January 1, 2006, will be another kind of D-day. That is the day the new Medicare Part D starts providing prescription drug coverage to seniors and persons with disabilities. It will also mark the largest expansion of public health care since Medicare was created in 1965.

Although part of a federal program, Medicare Part D will also dramatically affect states. Medicaid, state pharmaceutical assistance programs, and retired state employee benefit programs will all change as a result. And just as months of planning went into the Allies’ D-Day invasion, state leaders and the federal government are engaged in a similar effort to get all the plans in place to prepare for the launch of Medicare Part D.

“One of the biggest challenges is just trying to siphon through what all the regulations are going to be. ... Our challenge as legislators is to be prepared,” said Sen. Donne Trotter, chair of the Illinois Senate appropriations committee and vice chair of CSG’s Midwestern Legislative Conference, in an interview with Stateline.org.

**Medicaid Changes Ahead**

One of the most significant changes for states will be transferring 6 to 7 million individuals known as dual eligibles from drug coverage in Medicaid over to Medicare Part D. Under the Medicare Modernization Act, the federal law also known as the MMA that established Medicare Part D, states will continue to receive federal matching funds to provide these low-income Medicare beneficiaries with drug coverage through Medicaid until December 31, 2005. After January 1, dual eligibles will receive their drug coverage through
Medicare Part D, and states will then write the federal government a monthly check to help cover Part D drug costs.

A transfer of this magnitude is no small accomplishment, and it has to take place in just six weeks between November 15 and December 31, 2005. The Centers for Medicare and Medicaid Services (CMS) is working with state Medicaid agencies to ensure that all dual eligibles who have not chosen themselves will be automatically enrolled in the Medicare Part D benefit. But states need to do a lot of preparation before the transfer. They must send data to the federal government on dual eligible enrollment and drug costs, and notify enrollees that their drug coverage is going to change.

Some Medicaid directors believe that the law’s requirements pose enormous challenges for states. “You can’t in six weeks get that many people moved who are chronically ill, heavy users of medication, mentally ill or folks in nursing homes who are really sick. ... You’ve got to give it some time,” said Barbara Coulter Edwards, Deputy Medicaid Director for Ohio, in an interview with Stateline.org.

Along with the Social Security Administration, state Medicaid agencies are also required to help people interested in applying for special low-income subsidies with filling out an application and must make a determination whether those applying are eligible for additional financial assistance. This additional responsibility means Medicaid agencies may need to hire additional staff, retrain eligibility and enrollment workers and contractors, develop new procedures, and purchase additional equipment.

Many states plan to use the Social Security Administration’s application form for the low income subsidy and will send the applications to the federal government for processing. However, applicants may be eligible for other services and will likely have to fill out a different application.

Medicaid agencies must be ready to send monthly contribution payments (also known as the clawback) to CMS beginning in February 2006. Determining which agency will send this check and how much it will be is also on state-to-do lists.

**The Future of State Pharmaceutical Assistance Programs**

Another area that will see significant change will be state pharmaceutical assistance programs. In an effort to assist people without prescription drug coverage, 39 states have developed assistance programs to help seniors, persons with disabilities or other low-income populations with access to prescription drugs. Many were established through legislative action.

Now, states are trying to figure out what to do with these programs once Medicare Part D comes online (see timeline on page 22). Some states, including Michigan, Minnesota and South Dakota, have decided to end their programs.

“Our program will go away because the prerequisite was enrollment in a Medicare Savings Program,” said Christine Bronson, Minnesota’s Medicaid director. Everyone in Minnesota’s program will have access to the low-income assistance in Medicare Part D.

Other states have legislation in the works that will restructure their programs and funding so that their assistance programs can fill in the gaps, or “wrap around,” Part D coverage. Generally, states plan to make Medicare the primary source of drug coverage with the state pharmaceutical assistance programs providing help with paying premiums, co-pays or other cost sharing.

“Vermont is changing its statutes for various pharmaceutical programs,” said Theo Kennedy, a departmental director and attorney within Vermont’s Agency for Human Services. “If someone is covered [under Part D], we’re probably going to wrap around for their financial out-of-pocket costs.”

In some states, legislation is pending that would require agencies to provide education and outreach to seniors and others regarding the new Part D benefit. CMS is also providing grants to 21 state programs to help educate enrollees about the upcoming changes and smoothly shift them to the new benefits.

State pharmaceutical assistance programs are trying to determine, too, what role to play in the eligibility and enrollment process for Medicare Part D. At a recent meeting hosted by CSG, the National Governors Association, and CMS, state pharmaceutical assistance program personnel stated they wanted to aid low-income individuals with accessing special assistance under Medicare Part D. There are questions surrounding the authority of the programs under the MMA or under state laws to do this.

**Medicare Part D Basics**

The 2003 Medicare Modernization Act provides for two basic benefits. The first, implemented in May 2004, was a prescription drug discount card for Medicare beneficiaries to help recipients save money on drug expenses. Medicare Part D is the other half of that equation, and will go into effect in January 1, 2006.

Under Part D, the Federal government will add a voluntary prescription drug benefit to Medicare. To access Part D benefits, beneficiaries will have the choice of enrolling in a stand-alone prescription drug plan or enrolling in a Medicare Advantage plan that provides comprehensive health care benefits, not just drug coverage.

Medicare Part D will also include substantial subsidies for individuals earning less than 150 percent of the federal poverty level ($14,355 for an individual in 2005), including no or low premiums, low co-payments, and little or no deductible.

Special assistance for low income beneficiaries includes Medicare paying for prescription drugs costs for dual eligibles, low-income individuals enrolled in both Medicaid and Medicare. In 2002, state Medicaid programs provided drug coverage to more than 6 million dual eligibles at an estimated per capita cost of $918 in state spending.

Under the Medicare drug law, states and the Social Security Administration will be responsible for determining who qualifies for low-income assistance under the new law. More than 14 million seniors are expected to be eligible for low-income assistance.
Further Resources on the MMA/Medicare Part D

To assist states through the transition to the new Medicare Part D benefit, The Council of State Governments and the National Governors Association in partnership with the Centers for Medicare and Medicaid Services are developing several resources for state officials to use as guides to navigate the upcoming changes.

One new resource available to legislators and legislative staff is a new MMA Tool Kit for Legislators. For more information about this and other educational events and publications on MMA, see www.csg.org (keyword: medicare) or contact Trudi Matthews, Associate Director for Health Policy, at (859) 244-8157 or tmatthews@csg.org.

A Boon for State Employee Benefits

Many states are evaluating how and whether Medicare changes affect health benefits for retired state employees.

Under the MMA, states may save money by getting a federal subsidy for providing drug coverage to state retirees. Employers who maintain drug coverage for retirees that is equal or better to Medicare Part D coverage can apply for a 28 percent subsidy for drug costs between $250 and $5,000 per retiree.

In addition to the subsidy, states may also look at other strategies for state retiree health benefits, including:

- Directly contracting with Medicare to become a Medicare prescription drug plan
- Contracting with a Medicare prescription drug plan or Medicare Advantage prescription drug plan to subsidize more of their retirees’ cost sharing and provide additional benefits
- Setting up a supplemental plan and coordinating benefits with the coverage offered by Medicare prescription drug plans

States are faced with determining whether to take the subsidy or whether to restructure state retiree benefits. In the case of the subsidy, the state needs to determine which agency will get it, and how it will be allocated. Additionally, states will need to educate retirees about their drug coverage options.

