

**Irresistible Force: The Impact of State Task Forces on  
Legislative Outputs**

A Dissertation

presented to

the Faculty of the Graduate School

at the University of Missouri

In Partial Fulfillment

of the Requirements for the Degree

Doctor of Philosophy

by

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May 2016

The undersigned, appointed by the dean of the Graduate School, have examined the dissertation entitled

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LEGISLATIVE OUTPUTS

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## Acknowledgements

Throughout my graduate journey I encountered several outstanding individuals who inspired and motivated me to become the scholar I am today. I remember someone saying during my graduate school orientation that you will start out loving your field of study then you will hate it, but by graduation you will love it again. I owe a debt of gratitude to all those who helped me maintain my love for political science.

I first want to thank my dissertation committee without them this study would not have been possible. A special thank you to Dr. Joan Hermesen who encouraged me in my writing skills when I was just a sophomore in college and gave me the confidence to achieve any academic goal I set my mind to. I thank Dr. Cooper Drury who some would say accomplished an impossible task and that was he motivated one of his students to actually like learning about time series analysis. I would like to thank Dr. Lael Keiser for her advice throughout my college career and always pressing me that there is more to the story than the numbers. A very special thanks to Dr. James Endersby who guided me through the arduous process of writing this dissertation and making sure all my arguments were sound and that every t was crossed and i was dotted. This dissertation would not have been possible without his leadership and motivation.

I also want to thank my former chair Dr. Sean Nicholson-Crotty whose early contribution was invaluable to the development of this dissertation, which his influence is throughout my dissertation. His advice and expertise led me to craft the autism chapter into a co-authored published article with him. I would like to thank the editors and reviewers of the *Policy Studies Journal* for their contributions related to sections on autism. The version presented in my dissertation is primarily an earlier one than the

revision published in the journal, but several of the ideas from the editors and reviewers influenced ideas in this study.

It would be dismissive of me not thank my colleagues who were always willing to provide good advice. I would like to thank Dr. Kyle Kattelman for constantly asking me how my dissertation is coming. The continued asking motivated me to finish it.

A sincere amount of gratitude goes towards Dr. William T. Horner who truly inspired me to obtain my Ph.D. in political science. I will never forget the countless of times I came to him for advice throughout my undergraduate and graduate school career and he always listened and never was shy to give me the words I needed to hear.

I would like to thank my sisters Melissa and Melinda, my nephews Derek and Nicholas, my niece Lindsey, my cousin Steve and my uncle Bob who all encouraged me by never doubting my ability.

I would like to thank my beautiful fiancé Heather Spegal whose love, patience, encouragement, and understanding throughout the dissertation process is unmatched. I truly could not have asked for a better fiancé. I look forward to our lives together.

A very special thank you goes to my loving parents. My mom and dad always supported every academic endeavor I pursued. Their constant love and encouragement helped sustain me through some of the toughest times in my graduate career.

Finally, I want to thank my savior Jesus Christ for helping me through my entire career. It is only through Jesus that I have achieved my dream of receiving my Ph.D. from the University of Missouri.

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## Chapter 1: Introduction

A teenage girl successfully escaped from her captor who brutally raped and forced her to commit commercial sex acts. In essence, she experienced a form of modern day slavery for six months. Desperately searching the streets for help she managed to reach a police station and was subsequently arrested for prostitution. This incident occurred in Los Angeles, California to a 15 year-old girl named Tami (Goldberg 2015). In the United States more than 1,000 children are arrested for prostitution even though under federal law these minors cannot legally give consent to sex. The vast majority of these children are victims of human trafficking (Goldberg 2015). Unfortunately, the United States is not immune from the effects human trafficking brings to society. While most Americans would find it appalling, there are strong arguments in continuing to arrest juveniles for commercial sex acts. Many who advocate this position contend that it protects children from going back to their captor and provides services they desperately need. Nevertheless, a strong set of advocates vehemently opposes arresting victims for crimes they were forced to commit while under the authority of their abductor. These arguments surrounding human trafficking create dilemmas among lawmakers on the best course of action. In order to alleviate the confusion many governors and state legislatures have turned to ad-hoc policy task forces with a particular set of skills to investigate and deliberate issues surrounding human trafficking such as the scenario Tami experienced. This dissertation will examine the impact policy task forces have on legislative outputs as well as the influence interest groups may have on them.

Task forces are “investigatory bodies, generally without statutory bases, which within a defined purview are directed to seek out all relevant information, sift, piece it together, arrive at conclusions and on the basis of their conclusions, make recommendations for legislative and/or social action” (Flitner 1986, 16). Policy task forces can also be known as blue ribbon commissions, advisory committees, or working groups. The key point is a task force serves a limited time and at the pleasure of those that create it. Most political observers are aware that creating a task force is a way to moderate conflict or political demands. For example, Chicago Mayor Rahm Emanuel established a police accountability task force in response after weeks of protesting the police’s handling of a shooting incident that left a teenager dead. Thus, often task forces are a natural response by political elites to appear responsive to public demands.

Human trafficking is not the only issue for which states use task forces to examine the issues surrounding a societal problem. States create task forces examining policies ranging from health to criminal matters. Despite the frequent creation of task forces to resolve policy problems, this ad-hoc institutional mechanism appears to be unrecognized among political scientists. There is some research on presidential advisory committees, but studies focusing on state usage of task forces are understudied. Some scholars argue no real policymaking is conducted within a task force (Johnson and Marcus, 1985). Furthermore, they are powerless institutions that are not able to create change (Bell 1966; Flitner 1986). However, Tepper (2004) contends that if scholars research important pieces of legislation they will discover most of them begin from task forces. Nevertheless, there have been no quantitative studies analyzing the impact state policy task forces have on legislatures. This dissertation hopes to provide an answer whether

task forces affect legislative outputs. All previous studies provided a qualitative approach in examining their impacts. Consequently, given the potential effect these bodies may have on legislative outputs it is essential for scholars to rigorously test their influence.

The transitory nature of task forces or advisory committees makes them a difficult institution to study. First, with the exception of Maryland, no state provides an organized catalog tracking the types and kinds of task forces governors or state legislators create. Secondly, most states do not even keep track of their progress or recommendation. Typically, many states do not require task forces to keep track of their meeting notes. Subsequently, often there are no formal records that they even exist or meet. For example, in the state of Missouri, if a task force does not file a report the state archives do not maintain any of the meeting notes. Finally, and a primary interest for this dissertation, is that states rarely provide a public accessible membership list. States that do provide a list rarely identify what group or population members represent on the task force because they may not report as such. Accordingly, it is difficult to gauge interest groups' influence on this particular institution.

Notwithstanding these limitations it is possible to begin measuring their impact by reviewing several case studies. This dissertation will primarily examine three case studies to gauge task forces' influence on legislative outputs. Though these case studies will only scrape the surface in better understanding task forces' role in the policy making process. It is important to commence examining their role because other institutions such as the legislature, executive, and administrative formally utilize task forces to gather information and make recommendation on certain policies. This study will reveal that having certain interest group representatives on a task force may influence legislative

outputs. This type of lobbying goes beyond the traditional forms, which may provide opportunities for new groups to have a voice at the table. Thus, it appears scholars have overlooked a potentially vital institution in the policy making process in large part because of their transient nature.

Before investigating the case studies this research will briefly outline the interest group literature, discuss the scant literature on task forces, and then develop three overall hypotheses. The literature covering interest group influence is vast and conflicting. For example, scholars focused on contributions given by interest groups to politicians to see if they had any impact on policymakers' decisions. This literature primarily found contributions have no impact, but still some have found anecdotal evidence that money can influence politicians in certain situations. Because of these inconsistent results in the literature scholars developed more nuanced approaches in measuring group influence on policymakers. Specifically, researchers started to observe the different tactics such as how and where to lobby. Nonetheless, task forces are only briefly mentioned in the literature, which is a gap in the literature since there is evidence groups use task forces to assist them in influencing legislative outputs. There are several studies that focus on ad-hoc commission's impact and usage at the administrative level (Schlozman and Tierney 1983; McCubbins, Noll, and Weingast 1987; 1989; Balla and Wright 2001), but none examining their influence during the enactment phase of the policymaking process.

Since there is relatively little information on state policy task forces a rudimentary step is necessary that is determining how many and what types of task forces are developed by states. This is a necessary phase in order to see what types of task forces interest groups may have the opportunity to influence. Since there is no accurate or

organized listing it is important to establish whether patterns exist in the types of task forces politicians create. In other words, what kinds of policies do these task forces focus on? Therefore, a content analysis inspecting governors' executive orders was conducted to determine the number and types of task forces developed.

An examination of public policy task forces leads to three main hypotheses that this research addresses. First, it is important to simply test whether the presence of a task force has any impact on legislative outputs. The first case study looks at whether task forces influence state legislatures' decisions on providing economic incentives to expand rural broadband. While testing the impact the simple presence of a task force on legislative outputs is imperative, a better measure investigates the types of recommendations the task force produces and provides to state legislatures. The second case study examines whether a task force recommendation influences legislative outputs. This case study will examine the autism insurance bill, which compels private insurance companies to cover non-medical costs associated with autism. A strong task force recommendation should increase the probability of adopting an autism insurance bill. The final hypothesis and particularly germane to this study is whether interest group representatives appointed to task forces enhance the likelihood that their position will be adopted by the state legislature. This analysis draws scholars deeper into the direct impact this institution has on the policy making process. The last case study focuses on the efforts by anti-human trafficking advocates to convince states to pass safe harbor laws, which would protect juvenile victims of human trafficking from being prosecuted for prostitution. Advocates were appointed to many of the state human trafficking task

forces, which should increase the odds of their position being enacted by the state legislature.

The main criteria for selecting the case studies were the type of good the legislative output provides to the public. This research will view task forces that deliver a private, quasi-public, and public good. This naturally places task forces in different political environments and varying saliency making it an ideal selection process. The first case study concerning rural broadband places a task force in a private good environment since only a small fragment of the population benefits from the expansion of high-speed Internet. The autism case study is a quasi-public good because everyone has an equal chance of being effected by autism, but the disease only affects a small segment of American. Finally, human trafficking is a public good since all communities benefit from curbing criminal behavior. Secondary to the type of good, is data availability. It is imperative to have enough data to test the hypotheses. Thus, three policies were selected based on the type of good and data availability to conduct the case studies.

This study provides scholars with a first step in quantifying the impact task forces have on legislative outputs. In addition, it advances the interest group literature by examining an important institution that is, for the most part, overlooked by political scholars. Interest groups use varying tactics and utilizing a policy task force to advance their position may be another tool that is at their disposal (Schlozman and Tierney 1983). Furthermore, this type of environment may promote or give a voice to groups that may be ignored in more traditional lobbying techniques.

## Chapter 2: Literature Review and Theory

Despite the advancement in knowledge concerning interest group behavior and tactics influencing institutions, there appears to be an institution that simply goes unrecognized in the literature. This institution is the “ad-hoc commission” often known as a policy task force. An executive or a legislative chamber creates a task force in order to seek information concerning a specific policy problem. In addition, state and local officials establish most task forces even though the literature focuses on the federal level (see Flitner, 1986; Linowes, 1998; Komarovsky, 1975; Tutchings, 1979). The task force may offer politicians recommendations on a specific legislative proposal. The task force is typically composed of members from various backgrounds ranging from concerned citizens to corporations, from membership groups to government officials. Often interest group leadership serves on the panel or is asked to testify or report before the task force to offer expertise. Thus, commissions potentially offer groups another avenue to lobby regarding policy preferences.

American presidents and state governors have used policy task forces to address a societal problem. However, much of the literature pertaining to task forces or “presidential advisory commissions” is at the federal level (Flitner, 1986; Linowes, 1998; Komarovsky, 1975; Tutchings, 1979). Over the past six decades presidents formed over one hundred advisory commissions. The president used these task forces in a number of policy areas ranging from race relations to health care. Not only are ad-hoc commissions

established at the federal level, but also states create task forces. Unfortunately, there is no reliable estimate on the number of task forces states have employed in the past, but there is strong evidence that they are a popular choice for many states to use as a tool to help solve policy problems. For example, the state of Maryland currently has over 100 task forces devoted to various policy arenas from health care to adjunct faculty on graduation rates just to name a couple (Maryland Manual Online 2016)

Notwithstanding the frequency in the use of task forces there are relatively few studies that examine their impact on public policy. Additionally, there are no published studies that specifically examine task forces' influence at the state level when it comes to legislative outputs. There is a need for a rigorous study investigating task force power and whether interest groups can use them to influence policymaker decisions. Examining task forces across the states provide an excellent systematic study on an important, understudied topic, the current literature is focused at the federal level and does not address whether interest groups utilize task forces to endorse their policy decisions to sway legislative behavior. This chapter will review the relevant literature and develop a theory that this dissertation will address.

### **Literature Review**

The literature concerning how interest groups affect public policy is abundant and mixed. A meta-analysis study by Burstein and Linton (2002) discovered that between the years 1990 and 2000 that less than half of the 53 articles published in major political science and sociology journals indicated any interest group influence. However, Burstein and Linton (2002) do discover that interest groups can influence policy if they provide information and resources that help politicians' campaigns. Consequently, this study

denotes that more research is needed to decipher whether interest groups can have any influence on the policy making process.

One preoccupation with the social science literature is whether interest groups' Political Action Committee (PAC) contributions affect roll-call votes in legislatures. Baumgartner and Leech (1998) describe this literature as a "maze of contradictions." Some scholars claim that PAC contributions can influence floor votes (Frendreis and Waterman 1985; Langbein and Lotwis 1990; Stratmann 1991; Wilhite and Tielman 1987). Yet, several other scholars contend that PAC contributions only have modest or no effect at all on legislators' voting behavior (Wright 1985; Grenzke 1989; Bronars and Lott 1997; Wawro 2001; Wayman 1985; Welch 1982). To bolster their findings Dow and Endersby (1994) conclude that there is no systematic PAC influence when it comes to roll call votes in the state legislature of California. This is a significant finding because in the state of California there are no PAC contribution limits. However, Gordon (2001) cautions researchers to accept this finding because she discovers that PAC contributions do influence politicians' voting behavior when the pass or defeat of a bill is central or deciding vote. In addition, Witko (2006) advances PAC studies and discovers that they do influence politicians' voting behavior on non-ideological issues as well as the amount of time members of Congress spend on ideological issues in committees (see also Hall and Wayman 1990).

Despite the advancements and insights into interest group behavior in PAC studies the aforementioned literature still leaves some confusion. Because of this confusion Baumgartner and Leech (1998) urge scholars to take the entire political context into account. For example, studies focusing solely on PAC contributions are probably

too narrow of an approach in gauging interest group influence. Group activity is much more diverse than simply donating money to a politician's campaign fund. Groups do much of their work in setting the agenda, providing alternative policy choices to decision makers, and convincing politicians that the evidence they possess is relevant to the issue at hand (Baumgartner and Leech 1998). Thus, scholars need to come up with a much more nuanced approach in studying interest group influence. Evans (1996) provides a bit broader conceptualization of interest group influence by moving beyond roll-call analysis and surveying lobbyists' impact at the committee level. Investigating at the committee level offers a more accurate depiction of interest group activity because it takes into account varying lobby techniques used by groups to influence politicians such as their role in interacting with congressional staff (Evans 1996). Evans (1996) finds evidence that this interaction between lobbyist and politicians as well as their staff at the committee level has a significant influence on interest group success in achieving their ultimate policy outcome.

Evans (1996) gives way to a new line of interest group literature where scholars focus on the strategies and tactics groups practice in order to receive the benefits they seek from politicians. One tactic that interest groups use in order to gain more influence is joining or forming coalitions. Groups form coalitions because they perceive broader support will assist them in achieving their policy goals. Coalitions can help motivate local chapter members, which in turn may create saliency on the issue grabbing the attention of elected officials (Haider-Markel 2001). In addition to forming coalitions, interest groups also strategically decide who they should lobby (see Hojnacki & Kimball 1998, 2001; Goldstein 1999; Carpenter et al. 2004; Heberlig 2005; Naoi & Krauss 2009) and what

types of lobbying they should implement (Kollman 1998). These studies have led to advancement in the field of scholarly research because it is trying to measure interest group influence beyond, for instance, simply calculating how much money they donate to a politician's campaign.

While there have been great strides in understanding interest group influence, there appears to be an institution that goes unrecognized in the policy process, and that is the advisory commission or task force. The scant amount of work on commissions as an interest group strategy has been focused on bureaucratic agencies. Policy task forces can operate similar to government agencies as they have the potential of being captured by interest groups. Generally speaking, scholars have had a long-standing interest in the degree of interest group influence over bureaucratic decision-making. Early work suggested that regulated interests were often able to "capture" regulating agencies because they had the strongest incentive (relative to an unorganized public), as well as the technical expertise, to challenge agency decisions (Bernstein 1955; Stigler 1971; See also Lowi 1969; Maass 1951; Truman 1955). Eventually, the validity of "capture," "iron triangles," and other deterministic metaphors of regulated group influence over agencies was significantly challenged (see, for example, Anderson 1981; Katzman 1980; Gormley et al 1983; Sabatier 1975; Keiser 1980), but scholars have continued to find evidence that business interests play a significant role in the outputs of bureaucratic agencies (Yackee and Yackee 2006).

Particularly germane to this study is the body of work, which explores the influence of interest groups on bureaucratic decision-making with regard to their roles on advisory commissions. Schlozman and Tierney (1983) demonstrated that 76% of their

sample of groups active in Washington used service on advisory commissions to pursue their interests. Typically, the literature on advisory commissions is concerned with the degree to which Congress can overcome information asymmetries by placing groups that share its preferences on commissions. These are also, of course, de facto studies of the ways in which such membership benefits these groups. McCubbins, Noll, and Weingast (1987; 1989) argue that advisory commissions help “stack the deck in favor of the groups who, among those significantly affected by the policy, are also favored constituents of the coalition that caused the policy to be adopted.” Members of Congress and the groups that share their preferences can use advisory commissions to gain information about what agencies are doing and exercise some ex ante control over decisions. Balla and Wright (2001) extend the argument by demonstrating that seats on commissions are not simply a result of congressional preferences and that powerful interests are successful in getting preferred representatives onto commissions after they are created. As with other venues, the evidence is mixed regarding the actual influence that interest groups and the commissions they populate have on agency outputs (see for example Hill and Brazier 1991; Balla 1998). Nonetheless, the literature suggests that interest group influence on policy implementation is, in part at least, a function of the institutional presence they are afforded in the decision making process.

The research cited above has focused on federal agencies, and it is necessary to take the focus down to the states. There is a body of work focused explicitly on state-level interest groups, though it is significantly smaller than the literature on interest groups at the federal level. A portion of this work has focused on influence, though as in the larger interest group literature, evidence of “influence” is mixed (see for example

Thomas and Hrebenar 1990; Dow, Endersby, and Menifield 1998; Haider-Markel 2001). Much of the state-level work has focused not on specific tactics, groups, or policies, but rather on the general outlines and characteristics of state or regional interest systems (see for example Gray and Lowery 1996; Hrebenar and Thomas 1992).

There is, however, a set of studies focused explicitly on group tactics in the states. This work suggests that advisory commissions can be an important tool for groups to use at the state-level. Nownes and Freeman (1998) find that 76% of organizations list service on state-level advisory commissions as a means in which they pursue policy goals. This percentage matches those found in studies of national interest groups (Scholzman and Tierny 1983). Nownes and Freeman's data also suggest that the tactic of commission participation is roughly as popular among trade/industry (76%) and public (80%) interest groups. Nownes and Freeman do not explicitly distinguish between administrative and policy oriented commissions and, thus, some of the groups they study were likely reporting participation in the latter.

Interest groups make use of the advisory commission form in pursuit of their policy goals at the national level. Groups also view such tactics as productive (gauging by participation rates) at the state level. While much of this work focused on commissions in the implementation process, or failed to distinguish the particular type of committee, this study contends that institutional structures such as advisory commissions may also be a tool for state-level interest groups to exercise influence over legislative policy outputs. This section will briefly review the existing literature on such commissions, often referred to as "task forces," and develop the argument that they should be a mechanism whereby interest groups are able to increase influence over

policy. Policy task forces are, “investigatory bodies, generally without statutory bases, which within a defined purview are directed to seek out all relevant information, sift, piece it together, arrive at conclusions and on the basis of their conclusions, make recommendations for legislative and/or social action” (Flitner 1986, 16).