—Trudi Matthews is the Associate Director for Health Policy and Sarah Donta is a Health Policy Research Associate at CSG.

A Medicare Part D Timeline—Important dates states need to know

May 2005
Social Security Administration will begin sending applications to people needing low income assistance

June 6, 2005
Centers for Medicare and Medicaid Services will send out letters to inform dual eligibles about the change over to Medicare Part D

July 1, 2005
State Medicaid Offices and the Social Security Administration will begin accepting Low Income Subsidy Applications

September 2005
Prescription Drug Plans providing drug coverage will be announced

November 15, 2005
Enrollment period for Medicare Drug Benefit Program

January 1, 2006
Part D Benefit begins and auto-enrollment for dual eligibles becomes effective

February 25, 2006
States begin to make monthly payments to Federal government
Discussion of globalization and trade liberalization is often embedded in “pro” or “anti” rhetoric. State government officials, whose jurisdictions are significantly affected by federal trade agreements, are working towards striking a balance by seeking trade rules that allow for responsible management of trade and that permit states to govern their own affairs.

The states’ roles in evaluating trade agreements may be strengthened through new legislation being passed around the nation. Legislation signed by former Gov. Gary Locke in May 2003 created the Joint Legislative Oversight Committee on Trade Policy in Washington state. The legislature found that World Trade Organization agreements, the North American Free Trade Agreement (NAFTA) and proposed Central American Free Trade Agreement (CAFTA) have implications for agriculture, services, environmental regulation, and economic subsidies. The committee will monitor the impact of trade agreements on Washington state laws, and will provide a way for legislators and citizens to voice their opinions and concerns about the potential effects of trade agreements.

Consisting of four senators and four representatives from the legislature and three ex officio members, the group can maintain active communication with the state trade representative’s office, the office of the United States Trade Representative (USTR), Washington’s congressional delegation, and any other bodies the committee deems appropriate regarding ongoing developments in international trade agreements and policy.

A bill recently introduced in the Washington legislature by Sen. Paull Shin seeks to expand the office of Washington state trade representative by including a minimum of two trade policy professionals. The representatives would be appointed by the governor with the consent of the Senate. The bill was passed in the Senate and the House Economic Development, Agriculture and Trade Committee was considering it in April.

These steps are not unique to the state of Washington; around the nation, state governments are considering legislation to strengthen the roles they play in discussions of federal trade agreements.

Watchful Management of Trade Liberalization at the State Level

In the current economic climate of manufacturing job losses, outsourcing, and the erosion of local control stemming from participation in federal trade agreements, state lawmakers are anxious. According to the U.S. Bureau of Labor Statistics, New England lost more than 175,000 manufacturing jobs from July 2000 to October 2003. Maine has lost 22,000 manufacturing jobs in the last four years. Pennsylvania lost nearly one of every five of its manufacturing jobs between 2001 and 2004, according to the AFL-CIO.

“There has been a lot of devastation in the manufacturing sector in Maine, so I understand the concerns, particularly from members of the legislature representing those districts,” said Richard Coyle, president of the Maine International Trade Center. “Opening new markets, however, increases market access for the state’s exporters.”

Striking a balance is a difficult task, particularly when the federal government, governors and legislators see a unique role for
A Primer on Procurement in Federal Trade Agreements

How does State Purchasing Work within the Framework of Federal Trade Agreements?

- 37 states have committed to participate in the WTO-Agreement on Government Procurement (WTO-AGP).
- State commitments to cover government procurement in trade agreements are voluntary.
- States that join are required to give the products, services and suppliers of any other country party to the Agreement treatment "no less favorable" than that they give to their domestic products, services and suppliers and not to discriminate among goods, services and suppliers of other countries.
- Certain federal trade agreement rules specify that a state participating may exclude sensitive goods and services.

Question of Constitutionality

- Government contracts are traditionally regulated by states.
- The Foreign Commerce Clause of the U.S. Constitution gives Congress the power to “regulate Commerce with foreign Nations...” This applies to federal trade agreements.
- This clause is where the fracture between states and the federal government appears.

State Government Responses

- In May 2004, Gov. Baldacci rescinded Maine’s commitment to be bound by CAFTA’s procurement rules.
- Baldacci will review future trade agreements on a case-by-case basis but will not withdraw from existing trade agreements.
- Trade agreements to be reviewed include those with Morocco, the countries of the Central American Common Market, the South African Customs Union, and the Free Trade Area of the Americas.
- Four other states—Iowa, Missouri, Minnesota and Pennsylvania—have told the federal government they will also decline foreign company’s access to millions of dollars of purchasing contracts in their states.
- In May, Tennessee became the first state in the nation to enact procurement legislation favoring companies that do not offshore jobs.
- In Vermont, a joint resolution was introduced which calls, among other things, for the removal of Vermont from the WTO-AGP saying it “significantly hampers the state’s ability to set procurement policies which benefit Vermonters and use our tax dollars for the most strategic benefit.”

Federalism and Trade Agreements

As federal efforts towards trade liberalization affect state and local authority, state legislators are becoming savvier about the impact of these agreements on state sovereignty, asking questions of their governors and the federal negotiators.

A pending suit in California, brought by the Canadian company Methanex, has spurred an era of more watchful state officials. The case highlights a controversial provision of NAFTA whereby foreign investors may sue states that pass legislation which affects their ability to make a profit. Methanex said its business of selling methanol to petroleum refiners in California has been effectively expropriated by the state through the state ban on the chemical additive MTBE. The case will not go before a California court, but rather an international dispute resolution panel that would meet behind closed doors. State officials are monitoring this case as it could have widespread implications.

Provisions in trade agreements to provide fair access to all parties have led to unintended consequences such as the Methanex case. Peter Riggs, director of the Forum on Democracy and Trade, explains that certain provisions in trade agreements are “intellectual unfunded mandates.” Legislators may be unaware that existing state laws can bring about lawsuits based on federal trade rules.

The governments of Antigua and Barbuda brought a case to WTO stating that gambling regulations in some states interfered with America’s obligation under a trade agreement to not discriminate against foreign companies providing “recreational services.” Antigua and Barbuda’s economies are heavily reliant on internet gambling operations. WTO judges ruled in their favor. The United States has won 10 decisions in WTO cases, but has lost 24.

“The threat of law suits leads to ‘trade chill,’ which might prevent states from pursuing initiatives that might otherwise benefit policy,” said Matt Schlubohm, coordinator of the Maine Fair Trade Campaign. The federal government may be taking note of the discrepancies. President Bush recently met with Mexican President Vicente Fox and Canadian Prime Minister Paul Martin to discuss NAFTA; it is the first major examination of the trade agreement since its ratification 11 years ago. The leaders pledged to develop more uniform regulations throughout the three countries in the areas of energy, financial services and technology to speed the
movement of goods and services.

The recently passed U.S.-Bahrain Free Trade Agreement contains provisions reaffirming the countries’ commitments as members of the International Labor Organization, and pledging the enforcement of domestic labor laws that provide internationally recognized worker rights.

Much work remains in improving state-federal relations concerning trade agreements. CAFTA, which would remove trade barriers between the United States and five Central American countries plus the Dominican Republic, includes provisions that have some governors concerned.

Advocacy group Public Citizen has raised awareness at the state level on how CAFTA may conflict with state contracting laws and potentially hurt economic development. Weak regulation in developing countries not only conflicts with many state laws, but can hurt the playing field for U.S. companies. Differences in requirements for recycled content in goods or the use of energy from renewable sources, policies targeting companies’ environmental conduct, living wages and labor agreements, and policies targeting countries’ human rights—also known as non-tariff barriers—all threaten states’ ability to compete.