No accurate catalogue of task forces exists, but they have become an important part of the policy landscape at the state and local levels of government as well. A quick search of the National Governor’s Association and the National Conference of State Legislatures reveals references to hundreds of state-level commissions organized to study poverty, electricity, regulation, taxation, housing, human trafficking, transportation, early childhood education, identity theft, gun control/rights, and dozens of other issues. It is not known whether the number of commissions has increased over time. Also unknown is the fraction of instances where task forces play a primarily symbolic role. Nonetheless, their prevalence suggests that they have a *potential* for influence, which is worthy of further investigation.

Despite the large number of task forces at both the state and federal levels, there is relatively little systematic research examining their impact on policy. Bell (1966) and Flitner (1986) argue that for the most part these types of advisory commissions are symbolic and nothing more. Alternatively, Grob (2005) suggests that, Lyndon B. Johnson successfully used commissions to promote civil rights policies while Jimmy Carter’s advisory board on mental health was somewhat disappointing in creating a system to assist and care for seriously mentally-ill individuals. What the research has suggested, however, is that groups with primary interests in an issue area are typically well represented on both state and federal taskforces (Fritz 2010).

Despite the paucity of systematic evidence regarding task forces and policy outputs, there are numerous theoretical reasons to believe that these institutions will increase the likelihood that relevant interest groups see their preferences realized in policy. First, task forces may increase access to lawmakers. Numerous studies have indicated that institutions such as task forces provide stakeholders an opportunity to collaborate with policy makers (Beierle and Cayford 2002; Wondolleck and Yaffee 2000; Kellogg 1998; Korfmacher and Kontz 2003). While the broader interest group literature makes it very clear that access is not equivalent to influence, access can be an important and necessary antecedent. Access facilitates the delivery of information to legislators and, if the task force was championed by and is stacked with members from a particular group, then the information delivered through such access is likely to be more one sided than it is in a policy environment where no taskforce exists.

Additionally, task forces, which are often created by executives rather than legislatures, may raise the public salience of issues and increase their likelihood of making it onto the legislative agenda in the same way that coalition formation can (Haider-Markel 2001). Research on task forces suggests that they do play this agenda setting role (Fritz 2010). Even members of task forces who fail in their ultimate goal of converting recommendations into policy feel as if their work at least alerted the public and policy makers to needed reforms (Powell 2002).

The “advantages” of task force creation outlined above suggests that they may be an appealing option for public advocacy groups. These groups often lack the resources or established relationships with elected or administrative officials that trade or industry groups possess. Moreover, these groups are often advocating for issues or policies that

are important or visible to a relatively narrow segment of the population. The institutional advantages of the commission or task force form should be particularly valuable to public interest groups when these groups are agitating for a change to the status quo, as they are typically established to propose reform to a policy (Flitner 1986).

The assertion that public interest groups, such as those advocating change, may benefit from the task-force form accords well with some of the literature on collaboration and citizen engagement. That literature suggests that institutions that are outside the traditional policymaking process (i.e. executive, legislature, courts) do a better job of ensuring that all interests are represented and considered (Schaller 1964; Moren 1968). Much of this literature is concerned with the quality of the decisions made by these versus more traditional hierarchical forms. A core component of these arguments are that collaborative forms allow for the presentation of perspectives that would not otherwise have been considered and grants a voice to underrepresented interests (Cortner and Moote 1999; Wondolleck and Yaffee 2000).

Of course, despite the potential advantages for the task force form for relatively weak groups, there is no reason to believe that it will provide unadulterated influence over policy for those groups. On the one hand, for all of the reasons discussed above, established and traditionally powerful interests may oppose task forces focused on reform. These groups already have access to policymakers and, by virtue of their position, are likely to be more predisposed toward the status quo relative to “reform” groups. There are obviously a number of “established” interests in state politics, but as noted above, those representing powerful industries often appear to have the greatest influence over (or at least access to) the policymaking process.

Furthermore, if a task force is created, there is every reason to believe that industry groups will demand representation (Fritz 2010). Moreover, that they may be able to use superior resources (pecuniary and political) to sway the commission's outputs (Balla 1998). Indeed, while citizen groups gained unprecedented power in the 1960s and 1970s (Walker 1991), research suggests that corporate interests have experienced a resurgence (Vogel 1983). The research on interest groups suggests that business interests often use superior resources to achieve preferred outcomes in both the legislative and bureaucratic arenas (Schlozman, Verba, and Brady 2012; Golden 1991; Yackee and Yackee 2006). Some of the literature on collaboration also argues that collaborative organizations are vulnerable to power imbalances that consistently favor some interests that have resources and existing relationships with political principals (Tett, Crowther, and O'Hara 2003; Kjaer 2004; Ernst 2003).

In addition to obtaining information, task forces also assist in decreasing policy uncertainty for politicians (Moe 1990). Lyndon Johnson often used task forces during his administration to address numerous social problems most notably in race relations and poverty issues. Policymakers during this time had no idea the type of social, economic, or political costs that might incur if certain pieces of legislation addressing the aforementioned problems passed (Flitner 1986). Thus, it is reasonable to suggest that policymakers at the state-level have encouraged the use of task forces to address the growing uncertainty surrounding autism. The primary issue of discussion for most of these task forces is to ascertain the economic costs of forcing private insurance companies to cover children with autism. There is considerable debate on whether this measure would increase already rising premiums to everyone (Bouder et al. 2009).

This rise in political uncertainty across numerous policy areas is due to the increasing number of new issues on the political landscape. These new issues typically produce greater complexity and may affect a certain policy coalition in a different way (Sinclair 1981). Consequently, another advantage for politicians in constructing task forces is that they allow them to clearly locate new group alignments in a policy coalition. This information is crucial because the growing density of interest groups in states has hindered politicians' efforts to enact legislation (Gray and Lowery 1995). If politicians do not know where groups stand on a particular issue then it is harder for them to decide on a piece of legislation that will affect those groups in question. Task forces can expedite the enactment process by giving politicians well-defined group alignments. Thus, knowing the policy coalition cuts down on complexity.

In addition to recognizing the policy coalitions, task forces also reduce complexity for politicians by allowing them to simply claim credit if legislation recommended from a task force is enacted. In turn politicians avoid blame if the task force's recommendations fail or at least disperse blame across a number of entities if the recommendations hinder powerful constituents (Fritz 2005). This scenario is similar to lawmakers taking credit for federally funded programs due to citizens' confusion in properly identifying which level of government is responsible for a certain program (Nicholson-Crotty and Theobald 2010). Given the ample evidence that people do not pay attention to politics it is highly plausible they would not know if a politician or a task force ultimately recommended a piece of legislation.

## Theory

For the reasons discussed above, public and industry groups as well as politicians may endorse the usage of task forces to increase the likelihood that their preferred policies are enacted. The idea that groups to advance their policy goals can use task forces is incomplete since there have been no quantifiable studies examining impact of task forces on legislative outputs. Consequently, there are several hypotheses that need to be developed and tested in order to decipher whether task forces have any influence on legislators' behavior.

One of the most fundamental aspects to test is whether the simple presence of a task force has any impact on legislative outputs. This is important to ascertain since most scholars believe that they are essentially a powerless institution that is unable to create change (see Bell 1966; Flitner 1986). Chapman (1973) notes that these types of ad-hoc commissions often are formed to allow politicians to avoid or delay answering important political questions. This allows politicians to give the appearance they are doing something when in fact they are simply doing nothing to address the real issues. Nevertheless, these task forces can offer experts from within and outside the government a forum to exchange ideas and spur new research on an area of concern (Tepper 2004). Moreover, task forces may open doors for politicians and groups to keep an issue alive, bring a problem to the public's attention, or enhance their positions by receiving outside validation from a group of experts, which might ensure legislative outcomes in their favor (Tepper 2004). Given the lack of systematic research it is unclear to conclude whether the presence of a task force can influence legislative outputs. Therefore, testing their effect is necessary to gain a better understanding of the policymaking process.

While testing the impact of the presence of task forces is essential, it is even more important to determine the influence their recommendations have on legislative outcomes. The recommendations task forces provide to policymakers appear to be a much more nuanced approach compared to simply controlling for their presence. Luck (2000) contends that it is hard to judge the short-term effects of these recommendations provided by ad-hoc commissions, but the long-term impact may provide an intellectual core and stimulus for future research in a policy area. The National Commission on Excellence in Education structured the debate and research agenda in education for twenty years (Vinovskis, 1999).

Some argue that ad-hoc commission reports lack any real substance or direction for policymakers. Paul Peterson of the Brookings Institution wrote,

The reports themselves prove to be disappointing. If we judge them by the standards ordinarily used to evaluate policy analysis, they simply do not measure up. With some exceptions, the studies do not address the most difficult conceptual and political issues. Instead, they reassert what is well-known, make exaggerated claims on flimsy evidence, pontificate on matters about which there could scarcely be agreement, and make recommendations that either cost too much, cannot be implemented, or are too general to have any meaning. (In Johnson and Marcus, 1985, 65)

Peterson maintains that the idea that politicians create task forces to obtain information or gain technical knowledge on a subject is not possible.

Thus a controversy remains in whether a task force's report has any impact.

Tepper (2004) disputes Peterson's claim because if scholars back tracked major pieces of legislation in a state several stem from task forces. For example, many of Utah's state laws concerning urban sprawl and water management derive from a Growth Summit hosted by the governor's office. This effort brought together key leaders from across all sectors of society to present ideas and develop recommendations for legislatures to use.

In order for political recommendations to be successful, Luck (2000) argues, they need to be in line with the political establishment. Additionally, Luck (2000) claims that reports need to ask for simple reforms to an existing policy rather than asking for a complete overhaul of the law.

Again, the lack of consensus within the literature renders two questions that are essential to answer. First, do recommendations from task forces to politicians make a difference for influencing their decisions? Several factors may contribute to the answer such as the strength of the recommendation and interest group pressure. Interest groups may play a critical role in influencing how the task force writes their recommendation to the legislature. Interest groups may enhance their policy positions through the use of task forces and writing a recommendation.

The recommendations certainly draw us closer to gauging the true impact task forces have on legislative outcome. There seems to be another measure to test their influence and that is the task force's membership composition. In other words, what interests do these members represent on the task force? Often governors will appoint task force members from groups that have an interest in the topic at hand. McCubbins, Noll, and Weingast (1987; 1989) stated that advisory commissions help "stack the deck" for groups that are affected by the policy. Hence, these groups should have an easier time obtaining their policy goals. Furthermore, powerful interests are able to obtain membership once the task force has been established (Balla and Wright 2001).

However, when viewing state policy task forces members may derive from groups that typically are not capable of influencing politicians through standard lobby techniques. This sort of an environment, as noted by Tepper (2004), encourages

collaboration. Thus, an environment that endorses collaboration may suggest that task forces can be influential in effecting legislative outcomes. By allowing stakeholders in the process this allows the task force recommendation to be tailored to combat local problems. However, Korfmacher and Kontz (2003) caution by stating that task forces still need to deliberate and investigate the information they receive from stakeholders in order to make sound recommendations. Thus, collaboration needs to occur between policymakers and interest groups within the task force in order for the institution to promote the concerned groups' policy goals. If a task force is stacked in favor of one set of interests it may prove difficult for the opposing side to exert any influence. Therefore, membership composition is important in understanding the impact task forces have on legislative outputs.

Therefore, task forces may affect legislative outputs. While some studies may have indirectly or referred to the fact that task forces have an impact on the policy process, no studies have directly and quantitatively tested their effect on legislative outcomes. This study will test these hypotheses by looking at three different cases. These cases studies were selected by differing policies, varying saliencies, and political environments, but mainly by the type of good it produced. The type of good the legislative output produces naturally tests the relevancy and influence task forces have on the policy making process. Unfortunately, given the lack of data concerning task forces it was not possible to test all three of the main hypotheses in each case study. However, this study will be an effective beginning for better understanding the role task forces perform in the policymaking process.

The first case study will examine the effect a task force has on bringing broadband technology to rural areas. In this case, the simple presence of a task force will be the measure of influence. Obviously, the output is a private good since only a small percentage of people will be receiving the benefit. The second case study will test whether it is the recommendation from the task force that influences legislative outputs. Specifically, it will test whether the recommendations from the task forces influence politicians to pass a bill that mandated private insurance companies to cover nonstandard medical services to children with autism. The good provided is a quasi-public since everyone has an equal chance of being effected by autism, but, in reality, only a small percentage are actually impacted by the disease. The final case study will examine the membership composition of the task force and whether it can sway legislators' opinions on a certain policy. In particular, it will explore how the membership composition of task forces investigating human trafficking policies can guide politicians to approve a policy that will provide immunity to juveniles that have committed crimes while under the control of a captor. While the chances of someone actually being a victim of human trafficking is slim, the idea of combating this crime is a public good since positive outcomes will enhance the quality of life for everyone in the community. In all three cases, influence from interest groups will be tested in order to determine whether groups can utilize another often-unrecognized institution to achieve their policy goals. Though the mentioned case studies have various limitations they will provide researchers some insights on the impact task forces have in the policy making process. Before turning to the case studies it is important to ascertain the number and types of task forces interest groups may influence.

### **Chapter 3: Gubernatorial Task Forces**

Policy task forces are not a novel entity for politicians to develop for tackling societal problems. Most of the research concerning policy task forces concentrates at the federal level, particularly on presidential usage. John Kennedy utilized policy task forces to provide the President-elect with information and recommendations on a number of domestic and foreign policies prior to his inauguration. Kennedy did not continue his use of task forces while in office, but the President did seek council from members of those task forces on an ad-hoc basis (Thomas and Wolman 1969). Kennedy paved the way for Lyndon Johnson and his advisors to employ policy task forces. The Johnson Administration used policy task forces extensively to foster different solutions for a host of domestic policy problems from civil rights to housing (Thomas and Wolman 1969). In 1993, when Bill Clinton took office, he immediately formed a task force to develop a universal health care plan. George W. Bush established a task force on the delivery of healthcare services to veterans in 2001. Barack Obama established the President's Task Force on 21<sup>st</sup> Century Policing in order to address the rising concerns over questionable police conduct. The custom of creating task forces for policy change is not limited to the federal executive. Governors and state legislatures also institute task forces to tackle certain policy issues.

States routinely use policy task forces. Nevertheless, there is relatively little to no social research on these advisory bodies. Since there is no systematic study focusing on

state policy task forces, it is important to gather some rudimentary information concerning these ad-hoc advisory organizations. One important piece of information lacking is what policy areas states focus on when creating a task force. This basic information appears to be often disregarded, but vital to the understanding of policy task forces. It is crucial to establish what policies task forces primarily focus on because they may influence legislators' decisions during the enactment stage. This study will conduct an analysis inspecting the types of task forces states create. Is there a policy arena that dominates? Do states create task forces that center exclusively on complex policies? A content analysis of gubernatorial task forces enhances our knowledge of this potentially powerful and overlooked institution in the field of state politics. Before researchers can answer interesting questions such as whether they were created solely for symbolic purposes or for providing politicians information. The policy range of task forces is important precursor to understanding motivation behind the creation of task forces, their recommendations, and the effect on legislation.

### **Content Analysis**

Governors often create task forces through executive orders. Locating information on the scope of gubernatorial task forces is difficult as there is no national list collected on their creation. However, some states publish executive orders on the Internet, so gubernatorial task forces can be counted this information. This online data allows for a content analysis of executive orders across 29 states from the years 2000 to 2009. Unfortunately, executive order data are missing from the other remaining 21 states online archives during this time period. The missing includes nine traditionally Republican states, seven typically Democratic states, and four states that are customarily toss-ups in

the presidential election. Consequently, there is no partisan bias to the excluded states. However, the missing does contain two more populated states California and New York. A limitation to the task force census is that it covers only task forces created by governors; it excludes those that are formed by state legislatures while it is unclear how many state legislatures establish task forces some do. Despite these restrictions, this analysis provides new and important information regarding to general trends in of the incidence and types of task forces states create.

### *Coding*

Identification and categorization of policy task forces depends on effective operational definition. Coding of task forces was cumbersome. States use a variety of names to describe these ad hoc policy panels such as governor's boards, commissions, advisory councils, and of course, task forces. The panel assigned name was irrelevant because all of them serve the same function. Their purpose is to examine a policy area and make recommendations or action to elected officials. The term task forces will be used for the remainder of this analysis.

The operational definition for task force identification was based on the mission or purpose. A task force is a temporal ad-hoc institution created to investigate a policy and serve for a limited time. Within the set of executive orders many instances occur where governors signed new executive orders to extend an existing task force's work, these executive orders were not coded for because the initial task force organization already was counted. The decision was that extensions were redundant and could bias the sample for one policy arena when in fact the governor was simply renewing the same task force. The goal here is to identify and categorize the variety of task forces created.

Likewise, several executive orders created new “offices” of the governor. These offices were excluded because of intent to be permanent or semi-permanent bureaucratic institutions. For instance the National Security Council and the Office of Management Budget produce policy recommendations to the president, but these are part of the bureaucracy not semi-autonomous task forces.

The second major coding issue is to determine policy categorization of each task force. In other words, task forces are allocated into different policy arenas. Dividing task forces up among varying policy groups is a rather difficult task. First, a template assisted in creating consistency and accuracy in the policy coding process. Baumgartner and Jones’ Policy Agendas Project provides a satisfactory guideline to code task forces into various policy topics. This guide eliminates an arbitrary classification of policy arenas. Baumgartner and Jones (2014) establish a major topic codebook divided into 21 different policies ranging from agriculture to social welfare. A full list of policy domains are presented in tables below.

The classification of policies was identical to Baumgartner and Jones (2014). However, explanation on how task forces are assigned to the various policy arenas is necessary. Task forces can operate within multiple policy arenas. A few of the Baumgartner and Jones topics require further clarification regarding the coding process. For instance, if a task force appears to focus on more than one policy the primary goal of the task force was the determining factor in its policy allocation. For example, in several incidents, a governor would create a task force to examine economic policies. The task force might investigate job growth, tax policies, home mortgages, or a combination of the three. If the primary goal of the task force was specifically on job growth then it was

coded in labor and employment. If the purpose was to investigate the mortgage crisis then it was assigned to community and housing development. If the task force was charged with examining multiple economic issues then it was placed in the macroeconomics category since it was apparent that the purpose was to look at the state economy as a whole. For instance, in 2009 the governor of Delaware established the “Governor’s Stimulus Solution Group” to examine ways the state can spur their economy from job growth to mortgage relief. A few examples are discussed in detail while reviewing the findings.

### **Findings**

Governors frequently create task forces for policy recommendations. Overall governors in 29 states created 921 policy task forces through executive orders between the years 2000 to 2009. Figure 3.1 displays, the number of new task forces created by governors through executive orders by year. Task force creation, for the most part has been on a steady, slow decline. This contradicts the observation of Fritz (2010) that governors are increasingly relying on policy task forces. Fritz only reviewed health care policy task forces in three states. Fritz (2010) reveals that governors’ usage of health care task forces was on the rise and further claims that this is probably generalizable to all policies. New task forces peak in 2003 with 119 and dip to 63 in 2009, a 47 percent decrease. Other factors might explain the steady reduction after 2003. For instance, the terrorist attack of 9/11, many states developed anti-terrorism task forces as well as citizen’s corps, which focused on policies to promote volunteerism and first responders within local communities. During this time around 60 percent of task forces from 2000 to 2002 were created by Republican governors. These Republicans were possibly following

the lead of President George W. Bush who encouraged states to invest in first responders in the wake of 9/11.

The second across-the-board statistic that was coded concerning task force creation is the partisanship of the governor. There were 34 Republican governors compared to 28 Democratic governors from 2000 to 2009. After 2002, Democratic governors created a majority of task forces each year ranging from a low of 51 percent in 2003 to a high of 75 percent in 2009. Over the entire ten-year time period Democratic governors created nearly 54 percent of policy task forces. There are a couple of plausible reasons for why Democratic governors create more task forces. First, the partisan bias could relate to issue ownership (Petrocik 1996). Both parties are able to create more task forces based around their issues. For example, the terrorist attacks on 9/11 influenced Republicans to create more task forces. During the economic recession, Democrats created more social welfare task forces. During the years 2000 to 2002 there were 17 task forces created related to defense issues such as homeland security while only 10 were created focusing on housing and 13 concentrating on social welfare. From 2003 to 2009 there was a steady increase in social and housing task forces. During this time, 44 task forces were created to look at social welfare policy and 42 to examine housing policies while only 22 were formed looking at defense issues. Consequently, defense related task forces are nearly identical in the later span of seven years as they were in the initial three years from 2000 to 2002. In short, Republicans formed task forces that promoted security policies while Democrats started task forces to enhance social welfare programs, which the creation of these task forces were probably triggered by a societal event. A second plausible explanation is that Democrats simply prefer more government regulations and

Republicans less. Democratic governors than may encourage roundtable discussions to discuss policy recommendations.

[Insert Figure 3.1 here]

Each task force is classified according to primary policy arena. Table 3.1 provides all the policy topics and number of task forces created from the years 2000 to 2009.

Governors created more task forces in the policy arena of law, crime, and family issues (15%). This expansive category includes crime, domestic abuse, foster care, and corrections. It is unsurprising that this category leads among the policy topics because state governments traditionally have greater policy jurisdiction and discretion here. In addition, it is popular for a governor to create a task force to look into crimes against children although laws already exist to protect children. For example, in 2003 New Hampshire Governor Craig Benson created a task force assigned at examining ways to protect children from abuse. A close second behind the crime category is government operations task forces (14%). This topic includes policies pertaining to state employee pay, interagency cooperation, elections and voting, and a number of historical and commemorative task forces. Again, states rather than the federal government largely regulate these policies.

[Insert Table 3.1 here]

Health related policy task forces rank third (12%). Health care issues are prominent in state and national policy agendas recently. This policy category includes task forces devoted to finding information about a specific disease or condition, hospital related problems, medical care employment matters, elderly care, and mental health illnesses. Mental illness is included in this category only if the goal of the task force is to

seek information concerning the disease. If a task force creation examined ways to improve services for those with physical or mental handicaps then it falls within the social welfare category. This procedure is identical to Baumgartner and Jones (2014). Secondly, following Baumgartner and Jones (2014) coding scheme, a task force focusing on veterans' care is classified under defense policy instead of health.

Other policy arenas are also difficult to distinguish. Policies relating to the environment, energy, and public lands and water management were cumbersome to code because of substantial overlap. For example, a task force examining forest preservation could be classified either in environment or in the public lands and water management category. If the task force is assigned several competing issues concerning forest preservation it was coded within the environment category. On the other hand, if the task force is charged with forest preservation solely on land preservation then it falls under the public lands management policy consistent with Baumgartner and Jones. Similarly, energy and the environment are somewhat problematic to distinguish because energy task forces often examined the impact of certain policies on the environment. Ultimately, if the main goal of the task force was primarily in energy, it was coded as an energy task force. If energy was a secondary focus, a part of a long list of environmental concerns, it is coded in the environment category. Given the intractable problems in distinguishing these similar policy categories, prudence suggests merging them. Combined, these three categories account for approximately 12 percent of all task forces.

Another interesting observation concerns the economic policy task forces. Macroeconomics advisory panels account for 4 percent. These task forces review general economic issues such as taxation and inflation. This seems surprisingly low given states'

economic and budget crises. In addition, given the constant concern over local job creation only 4 percent are devoted to labor and employment. This rate might be higher, but Baumgartner and Jones (2014) classify medical employment matters under the health category and public employment concerns under government operations. The community development and housing category exceeded the previous two economic policy categories, at 6 percent. However, merging these three policy arenas accounts for 12 percent of task forces created. This may indicate state concerns with economy, but tailor their task forces to address particularistic economic problems. Governors and legislators pay more attention and have a greater stake in broader state economic policy

The categories with least frequency are policy arenas that are traditionally under the purview of the federal government. For example, immigration and foreign trade account for less than 1 percent of all task forces created. New Jersey established two task forces investigating matters related to Cuba. In the coming years, immigration policy task forces may receive a spike in numbers especially for states along the Mexican border, given the recent amount of media attention immigration receives. In addition, Arizona's immigration law might diffuse to other states attempting to assert authority. Peculiar among the infrequent policy categories is agriculture. Governors' established only ten task forces pertaining to agriculture. One explanation could be that farm policy is so important to many states that governors and legislators has no need to establish a task force to draw attention to agriculture affairs.

Beyond of the top three policy arenas, frequency within categories hover around four to six percent. States exhibit diversity in terms of the policy arenas. This finding suggests a few things. First, governors may tailor task forces to fit the special needs of the

states. This appears to be the case in the realm of economic policy. Second, governors might respond to a crisis or event occurring within their state. For example, two major school bus accidents occurred on the same day killing two students and injuring several others in the state of Missouri (Missouri Executive Order 05-14). Shortly after the accident, Missouri's Governor Matt Blunt formed a school bus safety task force. This task force creation was clearly a response to the fatal school bus accident. This task force did not produce a wave of school bus safety boards across America, presumably because other states experienced no such bus crash as Missouri.

Democratic governors establish more task forces than Republicans from 2000 to 2009. In Table 3.2 provides additional evidence illustrating that Democrats create more task forces across a wide range of policy arenas. Not surprisingly Democrats significantly form more task forces in policies areas such as civil rights, welfare, and business regulation (banking, finance, and domestic commerce) compared to Republican governors. Democratic governors created more education task forces, somewhat unexpected given George W. Bush's "No Child Left Behind" policy. Democratic governors may want to form education task forces in response to No Child Left Behind and charge those task forces to make recommendations on how to implement or minimize new federal guidelines. Republicans created more task forces focusing on the environment, a traditional Democratic issue. Perhaps parties create task forces to counteract actions of the opposing party or related to characteristics of states with Democratic or Republican governors.

[Insert Table 3.2 here]

### **Task Force Membership**

Not only do scholars and political practitioners have little information about the type and number of task forces, they also lack information about task force membership. Membership is even more difficult to obtain since most membership information is not filed with the state archive offices unless the task force actually files a report to either the governor or state legislature. This makes it impractical to create a comprehensive database of task force membership. Nevertheless, it is possible to establish a snapshot of membership by investigating cases for which task forces have reported to either the governor or legislature. Balla (1998) suggests a seat on task forces is an important part an interest group's ability to influence the recommendations produced. This study obtained membership data on two particular policies: autism and human trafficking.

Beginning in the early 2000s, states began to develop task forces to review the services they offer to children with autism. Indiana was the first state in 2001 to establish an autism task force. Many of these task forces offered recommendations to enhance the services available for children. One new service proposed for adoption by many task forces was to obligate private insurance companies to cover mental health services such as speech therapy to children with autism. This highly controversial recommendation required a health insurance company to pay for services beyond traditional medical expenses, an expansion of insurance coverage. Insurance companies, presumably, opposed the expansion of coverage for autism and related conditions. Task forces recommended this new policy, but the membership composition may have swayed the policy recommendation.

Unfortunately, data on task force membership in the autism case are only reliable in 26 states. Data from the remaining ten other states were not published on their websites. However, these data provide a good picture of the membership composition of a typical autism task force. On average approximately 20 members served on autism task forces across the states. The data produce some interesting observations. First, given the nature of this proposed policy, expectations are that a private insurance company representative serves on a task force on autism. Yet in five out of the 26 states private insurance representative held a seat. Insurance companies may have simply refused an invite or never asked to serve on the panels. Task forces in 19 states consisted of members from non-governmental organizations that supported the expansion of services to those in the autism community. In 12 states non-governmental organizations held multiple seats. Some of these members were either a part of Autism Speaks or Autism Society of America. Autism Speaks established a major grassroots movement across the states to encourage support for requiring insurance companies to pay for services involving autism. Consequently, many of these supporters were parents of autistic children. Either state legislators or a governor in many states invited representatives from these parents for membership on the task force. Parents of autistic children are represented in 23 out the 26 states on autism task forces. In addition, two states invited a person diagnosed with autism to be a member of the task force. Thus, it appears that the membership of the task force slanted towards the autism advocates. Table 3.3 below provides a breakdown of membership composition by state.

[Insert Table 3.3 here]

Group strength may correlate with a seat at the table, particularly for autism advocates. Autism Speaks and the Autism Society of America have 234 local chapters throughout the states that advocate on behalf of those suffering with autism and offer services to families that have a child with the disease. One proxy measure for group strength is the number of chapters in a state. In states where Autism Speaks or Autism Society of America had no representative on the task force; the average number of chapters was 2.1. Conversely, the average number in states where those groups had at least one member appointed was 4.3. Similarly, according to the National Institute on Money in State Politics, Autism Speaks lobbied in a significantly higher proportion of states where an ASA or AS member was named to the taskforce, relative to those states where one was not. Autism group strength was also associated with the explicit representation that insurance interests received on autism task forces. The average number of chapters in states where an insurance industry representative had a seat was 2.3. In those where the industry was not represented, that number was 4.5.

By looking at the amount of contributions from the insurance industry to candidates also appears to correlate with appointment to autism task forces. On average, contributions to state legislators' campaign in states where the industry got a seat at the table were almost two-standard deviations higher relative to those states where they were excluded from commissions. Recall that only five states had an insurance representative, thus the sample size is too small to make any definitive conclusions. Obviously, there are numerous other shortcomings in these rather prosaic analyses and the data used in them. Nonetheless, they do seem to suggest that the membership of autism task force was correlated to some degree with the presence that interested parties established within a

state. This data could also provide evidence that groups are in fact using task forces to promote their policies. The autism case may actually indicate that groups are trying to capture the task force in order to sway recommendations that are favorable to them. Again, more data collection and research across multiple task forces and polices needs to happen in order to provide a more confident conclusion.

Examining data from human trafficking task forces provides another small step in gaining a clearer picture of membership on policy task forces. Yet, it still does not address who was contacted and declined the invite. In the late 2000s human trafficking became a prominent public issue for many states to address. Traditionally, human trafficking was defined as an international policy. Thanks to increased media attention the issue was placed on many states' political agenda. There are two types of human trafficking. The first category pertains to involuntary servitude not including sexual acts, such as for manual labor. The second type includes a variety of activities engaging a person in commercial sex. The latter draws more media attention because often the victims are children. In order to address the issue of human trafficking 22 states formed task forces from 2008-2014. Most of these task forces focused on the sexual servitude category and, particularly, policies that help children.

One such policy was the safe harbor law. Prior to the safe harbor movement, juveniles who were caught by law enforcement performing commercial sex acts were arrested even if a captor forced them to engage in illegal activities. Many anti-human trafficking advocates were appalled by how state governments handled innocent children forced to commit sex acts. Consequently, many advocates began encouraging states to adopt a safe harbor law. This provision would protect innocent children from being

charged with a crime that they committed under the control of a captor. While this law seems reasonable, there was a significant amount push back from the law enforcement community because these crimes are no different than those involving children forced to push drugs, which typically leads to arrest. Essentially those in law enforcement argue that the safe harbor law is not fair since they arrest others who are forced to do crimes by someone else. Thus, task forces were developed to debate the relative merits of issues such as safe harbor.

Similar to the autism example, many non-governmental organizations were invited to have a seat on task forces. A typical human trafficking task force averaged approximately 26 members. In 18 out of the 22 states non-governmental organizations were asked to serve on a state task force addressing the issues surrounding human trafficking. Task forces in those 18 states dedicated, on average, 28 percent of their seats to human trafficking advocacy groups. While not a large percentage, advocates held enough seats to influence a small body such as a task force. For example, in 11 states that had a human trafficking advocate passed a safe harbor law. This provides anecdotal evidence that these members may convince a task force to support their policy position. However, three out four states that did not have any advocates serving on a task force passed safe harbor laws. New York was one of the three states that did not have any advocacy groups serving on the task force and was the first state to pass a safe harbor law.

These two cases provide a glimpse of the membership composition of a typical task force. It is interesting that in both cases non-profit organizations were able to earn a seat on a potentially powerful quasi-governmental body. Policy task forces appear to

provide these groups an avenue to voice their opinions and concerns. Another intriguing observation in the autism case is the powerful insurance industry only served on a handful of task forces. It is unclear whether they were not asked or chose not to participate. The latter would seem plausible since the insurance industry is a traditional economic interest group that probably does not deem task forces useful. If that was the case insurance interests may have underestimated task forces' impact on state legislators' decisions. Alternatively, insurance companies may not have wanted to appear opposed to a growing public concern. Likewise, insurance companies may have felt secure to rely on their influence in traditional legislature and bureaucratic venues.

The analysis concerning task force membership and composition is limited to two isolated policies. However, it is the most detailed information to date concerning membership composition of state policy task forces. More research is needed to investigate appointments to these advisory panels and the motivation for membership. While no definitive conclusions can be drawn from the membership data, groups that are customarily underrepresented in other traditional avenues of lobbying are included in the task force arena. These groups articulate interests and influence policy decisions that they otherwise could not do so in more conventional forms of lobbying.

### **Conclusions**

The analysis presented in this chapter provides basic and essential information for our understanding of state policy task forces. On average a state governor establishes three task forces per year further illustrating the need for more research. Currently, there is scant amount of research concerning policy task forces and few published studies examining their direct impact on legislative outputs. It appears that most scholars adhere

to the established view that task forces are simply symbolic. However, there have been few empirical studies that attempt to ascertain their role in policy formation. In some policy cases, such as autism and safe harbor, task forces influence policy adoption in ways that are not simply symbolic. Therefore, it is important to revisit this body of research in order to truly understand this somewhat mystical entity in state politics.

The types of task forces governors create are varied, many dealt with law, crime, and family issues, which customarily involve state problems. Governors also formed some of task forces addressing issues surrounding health and education policies. While these policies are traditionally state issues, there is some indication that this is in response to federal government intervention and attention. During the period under investigation “No Child Left Behind” was implemented and the Affordable Health Care Act, or “Obama Care,” was debated on the federal policy agenda. Hence, it is reasonable to suggest that these task forces were formed in response to federal intervention in a policy area that is customarily a state issue. Finally, governors rarely form task forces that deal with issues that are primarily debated and handled at the federal level such as defense and trade matters. Governors rarely created task forces to investigate problems concerning immigration, which was a major topic among the border states. The propensity for task force creation on areas of state concern lead credence to the view the purpose of task forces is not merely symbolic.

Democratic governors created more task forces during the time frame of this study than Republicans. This is not too surprising given the origins of task forces and advisory boards a forum for policy debate were first utilized extensively by John F. Kennedy and Lyndon B. Johnson at the federal level. Within every policy arena

Democratic governors formed more task forces. Republicans dominated in several policy arenas and created more environmental task forces than Democratic governors. One possible explanation could be that politicians create them in response to an opposing party's policy proposals.

Since Democratic governors appear to rely on task forces more often than Republicans it reasonable to suggest that it may explain the type of task force membership composition from the two case studies It appears Democrat governors tend to be more open to advocacy groups and less for traditional economic groups such as the insurance companies. However, this might not be generalizable given the support Democrats receive from union groups. Subsequently, at least for autism and human trafficking, advocacy groups received a seat at the table. Granted this may be because they never lobbied the governor to receive a seat or rejected an invitation to serve.

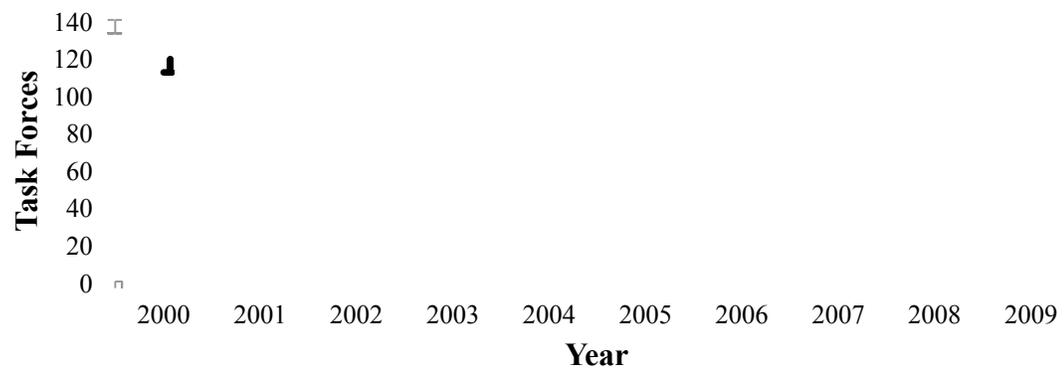
The major finding concerning membership is that in the two case studies examined each had representation from groups that scholars may typically contend struggle at traditional lobbying tactics. The usage of task forces appears to provide groups with another avenue to promote their policy positions. Political scientists too often overlook the importance of task forces on public policy adoption and evaluation. Advocacy groups are able to exert more influence than conventional wisdom might suggest.

This study has some limitations. First, it only looks at 29 states over a span of ten years. Second, this review only examines those created by executive orders from governors. The usage of task forces by governors is trending downward, but it does not take into account those created by state legislatures. State legislatures also create task

forces to evaluable public policy issues. Finally, the membership data looks at two issues. These two cases involved state task forces that achieved some success often leading to legislative adoptions. However, obtaining membership data is extremely difficult unless the task force files a report to the governor or legislature. Even in those cases it is not a guarantee that members will be listed. Nevertheless, this offers a detailed look at membership of task forces across the states.

This analysis raises more questions than answers. For example, it appears that most task forces simply fade away supporting the conventional view that their formation is purely symbolic. However, in the following case studies these task forces appear to be able to influence politicians' decisions. The question that remains is what makes those task forces atypical.

**Figure 3.1**  
**New Gubernatorial Task Forces by Year**



Includes 29 states

**Table 3.1**  
**Gubernatorial Task Force Creation by Policy Arena**

Policy Arena	Number of Task Forces	Percentage of Task Forces by Policy
Macroeconomics	38	4.1%
Civil Rights, Minority Issues, and Civil Liberties	33	3.6%
Health	108	11.7%
Agriculture	10	1.1%
Labor and Employment	36	3.9%
Education	70	7.6%
Environment	57	6.2%
Energy	35	3.8%
Immigration	4	0.4%
Transportation	32	3.5%
Law, Crime, and Family Issues	135	14.7%
Social Welfare	57	6.2%
Community Development and Housing	52	5.7%
Banking, Finance, and Domestic Commerce	29	3.2%
Defense	39	4.2%
Space, Science, Technology, and Communications	37	4.0%
Government Operations	129	14.0%
Public Lands and Water Management	17	1.9%
Foreign Trade	3	0.3%
<b>Total</b>	<b>921</b>	<b>100.00%</b>

\*29 states from 2000 to 2009

**Table 3.2**  
**Task Force by Policy Arena and Gubernatorial Partisanship**

Policy Arena	Number of Task Forces Created by Republican Governors	Number of Task Forces Created by Democratic Governors	Percentage of Task Forces by Policy Created by Democratic Governors
Macroeconomics	18	20	52.6%
Civil Rights, Minority Issues, and Civil Liberties	12	21	63.6%
Health	48	60	55.6%
Agriculture	4	6	60.0%
Labor and Employment	14	22	61.1%
Education	25	45	64.3%
Environment	31	26	45.6%
Energy	17	18	51.4%
Immigration	0	4	100.0%
Transportation	21	11	34.4%
Law, Crime, and Family Issues	59	76	56.3%
Social Welfare	23	34	59.7%
Community Development and Housing	24	28	53.9%
Banking, Finance, and Domestic Commerce	10	19	65.5%
Defense	19	20	51.3%
Space, Science, Technology, and Communications	20	17	46.0%
Government Operations	63	64	50.4%
Public Lands and Water Management	11	6	35.3%
Foreign Trade	1	2	66.7%
<b>Total</b>	<b>420</b>	<b>499</b>	<b>54.2%</b>

\*29 states from 2000 to 2009

**Table 3.3**  
**Autism Task Force Memberships by Group Type and State**

State	Parents	AS or ASA	Other Non- Profit	Diagnosed Autism	Insurance	Total
Alabama	0	3	0	0	0	27
Alaska	3	0	1	0	0	18
Arkansas	1	1	2	0	1	15
California	6	0	0	0	0	16
Colorado	7	1	0	2	0	24
Delaware	6	1	0	0	0	14
Florida	1	2	1	0	0	21
Hawaii	0	0	3	0	0	9
Illinois	9	2	9	0	0	54
Iowa	4	0	1	0	1	24
Kansas	4	0	1	0	1	20
Kentucky	5	0	0	0	0	22
Massachusetts	2	0	10	0	0	44
Minnesota	2	1	4	0	0	17
Mississippi	3	0	0	0	0	16
Missouri	7	0	0	0	0	16
New Jersey	0	1	7		0	14
Nevada	3	0	4	0	0	14
New Hampshire	5	2	0	0	0	25
North Dakota	2	0	2	0	1	14
Ohio	3	1	0	0	0	30
Oklahoma	0	1	3		0	17
Oregon	4	0	0	0	0	10
Texas	4	0	0	0	0	14
Washington	2	0	0	0	0	15
Wisconsin	3	0	4	0	3	18

**Appendix 3.1**  
**Number of Task Forces by State**

State	Task Forces
New Jersey	76
Arizona	59
Missouri	57
Alabama	55
Louisiana	55
Delaware	45
Florida	42
Massachusetts	42
Wisconsin	42
Georgia	41
Michigan	40
Colorado	38
Montana	34
Illinois	33
Oregon	28
Iowa	25
New Hampshire	22
Tennessee	22
Utah	22
Kansas	21
Texas	21
Connecticut	20
Pennsylvania	20
Alaska	17
Wyoming	14
Minnesota	12
Washington	11
North Dakota	5
Nebraska	2

## Chapter 4: Rural Broadband Case Study

For most Americans, access to the Internet quickly evolved from a modern luxury to an essential utility like water and electricity. Millions of people daily connect to the World Wide Web to conduct business, track personal finances, and to stay in touch with friends and family. According to the United States Census Bureau, household Internet access increased from 61.7% in 2003 to 74.4% in 2013. During this time period, access to some form of high-speed Internet jumped from 50.8% to 73.4%. This rise in part, may be attributed to those who championed for rural areas to gain greater access to broadband coverage. Rural Internet coverage due to economies of scale lagged behind access in metropolitan cities.