In a letter to the USTR’s office, Gov. Ed Rendell stated that he is removing Pennsylvania from the government procurement rules contained in CAFTA, emphasizing that his state had suffered manufacturing job losses for 44 consecutive months and that he wanted to ensure that “Pennsylvanians had a fair shot at staying employed.”

The newly appointed U.S. Trade Representative, Rep. Robert Portman (OH), will have a tough fight in Congress to win approval for CAFTA. While the administration sees the pact as a continuation of its efforts to open markets for American manufacturers and farmers, it has attracted opposition from groups ranging from organized labor to U.S. sugar producers and textile manufacturers.

At a public hearing on trade issues held in Maine in February, Allyn Beecher, owner of Monroe Millworks, said, “I am willing to compete with any worker in the world for labor knowing that rising oil prices mean rising transportation costs that help to offset labor rates… but I do not want to compete with companies that are allowed to pollute the air and water to gain a price advantage.”


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Source: Eastern Trade Council, CSG/ERC

Do Trade Agreements Benefit States and Small Businesses?

State governments, collectively, are the largest purchasers of goods and services in the country, spending billions of dollars each year according to the National Association of State Procurement Officials.

The USTR’s office reminds states to leverage that purchasing power to their advantage: “At a time when many demands are being made on U.S. state and federal government budgets, opening state procurement to a wider list of potential bidders can result in lower prices and more choices for state government agencies, thus saving taxpayer dollars.”

Moreover, state trade offices are shaping their trade development strategies around new opportunities created through federal trade agreements. New Hampshire’s trade office recently led a trade mission of ten companies to Chile, a country that signed a bilateral trade agreement with the U.S. in 2004. Dawn Wivell, director of the state’s Office of International Commerce and the International Trade Resource Center, described diverse opportunities in Chile, including new export markets, industry alliances, and educational exchanges. “When a company tries to increase sales, it makes sense to look at the opportunities available through trade agreements, including lower tariffs,” said Wivell.

Trade liberalization allows small and medium sized business to access new markets for their products, increasing their economic competitiveness in the global marketplace and potentially creating new jobs.

“Trade agreements have expanded market opportunities for US businesses… in the aggregate, they have been a plus,” said Riggs.

In 2004, Pennsylvania exported approximately $6.4 billion worth of merchandise to Canada, a 61 percent increase since 1993, and approximately $1.2 billion worth of merchandise to Mexico, a 95 percent increase.

“NAFTA and the Uruguay Round were a huge boost to opening market opportunities for companies,” said Kay Wilkie, an international policy analyst with the New York State Department of Economic Development.

Recently, the United States entered into a trade agreement with Australia, effectively eliminating almost all tariffs for U.S. manufactured goods exported to Australia. With virtually all U.S. manufactured exports becoming duty-free, the National Association of Manufacturers estimates that the manufacturing sector could sell $2 billion more per year to Australia and that U.S. national income could grow by nearly that much. Wivell said that New Hampshire is considering a trade mission to Australia.

Working Towards Solutions with Multiple Stakeholders

The state of Washington and others are passing legislation aimed to give states more input when it comes to trade agreements.

For example, in May 2004, Gov. John Baldacci signed into law The Maine Jobs, Trade and Democracy Act. It created the Citizen Trade Policy Commission which will examine the legality of Maine’s participation in federal trade agreements. The commission comprises citizens, business owners, civic leaders

Continued on page 31
Sustaining Our Future

10 trends that may affect the management of our natural resources

By Scott Richards

The Council of State Governments’ Environmental Policy Group as part of CSG’s trends mission monitors emerging trends that are most likely to influence the environment, natural resources and policy-makers who work with them.

Ten emerging patterns of change that CSG’s environmental policy analysts have identified as most likely to alter state resource allocations and policy priorities in the coming years are:

1. Sustaining Our Environment, Natural Resources and Communities

   The growing population in this country and around the world will increase the demands on our natural resources and the environment’s capacity to assimilate wastes. The responsible use of natural resources and the protection of environmental quality will continue to drive many social, political and economic decisions.

   Conserving energy

   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. Many states are taking action to provide an alternative to oil, offering 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.

   States are also acting to conserve energy from other fuels. 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 and regulations that promote energy efficiency.

   Environmental protection: persistent problems remain

   Over the last thirty years, the United States has made significant gains in improving the quality of our nation’s water and the handling of solid and hazardous wastes, and in reducing pollutants emitted into the air. For example, emissions of the six major pollutants regulated by the Clean Air Act have declined about 25 percent over the past 30 years, even though population and vehicle miles traveled increased. Even with these gains, there are areas that need to be addressed. Some of these areas include: estuaries, most of which are in fair to poor condition; non-point source water pollution, which remains a persistent problem; and the effect of pollution on human health, where a significant data gap exists.

2. Population Growth Patterns

   Domestic migration and immigration are increasing the populations in the South and West. According to the U.S. Census Bureau, nine of the fastest growing cities are in the West. The five cities experiencing the fastest growth are located in the arid states of Arizona and Nevada, increasing demands on already scarce water resources. The South, not traditionally known for water conflict, is now engaged in water wars caused, in part, by population growth.
Increasing demands placed on scarce water resources

Regional shifts in population will accentuate water shortage problems in the South and West. Growing regions will have to address the increasing demands placed on scarce water resources. State decision makers will need to develop innovative policies of maintaining existing uses of water resources and accommodating the demands of new residents of these regions. Also, states are likely to face challenges balancing the water needs of humans and endangered aquatic species.

Urban sprawl

The United States is becoming a suburban nation. Preserving ecologically valuable wetlands, addressing regional air quality issues, especially in relationship to particulate matter and ground-level ozone, conserving agricultural lands, and ensuring the infrastructure needs of drinking water and wastewater are met, are growing concerns as urban areas spread into neighboring lands.

A New Economy

The U.S. economy has moved away from a manufacturing-based economy centered on natural resources and standardized products to a service-based economy focused on knowledge and ideas. Service-based jobs often involve information-processing activities, which require electronic equipment to manage massive amounts of data. Computers, cell phones, and other electronic devices are the backbone of this new economy. With this growth in electronic devices comes a new type of waste: e-waste.

E-Waste: a growing problem

The National Safety Council estimates that there will be 500 million out-of-date computers and monitors as soon as 2007. E-waste can contain lead, mercury, cadmium and dioxin-like flame retardants that create a serious threat to the environment and human health when not properly disposed of or recycled. California and Maine have addressed this issue with legislation on the disposal of computers and monitors.

Nanotechnology offers opportunities and challenges

The term nanotechnology is applied to efforts that are working with the fundamental building blocks of matter: atoms and molecules. Nanotechnology offers to increase the power of computer hardware as well as to revolutionize chemistry, materials and medicine. For example, nanostructures on the surface of solar cells could prevent light from escaping solar cells, reducing the cost and improving the efficiency of this technology. However, little is known about how these technologies will impact our environment and human health. As these technologies progress, they will offer great opportunities for economic development, advances in the delivery of medical treatments and improved materials; however, uncertainty about the environmental consequences will need to be addressed by state leaders.

Globalization

Increasingly states are competing in a global economy. International commerce brings with it unique environmental implications.