To many, the topic of rural broadband is rather mundane because it does not affect them. Yet, for a relatively small but critical population in the United States, the so-called “digital divide” is an important topic in their communities. Many living in rural areas feel that the country left them behind. Several studies indicate that the Internet enhances social interactions that increase pride in one’s community and help reduce the number of people moving out of rural communities (LaRose, Strover, Straubhaar, and Gregg 2007). Furthermore, rural broadband enhances the quality of life for rural areas by providing citizens with greater access to health care and education (Jenkins 2003). For example, Horrigan and Murray (2006) discovered that, as opposed to urban areas access, broadband was the determining factor for residents living in rural areas to enroll for

online classes for credit. Despite these positive outcomes, gaining access to Internet still proved to be an uphill battle for those living in rural areas. Similar to how rural electrification challenged mid-century economic development (Nye 1990; Tobey 1996), Internet service providers reluctantly incur costs for sparsely populated areas. Consequently, a collective effort among interest groups and policymakers is essential to increase broadband access to rural communities.

The major problem facing rural America is the cost associated in developing the infrastructure necessary to provide high-speed Internet to remote locations. Many private companies shun rural areas because of the high cost (Gillett, Lehr, and Osorio 2003). Politicians and concerned citizens in several states began to express their concerns about the lack of broadband coverage. The policy goal was to provide greater broadband access to rural areas. Unfortunately, there is no easy solution to increase broadband coverage to rural areas. Thus, in an attempt to develop possible solutions and enhance lawmakers' knowledge, they created rural broadband task forces. These task forces were assigned to investigate state capacity, survey current broadband access in rural areas, and provide a cost estimate to the state governor and/or legislature (Dickes, Lamie, and Whitacre 2010).

Solutions that many states enacted were tax incentives and matching state grants to Internet providers that established the necessary infrastructure to provide broadband technology to rural areas. Offering the appropriate incentives to Internet providers companies took a collective effort between lawmakers, task forces, and interest groups. This chapter empirically examines the impact of efforts for rural areas to acquire greater access to broadband technology. The data are from 2007 because during that time half the

states passed some sort of economic incentive to Internet companies. Accordingly, 2007 is ideal year to analyze the influence task forces on subsequent policy making.

### **The Rural Broadband Movement**

The case for rural broadband became an important issue facing America in the early 2000s. In 2001, Congress debated rural broadband expansion, but following the 9/11 terrorist attacks the media coverage and interest quickly dissipated. Rural broadband access dropped from the national policy agenda (Strover 2003). Changing issue priority, however, did not decrease rural America's dependency on the Internet. The expansion of broadband technology allows consumers to contribute to economic growth and innovation in the comfort of their own homes (Atkinson 2007). Since some scholars argue that market forces will not produce society's optimal level for rural broadband then government intervention maybe necessary to motivate expansion (Atkinson 2007). In addition to market failures, several scholars point to the fact that the United States overall is falling behind in providing consumers faster and cheaper Internet service. For example, "South Korea pays nine times less per megabit than do Americans and average speeds in Japan are 20 times faster than in the United States" (Atkinson 2007). These comparisons to other countries and market failures spurred politicians to think of ways to catch up with the rest of the world.

Therefore, the problem with many small communities was the lack of incentives for private companies to invest in the necessary infrastructure to provide broadband to rural areas (Gillett, Lehr, and Osorio 2003). These companies typically devote much of their resources in the metro areas because the density of individuals and wealth is greater, which in turn reduces costs (Schmandt 1991; Venkatchalalam and McDowell 2002; GAO

2006). A California Broadband Task Force report estimated that 1.5 million people living in the state's rural areas had no access to broadband technology (2008). Furthermore, Horrigan (2008) notes that the Pew Internet and American Life survey indicated 24% of households do not purchase broadband services simply because of unavailability in their area.

In order to overcome this gap in access several communities utilized Rural Utilities Service grants to assist with the costs associated to provide broadband to rural areas. The results of the grants were mixed with regard to expanding rural broadband (LaRose et al. 2008). In addition to grants, farm bills in 40 states devoted more than \$1.8 billion since 2000 to private telecommunication providers with the goal of making broadband available to rural communities. Moreover, tax incentives became a common tool for state governments to resolve the lack of broadband in rural areas (Gillett, Lehr, and Osorio 2003; LaRose et al. 2008). Hence, the federal and state governments made numerous efforts to bring broadband technology to rural communities.

Farmers had the most to gain from the rural broadband movement. The Internet revolutionized farm equipment sales because no longer are farmers confined to sell their equipment to a certain region of the state or country. It is common for farmers to sell their equipment when they need to upgrade. Now farmers on the east coast could sell their equipment to someone on the west coast because of the Internet providing a new marketplace. In fact, online retail sales went from \$31 billion in 2001 to \$107 billion in 2007. Even more telling in 2006, \$5 billion or 4% of all wholesale farm products came from online trades (Stenberg 2010). The Internet can also provide farmers with current

weather and pricing information helping farmers gain a significant advantage in maximizing their profits (Kandilov et al. 2011).

Early research on this subject empirically indicates that there are positive outcomes for rural areas that have access to the Internet especially broadband technology. Smith and Paul (2005) conducted a survey on farmers located in the Great Plains. They note that 27% of the farmers polled indicated a gain in profits, averaging \$3,800, and 42% report cost savings of nearly 14% (Smith and Paul 2005). Kandilov and Renkow (2010) find that the USDA broadband loan programs enhance the number of farm establishments and increase the payroll of those employed in agricultural. Kandilov et al. (2011) confirm previous work by Stengerg et al. (2009), which reveals that greater broadband coverage brings economic growth and increases employment in rural communities. Similarly, Gillet et al. (2006) discover that high-speed Internet increases the number of jobs in an area particularly within the IT sector.

Despite several policy evaluation studies illustrating the positive benefits of rural high-speed Internet little to no research that outlines the politics associated with bringing broadband technology to rural areas. This research begins that process by examining the influence of broadband task forces and interest groups on lawmakers' decisions to offer assistances to rural communities for developing the infrastructure necessary to handle high-speed Internet.

### **The Political Scene**

Until recently the United States was consistently leaders in the development of the Internet. The Department of Defense through its Advanced Research Project's Agency invented the Internet in the 1960s and 1970s (Bleha 2005). Federal and government industry coordinated initiatives in subsequent decades were critical in developing what is

now known as the Internet. Thus, the United States was always seen at the forefront of Internet technology. Undoubtedly, the development of rural broadband was hindered by the events surrounding 9/11. Policymakers shifted focus to more pressing issues such as homeland security and international terrorism. This is exhibited by the drop from 4<sup>th</sup> to 13<sup>th</sup> in world broadband Internet usage during the first three years of the Bush administration. In that time President Bush only mentioned broadband twice in public comments to the media and speeches to the American people (Bleha 2005). A simple query of “rural broadband” from 2000 to 2007 on *Newspaper Source* only produced 389 results. This included the number of articles that this specific term was mentioned. Comparatively, there were 7,318 articles that mentioned terrorism. Thus by implication, that the media did not pay much attention to rural broadband during the same time frame.

Despite the lack of media coverage and attention from politicians, rural broadband was in a few segments of America. Two main groups had interest in the development of rural broadband. First, farmers and rural businesses were concerned about falling behind other industries if they did not close the gap in the so-called “Internet Divide.” Second, the telecommunication companies and their workers were interested. For ownership it meant a possible loss of market share, and the workers looked to gain job security. Therefore, these groups were major players in the rural broadband movement. In addition, another potentially powerful segment played a minor role during the time of this study, the electric utilities companies.

The agriculture industry has been at the forefront of the rural broadband movement since its inception. In 2002, the USDA implemented a new loan program to construct the infrastructure necessary to bring broadband to rural communities (USDA

2007). Loans offered low interest rates to rural communities that did not have broadband. Yet, the program came under criticism because it did not adequately determine the communities with pre-existing access to broadband and administrative issues hampered the program (USDA 2007). Given these problems with the USDA loan program encouraged groups to keep lobbying policies that expanded rural broadband.

The American Farm Bureau Federation (AFBF) is one trade association that sought to foster awareness to the broadband issue. AFBF lobbied to Congress that the expansion of broadband was essential to bolster healthcare, education, and job growth in rural America. In Michigan, for example, a memo was distributed to farm bureau members mentioning the U.S. falling behind compared to the rest of the world and claiming that 47 percent of farms still used dial-up access (Michigan Farm Bureau 2008). Furthermore, the AFBF advocates that the free market and deregulation of telecommunication companies will not bring adequate broadband service to rural areas because it is not profitable for companies to do so (Growing Produce 2009 and Communicating Action Group, Michigan Farm Bureau 2008). Hence, the AFBF supports government intervention to stimulate the broadband movement. Canadian-American Economist Robert Atkinson (2007) agrees that government intervention is necessary to bring broadband to rural communities. He argues that telecommunications companies have done an incredible job providing services to high populated and wealthy areas, but have failed in providing equivalent services to rural communities.

Government intervention is a point of controversy for telecommunication companies. The telecommunication industry has not been a huge supporter of the expansion of broadband to rural areas because it reduces their profit margin. In 2004, the

president of Verizon in Pennsylvania requested that their company be relieved of the obligation to provide high speed Internet to rural communities unless lawmakers provide better subsidies (DeKok 2005). This is just one example of the lengths the telecommunication companies will go to deter the development of rural broadband. However, the Communications Workers of America (CWA) is an enthusiastic advocate of the increase in rural broadband. The Communications Workers of America is a union representing nearly 700,000 workers. The CWA sponsors speedmatters.org, a research project that supports policies to bring broadband technology to everyone (CWA 2008). Obviously, the CWA union is concerned about job opportunity and security for the workers it represents and less concerned about the company's bottom line. Accordingly, the union will promote policies that will assist in their workers maintaining jobs and bringing broadband to rural areas greatly aids that endeavor.

While politicians and other stakeholders looked to the telecommunication industry, Atkinson (2007) argued that rural electric cooperatives could be seen as a solution. These cooperatives already have the necessary infrastructure in place, and it would be rather inexpensive for rural electric cooperatives to add a fiber optic line to supply households with Internet service. However, the Supreme Court of Kentucky ruled that electric cooperatives could only supply consumers with electricity within the state (Atkinson 2007). Rulings such as the one in Kentucky delayed this potential powerful group from participating in the broadband movement. In response to the Court's decision, Kentucky passed legislation to allow cooperatives to provide their customers with Internet service.

Given the technical complexity of the issues surrounding rural broadband and the diversity of opinions from a variety of groups, states began to establish policy task forces. The duties of these task forces were to assess the current situation and develop ideas on how to address problems pertaining to rural broadband. Some of the solutions examined included providing tax incentives, matching state grants, and promoting continued research in rural broadband. An open question is whether these task forces have any influence on state legislature's decisions.

### **Hypotheses**

The aforementioned discussion leads to three hypotheses. First, governors will appoint task force members from groups that have an interest in the topic at hand. They typically appoint members from groups that are affected by the policy (McCubbins, Noll, and Weingast 1987; 1989). Since, task forces are typically composed of stakeholders that have an interest in the policy being discussed it is reasonable to suggest that groups advocating for an economic incentive will have an easier time obtaining their policy goals. This assumption leads to the first hypothesis:

*H1: The presence of a rural broadband task force will increase the likelihood a state legislature will pass an economic incentive bill.*

As evident in the previous section, the groups involved are diverse and have a variety and different of levels of interests. Farmers and telecommunication workers are clearly in favor of the expansion of rural broadband while the owners of telecommunication companies are against legislation that forces them to expand their infrastructure to rural communities without economic incentives. This scenario leads to two hypotheses:

*H2: Campaign donations to state legislators increase the likelihood of a state passing legislation in alignment with the group's position.*

*H3: A group's state membership will increase the likelihood of a state legislature passing a bill consistent with group's standpoint.*

### **Methodology and Variables**

This study examines all 50 states and the influence task forces and interest groups have on legislatures' passage of an economic incentive to entice broadband companies to develop broadband infrastructures in rural areas. The data encompass the year 2007. The statistical method of analysis utilizes two simple logistic regression models to estimate the variables effects on the dependent variable. One includes Nebraska while the other model excludes Nebraska to control for the partisan effect. Nebraska has a unicameral, nonpartisan legislature.

#### *Dependent Variable*

The dependent variable is dichotomous. A value of 1 indicates a state passed some sort of economic incentive while a value of 0 denotes a state did not. This variable derives from a joint report of the Alliance for Public Technology and Communications Workers of America. The economic incentive variable can include a direct funding bill such as a state providing matching funds for any federal grants that promote the construction of the infrastructure necessary to provide rural broadband or a tax policy that provides significant breaks to companies that invest in rural areas. In 2007, 24 states passed some sort of economic incentive to promote the growth of rural broadband. Thus, providing an ideal dependent variable for logistic regression. There may have been economic incentives adopted prior to 2007, but this chapter only examines those in 2007.

### *Independent Variables*

The independent variables can be grouped into three categories. First, the task force variable is dichotomous where a value of 1 indicates a prior existence of a task force and a value of 0 does not. By 2007, exactly half the states had a broadband task force making it an ideal variable to use in logistic regression. It is interesting to note that by 2013 every state established a broadband task force, which might indicate their usefulness in the process of promoting rural broadband. This study expects it to have a positive correlation with the dependent variable since most are established to consider ways to expand rural broadband.

The second category is campaign contributions to state legislators from the relevant interest groups. A litany of literature examines the influence contributions have on legislators, with most indicating little to no impact on politicians' voting decisions (see Chappell 1982; Wayman 1985; Welch 1982; Dow and Endersby 1994). Since, the telecommunication was reluctant to support any economic incentive it is important to control for industry campaign contributions. Variables account for contributions from the telecommunications and electric utilities sectors as well from the American Farm Bureau. All three groups have an interest in rural broadband. The telecommunications sector opposes economic regulation because in most instances companies may reduce profit margin despite the economic incentive. This means that even with governmental assistance to build the necessary infrastructure for rural broadband, companies still could lose profits. In particular, the telecommunication companies prefer to stay in the urban areas since costs are lower so profit margin is higher. On the hand, the American Farm Bureau favors economic incentives because their members benefit from greater access to

broadband and competition among providers. Finally, the electric utility companies prefer incentives, but probably do not have any impact because of their limited involvement in the early stages of the broadband debate. The amount of contributions for each group is gathered from the National Institute on Money in State Politics' (NIMS) website. The three categories used from NIMS were rural electric cooperatives, telecommunications, and American Farm Bureau. The dollar amount from the state's previous legislative, election, prior to 2007 was collected. The contribution variables are converted into a rate of dollars per 1000 population. These variables are imprecise because they do not account for varying cost of legislative campaigns by states. However, these variables are proxies for the relative power of interest groups on legislative politics.

The third category is the number of members key interest groups have in their respected states. This includes the number of Farm Bureau members, telecommunications workers, and number of rural electric customers. These variables each should have a positive association with the dependent variable since these memberships benefit from increasing access to broadband technology. The number of Farm Bureau members comes from the American Farm Bureau Federation's website. This variable was converted to a percentage of the state's population. Since the National Rural Electric Cooperative Association (NRECA) is an advocate of expanding access to broadband, number of customers of member companies in each state is included. This variable only includes the number of current customers on their website. However, there is no information that this number changed substantially over the last few years. This variable was also converted as percentage of the number of customers to state's population. Finally, the number of telecommunications workers derives from the United States Census Bureau's Statistical

Abstracts (2007). This estimate was converted to the number of telecommunications workers per each Communications Workers of America chapters in their respected states. The more workers each chapter represents the greater the effect it might have the dependent variable.

### *Control Variables*

There are several control variables relevant to passage of rural broadband legislation. In order to control for partisan influence in state legislatures the combined proportion of Democrats from the upper and lower house was included in the model. Data were obtained from the National Conference of State Legislatures (NCSL) website. In addition, a dichotomous variable where a 1 indicates a Democratic, a 0 denotes a Republican or Independent, controls for the governor's influence on the state legislatures. The governor variable also came from the NCSL's website. In 2007, there were 28 Democratic governors.

Since the dependent variable involves the expansion of rural broadband, it is important to control for the proportion of households that possess Internet access. The proportion of broadband households was obtained using the United States Census Bureau Statistical Abstracts. The higher proportion of broadband access would result in a negative association with the dependent variable because the need for expanded broadband is not as great. In 2007, the average proportion of households that had broadband was approximately 50%. New Hampshire had the highest proportion of households with broadband at .65 while Mississippi and West Virginia had the lowest at .33. Thus, more urban states had greater access to broadband.

### Findings

The findings are displayed in Table 4.1. For Model I the results of the model controlling for state legislatures are presented. The model overall has a 26.4 likelihood ratio. The probability of obtaining this chi square statistic is significant at the .01 level. The pseudo r-square is .39.

[Table 4.1 here]

Table 4.1 yields some interesting results. In order to ease the interpretation of the variables the odds ratios are also shown. First the variables controlling for partisan effects are not significant suggesting that broadband is not a partisan issue. Broadband appears to be more of an urban-rural divide. If nothing else it will help lawmakers' campaign because they will be as a candidate for improving the state and increasing the number of jobs in their district. In addition, rural broadband technology does not render itself into one side on the ideology spectrum. For example, the conservatives are in favor of expansion to increase the profitability of agriculture while the liberals advocate that broadband in rural areas will improve health care and education.

Next, the proportion of broadband households in both models has no significant effect on the passage of broadband legislation. This is surprising because expectations are the number of households gaining access to high speed Internet should decrease the likelihood of the need to pass the economic incentive. However, the tacit goal of many states is for everyone to have access to broadband. Consequently, no matter how high the current percentage, it is not enough to stop legislation benefiting the movement to 100 percent of access.

The contribution variables indicate that campaign contributions for the most part show no influence on overall likelihood of passage by state legislators. The Farm Bureau and electric utilities contributions had no impact on the dependent variable in either model. Conversely, contributions from the telecommunications sector were significant at the .05 level and had the similar effect on the dependent variable in both models. When holding everything at their means this variable indicates that state legislators are 2 percent less likely to adopt an economic incentive if they receive contributions from the telecommunication sector. This finding may denote that contributions do matter if votes are considered critical to an interest group. However, the effects on the dependent variable are marginal.

The telecommunication companies' position stands in stark contrast to their workers. The odds ratio for the telecommunication workers' variable is above one in both models and is significant at the .05 level. This means state legislatures are more likely to adopt economic incentives that promote the expansion of rural broadband when more telecommunications workers live in their state. Nonetheless, the overall effect is relatively small since the odds ratio is only slightly above one. These findings suggest that the workers and owners do in fact have moderately different goals. The workers are naturally in favor of the economic incentive because it increases job security while creating more jobs.

The remaining membership variables are significant, but at the .10 level, and perform similarly in both models. The Farm Bureau membership variable has a significant positive correlation with the dependent variable, which implies as the membership rate increases in a state the greater the chances legislators will pass an

economic incentive bill. However, the impact on the dependent variable is rather small. When holding all other variables at their means, states are only five percent more likely to pass an economic incentive bill as the percentage of Farm Bureau members increase. Conversely, as the percentage of rural electric customers rise in a state the less likely legislators will pass an economic incentive bill. This could be because rural electric companies during this time were not a major player in the rural broadband debate and in some states such as Kentucky were forbidden from providing Internet services.

Finally, the variable with the greatest impact on the dependent variable is the presence of a task force. In Model I, state legislatures are nearly six times more likely to pass an economic incentive bill if a state has a task force. The impact of this variable loses some strength when not controlling for the party composition of state legislators. As shown in Model II, state legislatures are only 3 times more likely to pass an economic incentive if a state has a task force. However, the variable is only significant at the .10 level. Although the results appear to be strong, further investigation of the influence of task forces is warranted. Nevertheless, these findings establish that task forces appear to have a significant association with state legislatures to pass policy proposals. The findings are intriguing because the consensus in the scant amount of literature on task forces suggests that task forces are symbolically in terms of political science literature (Ball 1966; Flitner 1986).

### **Conclusions**

This study seems to confirm that task forces may be used for more than mere symbolic reasons. In the case of broadband it is reasonable to assume politicians needed the technical expertise to understand the issues surrounding this highly complex policy,

or at least expertise to craft policy proposals acceptable to a state legislature. Presumably, few politicians understand the technological differences between using fiber optics compared to cable lines. In addition to the technical proficiency, politicians need cost benefit analyses regarding broadband service for rural areas. Do the benefits really outweigh the costs associated with rural broadband? Subsequently, these task forces organized by politicians appear to be more than a symbolic gesture to address a problem.

For the most part the broadband movement went unnoticed to many Americans except those living in rural areas. Since most people live in urban areas, the demand for Internet access is met through market forces, unlike for those living in rural areas. Public outcry in cities for government assistance for provision of an essential service was fairly muted. Thus, it appears from the analysis presented in this case study that task forces are powerful at least in a policy area with high complexity and low salience. One of the many questions that remain is whether policy task forces can hold influence depending on policy complexity and issue saliency.

There are several limitations to this study. First, the study does not investigate the membership composition or meeting notes of the task forces. Membership composition appears to be a crucial variable to shed light on what interests are able to influence or even capture the task force. Second, the analysis does not examine the specific recommendations that task forces provided to politicians. For example, a recommendation in favor of an economic incentive may be more a significant factor on subsequent legislation than the simple presence of a task force. Task forces could make recommendations opposing the adoption of legislation or policy, that this seems unlikely. Of course there is no data on the causal chain. Are task forces created when the

likelihood of passage is already strong or are task forces critical for passage? The next step is to examine these limitations to better understand the influence task forces have over politicians' decisions. The next chapter will focus on the influence recommendations have on policy adoption.

**Table 4.1:**  
**Factors Attributing to the Passing of Economic Incentives**

Independent Variables	Model I without Nebraska	Odds Ratios	Model II with Nebraska	Odds Ratio
Rural Broadband Task Force	1.85** (.91)	6.26**	1.28* (.79)	3.61*
Telecommunication Contributions	-.02** (.01)	.98**	-.02** (.01)	.98**
Farm Bureau Contributions	.02 (.02)	1.02	.01 (.02)	1.01
Electric Utilities Contributions	.01 (.01)	1.01	.02** (.01)	1.02**
Farm Bureau Members	.54* (.30)	1.72*	.44* (.25)	1.55*
Telecommunication Workers	.01** (.01)	1.01**	.01** (.00)	1.01**
Rural Electric Customers	-.07* (.04)	.93*	-.07* (.04)	.93*
Democratic Governor	.24 (.83)	1.27	.56 (1.41)	1.76
Democratic Legislature	.08 (.23)	.08	N/A	N/A
Proportion of Households with Broadband	-3.07 (7.58)	.05	-5.65 (7.76)	.00
Log Likelihood	-20.77	N/A	-22.53	N/A
Pseudo R-square	.39	N/A	.35	N/A

Standard errors are in parentheses

\*significant at the .1 level, \*\*significant at the .05 level, \*\*\*significant at the .01 level

**Appendix 4.1**  
**Descriptive Statistics**

Variables	Observations	Mean	Standard Deviation	Min	Max
Economic Incentive	50	.48	.50	0	1
Rural Broadband Task Forces	50	.50	.51	0	1
Telecommunication Contributions/1000 population	50	131.95	359.53	1.49	2586.47
Farm Bureau Contributions/1000 population	50	18.74	55.15	0	376.75
Electric Utilities Contributions/1000 population	50	57.69	43.50	4.51	183.33
Percentage of Farm Bureau Members	50	2.44	2.83	.05	11.00
Telecommunication Workers per CWA chapter	50	191.54	129.01	46.67	620
Percentage of Rural Electric Customers	50	19.46	17.71	0	84.00
Democratic Governor	50	.56	.50	0	1
Proportion of Democratic Legislature	50	.54	.14	.25	.88
Proportion of Households with Broadband	50	.50	.08	.33	.65

## Chapter 5: Autism Case Study

Between 2000 and 2010, 24 states passed laws mandating that insurers cover therapies for Autism Spectrum Disorders. These policies were most aggressively championed by a relatively nascent and weak set of interest groups led by Autism Speaks and the Autism Society of America. These groups were successful in states controlled by both political parties and, most importantly, they did so despite significant opposition from the insurers that were the target of mandates. The interesting question is how did these relatively weak groups defeat the insurance industry—one of the most experienced and well-funded lobbying enterprises in American politics—in almost half the states?

Their victories may be, in part, due to the influence of a policy task force. In over 60% of states where a bill passed, a task force had been created to study the issue of an autism insurance mandate. Of course, the story of autism task forces is also a story of how the insurance industry successfully used these commissions to pursue their policy preferences. Approximately 40% of autism task forces failed to recommend that insurers in the state be required to cover autism therapies.

The lack of attention given to the impact that groups may have through the creation and/or manipulation of state-level policy commissions is surprising for a number of reasons. First, the literature suggests that helping to draft legislation and administrative rules is one of the key strategies employed by interest groups and that these groups are relatively adept at using the administrative version of the commission form in order to

accomplish the latter. Second, there are a large number of policy advisory commissions formed in the American states, providing significant opportunity for groups to influence legislative recommendations. Finally, the inattention to policy task forces and interest groups at the state level is surprising because of the evidence that these institutional forms can, at times at least, have a meaningful impact on policy.

This chapter develops the argument that task forces give groups an institutional voice in the policy process and, thus, increases the likelihood that state governments will pass policies that match the preferences of those groups. Task forces may give groups, which do not traditionally wield power, increased access to lawmakers and help to get their favored issues onto the public and institutional agenda, which increases the likelihood of legislative success. Alternatively, traditionally powerful groups may prefer to maintain the status quo by preventing the creation of task forces and will encourage them to issue relatively conservative policy proposals once formed.

This study will discuss the topics of autism commissions and insurance mandates in more detail below, a quick examination of them here can provide some support for the assertion that the task force form gives voice to relatively weak group. Specifically, autism advocacy groups had at least one seat on 70% of autism task forces for which data are available. It is important to note that accurate and complete membership data was only available in 26 states. This figure does not count parents of autistic children, who were likely advocating for similar policies, but only explicit interest group representation. On 46% of task forces, autism groups had a larger share of seats than the insurance industry. In the remainder of cases, the representation was equivalent. There was no case in which industry representatives outnumbered those from autism groups.

These assertions will be tested in an analysis of autism insurance mandates in the American states between 2001 and 2010. The results suggest that states with a more powerful insurance industry were less likely to create autism task forces and that the task forces created in such states were less likely to recommend mandatory insurance coverage for the disease. They also suggest, however, that task forces in which states where autism related public interest groups were stronger were more likely to issue mandatory coverage recommendations. This chapter also finds that a strong task force recommendation increased the likelihood of the passage of a mandate bill and that neither public nor industry group strength had a direct influence on passage after controlling for the existence and stringency of a task force's recommendation. These results confirm the importance of a previously understudied mechanism by which interest groups can influence the content and character of public policies.

### **An Empirical Test: Autism Insurance Mandates**

This study tests propositions regarding the relationship between interest groups, task forces, and policy change in an analysis of autism insurance mandates. Mandates are a good place to test for the interaction of interest groups and commissions in the policy process for a couple of reasons. First, it is a policy battle that has played out recently in the American states, which should allow the findings to be more generalizable to other ongoing policy debates. Second, there is variation across the states in both the creation of task forces and the adoption of mandates, as well as in the timing of those activities. Finally, as discussed below, the autism insurance debate was a true David and Goliath case, pitting small nascent groups against one of the most powerful interests in American

politics. As such, any evidence that task forces helped autism groups secure mandates provides reasonably compelling evidence of their importance as an institutional tool.

Those diagnosed with autism are the fastest growing population of special needs children in the United States. Reviewing the number of children diagnosed as autistic in the school system reveal just how prevalent the disease is becoming. In 1992, Illinois only had five reported cases of autism in their school system whereas in 2004 there were 6005 reported cases of autism (U.S. Department of Education 2010). The costs associated with care for this rapidly growing population are enormous, with estimated lifetime costs as high as \$3.2 million per child (Ganz 2007), or four to six times higher than a non-autistic individual (Croen et al. 2006; Leslie and Martin 2007; Liptak and Auinger 2006; Mandell and Pinto-Martin 2006).

Due in part to the high medical costs associated with autism and the relative novelty of the diagnosis, major health insurance companies have typically denied parents of autistic children coverage for a number of years, typically arguing that such coverage would increase premiums for everyone (Bouder et al. 2009). In 2001, Indiana became the first state to mandate that companies had to cover autism spectrum disorders if they were to sell products within the state. At that time, there were a number of states that already forced health insurance companies to cover direct medical expenses of those suffering from a neurological disease such as autism, but the Indiana law also compelled private insurance companies to cover therapeutic expenses such as occupational, speech, and other rehabilitative services associated with the treatment of autism. Regardless of the health issue, forcing private insurance companies to pay for expenses that are not medically necessary is rather unusual (Bouder et al. 2009); so this was a major change in

the regulatory stance taken by governments. Since 2005, 23 additional states have enacted similar mandates.

This chapter is concerned with the role state-level autism task forces had in the passage of those mandates and, more importantly, the influence that three major interests had on the creation and behavior of those task forces. The first of these are the public interest groups concerned with autism. The Autism Society of America (ASA) is the oldest and largest grassroots organization in the autism community with over 50,000 members (Autism Society of America 2013). ASA has a number of local chapters throughout the United States, which provide resources for parents of autistic children to gain support, find therapists in their area, and professionals such as dentists and hairstylists who can provide basic services to autistic children. ASA credits itself with obtaining millions of dollars from Congress that went towards bringing awareness to autism and putting it on the national healthcare agenda (Autism Society of America 2013). The organization works to keep members up to date on all autism legislation through their local chapters, newsletters, magazines, and email campaigns (Autism Society of America 2013).

While the ASA is the oldest and largest autism related group, there is another that is also relevant to a study of insurance mandates. In 2005, the Vice Chairman of General Electric, who has a grandson with autism, founded Autism Speaks, whose primary goal was the passage of insurance mandates in all 50 states. Bob Wright, through his close association with NBC, has been able to recruit celebrities such as Jerry Seinfeld, Matt Lauer, Paul Simon, and many more (Autism Speaks 2010). In 2006, the group merged with the National Alliance for Autism Research (NAAR), which raised more than 20

million dollars for autism research and awareness campaigns. In 2007, Autism Speaks acquired Cure Autism Now (CAN), which had provided more than \$39 million to autism research programs across the United States. These mergers more than doubled the operating budget of the organization (Autism Speaks 2006).

Even with these mergers, however, autism related public interest groups still represented a small enterprise in terms of both size and resources. Nonetheless, these groups may be able to use task forces to increase access to lawmakers and issue salience, as well as influence the character of the recommendations those bodies issue. Thus, one would expect that greater autism group strength would correlate with a higher probability of 1) task force creation, 2) a strong mandate recommendation from any task force that did form, and 3) passage of an autism mandate.

Of course, the key impediment to the success of autism groups in these efforts was likely that the insurers would fight to prevent coverage under a mandate. The insurance industry has one of the most experienced and well-funded army of in-house and contract lobbyists in the country. Between 2001 and 2010, the insurance industry donated more than \$42 million to legislative and executive candidates in the American states. Mandatory autism coverage was not forecast to add substantially to claims costs, increasing them by between 0.6 and 0.8% in states like Missouri that were early adopters. Nonetheless, the industry has historically been strongly opposed to mandated coverage and pricing regulations (Meier 1998). Autism mandates appear to have been no exception to this trend, with industry groups publicly decrying the ill effects of mandatory autism coverage in numerous states. The industry has been quite successful in staving off mandatory coverage for treatments that are not medically necessary in other areas

(Bouder et al. 2009) and, as such, one would hypothesize that greater insurance industry strength within a state to correlate with a lower likelihood of 1) the formation of task forces considering mandates, 2) a strong mandate recommendation from any task force that did form, and, ultimately, 3) the passage of an insurance mandate.

### **Data and Methods**

In order to test this hypothesis data from 2001 to 2010 are used. All 50 states are included in the analyses of task force creation and recommendation. Indiana, which was the first state to adopt a mandate, is dropped from the analysis of mandate adoption because it is assumed to have initiated the diffusion of the policy.

#### *Dependent Variables*

The dependent variables in subsequent models reflect the hypotheses outlined above. The first is dichotomous measure of whether an autism task force was created within a state. The indicator is coded 1 for any task force and 0 otherwise. Data on the presence of and date of creation for an autism task force was obtained from Easters Seals (2010). The second dependent variable is an ordinal measure of the recommendation issued by a task force. It is coded 0 for no recommendation, 1 for a weak recommendation, and 2 for a strong recommendation. A weak classification is one in which the commission outlined what good coverage should look like and/or recommended that lawmakers “work with” or “encourage” the insurance industry in some way, but did not suggest that insurers be compelled to provide coverage. A strong recommendation explicitly states that the insurance industry should be required to provide coverage. These data were gathered from documentation produced by the task forces.

The final dependent variable is a binary indicator coded either 1 or 0, where 1 indicates that a state adopted the insurance mandate and 0 signifies no adoption. This only looks at mandates that compelled insurers to provide coverage and not those that were symbolic in nature. As it turns out, however, there is not much of a variation on this dimension. A review of these laws reveals that most states follow many of the suggestions in the model legislation for mandated coverage distributed by Autism Speaks (2013). There are some differences in wording or approach, but not substantive distinctions that could be coded as more or less generous. For example, most states have language like Connecticut's which "Requires specified group health insurance policies to provide coverage for the diagnosis and treatment of autism spectrum disorder" or Florida's which "Requires health insurance plans and health maintenance contracts to provide coverage to eligible individuals for well-baby and well-child screening for diagnosing the presence of autism spectrum disorders, treatment of autism spectrum disorders through speech, occupational and physical therapy and applied behavior analysis." Both states cap annual benefits at between \$30k and \$50k depending on the age of the child, which is typical for these mandates. These figures derived from an autism mandate catalog maintained by the National Conference of State Legislatures (2012). A couple of states do exhibit slight variation, such as Kentucky, which limits the mandate to "large group health benefit plans," but these states are not systematically less generous or more restrictive in the types of therapies covered than others. Table 5.1 provides a list of all 50 states, which includes the year in which a task force was created and when the insurance mandate was enacted. In addition, the table contains the annual

dollar and age cap for the insurance mandate as a way to illustrate the strength of the autism insurance law.

[Insert Table 5.1 here]

### *Methods*

Before moving on to the right-hand side variables, it is important to take a moment to discuss the various estimators needed to test the hypotheses. The first two, regarding task force creation and task force recommendations are path dependent because you cannot have a task force recommendation without a task force. More specifically, observations cannot appear in the second sample, modeling recommendation, unless they receive a value of 1 on the task force indicator. Because of this selection issue, task force creation and recommendation are modeled together using a Heckman selection model. The first stage predicts the creation of a task force, while the second models the type of recommendation issued in states that have task forces. The excluded regressor, which allows the model to identify properly, is the presence of unified government. Task forces are generally tools for executive policymaking and it is reasonable to expect that governors would use these less often when they are able to pursue policy goals via the legislative agenda. Once the task force is formed, however, there is no theoretical reason to believe that shared partisanship between the executive and the legislature would influence the recommendation. Empirically, the measure of unified government is a very strong predictor of task force formation, but it does not predict recommendation. As a robustness check, time was used as an excluded regressor. The passage of time correlates positively with the likelihood of creating a task force, but not with the types of

recommendations they issued and thus can be used to identify the system of equations. The results are unchanged.

The final hypothesis focuses on the adoption of coverage mandates. Scholars have long suggested that Event History Analysis is an appropriate way to simultaneously model the policy diffusion process (see Berry and Berry 1990), thus, this chapter uses the EHA approach.

Specifically, the Cox-proportional hazards model is used to estimate the results (see Jones and Branton 2005). The advantage in using this model is its flexibility in dealing with duration dependency, or the relationship between the length of the diffusion period and the probability that a remaining non-adopter will take up the policy. Other parametric models require the researcher to have a strong theoretical explanation why a particular distribution function is expected, while the Cox model allows us to leave the particular form of the duration unspecified (Cox 1972, 1975; Jones and Branton 2005). As is common in these models, observations are dropped from the dataset in the year after adoption and the first adopter, which is assumed to initiate the diffusion process, is excluded from the sample. This study uses the Efron method to handle ties, where numerous jurisdictions adopt in the same time period, because the approximation is more accurate than the Breslow approximation (Box-Steffensmeier and Jones 2004). Finally, this study used robust standard errors to take into account heteroskedasticity, which is common in time series data.

### *Independent Variables*

The main independent variables are interest group strength and, in the final model of adoption, the presence of and recommendation made by a task force. Public interest

group strength is characterized by two different measures. The first is simply the number of ASA and AS chapters within a state. While the correlation between number of chapters and the power of those who desire autism related policy change is obviously not 1 the number of state chapters, appears to be a good proxy. Specifically, it offers a good indicator of the degree to which those interests are organized and can therefore have a larger voice in the policy process.

Moreover, the number of chapters does tell how fully these groups fill a very specialized space in the interest group environment and intra-niche density is often assumed to be a correlate of power (Gray and Lowery 1996). There were 3.6 chapters per state during the period under study. Four states did not have a chapter representing these groups, while California had 20. Before moving on, it is important to note that the measure is lagged in all models discussed below; so the creation of task forces cannot precede the addition of chapters.

Autism Speaks is not a traditional member organization and devotes much of its activity to research and advocacy. The latter is carried out primarily through a subdivision of AS called AutismVotes. In order to better capture the ways in which Autism Speaks activities contribute to the potential influence of autism groups within a state, a second set of models is estimated that uses a slightly different independent variable. According to available data, Autism Speaks lobbied in 22 states at some point during the study period (National Institute on Money in State Politics 2010). This is, of course, an incomplete measure of activity because not all states require registration. Additionally, whether this was activity directed at mandates or some other legislative change is unobserved. Nonetheless, it should give a proxy for political activity that can be

used to create a more complete measure of autism group strength, at least for a robustness check. So models with a measure of ASA and Autism Speaks chapters weighted by Autism Speaks lobbying are presented.

In the case of the insurance industry, group strength was measured with contributions to state-level politicians from firms in this sector. These data come from the National Institute on Money in State Politics (2010). The measure of contributions is appropriate both because donations to state-level candidates from this group make up a nontrivial portion of total receipts and because contributions are often used as a measure of group strength in the interest group literature (Gordon 2001; Hogan 2005).

#### *Control Variables*

As is standard in diffusion research, there is some spatial correlation assumed in the spread of autism insurance mandates, where states are more likely to adopt a bill if their neighbors have already done so. In order to capture this possibility, the proportion of neighboring states that have passed an autism insurance bill was measured. The Heckman model of task force creation and recommendation includes this measure in both stages in order to determine if the formation and/or behavior of autism task forces was influenced by the policy behavior of peer states. The Cox model, of course, also includes the measure. In that case, however, the variable failed the proportional-hazards assumption. This assumption, which is foundational to the estimation of the Cox model, expects that the relative rate of adoptions as a function of time is equivalent regardless of the value of the predictor variable. When it is violated, estimates can be biased. The typical remedy for this problem is to interact the offending variable with time, so the neighbor's variable reported in the Cox model is actually that variable multiplied by the natural log of time.

A proxy for the underlying value lawmakers place on coverage for autism therapies was included. Some states have a Medicaid waiver that pays for essentially the same therapies covered under the private insurance mandates. In those cases where a state has already decided to foot the bill for these therapies for those who qualify for Medicaid, policymakers likely value these treatments more and should be more likely to prefer they be extended to all citizens with autism. Thus, a positive correlation between Medicaid coverage and the adoption of a mandate is expected. These data were also obtained from Easters Seals (2010) and coded by creating a binary variable, which takes on a value of 1 if a state has the waiver and a 0 if it does not.