Continued on page 36
State Leaders Discuss Trends

CSG members will consider emerging trends in such areas as energy supply, blogging, multibranch problem solving and health care

By Magda Mook

State leaders from around the country will gather June 5–8 in Lake Tahoe to discuss key trends and policy issues during The Council of State Governments’ 2005 Spring Committee and National Task Force Meetings.

CSG is the premier organization in forecasting policy trends for state executive, legislative and judicial decision-makers. CSG’s vision is to establish a well-informed body of state government officials, who hold the foresight necessary to lead, develop innovative solutions and govern in the 21st century. Dedicated to providing members with the tools to tackle today’s problems, CSG recognizes that the best way to solve tomorrow’s issues is to address them now. To this end, the spring meeting’s policy sessions will focus on trends that will affect the states in the years to come.

21st Century Pollution—Tackling E-Waste

Americans are consumers. We consume large amounts of energy, food and natural resources. With this high level of consumption, large volumes of wastes are generated. Given the rapidly advancing, ever-changing world of technology and the consumer race for the latest “hot item,” waste in the technology and electronics sector is a swiftly growing concern. The Environmental Task Force will focus on the growing problem of e-waste at the spring meeting.

New computer and cell phone products are introduced almost daily. Computers often contain heavy metals and other hazardous substances, and it is estimated that from 1997 and 2004, between 250 and 600 million computers became obsolete. By 2005, it is estimated that Americans will have...
over 500 million cell phones stockpiled. Cell phones contain toxic metals such as arsenic, beryllium, cadmium, copper and nickel. Clearly, discarded technology is a mounting concern. While some companies offer take back programs, a large number of computers, cell phones and other gadgets are not disposed of properly.

Providing state officials with tangible solutions and effective approaches to this problem, the Environmental Task Force will examine pioneering state policies and programs that encourage the proper recycling of these products and reduce the amount of e-waste entering the environment.

Alternative Sources—the Future of Energy?

In an effort to diversify American energy sources and clean up the environment while simultaneously spurring economic growth, states are leading the way in alternative energy development. Congress may be struggling to pass a national energy policy, but states are capitalizing on their resources, turning potential pollution and waste into energy and injecting capital into rural communities. Although ethanol and biodiesel capture most of the headlines, renewable biomass and biogas conversion technologies are moving from pilot projects to megawatt generating facilities supplying communities across the country.

Globally, biomass is one of the most common sources of energy. Biomass includes grasses, trees or agricultural crop wastes that can be used as solid fuel or converted into liquid or gaseous energy sources. A growing trend in alternative energy is the use of biomass in generating electricity, an increasingly common practice in North America. For example, there are dozens of methane fueled energy generators using manure from dairy farms. Converting biogas into electricity provides the opportunity to reduce greenhouse gas emissions, meet state renewable portfolio standards and keep potential pollutants out of the watershed.

The Agriculture and Rural Policy Task Force will continue to investigate innovative energy sources that also provide economic development opportunities for rural areas. The economies, benefits, and limitations of alternative energy sources in rural America will be discussed during the Task Force’s policy meeting.

On a closely related topic, the Agriculture and Rural Policy and Environmental Policy meetings will be followed by discussions of the Renewable Energy Working Group. The Renewable Energy Working Group is dedicated to providing a network for the exchange of best practices, necessary policies, regulations and incentives to encourage sensible and appropriate renewable energy development. In the working group meeting, attendees will address current state policy related to renewable sources of energy, develop CSG programs designed to further the use of renewable energy and hear from attendees about many efforts supporting and encouraging increased use of alternative energy in their states.

Social reforms often impact all three branches of state government and will likely continue to make headlines in 2005. In particular, issues involving children, family and the elderly require multi-branch solutions. Social reforms often impact all three branches of state government and will likely continue to make headlines in 2005. In particular, issues involving children, family and the elderly require multi-branch solutions.

Closing the Inter-Branch Divide—Can Government Be United?

Relationships and paradigms among the three branches of state government continue to generate lively debates throughout the country. As the Terri Schiavo case recently illustrated, debate between the executive, legislative and judicial branches over their respective roles in policy-making and implementation is common and sometimes emotionally charged. Some in the judicial branch have responded to criticism by asserting that the abundance of vague or flawed statutes requires a heightened role by the courts for interpretation purposes, and that legislatures should be more responsive to public policy issues. Legislators and executives sometimes fault judicial activism for undesired policy outcomes. Today, most—if not all—policy issues significantly implicate all three branches of state government. Most notably, states can expect sweeping changes in social policies and in the area of the civil and criminal law.

Social reforms often impact all three branches of state government and will likely continue to make headlines in 2005. In particular, issues involving children, family and the elderly require multi-branch solutions. Many experts believe that state foster care, adoption and mental health systems are inoperative and require sweeping reforms. Likewise, due to aging baby boomers, states are beginning to closely examine laws and policies concerning the elderly. Guardianship policies and regulations particularly concern state courts.

In addition to tackling complex social issues such as guardianship and right to die laws, federal and state lawmakers are discussing civil law reforms in a number of areas, including tort
Because of the
1.2 million offenders
in state prisons
lawmakers are forced
to reexamine
sentencing laws and
possible reform.

As with any new media, only time will tell how long they maintain their effectiveness and appeal. So far, however, blogging and syndication appear extremely popular among the general public. Despite gaining currency during the 2004 presidential election, these 21st century technological tools have been slow to enter state capitol chambers or officials’ offices, leaving many questions unanswered. Are legislators and officials missing out? Can they utilize these tools to improve public service and communicate more directly with their constituents? Should they seek more information about the benefits and opportunities offered by blogging and syndication?

During the Science and Technology workshop, CSG will try to help decision-makers answer these questions and help state officials make informed decisions about the use of blogging and syndication. Participants will have an opportunity to learn how to use blogs and RSS and hear observations and experiences from their peers. CSG will also present results of the recent survey concerning state officials’ perception and knowledge of these new technological tools.

Worksite Wellness to Equity of Care—Creating a Healthy America

CSG’s Health Policy Task Force will tackle several key health care issues during the spring meeting. Presenters, including national public health experts and state officials, will discuss trends such as worksite wellness and health disparities, and the innovative state responses to these issues.

As health care costs skyrocket, more employers are turning to worksite wellness programs to reduce health care costs and absenteeism while increasing productivity and quality of life for employees. Worksite wellness and health promotion programs are coordinated approaches used by employers to improve health and reduce illness and chances of disability among employees. Programs typically include activities that help employees stop smoking, increase physical activity, improve eating habits and get proper preventive care and screenings for common conditions.

Several alarming trends point to the growing need for employee wellness programs. Obesity is a contributor to many chronic diseases and results in higher health care costs, and alarmingly, rates of obesity are growing in adults and children. Americans are living longer and chronic diseases—heart disease, diabetes and cancer—are now among the leading killers, accounting for seven out of 10 deaths each year. Many of these deadly diseases are preventable; they are linked to lifestyle and behavioral factors.

Recognizing the need to address these and other lifestyle factors, states are jumping on the worksite wellness bandwagon. South Dakota’s HealthySD program offers state employees and retirees and their families up to $300 per year in a health
risk and wellness account. Another innovative program, Delaware’s Health Rewards, is aimed at reducing insurance costs by helping state employees make positive health decisions.

In addition to fostering healthier lifestyles, achieving equity of care is an important issue facing policy-makers. A growing body of research has documented the differences in health care quality, access and outcomes for different population groups in the United States, particularly between whites and minorities. An American Journal of Public Health study estimated that 886,000 African American deaths could have been prevented in the 1990s, if African Americans had received equitable care.