In addition, general proclivity to regulate the insurance industry is controlled, which research suggests varies systematically by state (Meier 1998). Fortunately, this is measured fairly directly because the states vary dramatically in the frequency with which they demand that health insurance companies cover specific disorders or treatments (State and Local Public Policies in the United States 2014). All models discussed below include the cumulative number of private insurance mandates in each state and year excluding the autism mandates in those states and years in which one was adopted. Of course, regardless of the policy area, the appropriate level of regulation for private interests is a highly partisan issue. Thus, in both models the party of the governor was controlled for, coding Democrats as a 1 and Republicans as a 0. In the model of policy adoption, the percentage of seats held by Democrats in the state legislature is controlled. Both the upper house and lower house were combined when creating this measure.

The demand for mandatory insurance coverage within a state was also captured. For instance, more cases of autism will increase pressure from parents bearing the costs

of treatment and raise the probability of passing the insurance mandate. The variable is standardized for population by taking the ratio of autism cases between the ages of 3-21 to the total state population of 3-21 year olds. The number of cases of autism came from the United States Department of Education (2010), while the population of 3-21 years olds was gathered from the United States Census Bureau (2010).

The prevalence of autism and the number of autism chapters are, not surprisingly, related. This could introduce collinearity that might influence the results. In order to check for this, all models reported below were also run without autism cases. The results regarding the influence of autism group chapters were unchanged.

Finally, all models discussed below include controls for total raw population. Larger states tend to be more innovative (Walker 1969) and, thus, there may be a correlation between population and the likelihood of creating a task force or adopting the mandate innovation. Additionally, all equations include a count of insurers within the state in order to control for potential impact of having a competitive insurance market on the creation and behavior of task forces, as well as the likelihood of adopting an insurance mandate.

### **Findings**

The results from the models of task force creation and recommendation are presented in Table 5.2. The first two models present the model with ASA and AS chapters as the measure of autism group strength. Model I presents the first stage of the selection model, which estimates the likelihood of task force formation in the full sample of states and years. Initially, it is important to note the significant coefficient on the

indicator of unified government—the excluded regressor—which helps to ensure that the model is properly identified.

Of course, the real findings of interest are those regarding the strength of various interest groups. The measure of insurance industry contributions is negative and significant, suggesting that more donations from insurance firms to politicians within a state decreased the likelihood that a task force to study autism insurance mandates was formed. Substantively, a two-standard deviation increase in industry contributions decreases the probability of task force formation by .24. The number of autism groups within a state did not have a significant role on the creation of a task force.

[Insert Table 5.2 here]

Before moving on, note that the presence of a Democratic governor decreased the likelihood of task force creation. Alternatively, larger states were more likely to form task forces, as was the passage of time. The coefficient for the number of insurance companies within a state was positive and statistical significant at the .05 level.

The first model of task force recommendation is presented in Model II of Table 5.2. In this case, the sample is restricted to those states that formed a task force and where, therefore, it was possible for a recommendation to be made. Here again, the measure of industry contributions was negative and significant, suggesting that task forces states with more powerful, or at least more politically active, insurance industries tended to issue weaker recommendations. Substantively, the finding indicates that a two-standard deviation increase in contributions correlated with slightly less than a one-category reduction in the strength of the recommendation.

The measure of autism group chapters, the proxy for autism group strength in this set of models, was also significant in this second equation. The result suggests that more groups increased the strength of a task force's recommendation. The impact of public group strength was not as large as that of the insurance industry, but it was still substantively important with a two-standard deviation increase in the number of autism related groups associated with a 1-standard deviation increase the dependent variable.

Models III and IV present the first and second stages of selection model using chapters weighted by AS lobbying activity as the measure of autism group strength. The only significant change in this model is that autism groups appear to have more influence over task force recommendations when explicitly accounting for lobbying activity. Specifically, the findings in the second stage (Model IV) suggest that a two-standard deviation increase in-group strength correlates with approximately a ½ category increase in the stringency of the recommendation issued by a task force.

Table 5.3 presents the results from the Cox models of autism insurance mandate adoption in the states. Again, the chapters only proxy for autism group strength is used in Model I, while the lobbying weighted chapters measure is used in the model presented in Model II. The models display hazard ratios, with numbers over 1 indicating an increase in the probability of adoption and those below 1 indicating a decrease in that probability. The results of both models suggest that a task force recommendation increases the probability of a state adopting a mandate. In the first model, each one category increase in strength—so from weak to strong recommendation—increases the likelihood of adoption by 120%. Interestingly, once the influence of the recommendation is controlled, neither autism nor insurance industry group strength has a significant impact on the

probability of adoption. It is important to note that the recommendation comes prior to adoption. The simple creation of a task force is also unrelated to that probability.

[Insert Table 5.3 here]

Not surprisingly, the number of previous insurance mandates also had a significant and positive impact on the likelihood of adopting an autism treatment mandate and, here, the effect is quite large. Each mandate for another type of coverage increased the likelihood of adopting an autism mandate by .03. That means, however, that a one-standard deviation increase in the number of previous mandates increased the likelihood of adoption by 132%. This sizeable impact of the task force recommendation even in the presence of this powerful control is noteworthy. This is particularly true because previous mandates did not predict task force creation or recommendation, which suggests that task forces are not simply an institutional mechanism used in states that already had a predisposition to mandate coverage for autism therapies.

The competitiveness of the state's insurance market increases the likelihood of adopting a mandate. Here the impact is even larger. The number of insurers is logged, so the hazard ratio indicates that a one-standard deviation increase in that variable correlates with a 252% increase in the likelihood of adoption.

The findings in the model using the alternative measure of autism group strength are essentially the same except that the impact of a recommendation on mandate adoption is slightly smaller, while the influence of previous mandates and the number of insurers is larger. One substantive change in this model is that the indicator autism treatments under Medicaid became significant at the .05 level. The hazard ratio suggests that states that already provide therapy to low income citizens are 265% more likely to adopt a private

insurance mandate. Again, the continued significance of task force recommendations in the presence of this powerful control, which did not predict the formation of a task force or the character of its recommendation, is further evidence of the important role these institutions can play in the policy process.

### **Discussion and Conclusions**

As noted at the outset of this chapter, policy commissions and task forces are common in state-level policy making, but little research has investigated the ways in which the institutional mechanisms can help interest groups affect policy change. Drawing on various literatures, this study develops the argument that task forces will likely be an attractive tool for relatively powerless groups, who wish to increase their access to lawmakers, grow the salience of their issue and, ultimately, increase the likelihood of securing policies that match their preferences. Alternatively, this analysis suggested that industry, and other powerful groups, would likely oppose task forces because these bodies are usually created to pursue reform. However, these industry groups would also use task forces, once created, to pursue their policy goals.

The results provide support for these expectations. States where the insurance industry spent more to influence candidates were less likely to create autism task forces, all else being equal. The predicted effects of the model closely reflect the patterns of creation in the raw data, which may provide a more intuitive picture of group impact. For example, of those states where insurers donate the most to candidates (+1sd) only 20% created a task force. Alternatively, 50% of those where the insurance industry is weakest (-1sd), did so. While important, insurance industry efforts were obviously not sufficient to completely thwart the formation of task forces, but once they were created, industry

strength also exerted negative pressure on the strength of the regulation. Here the impact was even more evident, with 100% of task forces recommending a mandate in low industry power states and 0% doing so in states where the industry gave generously to politicians. Contrary to this study's expectations, the prevalence of autism related groups within a state did not have an impact on the formation of a task force in the model. An ancillary analysis suggests, however, that while autism group strength was not associated with task force formation they may still have been able to exercise influence via the membership of those bodies.

The prevalence of autism group affiliates, both alone and when combined with lobbying activities did influence the character of the recommendation issued by task forces. Commissions in states where ASA and AS had a larger presence on the political landscape were more likely to recommend mandated coverage. Again, while the more sophisticated model presented above helps assure that omitted variables or selection bias are not driving observations regarding the behavior of task forces, the raw data provide a somewhat more intuitive picture of the autism groups. Those data reveal that, among states with a high number of autism groups (+1 sd), 45% of task forces recommended that lawmakers mandate private insurance coverage for autism therapy. In those states with low autism group strength (-1 sd) that formed task forces, not a single one of those commissions recommended a mandate.

Despite the substantial impact that autism groups had on task force recommendations, this study's results confirm those in the larger interest group literature regarding the outsized influence of business interests. As noted above, insurance industry expenditures had a significant influence on the creation of a task force, while autism

group strength did not. Moreover, at the recommendation stage, where both types of group had the impact expected, the relative influence of the insurance industry was almost 3 times larger.

While the impact of insurance and autism groups on the creation of and recommendations made by task forces is interesting, the lack of obvious influence for these groups in the adoption of insurance mandates is even more so. The type of recommendation made by a task force had an enormous impact on the probability that a state would mandate insurance coverage of autism therapy, but once that impact was accounted for neither insurance industry nor autism group strength had a direct impact on the probability of adoption.

This suggests two things about group influence that are worthy of note. First, it suggests that institutional mechanisms, such as task forces may help to explain some of the inconsistency in the results of studies searching for interest group influence. Burstein and Linton (2002) find that approximately half of the literature on group influence in recent decades fails to find evidence of such influence. The results in this study suggest that this body of work may be understating group influence because it often fails to model the indirect influence that groups have through institutional mechanisms such as task forces. Some previous work has explored the use of other state-level mechanisms, such as the initiative, by interest groups (see for example Gerber 1999), but this analysis suggests that there is more to be done in this area.

The second thing that the findings suggest is the relative importance of success in the use of mechanisms such as task forces by groups interested in influencing policy. The model suggests that task forces made or failed to make recommendations for a mandate

as a function, in part at least, of interest group efforts. Post recommendation, however, the power of those groups had little impact on the policy choice. Even when interacting the recommendation with the measures of strength, in order to see if groups are able to moderate the influence of the task force when they are at their most powerful, neither the insurance industry nor autism groups ever become a significant influence in the adoption model. The next step is to examine whether the membership composition of a task force matters in terms of legislative outputs, which will be examined in the next chapter.

**Table 5.1**  
**Year of Task Force Creation and Mandate Enactment**

State	Year Task Force Created	Year Mandate Enacted	Annual Dollar Cap	Age Cap
Alabama	2007	N/A	N/A	N/A
Alaska	2005	2012	None	21
Arizona	N/A	2008	\$50K: 0-8; \$25K: 9-16	16/17
Arkansas	2007	2011	\$50K	18
California	2005	2011	None	None
Colorado	2008	2009	\$34K: 0-8; \$12K: 9-19	“child”
Connecticut	2001	2009	\$50K: 0-8; \$35K: 9-12; \$25K: 13-14	15
Delaware	2006	2012	\$36K	21
Florida	2008	2008	\$36K	18
Georgia	2009	N/A	N/A	N/A
Hawaii	2008	N/A	N/A	N/A
Idaho	N/A	N/A	N/A	N/A
Illinois	2004	2008	\$36K	21
Indiana	2001	2001	None	None
Iowa	2008	2010	\$36K	21
Kansas	2007	2010	\$36K: 0-7; \$27K: 7-19	13
Kentucky	2005	2010	50K: 0-7; \$1,000/mo: 7-21	21
Louisiana	N/A	2008	\$36K	17
Maine	N/A	2010	\$36K	6
Maryland	2001	N/A	N/A	N/A
Massachusetts	2010	2010	None	None
Michigan	2011	2012	\$50K: 0-6; \$40K: 7-12; \$30K: 13-18	19
Minnesota	2008	2013	None	None
Mississippi	2007	N/A	N/A	N/A
Missouri	2007	2010	\$40K	19
Montana	2007	2009	\$50K: 0-8; \$20K: 9-18	18
Nevada	2007	2009	\$36K	18 (22 if school)
New Hampshire	2007	2010	\$36K: 0-12; 27K: 13-21	21
New Jersey	2007	2009	36K	21
New Mexico	N/A	2009	36K	19 (22 if school)
New York	N/A	2011	\$45K	None
North Carolina	2006	N/A	N/A	N/A
North Dakota	2008	N/A	N/A	N/A
Ohio	2003	N/A	N/A	N/A
Oklahoma	2001	N/A	N/A	N/A
Oregon	2009	2013	25 hours of ABA per week	9
Pennsylvania	2003	2008	36K	21
Rhode Island	2007	2011	32K	15
South Carolina	N/A	2007	50K	16
South Dakota	N/A	N/A	N/A	N/A
Tennessee	N/A	N/A	N/A	N/A
Texas	2001	2007	None: 0-10; 36K: >10	None
Utah	2008	N/A	N/A	N/A
Vermont	2007	2010	None	18 months - 6
Virginia	N/A	2011	35K	2-6
Washington	2005	N/A	N/A	N/A
West Virginia	N/A	2011	30K: 3; 24K: 4-18	3-18
Wisconsin	2004	2009	50K 0-4; 25K: >4	None
Wyoming	N/A	N/A	N/A	N/A

**Table 5.2**  
**Task Force Creation and Recommendations**

Independent Variables	Model I Task Force Creation	Model II Task Force Recommendation	Model III Task Force Formation	Model IV Task Force Recommendation
Health Insurance Influence	-14.26*** (5.32)	16.84*** (5.89)	-14.05*** (5.32)	-17.44*** (5.87)
Autism Local Advocacy Chapters	-.04 (.04)	.07* (.04)	N/A	N/A
AS lobbying and ASA chapters	N/A	N/A	-.02 (.02)	.03* (.02)
Medicaid Waiver	-.13 (.22)	.09 (.23)	-.11 (.22)	.10 (.23)
Number of Insurance Companies	.19** (.09)	.12 (.08)	.19* (.09)	.12 (.08)
Number of Cases of Autism 3-21	.01 (.11)	-.16* (.10)	.01 (.11)	-.17* (.10)
Democratic Governor	-.61*** (.19)	.08 (.15)	-.61*** (.19)	.10 (.16)
State Insurance Regulation	.00 (.00)	.00 (.00)	-.00 (.00)	.00 (.00)
Unified Government	-.42** (.21)	N/A	-.41** (.21)	N/A
Neighboring States	-.60 (.52)	-.43 (.39)	-.53 (.52)	-.41 (.41)
Population	3.72e-08** (.00)	-2.14e-08 (.00)	3.94e-08*** (.00)	-1.83e-08 (.00)
Time	.22*** (.05)	.05 (.05)	.22*** (.05)	.04 (.03)
Chi2	26.25	26.25	28.49	28.49
Number of Observations	454	454	454	454

standard errors are in parenthesis

\*significant at the .1 level, \*\*significant at the .05 level, \*\*\*significant at the .01 level

**Table 5.3**  
**State Adoption of the Insurance Mandate**

Independent Variables	Model I With Advocacy Groups Chapters Hazards Ratio	Model II With Advocacy Groups Lobbying Hazards Ratio
Health Insurance Influence	.01 (.11)	.00 (.00)
Autism Local Advocacy Chapters	1.02 (.13)	N/A
AS Lobbying and ASA Chapters	N/A	.84 (.10)
Autism Task Force	.75 (.47)	.59 (.35)
Autism Task Force Recommendation	2.46** (.81)	2.24** (.78)
Medicaid Waiver	2.45* (1.28)	2.65** (1.32)
State Insurance Regulation	1.03** (.01)	1.05*** (.02)
Number of Insurance Companies	2.52** (1.13)	3.35*** (1.23)
Unified Government	1.75 (1.72)	2.43 (1.87)
Democratic Governor	.99 (.08)	1.02 (.07)
Number of Cases of Autism 3-21	.60* (.19)	.55* (.20)
Neighboring States	1.13 (.15)	1.17 (.16)
Population	.99* (.00)	.99** (.00)
Chi2	26.94***	29.12***
Number of Observations	415	415

Robust standard errors are in parenthesis

\*significant at the .1 level, \*\*significant at the .05 level, \*\*\*significant at the .01 level

**Appendix 5.1**  
**Descriptive Statistics for the Heckman Models**

Variables	Observations	Mean	Std. Dev.	Min	Max
Autism Task Force Recommendation	459	.08	.36	0	2
Autism Task Force	459	.21	.41	0	1
Health Insurance Influence	459	.01	.02	-.01	.35
Autism Local Advocacy Chapters	458	3.14	3.44	0	20
AS lobbying and ASA chapters	458	6.08	7.10	0	42
Medicaid Waiver	459	.16	.37	0	1
Number of Insurance Companies	2959	3.36	1.09	0	6.41
Number of Cases of Autism 3-21	459	1.27	.89	0	5.21
Democratic Governor	459	.44	.50	0	1
State Insurance Regulation	589	76.95	47.24	0	186
Unified Government	4146	.04	.19	0	1
Neighboring States	459	.06	.16	0	1
Population	459	4965574	6038871	0	3.64e+07
Time	459	4.51	2.92	0	10

**Appendix 5.2**  
**Descriptive Statistics for the Cox Models**

Variables	Observations	Mean	Std. Dev.	Min	Max
Autism Insurance Bill	468	.05	.22	0	1
Health Insurance Influence	468	.013	.02	0	.35
Autism Local Advocacy Chapters	417	3.82	3.87	0	20
AS Lobbying and ASA Chapters	417	1.16	2.28	0	17.7
Autism Task Force	468	.26	.44	0	1
Autism Task Force Recommendation	468	.25	.61	0	2
Medicaid Waiver	468	.19	.39	0	1
State Insurance Regulation	468	88.97	40.15	15.83	186
Number of Insurance Companies	468	4.28	.99	1.61	6.41
Unified Government	464	.26	.44	0	1
Democratic Governor	468	.49	.50	0	1
Number of Cases of Autism 3-21	468	1.46	.86	-.01	5.74
Neighboring States	468	.09	.18	0	1
Population	468	5761297	6488269	492924	3.75e+07

## Chapter 6: Human Trafficking Case Study

In recent years human trafficking, both the kidnapping and smuggling of humans, has become a paramount issue facing law enforcement communities across states and municipalities. Policymakers are struggling to understand the nature and extent of human trafficking in their respective jurisdictions. Human trafficking appears to be a relatively simple policy to comprehend and enforce because it is clearly illegal to force humans to commit sexual acts against their will or to be unlawfully compelled into forced labor. However, beneath the surface, human trafficking is quite complex. The core problems with human trafficking are simply defining what exactly is human trafficking and how are victims treated. Consequently, several states created policy task forces in an attempt to tackle the issues surrounding human trafficking. Many of these task forces are composed of anti-human trafficking advocates that through their collective efforts are able to convince states to gradually change how they classify and treat victims of human trafficking.

The definition of human trafficking has remained surprisingly consistent throughout the past decade. The U.S. federal government defines human trafficking in three main elements. First, “it requires an act (the movement, recruitment, receipt, or harboring of men, women, or children); second, a means (by force, fraud, or coercion); and third, a purpose (at a minimum, involuntary servitude, slavery, or sexual or labor exploitation, which may include the removal of organs)” (Jaleel 2016). However,

conceptually the definition is not straightforward since the U.S. State Department removed the movement element from their definition. By eliminating this clause it now officially equates human trafficking with enslavement (Jaleel 2016). Thus, this causes some confusion among those in law enforcement on how to apply the law.

In the May 2013 the Federal Bureau of Investigation's CJIS Link edition, the FBI announced they were separating human trafficking into two categories to ease the classification burden. The first is associated with involuntary servitude, "The obtaining of a person(s) through recruitment, harboring, transportation, or provision, and subjecting such persons by force, fraud, or coercion into involuntary servitude, peonage, debt bondage, or slavery (not to include commercial sex acts)" (CJIS Link 2013). This would be the more traditional definition of human trafficking where movement is required. For example, transporting migrant workers against their will to labor in a factory, on a farm, or in a hotel fits in the category of involuntary servitude.

The second category relates to forcing people to commit commercial sex acts against their will. The FBI defines this as "inducing a person by force, fraud, or coercion to participate in commercial sex acts, or in which the person induced to perform such act(s) has not attained 18 years of age" (CJIS Link 2013). The latter of the two definitions will be the primary focus of this study because of the debate surrounding the definition of whether a juvenile being forced to commit commercial sex acts is a victim or criminal. Human trafficking from here on will refer to the issues surrounding commercial sex. It is important to mention that the FBI's definition of human trafficking relates to commercial sex acts are in large part due to how states began to classify victims of human trafficking. Of particular importance to anti-human trafficking advocates was

protecting the rights of children who were affected by the atrocities of human trafficking. Advocates began to encourage states to provide more services to juvenile victims and rid the label of being classified as a criminal if caught while engaged in illegal activity under the direction of a captor. Thus, the reasoning why the FBI began classifying victims of commercial sex acts as 18 years of age and under. Yet, the question remains how did these advocates convince lawmakers to start reclassifying these so called “criminals” as victims?