The 2004 National Healthcare Disparities Report published by the Agency for Healthcare Research and Quality found that differences in health care quality and outcomes are pervasive, affecting a variety of racial, ethnic and socioeconomic groups. For example, when judging quality of care, African-Americans received poorer care as compared to whites on approximately two-thirds of the quality measures. Further, Hispanics received poorer quality care on half of the quality measures and had worse access to care on about 90 percent of the access measures compared to non-Hispanic whites.

Again, states are using a variety of strategies to close the gap in quality and access to care between racial and ethnic groups, women and men, and rural and city residents. Maryland HB 883 established special training for health care providers on health disparities and treatment for minorities. In the Midwest, Minnesota established its Eliminating Health Disparities Initiative in 2001 to close gaps in health outcomes between demographic populations.

—Magda Mook is director of development at The Council of State Governments.

States Get Savvy on Trade Strategy—Continued from page 25

and legislators. Their aim is to strengthen Maine’s voice in the debate over current and future trade agreements and monitor their state and local effects.

Some critics contend that the commission’s focus is unbalanced. Only three of the seventeen commission members represent trade or business interests.

Sen. Rotundo emphasizes that the commission functions in a bipartisan way with no political agenda. “Its role is to help the citizens of Maine get a handle on the economic impacts in areas ranging from health to the environment,” she said.

Separately, An Act to Safeguard Federalism in Trade (LD 1135) was introduced in the Maine state legislature recently by Rep. Deborah J. Hutton. The bill suggests two legislative points of contact must be appointed at the beginning of each legislative session by the House and Senate majority parties to serve as the state's official liaisons with the federal government and the legislature's liaisons with the governor on trade-related matters.

In Maryland, the Senate voted to prohibit the governor from entering into international trade agreements without the legislature's approval. Sen. Paul G. Pinsky, the bill's sponsor, said that the measure will allow the legislature to make sure that any international trade agreements conform to proper environmental, safety and wage standards.

—Karen Mays is publications manager for The Council of State Governments Eastern Regional Conference.
State Sen. John Hainkel Jr. of New Orleans, the only elected official to serve as president of Louisiana’s Senate and speaker of the state House, was honored with a memorial service April 17 in the Louisiana State Capitol.

Hainkel, 67, died in his sleep on April 15.

An active member of CSG and its southern office, the Southern Legislative Conference, Hainkel was only the third elected official to be accorded the honor of lying in state in the State Capitol. The others were Governors Huey Long in 1935 and his brother, Earl Long, in 1960.

“CSG and SLC lost a dear friend and a legend. His loss will be felt for years to come,” said Daniel M. Sprague, CSG executive director.

Hainkel served as SLC chair from 1991 to 1992 and at the time of his death served on the CSG Executive Committee, was co-chair of the International Committee and a member of the 21st Century Foundation.

He was also instrumental in the scheduling of CSG’s annual meeting in New Orleans for 2006.

His 37-year legislative career began in the Louisiana House of Representatives in 1968, serving as speaker of the House from 1980 to 1984. In 1988, he was elected to the state Senate and served as president of that body from 2000 to 2004.

Defense Department Lauds Lieutenant Governors

The Department of Defense and the National Guard Bureau are supporting military relief funds initiated by the nation’s lieutenant governors. A March article from the American Forces Information Service highlights the efforts of Illinois Lt. Gov. Patrick Quinn and the National Lieutenant Governors Association in establishing the funds. NLGA last year passed a resolution in support of the funds.

Military Family Relief Funds originated with Quinn in Illinois. The funds allow state taxpayers to make voluntary donations in various ways, including through a tax income check off. Service people of certain job grades who are suffering familial financial hardship as a result of service may apply for grants from the fund.

States with fund programs include California, Delaware, Kansas, Maine, Michigan, Rhode Island, South Carolina, Vermont and Wyoming. Rhode Island Lt. Gov. Charles J. Fogarty, whose state enacted its program in July, said, “One third of our Guard members make less in the military than at their civilian jobs, and they are worrying about making ends meet.”

“We cannot allow the citizens of our states who are serving their country to fall into financial ruin while they are in Iraq, facing harm … while they are protecting us,” said Lt. Gov. Cruz Bustamante of California, whose state began its own Military Family Relief Fund in September. Currently, 21 additional states are considering programs.

CSG-WEST 2004 Year in Review

Not only does the latest annual report from The Council of State Governments-WEST recap the major programs and projects pursued by the organization in 2004, it also portrays the leaders from across the West who spearheaded these activities.

In 16 pages of easy-to-read text and color photos, the 2004 Year in Review summarizes the core work of CSG-WEST. Take a look at the Western Legislative Academy, the premier training program for newer lawmakers. Check out the map of the 2000-mile border between the U.S. and Mexico and learn how the Border Legislative Conference promotes cross-border strategies to solve common problems.

Don’t miss the sections on Western Legislative Conference policy committees, WESTRENDS, the Action Plan for Public Lands and Education and the Legislative Council on River Governance. Enjoy photo stories from the annual meeting in Anchorage and find out what legislative service agency directors are doing to improve customer service and enhance the legislative workplace.

Read about CSG-WEST’s participation in the national Council of State Governments as lawmakers assumed leadership roles, attended the Toll Fellow program and chose the most innovative state government programs in the West.

The 2004 Year in Review catalogs the efforts of CSG-WEST to be a part of the times and region in which we live. Limited copies are available by phone at (916) 553–4423 or by e-mail at csgwest@csg.org.
Legislative Civility: Can it survive polarized voters and contentious politics?

When the CSG-WEST Futures Committee met at the CSG/CSG-WEST annual meeting in Anchorage, Alaska in 2004, state legislators considered whether or not legislative civility can survive a polarized society with naturally contentious politics. A new special report based on that forum examines the causes, consequences and cures of incivility in the legislative branch. In the report, congressional authority Professor Eric Uslaner, state legislative expert Professor Alan Rosenthal, Zogby pollster representative Shawnta Watson Walcott and lawmakers themselves find answers to these challenges. For copies of the report, call 916-553-4423 or e-mail csgwest@csg.org.

NASPE Designates May 4 as State Employee Recognition Day

The National Association of State Personnel Executives will sponsor State Employee Recognition Day on Wednesday, May 4 to recognize the outstanding work of state government employees across the country.

All too often, public sector employees do not receive recognition for their efforts and achievements. Rather, attention is given to the very few who capture news headlines for wrongdoing. This recognition day seeks to formally acknowledge the contributions of state employees and show appreciation of their work.

“I am constantly reminded that the nation’s 2 million plus state employees provide an enormous variety of services to our states’ citizens,” said Sam Wilkins, president and director of NASPE. “They help to address our basic public health, safety, and education needs along with providing countless other significant services. Often, those state employees go unrecognized. But, for the past several years, State Employee Recognition Day has given us an opportunity to recognize these men and women for their dedication to the public.”

New Jersey Lieutenant Governor?

New Jersey voters will decide in November whether or not to create an office of lieutenant governor. Currently, the senate president succeeds to governor when a gubernatorial vacancy occurs, yet the president also retains all his senate powers.

“This dual capacity is dysfunctional . . . and entirely illogical,” Sen. John Adler said to Gannett News, calling the tradition a “fundamental flaw of mammoth proportions.” Sen. Barbara Buono called the opportunity to create the office a “seismic shift” in state government, said Gannett.