An overwhelming majority of the public opposes human trafficking. Still, human trafficking is no different from other public policies in that there is typically some sort of collective effort to change the status quo. Unlike the Liam Neeson’s character in the movie *Taken*, one man cannot solve the issues surrounding human trafficking. During the late 1990s, human trafficking gained attention globally from an international coalition of activists against it (Ditmore 2005). In response to international pressure, the United Nations adopted the Palermo Protocol, which encouraged countries to combat and prevent human trafficking and to pay particular interest to the rights of victims (Baker 2012). Meanwhile, advocates in the United States compelled Congress to pass the Trafficking Victims Protection Act (TVPA). The Palermo Protocol inspired this act, and it was the first step by anti-human trafficking advocates in the United States to help bring awareness to the problem.

Under the TVPA human trafficking is classified as a federal crime, the Act established severe penalties to those who committed human trafficking. In addition, the Act expanded the rights of victims of human trafficking. For example, restitution is to be paid by human trafficking violators to victims, and the Act created the T-visa. This visa

permits foreign victims and their families to become temporary U.S. residents, and they may become permanent residents in three years (Polaris Project 2015). Finally, the TVPA requires other countries to protect victims of human trafficking from prosecution if they engage in unlawful activities while in custody of their captor. While a law passed in the U.S. Congress cannot affect other countries, it was the public perception that the U.S. was holding other countries to higher standard than their own, which became a point of contention for advocates fighting for victim rights in the United States.

Advocates felt the U.S. government failed victims within in the United States. Nothing in the bill addressed the needs of victims born here in the United States. The TVPA was primarily written to address human trafficking at the international level because lawmakers were under a false presumption that the U.S. did not have a trafficking problem (Baker 2012). The TVPA condemned other countries for not protecting victims of human trafficking, but it was silent on how state governments should protect victims. This began to change in the mid-2000s when the news media exposed several incidents of human trafficking in the United States. For example, in 2004, *New York Times* journalist Peter Landesman described how four underage girls from Mexico were smuggled to Plainfield, New Jersey. The published report went into gruesome details how men patronized their services all day long (Landesman 2004). The Plainfield Police Department stated that this single raid was only a mirror of dozens of “active stash houses and apartments in the New York metropolitan area -- mirroring hundreds more in other major cities like Los Angeles, Atlanta and Chicago -- where under-age girls and young women from dozens of countries are trafficked and held captive” (Landesman 2004). The article created quite a stir, forcing then U.S. Attorney

General John Ashcroft (2004) to write a response to Landesman's article chronicling the Bush administration's efforts to curb human trafficking. Landeman's *Girl's Next Door* article inspired the Hollywood movie *Trade*. This sparked activists from the religious right to the feminist left and spurred a movement that argued state governments' needed to treat these children as victims not criminals.

Consequently, when Congress reauthorized the TVPA in 2005 it used stronger language to address human trafficking domestically (Baker 2012). The TVPA 2005 states the "United States efforts to combat trafficking had focused primarily on international trafficking of persons, including the trafficking of foreign citizens into the United States," but not on the trafficking of United States citizens (Baker 2012). The Act further declares that many juveniles are sexually exploited within the confines of the United States. As a result, Congress funded programs to serve American victims of domestic trafficking, including a test program to shelter minors (Baker 2012).

While anti-human trafficking advocates were pleased with the progress by Congress to address the problem domestically, they were disappointed in how the states failed to address the issue. Anti-human trafficking advocates argued that state governments still operated under arcane laws for combating human trafficking. For instance, most states prosecute children for prostitution who might be victims of human trafficking (Fichtelman 2014). This was not the norm internationally in part because the U.S. government persuaded other countries to write laws that protected victims of human trafficking (Baker 2012). Thus, activists began lobbying state governments to adjust laws to better defend victims of human trafficking, particularly minors.

One such legislative proposal was the safe harbor law. Anti-human trafficking advocates across the nation pressured state legislatures to enact it. These advocates range from religious groups such as the Jewish Family Services in Louisiana to Willow Domestic Violence Center in Kansas a women's group. Safe harbor decriminalizes minors that are forced into prostitution and instructs police to direct these minors into social services instead of the justice system (Shields and Letourneau 2015). In 2008, the state of New York passed the first Safe Harbor Law (Safe Harbor for Exploited Children Act 2007). This law was possible in part from the advocacy work of Rachel Lloyd founder of Girls Education and Mentoring Service (GEMS), a shelter that helps young girls who were victims of human trafficking (see Baker 2012). After the successful passage of the New York Safe Harbor Law several other states began to pass similar legislation (Shields and Letourneau 2015). Fourteen out of nineteen states that passed a safe harbor law also had established a policy task force. Human trafficking advocates could use these policy task forces as an avenue to indirectly lobby state legislatures to pass favorable legislation. This study will examine all states to determine whether the existence of task forces enhance proponents' ability to influence state legislatures to pass a safe harbor law. It is important to note that the state of Nebraska is excluded in two of the statistical models due to its nonpartisan legislature to control for party effects.

### **A Closer Look at Safe Harbor Laws**

The TVPA provides state governments a firm foundation for establishing safe harbor laws. The TVPA states that, "Victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked" (TVPA 2000). However, according to

the Polaris Project, a prominent anti-human trafficking advocacy group, three elements are essential for an effective safe harbor law (2010). First, minors should not be burdened with any criminal responsibility states should provide minors' protection services rather than directing them into the criminal justice system. Second, a safe harbor law should not require the trafficker to know the age of their victim. Consequently, the trafficker cannot be excused by ignorance. Third, safe harbor laws need to require states to provide specific services tailored to sex trafficking victims such as offering safe houses only for children who are victims of human trafficking (Polaris Project 2010). By implementing the aforementioned elements in a state's safe harbor law it would help alleviate the stigma these children experience and make transitioning back into society easier. Surprisingly, this idea that juveniles who engage in prostitution are victims is a rather nascent legal concept. Traditionally states viewed these children as criminals who were turned over to the juvenile justice system.

Despite the clear guidelines established under the TVPA, state governments remain ambiguous in their approach in protecting minors from human traffickers. Some states have all the elements that the Polaris Project specifies as an effective safe harbor law while others states only partially followed their guidelines. As of 2013, 31 states had no safe harbor laws. This implies that most states do not believe safe harbor laws are effective in protecting children from human traffickers (Jekowsky 2014). In addition, some states may not be able to afford to offer these services to victims.

Some might find it puzzling why some states are not passing safe harbor laws since it protects victims of human trafficking from being prosecuted. However, there are valid arguments against safe harbor laws. As Lauren Jekowsky from the Human

Trafficking Center states, “many state Safe Harbors laws are insufficiently funded, rendering them feeble or ineffective. Others are “incomplete,” meaning that they do not contain all of the elements identified as key components of safe harbor” (2014). This is a common sentiment within the law enforcement community since prosecution protects them from their own behavior. Furthermore, children placed in the juvenile justice system are best able to obtain the services they need as well as protection from their abuser (Annitto 2011). However, under the TVPA of 2000 a victim is simply a person who has not reached the age of eighteen. Thus, if a child is voluntarily working for someone to perform commercial sex acts then they are still considered victims not criminals under federal law.

In addition, states provisions within safe harbor laws vary. Much of the confusion rests in whether a state’s harbor law will decriminalize or divert juveniles who commit commercial sex acts. Under a full decriminalization policy juveniles are completely immune from prosecution. Whereas under a diversion program juveniles must comply with all court-ordered rehabilitative services or risk being prosecuted (Greve 2014). Nonetheless, according to Shields and Letourneau (2015), all state Safe Harbor laws consist of three common underlying values. First, sexually exploited children are not criminals, but victims. Secondly, children have needs the criminal justice system cannot handle. Finally, putting children in the justice system has considerable negative consequences (Shields and Letourneau 2015).

Regarding the incompleteness and varying provisions among the states, legal scholars contend that age of consent laws and the federal TVPA already protect minors. Thus, the legal system need not be muddled with more duplication of laws (Jekowsky

2014). Furthermore, several prosecutors argue that states are putting children at greater risk. If perpetrators know that a child will receive a light sentence or full immunity, then that knowledge might increase their already high usage of children for engaging in illegal activities (Amillo 2011). Thus, safe harbor increases prostitution in general. Finally, many prosecutors argue that it is not fair to other juveniles who get arrested and prosecuted for selling drugs for an adult since these children likewise feel forced to sell drugs by their adult handler (Greve 2014).

Proponents of safe harbor laws dismiss claims by law enforcement and other government officials arguing they are missing the point when it comes to protecting minors. First, it is necessary for law enforcement to establish relationships with children who are exploited. If children who are victims of human trafficking are afraid to go to the police for help out of fear of punishment then they will never attempt to break away from the abuser (Amillo 2011). This more friendly approach from law enforcement may enhance cooperation among victims to enhance the likelihood to testify against their captor enabling prosecutors to go after the real criminals (Amillo 2011).

Secondly, supporters contend that the existing justice system simply cannot offer the necessary services to treat victims of human trafficking. The juvenile justice system is not capable of identifying the physical, mental, and emotional needs to help these children return to society (Martin, Hearst, and Widome 2010; Farrow, Deisher, Brown, and Kulig, Kipke 1992; Skowyra and Coccozza 2007). Research suggests that children, who experience the juvenile justice system are more likely to be unemployed, not graduate from high school, and experience severe depression (Hjalmarsson 2009). Some argue that these negative consequences will be enhanced for those children who are

victims of human trafficking. Prior research indicates that sexually exploited women and children commit several more crimes throughout their lifetime, which might be due to the fact they were unjustly exposed to the justice system early when they needed to be directed to victim services (Geist 2012).

Supporters of safe harbor laws also point to the fact that prosecuting minors goes against the intent of the TVPA 2000, which directly states, “anyone under 18 be treated like a victim and be provided with services” (TVPA 200). Thus, it is a clear violation of federal law to prosecute any child that is forced into sexual servitude. Recently the Stop Exploitation through Trafficking Act of 2013 was introduced to the U.S. Congress and referred to the House Judiciary Committee to make it clear that children sexually exploited by human traffickers are victims. This bill would require all states to pass safe harbor laws within three years or risk losing their Byrne Justice Assistance Grant funds. To bolster states efforts another bill was initiated to offer federal grants to states that implemented safe harbor laws. However, this bill has yet to be voted on. Accordingly, the impact of this law on states remains unclear.

Thus, the growing sentiment in the current political climate is that states need to pass safe harbor laws. Policymakers at the national level are urging most states to philosophically switch from labeling children criminals who are forced to commit acts of prostitution to victims. Convincing states to make such a change is extremely difficult especially when it comes to deep-rooted viewpoints on criminal justice matters and weakening state budgets. The interesting question that remains is why did seventeen states enact safe harbor laws before the federal government forced them or threatened to withhold federal grants?

The answer in part might be the existence of policy task forces. During the late 2000s, several states formed commissions that were tasked with the arduous process in deciphering through a number of complex issues surrounding human trafficking. One such matter was whether to classify children who were forced into prostitution as juvenile delinquents or victims. Several state policy task forces addressed the issue of safe harbor laws. By politicians creating a task force this allows interest groups another opportunity to exert their influence on legislation. Several groups advocated for the passage of safe harbor laws. It is also worth noting that this is not a law that is intended to stop behavior, but rather guide states in how to treat juvenile victims of human trafficking. Interesting, on this particular issue there was no dominant national group advocating policymakers to endorse safe harbor laws rather it appears to be an assortment of groups across America promoting the passage of such laws.

### **Hypotheses**

The background information illustrates the complexity surrounding safe harbor laws. To many outside observers it seems absurd to think that states will not protect children who are victims of human trafficking from prosecution of prostitution. Yet, it is much more complicated because some policymakers, particularly those in the law enforcement community, argue that the juvenile justice system is the only institution that can provide the necessary services to assist these children. Given this debate, 22 states created a task force to look at the issues surrounding human trafficking. These task forces may bring much more attention to a topic and potentially create a political climate that is more inclined to pass any laws that benefit victims of human trafficking. This leads to the first hypothesis.

**H1:** *The presence of a task force concentrating on matters surrounding human trafficking will result in a state passing safe harbor laws.*

The Polaris Project is a national anti-human trafficking advocacy group based out of Washington D.C. whose primary mission is to bring awareness to the problem of human trafficking. According to their website Polaris helped advocate the signing of 127 anti-human trafficking laws at the federal and state level since 2004. On their website they provide victims and anti-human trafficking supporters contact information to advocacy and service groups in their areas. Thus, the Polaris project helps support local advocacy groups by promoting them on their website. However, given the ideological differences in these groups it is difficult for the Polaris project to compel these groups to coordinate independently towards a common goal. Thus, a task force may enhance groups' communications with each other if they serve on a panel together. A task force will allow advocacy groups an avenue to come together for a common goal. In addition, advocacy groups increase their likelihood of having a voice and a direct influence on the drafting of any recommendation to be given to the governor or legislature. Consequently, groups with members on the policy task force should have an easier time to influence politicians to pass safe harbor laws, which leads to the second hypothesis.

**H2:** *The greater percentage of task force members from advocacy groups that promote the causes of victims of human trafficking will increase the likelihood of policy adoption in a state.*

### **Data and Methods**

This study examined data from 2008 to 2013 across all 50 states. Nebraska is dropped in two of the models using partisan influence in the state legislatures as an

independent variable because of its nonpartisan, unicameral legislation. In survival analysis models, New York is dropped since it was the first state to adopt a safe harbor law. This procedure avoids biasing the sample by over counting the number of adopters (Grossback, Nicholson-Crotty, and Peterson 2004).

Two statistical methods are used to analyze the data. First, a Cox-proportional hazards model is used to estimate the results for the survival analysis. The advantage of this model is its flexibility in dealing with duration dependency. Other parametric models require a strong theoretical explanation of why a particular distribution function is expected. The Cox model allows the duration to be left unspecified (Cox 1972, 1975). The Efron method handles ties because the approximation is more accurate than the Breslow approximation (Box-Steffensmeier and Jones 2004). Finally, this study implements robust standard errors to take into account heteroskedasticity, which is common in time series data. Since the timeframe is relatively short, this study conducted a pooled logistic regression model as a validity check on the Cox proportional hazards model. The pooled logistic regression for consistency will take the average of each variable in the study from the years 2008 to 2013. If the outcomes are similar to the Cox model then it provides some confidence that the results in both models are valid.

#### *Dependent Variable*

The dependent variable is a binary variable where 1 indicates that a state adopted a safe harbor law and a 0 specifies that the state did not adopt it. In this study, there are seventeen states that passed some form of a safe harbor law. There is a wide variance in the type of safe harbor laws states enact in order to protect sexually exploited children from prosecution (Polaris Project 2015). First, states vary on the age of protection for

minors. In Illinois, Mississippi, Nebraska, North Carolina, Tennessee, Kentucky, Michigan, Louisiana, and Vermont, all minors under the age of 18 are immune from prosecution. In contrast, Texas only protects minors under 14, and for Connecticut the age is 15 and under. The second major difference is some states do not necessarily offer complete immunity but allow those exploited to prevent court proceedings and to go into some type of court ordered treatment program. Once the victim completes the program, the victim's record is usually expunged.

It is interesting to note that New York's safe harbor law, the first state law, is rather complicated and weaker compared to the rest in protecting minors from prosecution. For instance, the court system in New York has full discretion about when to grant immunity. If the victim has been convicted of a crime unrelated to prostitution then the court may proceed with juvenile delinquency proceedings in the case that pertains to prostitution charges even if someone forced victim to engage in illegal sexual activities. Other states such as Massachusetts and Washington have similar safe harbor laws to each other. For simplicity a state was coded a 1 if it had some version of a safe harbor law no matter how weak or strong. The reasoning behind this coding is because the recommendation from the task forces concerning the type of safe harbor laws that states should adopt was not possible to control for due to data availability.

### *Independent Variables*

There are three main independent variables in this analysis. First is the presence of a human trafficking policy task force. This was a simple dummy variable with 1 indicating that a state has a task force, and a 0 signifying no task force. During the time frame of this study, 22 states had a human trafficking task force.

The second independent variable is the proportion of task force members that originate from nonprofit organizations with a primary goal to help and assist victims of human trafficking. This is controlled because anecdotal evidence from past research suggests that a seat on the board increases the likelihood that their standpoints are heard and endorsed (see McCubbins, Noll, and Weingast 1987; 1989). On average, 24% of the members on a task force came from organizations that directly assist or advocate for victims of human trafficking. In addition, task forces range from 0% to 53% of their members from anti-human advocacy groups. This variable originates from an examination of state websites and task forces reports. These two resources list task force members. The aforementioned membership variable and task force variable were highly correlated. Therefore, two models were conducted for each variable to illustrate which option had a greater impact on the dependent variable.

The final independent variable is the number of nonprofit organizations in each state that assist victims of human trafficking. The more nonprofit organizations increase the likelihood of them being chosen to serve on the task force. This number comes from the Polaris Project website. The Polaris Project is a nationwide human trafficking advocacy group that works with government officials at all levels in the United States to assist in promoting victims' rights. One of the organization's goals is to inform human trafficking victims about groups in a state that offer services to assist victims. This variable involves a count of the number of groups in each state by utilizing the Polaris Project's map that lists all the organizations that help victims of human trafficking. The average number of groups across the states is 4.5 with states ranging between one to 23 groups.

### *Control Variables*

Many factors may influence policy adoption, thus, there are several necessary variables to control in this study. In order to capture some sort of need variable, the study accounts for the arrest rate of prostitution for offenders 18 and under. This data was obtained from the annual FBI Uniform Crime Report. If a state has a high arrest rate then there may be greater demand to pass a safe harbor law in order to divert these individuals so that they can receive proper treatment instead of going into the juvenile system.

A couple of political variables measure the party influence on safe harbor laws since the partisanship of decision makers may influence passage. The two variables are the party of the governor and of state legislature. In the Cox survival analysis the governor variable is a dichotomous variable where 1 equals a Democratic governor and 0 otherwise. In the simple logistic regression models the governor variable is the average number of years a democratic governor was in office during the time frame. The state legislature variable is the proportion of seats filled by Democrats in both the house and senate. Again in the pooled logistic regression model this variable is averaged. Conventional wisdom suggests that Democrats should be more inclined to support a measure that treats offenders as victims instead of criminals. However, political party affiliation finds no statistical significance suggesting partisanship does not matter for the passage of safe harbor laws. A few possible explanations are offered in the findings section. Both variables came from the National Conference of State Legislators' website.

Human trafficking in terms of sexual servitude is a major problem in larger states such as California and New York. Thus, it is prudent to control for the state's population. These states should be more likely to pass safe harbor laws because there is definite

pressure from anti-human trafficking groups to address the problem in a new and innovative way. This study used the log of population. Annual population was derived from the U.S. Census Bureau. Per capita income is another important variable as a good indicator of the overall health of a state's economy. States with higher per capita income might be more inclined to pass safe harbor laws because they may have the financial capacity to develop and maintain a new justice program. These data comes from the U.S. Department of Commerce Bureau of Economic Analysis.

Finally, as with all policy diffusion studies, it is necessary to control for the proportion of neighboring states that already have the law. The safe harbor law appears to be a case of rapid diffusion. The first state to adopt a safe harbor law was New York in 2008 and, within six years, nineteen other states passed similar acts. Since the diffusion process was rather quick it seems unlikely that this had any influence on what other states are doing concerning safe harbor laws.

### **Findings**

Table 6.1 displays the results from the Cox Survival models. Models I and III control for the presence of a task force while Models II and IV include the membership composition variable. Furthermore, Models I and II does not include the state of Nebraska. Consequently, there are no coefficients for state legislatures in those two columns. In order to simplify the interpretation of the survival models all coefficients are shown as hazards ratios.

Before turning to the main independent variables it is important to discuss the findings from the control variables. First, the arrest rate for juveniles 18 and under for prostitution never reached significant across all four models. This indicates juvenile

arrests did not motivate lawmakers to pass safe harbor legislation. In some states this seems logical since most in the law enforcement community argue that juveniles no matter the circumstances surrounding their arrest for prostitution need to be placed in the juvenile justice system. In order to receive the treatment they need and to track them.