If voters approve, gubernatorial candidates beginning in 2009 would select running mates after the June primary and run as a team in the general election. If called on to fill the office, the lieutenant governor would serve as governor until a special election could be held to fill the office, unless fewer than 60 days were left in the term. Once elected, the governor could appoint the lieutenant governor to head any department or agency, other than the office of attorney general.
**CSG and CDC Host Public’s Health Law Conference**

State legislators play a key role in developing public health laws. But for new—and sometimes for not-so-new—legislators, understanding the complexity of the issues involved may be challenging. To help, The Council of State Governments is teaming up with the Centers for Disease Control and Prevention in Atlanta to host a workshop for state legislators interested in exploring the intersection between state health policy and public health law.

The pre-conference hosted by CSG will begin with a breakfast for new legislators on Monday, June 13. State officials will discuss how public health differs from medical care and the roles and responsibilities of state health departments. The breakfast will be followed by an interactive session for all legislators in attendance and will provide an introduction to the CDC.

The CDC conference “Public Health and the Law in the 21st Century” will follow CSG’s pre-conference and will run until Wednesday, June 15. Sessions will cover everything from best practices in emergency preparedness to tools for obesity prevention to addressing legal and illegal drugs in schools.

CSG is proud to offer a limited number of scholarships to attend the legislator workshop and the CDC conference. CSG will pay recipients’ conference registration fee ($220) and will reimburse them up to $500 for hotel and airfare costs (or mileage if the recipient is driving).

If you are interested or want to learn more about the pre-conference and the scholarships, visit the Healthy States Web site at www.healthystates.csg.org (keyword: public health law conference). You can also contact Jenny Sewell at (859) 244-8154 or jsewell@csg.org. Information about the conference can be found at www.phppo.cdc.gov/od/phlp/conference/con2005_overview.asp.

**MLC Annual Meeting Highlights U.S.-Canada Relations**

The importance and future of U.S.-Canada relations will be one of several policy issues examined at this summer’s Midwestern Legislative Conference Annual Meeting, which will be held in a Canadian province for the first time in the event’s 60-year history.

Colin Robertson, the minister and head of the Washington Advocacy Secretariat in the Canadian Embassy, will kick off the four-day conference with a speech that touches on the meeting’s central theme, “Building Our Future Together.” Robertson was appointed last year to the newly created position at the embassy. In this capacity, he works to promote stronger ties between Canada and the United States. His presentation will be followed by concurrent policy sessions that focus on key binational issues for state and provincial leaders to consider, such as trade, energy and border security.

Later in the conference, renowned Canadian broadcaster and journalist Pamela Wallin will address various other aspects of the U.S.-Canada relationship. The first woman in Canadian network television history to be appointed Ottawa bureau chief, Wallin also served as the anchor of nightly network newscasts and is now Canadian consul general to New York.

The 2005 MLC Annual Meeting will be held July 31–Aug. 3 in Regina, Saskatchewan. Other planned speakers include Pulitzer Prize-winning historian Joseph Ellis, whose latest book is “His Excellency: George Washington,” a landmark biography about the life and career of America’s first president. He also has written several other highly acclaimed books about America’s Founding Fathers.

In his speech, titled “The Revolutionary Generation: Leadership Then and Now,” Ellis will examine how the Founding Fathers, against the odds, created the American republic and how their lessons in leadership are still relevant today.

In addition to these speakers, the MLC meeting will feature several public policy experts and provide a forum for legislators to share ideas on various issues of concern to this region’s states and provinces.

Planned sessions include a comparison of the two countries’ health care systems, a look at state fiscal conditions and an examination of demographic trends in the North American heartland.

Registration for the conference can be completed online at www.csgmidwest.org. For more information, contact the Midwestern Office of The Council of State Governments at (630) 810-0210.
Interstate Compacts to the Rescue—Continued from page 14

While states need new structures to facilitate intelligence and information sharing, they must also examine current restrictions that prohibit them from sharing data with other states.

Communications

Public safety agencies need the capacity to speak to each other over wireless radio networks, or interoperability. Although the public perceives that these networks are established and operational, some public safety officers, in fact, cannot speak directly to their own agencies, much less to another jurisdiction. The lack of communications interoperability—long a problem for law enforcement and other public safety agencies—has become an issue of epic proportions.

Emergency personnel responding to the Columbine High School shootings suffered from a lack of interoperability, delaying crucial medical and police response; the Oklahoma City bombing highlighted interoperability problems when agencies on the scene relied on hand-carried notes rather than radios to exchange information; and firemen and police officers lost their lives in the Sept. 11 World Trade Center attack due in part to a lack of interoperability—they did not receive instructions to quickly evacuate the buildings.

While standards and recommendations continue to evolve in cooperation with state, local and stakeholder organizations—such as with the U.S. Department of Homeland Security’s SAFECOM program and the National Institute of Justice’s CommTech (Communications Technology) program, formerly known as the AGILE program—adoption and implementation remains voluntary. Interstate compacts and other interstate and intrastate agreements remain an attractive tool for establishing metropolitan and regional governance over interoperable communications in cross-jurisdictional instances.

Procurement

With increased homeland security responsibilities, state and local public safety agencies have found themselves lacking essential new equipment and training to prevent and respond not only to terror attacks, but also to everyday events in their jurisdictions. Each agency typically maintains its own standards for proving equipment with individualized procurement procedures. However, while originally designed to prevent fraud, waste and abuse in purchasing, modern procurement systems are often lengthy and not as responsive as necessary to obtain essential equipment in a timely manner.

As many neighboring states and localities undertake the enormous task of properly outfitting themselves with communications and emergency response equipment, most are fortunate enough to have received at least subsidy support, if not full funding for some or all of their activities.

However, with this increased need, a growing menu of options and choices for agencies has appeared. Redundancy of capacity to meet public safety needs, while certainly not negative, has been cited by many—including the U.S. Department of Homeland Security—as fiscally inefficient. Avoiding duplication while maintaining a high state of readiness is, however, a difficult balance to achieve. As demands for new tools increase—information technology systems, specialized hazardous materials response equipment and specially trained counter-terrorism teams, for example—states and local jurisdictions may be able to enter into shared support and cost-saving procurement agreements to reduce individual financial obligations.

Such agreements will streamline the speed and efficiency by which specialized equipment and training is obtained. Like the existing Emergency Management Assistance Compact, which allows rapid response to man-made and natural disasters with pre-arranged agreements and procedures, formal procurement compacts between states or across an entire region might be one solution to help curb enormous costs without sacrificing readiness.

Interstate Compacts: Metropolitan and Regional Examples

Since their inception, the use of interstate compacts to address a wide variety of interstate issues has made them an attractive mechanism not only to solve problems, but also to allow states to exert their collective strength in maintaining control over issues belonging under their purview.

Compacts have also been embraced as useful tools for both large and small metropolitan areas. Steady urban growth in the last several decades now requires states to work together, as never before, on behalf of cities, sprawling bi- or tri-state metropolitan areas and interconnected regions. Issues such as education, economic development and tourism have fostered interstate agreements such as the Bi-State Development Agency Compact serving the St. Louis metro area and the New Hampshire-Vermont Interstate School Compact that creates a joint education district for adjoining communities in the two states.