The variable for per capita income is only significant when Nebraska and the dummy variable for human trafficking policy task force is included as illustrated in Model I. Even then it is only significant at the .10 level and a hazard ratio of 1.08 indicates a relatively weak effect on the dependent variable. Accordingly, this finding suggests that per capita income does not have a major effect on whether a state passes a safe harbor law.

Unsurprisingly, population is significant in three out of the four models, but only at the .10 level. Population is not significant when Nebraska is not included and controlling for the percentage of non-profit task force members. Generally, population has a fairly sizeable impact on the dependent variable in Models I, II, IV. To be more specific, a state is approximately three times more likely to pass a safe harbor law with a one percent increase in population. Research suggests states with busy interstate corridors such as New Jersey have a bigger problem with human trafficking compared to those states that are isolated. In addition, large metropolitan areas tend to have more of an issue with sexual servitude compared to rural areas. Thus, it is logical that states with larger populations create a greater need to pass safe harbor legislation.

The final control variable counting of neighboring states adopting safe harbor laws was not significant in any of the four survival models. This is not surprising since the diffusion process for those that passed the law was relatively quick in the timeframe

of this study. In a span of only six years seventeen states passed some form of safe harbor law. Thus, it allows little time for other states to learn from their neighbors whether a policy enhanced or hindered the concerned problem. However, in future research this variable may change as more states through the years pass safe harbor laws.

The more interesting findings concern the main independent variables. In models one and three the task force dummy variable is significant at the .01 level. This indicates that simply having a task force within a particular state creates a political environment that is more pleasing for safe harbor advocates. More specifically a state with a task force is approximately seven times more likely to pass safe harbor legislation compared to those do not. Substantively, the impact task forces have on the dependent variable is quite large. However, in Models II and IV the percentage of task force members has an even greater impact on the dependent variable. In Model II a state is nearly 70 times more likely to pass a safe harbor law with a one percentage increase in the number of task force members from human trafficking advocate groups. In Model IV where Nebraska is included a state is almost 94 times more likely to adopt safe harbor legislation with a one-unit change in the number of task force members. This increase could be associated with the fact that Nebraska did sign into law a safe harbor bill.

The aforementioned findings support both hypotheses. First, having a task force creates an advantage in the political arena for advocates for safe harbor laws. There are several plausible explanations for this finding. For instance, a task force may bring awareness to the subject. In turn, awareness produced by one state's task force, may assist in the creation of one in another state. Human trafficking for a long time went under the radar and was viewed exclusively as an international issue. Still, advocates and

some government officials in the early 2000s attempted to convince policymakers that the United States was not immune from the effects of human trafficking. As a result politicians at the federal level began to pressure states to investigate their laws associated with human trafficking. In turn, governors and state legislators formed human trafficking task forces to explore ways to combat sexual servitude. These task forces provide advocates with another venue to voice their concerns to policymakers. This forum may provide an easier way for activists because these task forces are solely focused on one policy, which in this case is human trafficking. Another reason is committee members are often experts in the respected policy field. Nevertheless, they may be open to hear new ideas from other experts they call to testify before them. There is not much evidence of motivation for task force membership, but the assumption is that there is nothing for them to do other than focus on human trafficking.

This leads to the second hypothesis of this study and that is the more members on a task force that come from nonprofit organizations increase the likelihood a state passing safe harbor legislation. One of the primary reasons committee members are more willing to listen to advocates points of views is because they are often on the committee itself. Governors typically appoint several members from the non-profit sector to gain their perspective. Accordingly, voices from supporters are easily heard in a small group concentrated on a single issue compared to a traditional venue such as a legislature or court focusing on various issues. While in this case study there was no pro human trafficking groups there were still sectors such as those in the law enforcement community that advocated on not changing the law on how to treat victims of human

trafficking. Thus, anti-human trafficking advocates had to convince the task force to accept their policy goals over the law enforcement community.

The number of non-profit groups in each state did not reach significance in any of the survival models. Recall, there were a variety of groups in each state that advocated for victims of human trafficking. Despite these findings it is important to mention that this variable may not be a good gauge of group strength because simply determining the number of groups may not necessarily measure their lobbying activity. Better measure maybe testimonies before a state legislature, a public information campaign, or private conversations with politicians.

In order to help validate the results a pooled logistic regression analysis was conducted. The results of the logistic models are displayed in Table 6.2 The table has the same layout as the Cox models where Models I and II do not contain Nebraska while Models III and IV it is included. A quick glance at the table reveals similar results to those from the Cox models in all four models. The primary difference is that arrest rate is now significant across in three out the four models and has a negative impact on the dependent variable. This means that as the arrests of juveniles for prostitution increase then it is less likely the state will endorse safe harbor laws. Many law enforcement officials contend that this is how best to combat human trafficking because the law puts the juvenile in the system where the juvenile justice system can monitor and track that child. Thus, it is reasonable for safe harbor law advocates to think that the arrest rate in those states would have a negative effect on the dependent variable.

Yet, the more telling observation is the fact that the main independent variables respond pretty much the same as in the Cox survival model. This suggests reliability in

the overall association between task forces and safe harbor laws passage. Once again the task force variable is significant in both models. Also, the percentage of task force members that are from the non-profit sector is significant and has a greater impact on whether a state passes safe harbor legislation as opposed to the simple task force dummy variable. Furthermore, the number of nonprofit groups in a state behaved similarly as in the Cox models. Hence, the results from the logistic models enhance the confidence that the outcomes from the Cox models are plausible.

### **Conclusions**

Human trafficking is a complex policy issue riddled with disagreements on how to combat it. This study illustrates that adoption of safe harbor laws were controversial. Prior to 2008, states were reluctant to grant children who were allegedly forced into prostitution by their captor immunity. Yet, this philosophy began to change once advocates' voices were heard.

The results of this study appear to confirm the hypotheses, but there are some limitations. One of the major drawbacks with this research is that it does not measure the media influence. Undoubtedly, the media and arguably Hollywood movies such as *Taken* and *Trade* mentioned earlier focusing on the problem of human trafficking pertaining to commercial sex acts brought much public attention to the issue and its relevancy. Thus, increased media attention to the problem may have helped influence states to pass safe harbor laws. This possibly set in motion a casual chain of increase awareness from metropolitan areas to states creating a task force to governors signing of a safe harbor law.

Accurate numbers are another limitation to this study like many other forms of illegal commerce activity such as the buying and selling of drugs. No one really knows the extent of human trafficking is because there are no data that reliably measure how many people are victims of human trafficking. The Polaris Project funds a human trafficking hotline, which provides an educated guess on how many people are victims of human trafficking. The main problem with the hotline is that it relies on victims to call in, which they often live in environments that do not foster this activity. Thus, the fear is that human trafficking is much worse than the numbers suggest. In addition to inaccuracies in the number of victims, there is also incomplete data when it comes to reporting human trafficking arrests and incidents. Police departments have rough estimates, but they have only recently been required to keep track of human trafficking arrests and incidents. Consequently, the lack of good data in these two areas makes it nearly impossible to provide an accurate “need” variable to this study.

Despite these limitations, there are several implications of this study. First, groups may have another method to advocate their policy goals beyond traditional institutions such as the court or legislature. Policy task forces established to examine the issues associated with human trafficking might create an environment within the states that were responsive to the needs of supporters for safe harbor legislation. This study did not find any direct influence from nonprofit organizations on state legislators, but it did discover that their participation within a task force increased the likelihood of a state adopting the safe harbor law.

If these task forces can be taken over by a special interest than how does this fit in our system of government? Are these task forces a good thing for our democratic society?

One could argue that it simply is a venue filled with likeminded individuals and so called “experts” who through their power on a task force attempt to manipulate legislators to agree with their viewpoints. On the other hand, it appears task forces finally give smaller groups a voice that they may not have through traditional forms of lobbying. As researchers gain more understanding of task forces and their role in our government, we can debate these issues better.

Finally, policy task forces traditionally are seen as ceremonial fixes to a problem without offering any real solutions or holding any power. Nevertheless, this study contends that these task forces can be powerful, and groups can use them to achieve their policy goals. Future research should focus on what types of task forces become powerful. Most task forces are formed and never heard from again. What makes these influential task forces the exception to the rule is the question for researchers to answer in future research.

**Table 6.1**  
**Passage of Safe Harbor Law**  
**Cox Survival Models**

Independent Variables	Model I Task Force Variable and without Nebraska	Model II Membership Variable without Nebraska	Model III Task Force Variable and with Nebraska	Model IV Membership Variable with Nebraska
Human Trafficking Task Force	7.05*** (4.04)	N/A	7.45*** (4.49)	N/A
Task Force Members	N/A	69.78*** (102.71)	N/A	93.95*** (147.08)
Non-profit Organizations	1.04 (.06)	1.05 (.07)	1.06 (.07)	1.06 (.07)
Arrest Rate	.34 (.61)	.23 (.42)	.38 (.68)	.25 (.47)
Democratic Governor	1.91 (1.06)	1.33 (.72)	2.41 (1.51)	1.70 (1.06)
Democratic Legislature	N/A	N/A	.34 (.69)	.40 (.83)
Per-Capita Income	1.08* (.05)	1.07 (.05)	1.10 (.06)	1.07 (.06)
Population	2.94* (1.96)	3.06* (1.98)	2.85 (2.10)	3.13* (2.18)
Neighboring States	2.24 (2.38)	1.22 (1.29)	3.61 (4.33)	1.78 (2.02)
Log Likelihood	-56.71	-59.69	-52.78	-55.34
Wald Test	21.90***	15.96**	21.60***	16.47**
Prob > chi	.0026	.0256	.0057	.0361
Number of Observations	275	275	276	276

Robust standard errors are in parentheses. All coefficients are hazard ratios.

\*significant at the .10 level, \*\*significant at the .05 level, \*\*\*significant at the .01 level

**Table 6.2**  
**Passage of Safe Harbor Law**  
**Logistic Models**

Independent Variables	Model I Task Force Variable and without Nebraska	Model II Membership Variable without Nebraska	Model III Task Force Variable and with Nebraska	Model IV Membership Variable with Nebraska
Human Trafficking Task Force	2.85*** (.95)	N/A	2.79*** (1.01)	
Task Force Members	N/A	8.66*** (3.12)	N/A	9.22*** (3.40)
Non-profit Organizations	.13 (.16)	.16 (.15)	.12 (.16)	.17 (.15)
Arrest Rate	-6.61** (3.79)	-8.98** (4.09)	-5.95 (3.89)	-9.15** (4.39)
Democratic Governor	1.25 (1.12)	.93 (1.07)	1.68 (1.40)	1.25 (1.35)
Democratic Legislature	N/A	N/A	.26 (4.08)	1.95 (4.20)
Per-Capita Income	.09 (.08)	.08 (.07)	.08 (.09)	.05 (.08)
Population	2.69** (1.29)	3.23** (1.33)	3.01** (1.49)	3.90** (1.61)
Neighboring States	-.01 (2.76)	-1.98 (2.90)	1.10 (3.37)	-1.22 (3.35)
Log Likelihood	-19.67	-20.74	-18.61	-18.85
Pseudo R-square	.41	.38	.42	.42
Number of Observations	49	49	50	50

Standard errors are in parentheses

\*significant at the .1 level, \*\*significant at the .05 level, \*\*\*significant at the .01 level

**Appendix 6.1**  
**Descriptive Statistics for Cox Models**

Variables	Observations	Mean	Std. Dev.	Min	Max
Safe Harbor Law	276	.07	.25	0	1
Human Trafficking Task Force	276	.22	.42	0	1
Task Force Members	276	.06	.12	0	.53
Non-profit Organizations	276	4.26	4.36	1	23
Arrest Rate	276	.44	.50	0	1
Democratic Governor	276	.49	.18	0	.9
Democratic Legislature	276	39.64	5.72	30.01	56.25
Per-Capita Income	276	.22	.44	0	3.69
Population	276	6.56	.44	5.73	7.58
Neighboring States	276	.13	.22	0	1

**Appendix 6.2**  
**Descriptive Statistics for Logistic Models**

Variables	Observations	Mean	Std. Dev.	Min	Max
Safe Harbor Law	50	.38	.49	0	1
Human Trafficking Task Force	50	.44	.50	0	1
Task Force Members	50	.10	.15	0	.53
Non-profit Organizations	50	4.46	4.43	1	23
Arrest Rate	50	.21	.38	0	2.58
Democratic Governor	50	.47	.40	0	1
Democratic Legislature	50	.50	.17	0	.88
Per-Capita Income	50	40.37	5.80	31.7	56.84
Population	50	6.58	.45	5.75	7.57
Neighboring States	50	.14	.15	0	.72

## Chapter 7: Conclusion

Task forces impact legislative decisions. Each of the case studies delved into our understanding of their influence. These studies provided some evidence that task forces in the right political environment and circumstances can be influential in the policy making process. Furthermore, the case studies either alluded to or directly demonstrated that interest groups can utilize task forces to achieve their policy goals.

Each case study addressed one of the three main hypotheses in this research. First, in the rural broadband chapter the simple presence of a task force was associated with a positive effect on state legislatures passing bills that favored the American Farm Bureau's position. However, this chapter has two major limitations. First, there is a limited time horizon, only covers one year's worth of data. The rural broadband movement essentially began in 2007. Thus, the saliency and importance of rural broadband may have changed in subsequent years. Given the rapid increase in the number of states establishing rural broadband task forces after 2007 may demonstrate increased saliency and importance. Second, and probably more germane, the study indicated that rural broadband task forces had a positive relationship on passage of bills favoring the Farm Bureau's position, but there is no determination of what influence this group was wielding before the task force. In addition, no evidence of whether Farm Bureau members served on task force panels or assisted in writing recommendations to state legislatures. These questions could not be answered with current data from the rural broadband case study.

In order to look beyond the task force-legislative action association the two following case studies examined the recommendations task forces supply to policymakers and their membership composition. The autism example tackled the second hypothesis and discovered that the simple presence of a task force has an impact, but the recommendation it writes to policymakers also has a positive relationship with policy adoption. A strong recommendation to the legislature required insurance companies to cover autistic children while a weak one encouraged lawmakers to work with insurance companies, but not compel coverage. The stronger the recommendation that was written to policymakers increases the likelihood of enacting the autism insurance bill. These bills are in line with the policy goals of groups such as Autism Speaks and the Autism Society of America. This finding is noteworthy because these two groups are not the typical powerbrokers to influence policymakers. The findings in this chapter suggest that non-profit groups may utilize policy task forces to enhance their policy position before lawmakers. Consequently, non-profit organizations and smaller groups may be able to influence the legislative process effectively through policy task forces. Yet, it is important to note that traditional economic interest groups such as health insurance companies in the autism study still may be able to wield power by either preventing the formation of a task force or tempering the recommendation the task force presents to policymakers.

The last case study focuses on human trafficking and in particular passage of safe harbor laws across the states. Advocates argue that these laws encourage victims to come forward and enhance law enforcement's ability to arrest and prosecute those who are behind illegal activity: those who commit human trafficking. Many of those supporters of

safe harbor laws managed to be appointed to policy task forces. This case study expanded how to measure the influence task forces had on the policy making process by controlling for the number of advocates that were appointed to serve on the panel. This work is similar to McCubbins, Noll, and Weingast (1989) in that they find bureaucratic advisory commissions help “stack the deck in favor of the groups who, among those significantly affected by the policy” (444). Subsequently, an interest group may attempt to fill a policy task force with supporters in order to sway the panel’s decisions. This case study discovered as the number of advocates on a policy task force increases so does the likelihood that safe harbor laws pass in the state. By controlling for membership, the policy study brought to light that the mere presence of a task force does not matter alone. The effectiveness of a task force is dependent on the membership appointed to the panel and their pre-existing policy positions.

In Chapter Two, the brief analysis on membership influence in the autism case, which suggests that the number of members from certain interest groups may have an influence on the strength of recommendation the task force, writes to policymakers. No definitive conclusions can be drawn from this analysis due to the lack of data. However, the human trafficking case study provides some membership data and suggests that it matters more than the simple presence of a task force.

There are several implications from these findings. First, groups simply cannot rely on the presence of a task force to achieve their policy goals. If that was the case then just the existence of a task force should influence policymakers’ decisions throughout the studies, but it did not. The recommendations task forces wrote to policymakers and the types of individuals that are asked to serve on them appear to be important. Thus, groups

might need to become heavily involved in the task force, which for some groups maybe the ideal institution to lobby. In both the autism and human trafficking case studies groups that may not be traditionally powerful found themselves on much more level playing ground. More research is needed to ascertain the level to which groups need to participate in a task force for their policy goals to be achieved.

While, these groups probably succeeded more so by utilizing task forces than not, the case studies could not conclude that they tempered traditionally power interest groups. Quite the contrary, insurance companies still influenced politicians' decisions using conventional lobbying techniques through the use of their contributions. In states with a heavy insurance presence, autism groups had a difficult time lobbying politicians to enact the autism insurance bill. Moreover, in states where it did pass the law was much weaker than groups had wanted. However, it should not diminish the results of these case studies because in both the autism and human trafficking case it illustrates that non-profits can use policy task forces to accomplish some policy goals. Future research would compare the success or failure these groups have in utilizing traditional forms of lobbying and participating in the task force in arena.

Despite the findings in this research, there are some limitations. First, each hypothesis is not tested in all the case studies. This limitation was due to the lack of data available on task forces. Yet, the problems associated with data availability and records pertaining to task forces are not limited to the case studies presented. In many states there are no official records of meeting notes and who serves on them. Furthermore, a key variable is missing in each case study, and that is some sort of issue saliency variable. This would have added insights on whether enactment was effected by saliency.

Presumably, human trafficking and autism is much more salient than rural broadband unless a person lives in a rural area. These issues were not addressed in this study, but are important issues to tackle in future research.

Another area of research for scholars to consider is the motivations for why politicians create task forces. Researchers offer several reasons why task forces are created from supplying technical information to deflecting attention away from a policy problem (Tepper 2004; Chapman 1973). Politicians may want to establish a task force to divert attention away from a controversial topic and to appear like they are tackling the issue. In addition, politicians may take advantage of task forces strategically because they can claim credit for a successful policy while blaming the panel if it fails. While these are all reasonable suggestions as to why politicians establish task forces these issues have not been quantitatively tested. By determining exactly why and under what circumstances these task forces are created, may add even more insights to their influence over politicians.

In addition to answering why they are created, scholars need to collect more data on how many task forces are formed. Whereas the scant literature on policy task forces believes the use of these temporary committees is on the rise, this research suggests maybe on a slight decline, at least for gubernatorial task forces. Nonetheless, there are only 29 state governors included in this research, excludes California and New York. Adding the remaining 21 states as well as legislature and local governments may confirm that there is an increase in the number of policy task forces created. As noted earlier, there is no catalog of task forces in each state and most do not provide any oversight. Thus, most task forces go unnoticed during the time of service, which means that

researchers need to be the ones that investigate just how many are being created and which ones get the attention of lawmakers, media, and citizens while others do not. By providing scholars with more accurate number of task forces, it draws them closer to understanding the incidences and influence they have over the policymaking process. If task forces are on the rise then what are politicians' true motives? Are lawmakers using them to obtain more information or are they basically trying to bury an issue? These are two critical questions that need to be answered in future research.

This research particularly touched on the role that interest groups play in the task force environment. Interest groups use a number of tactics to lobby politicians and government officials. The nature of their strategy is dependent on resources, policy goals, and cost effectiveness. Groups must evaluate how and where to use their resources in the most cost effective way in order to achieve their policy objectives. Strategies beyond contributing to electoral campaigns are essential to gain influence in the political arena. Therefore, groups may find that task forces are a cost effective approach to press for their goals. This research alludes to the fact that traditionally less powerful groups particularly non-profits may find it advantageous to participate in the task force environment while powerful interests that enjoy the support of status quo will attempt to squash its creation. It should be noted that once they are created powerful interest groups seem to participate just as much as the less than powerful ones.

By overlooking this ad-hoc institution scholars run the risk of not addressing a disconcerting issue surrounding the usage of task forces by politicians. Does the practice of using task forces embrace the United States' democratic values? Politicians are placing a lot of faith in a group of experts who are hand-picked by the governor to promote his or

her agenda. If the autism case is the norm then a lot of weight is given to their recommendation during the enactment stage, a recommendation that perhaps is based on testimony that might be undocumented from a concerned group who represents a small fraction of society. In a country that demands transparency and democratic debates task forces may not be the option most citizens prefer.

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## VITA

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Mark is an avid golfer who misses spending time on the course with his late father.