Likewise, metropolitan and regional compacts have been applied to public safety issues beyond state borders, such as the New England State Police Compact, that allows cooperation among six northeastern states in controlling riots and other emergencies. The Colorado River Crime Enforcement Compact and the California-Nevada Compact for Jurisdiction on Interstate Waters allow concurrent jurisdiction on mutual waterways. Emerging and changing policy trends may require states to increase their work on behalf of cities and interstate regions in the creation of new or expanded interstate agreements.

The examination and possible development of regional and national interstate compacts—as well as other agreements such as memoranda of understanding and multi-jurisdictional mutual aid agreements across state lines—exist as potential solutions to complex administrative and legal authority questions.

While these types of agreements cannot remedy each of a growing list of jurisdictional problems encountered by local and state public safety agencies, the community of interest to explore these arrangements is increasing. Such agreements may serve as a proactive remedy to problems long held in an area of public governance that, of late, seems too often to be playing catch-up.

—John J. Mountjoy is the director of the National Center for Interstate Compacts at The Council of State Governments.
International trade agreements

International trade agreements, decided at the federal level, may limit states’ ability to exercise regulatory and legislative powers. Regulations may inadvertently violate trade agreements approved without their input. While there are presently a number of sub-federal laws around the world in violation of global trade pacts, foreign governments have avoided challenging U.S. states’ laws, but it is possible that could change. One such battle is currently being waged in California. A Canadian gold-mining company is filling an investor suit against a law designed to regulate surface mining and require reclamation near scared Native American lands. The mining company asserts that under NAFTA, California is not permitted to impose the regulations that are thought to hinder its ability to mine the land profitably. As the federal government continues to expand its trade liberalization efforts, it is expected that state officials will be caught increasingly between their states’ economic reliance on trade and restrictions on their ability to protect their states’ environment.

Invasive species

The United Nations Convention on Biological Diversity defines invasive alien species as “species introduced deliberately or unintentionally outside their natural habitats where they have the ability to establish themselves, invade, out compete natives and take over the new environments.” Invasive alien species are considered the most important threat to biological diversity loss after habitat destruction. Prevention of invasions of flora and fauna is of utmost importance in the era of globalization. According to the World Conservation Union, international trade is one of the main vectors of invasive alien species. It is important that state governments work with the federal government to stop the accidental and unintentional introduction of alien species into existing ecosystems.

Information Dissemination

Changes in disseminating information will alter the way politicians and state officials communicate their messages to constituents. Today, people need to have critical thinking skills, the ability to convert information into knowledge, and an understanding of emerging technologies in order to receive and interpret information on environmental issues likely to affect their areas.

Increasing demand for timely, public information

Citizens and communities require up-to-date information on environmental permits, public notices and ecological conditions in order to participate in environmental decision-making. Free flow of information in the form of advanced public notice would aid in this process. For example, Pennsylvania Department of Environment Protection’s eNOTICE system works actively to better inform stakeholders about state regulatory actions. DEP’s eNOTICE uses e-mail to provide subscribers with up-to-the-minute information on environmental regulations under consideration in Pennsylvania.

Privacy and Security

In recent years, 28 states have changed their laws to limit access to records such as critical infrastructure blueprints, vulnerability assessments and emergency plans. Citizens are concerned with hazardous materials in their area while leaders are concerned with security. This environmental conflict has critical privacy and security policy implications.

Right-to-Know versus Need-to-Know

States will continue to balance the needs of the public’s right-to-know about hazardous materials being handled in their communities while at the same time preserving certain information for security purposes.

Aging

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. The impact of an aging population on the environment is not clear. However, older Americans are often vulnerable to environmental hazards such as poor outdoor and indoor air quality and temperature extremes.

Air quality poses unique risks to older Americans

EPA studies of human exposure to air pollutants indicate that indoor levels of pollutants may be two to five times, and occasionally more than 100 times, higher than outdoor levels. Older Americans spend more time indoors, which may raise concerns about identifying sources of indoor air pollution and cause a need for outreach efforts to target those sources.

Immigration

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. Environmental policy choices may affect the health and safety of these immigrants.

Environmental Justice

Environmental justice is the idea that public and private activities should not pose disproportionately high and adverse health or environmental effects on minority or low-income populations. New immigrants often take jobs that pose a greater risk to their health such as farm and other manual labor. Agricultural workers are exposed to pesticides, molds and other respiratory irritants. Sometimes, prolonged exposure to pesticides can lead to chronic respiratory illness and dermatitis. Nail salon workers, often new immigrants from Asia, are exposed to chemicals that may be hazardous to themselves and the environment if not used or disposed properly.

Fish Advisories

New immigrants who catch and eat wild fish as a regular part
of their diet are at risk from ingesting more toxics than a typical sport fisher. State officials are presented with a unique challenge in communicating risks associated with eating and preparing fish containing PCBs, mercury and other contaminates.

Increasing Polarization

The United States is starting to realize a growing polarization of society. Increasing economic, cultural and political differences in this country are leading to a call for more civility between citizens and their elected officials.

Stakeholder input into environmental policy matters

Effective stakeholder participation in environmental decision-making enables the public and the regulated community to express, and decision-makers to take into account, their concerns. This increases the quality, accountability and transparency of the decision-making process and contributes to public awareness of environmental issues. One approach, Community-Based Environmental Management, starts with a local environmental problem and involves all the needed persons and organizations. Resources are managed through partnerships of governments, businesses, non-governmental organizations and citizens.

The Role of Government

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

Multi-state cooperation in absence of federal action on climate change

With the rejection of the Kyoto Protocol by the Bush administration and his call for a voluntary, nonbinding greenhouse gas emissions reduction goal and further climate change research, a number of states are acting—individually and collectively—to reduce GHG emissions. Most noteworthy are two regional, multi-state initiatives working to address greenhouse gas emissions: the Regional Greenhouse Gas Initiative and the West Coast Governors’ Global Warming Initiative.

State attorneys general strengthen federalism

State attorneys general are taking legal action where they say federal regulators have fallen down on the job, bringing suits involving issues of anti-trust, civil rights, and the environment—issues formerly left to the Federal government. In the environmental area, Bush administration changes to the Clean Air Act’s New Source Review program has been the most prominent example of New Federalism. An interesting facet of the debate over the changes to the Clean Air Act is the fracturing of otherwise loyal party affiliations and the regional makeup of the states. Six of the states participating in the New York-led coalition have Republican governors, who appear willing to break party ranks over what they see as a threat to environmental quality in their states and the perceived threat to state control over industrial activities that are major sources of pollution. Conversely, a group of states, primarily in the Midwest and the Southeast, supported the Bush administration changes.

—Scott Richards is director for environment and energy at The Council of State Governments.
This calendar lists meetings as designated by CSG’s Annual Meeting Committee. For details of a meeting, call the number listed. “CSG” denotes affiliate organizations of CSG. Visit www.csg.org for updates and more extensive listings.

Other meetings have value to state officials. Purchase a meeting listing by calling (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 the News, CSG’s weekly electronic newsletter. Get your free subscription to In the News at www.csg.org.

**June 2005**

**June 4-8**
CSG/NASTD Western Region Seminar—Salt Lake City, UT—Hilton Salt Lake City Center. Contact Karen Britton at (859) 244-8187 or kbritton@csg.org

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

**June 11-15**
CSG/NASTD Southern Region Summer Seminar—Nashville, TN—Renaissance Hotel. Contact Karen Britton at (859) 244-8187 or kbritton@csg.org

**June 13-15**

**June 19-22**
CSG/National Association of State Treasurers Midwestern & Western State Treasurers Conference—Rapid City, SD—Rushmore Plaza Holiday Inn. Contact Adnee Hamilton at (859) 244-8174 or ahamilton@csg.org

**June 21-22**
CSG/Annual Conference/Bureau of Justice Assistance—Mental Health Courts and Beyond Conference—Los Angeles, CA—Renaissance Hotel. Contact Denise Tomasi at (212) 482-3220 or dtomasin@csg.org

**June 25-29**
CSG/National Association of State Facilities Administrators/National Association of State Chief Administrators Joint Annual Conference—Phoenix, AZ—Ritz Carlton. Contact Marcia Stone at (859) 244-8181 or mstone@csg.org

**July 2005**

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

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

**July 16-20**
CSG/National Association of State Personnel Executives Annual Meeting—Denver, CO—Westin Tabor Center Downtown. Contact Leslie Scott at (859) 244-8182 or lscott@csg.org

**July 23-27**
CSG/National Association of Government Labor Officials Summer Conference—Portland, ME—The Eastland Park. Contact Melinda Glazer at (202) 624-5460 or mglazer@csg.org

**July 24-28**
CSG/National Association of State Treasurers Northeast State Treasurers and College Savings Plan Network Annual Conference—Baltimore, MD—Renaissance Harborplace Hotel. Contact Adnee Hamilton at (859) 244-8174 or ahamilton@csg.org

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

**July 25-28**
CSG/Eastern Regional Conference Annual Meeting—Uncasville, CT—Mohegan Sun. Contact Pamela Stanley at (212) 482-2320 or pstanley@csg.org

**July 26-30**
CSG/National Lieutenant Governors Association Annual Meeting—Waikiki Beach, HI—Hilton Hilton Resort. Contact Julia Hurst at (859) 244-8111 or jhurst@csg.org

**July 28-29**
CSG/American Probation and Parole Association: Managing Sex Offenders’ Computer Use—Golden, CO. Contact Kris Chappell at (859) 244-8204 or kchappel@csg.org

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

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

**August 2005**

**Aug. 12-14**
CSG/National Association of State Election Directors Summer Conference—Beverly Hills, CA—Hotel TBA. Contact Melinda Glazer at (202) 624-5460 or mglazer@csg.org.

**Aug. 14-21**
National Conference of State Legislatures Annual Meeting—Seattle, WA. Visit www.ncsl.org

**Aug. 28-Sept. 1**

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

**September 2005**

**Sept. 8-9**
CSG/American Probation and Parole Association: Managing Sex Offenders’ Computer Use—Golden, CO. Contact Kris Chappell at (859) 244-8204 or kchappel@csg.org

**Sept. 11-14**
CSG/WEST Western Legislative Conference Annual Meeting—Portland, OR—Hilton Portland & Executive Tower. Contact Cheryl Duvachelle at (916) 553-4423 or cdvachelle@csorg

**Sept. 11-15**
CSG/Eastern Regional Conference Eastern Leadership Academy—Philadelphia, PA—Hilton Inn at the University of Pennsylvania. Contact Karen Imas at (212) 482-3220 or kimas@csorg

**Sept. 12-14**
CSG/Interstate Commission for Adult Offender Supervision Annual Business Meeting—Phoenix, AZ—Pointe South Mountain Resort. Contact Kell Price at (859) 244-8235 or kprice@csg.org

**Sept. 18-22**
CSG/National Association of State Treasurers and State Debt Management Network Annual Conference—Lake Tahoe, NV—Hyatt Regency. Contact Adnee Hamilton at (859) 244-8174 or ahamilton@csg.org or visit www.nast.net

**Sept. 20-21**
CSG/American Probation and Parole Association: Real World Motivational Interviewing—White Plains, N.Y. Contact Kris Chappell at (859) 244-8204 or kchappel@csg.org

**Sept. 24-29**
CSG/Henry Toll Fellowship Program—Lexington, KY. Contact Amanda Meys at (859) 244-8236 or ameys@csg.org

**November 2005**

**Nov. 15-19**
CSG/WEST Western Legislative Academy—Colorado Springs, CO—Cheyenne Mountain Resort. Contact Cheryl Duvachelle at (916) 553-4423 or cdvachelle@csorg
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 and what's happened since.

40 Years Ago—May 1965
Americans Keep Getting Older

In federal legislation, the Older Americans Act was approved by the House to create an Administration on Aging to serve as a “clearing house of information on problems of the aged; administer grants provided by the Act; develop, conduct and arrange for research and demonstration programs in the field of aging; and provide technical assistance and consultation to state and local governments.”

Update:

The Older Americans Act was amended in 2000, and remains in effect through 2005. The reauthorized Act contains the National Family Caregiver Support Program, which helps hundreds of thousands of family members struggling to care for older ill or disabled loved ones. The amendments include authority for a White House Conference on Aging to be scheduled before December 31, 2005. The sooner, the better—the U.S. population age 65 and older is projected to double to nearly 82 million by 2050, and it is estimated that the 85-and-older population will quadruple within the same timeframe.

25 Years Ago—May 1980
Share the Oil Wealth

State Government News reported that Alaska expected oil to bring $3.61 billion to the state in 1980. Rising oil prices created an uncommon dilemma for the 49th state—how to spend the windfall. In April 1980, Alaska’s legislature approved a plan to distribute $405 million to the state’s 400,000 residents.

Gov. Jay Hammond signed a law to set aside 50 percent of the state’s royalties in a trust account called the Permanent Fund. The law stated that Permanent Fund money be used as a revenue source and invested within the state when possible. Overall, the Fund created a renewable source of wealth for future generations of Alaskans who may not have oil as a source of income.

Update:

As of April 2005, Alaska’s Permanent Fund contained almost $30 billion, and is among the 100 largest investments in the world. It exceeds any endowment fund, private foundation or union pension trust in the United States.

Alaska continues an annual distribution of Fund investment earnings to qualified residents—each received $919.84 in 2004.

10 Years Ago—May 1995
Electric Cars—Are We Charged Yet?

A May 1995 State Government News article on electric cars advised state and local governments to prepare for major changes as electric cars and trucks got ready to hit the roads. In the early 1990s, the California Air Resources Board enacted a controversial piece of legislation: By 1998, 2 percent of all vehicles sold by major manufacturers would need to have zero tailpipe emissions. At that time, only electric vehicles met this requirement.

Update:

Fast-forward 10 years and hybrid vehicles—those that combine gas and electric fuel—are making headlines. Hybrids are “Partial Zero Emission Vehicles,” and have near-zero evaporative emissions. Honda introduced the first hybrid vehicle in the United States in 1999. Only a couple hundred sold that year, and hybrid sales have generally doubled every year since then. More than 9,300 hybrids were sold in 2000; 88,000 were sold in 2004.

The government is currently offering an incentive to purchase a hybrid vehicle—those who do can claim a $2,000 one-time deduction on their 2005 tax returns. The deduction will drop to $500 in 2006.

Five hybrid vehicles are now available in American showrooms, many with long waiting lists. Market research firms predict:

- by 2006, hybrid vehicles sales will account for 10 percent of the 2 million midsize vehicles sold annually in the United States;
- by 2007, 20 new hybrid models will appear in America and over 400,000 hybrid vehicles will be sold in the United States;
- by 2008, 1.2 million hybrids will be sold in the U.S. market and buyers will have a choice of 35 hybrid models;
- by 2010, assuming current gas prices endure, 5-6 percent of all cars sold in America will be hybrids;
- by 2012, more than 50 hybrid models will be on the market.