

April 2, 2007

Supporting Genocide?



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● The next issue of Capitol Journal will be available on April 9th.

Top Story

States are using the power of their pension funds to make a statement against the Sudanese government's ongoing genocide in Darfur. But some critics contend such measures are unconstitutional and could potentially harm pensioners.

SNCJ Spotlight

States weigh pros and cons of Sudan divestment

Some time in the near future, COLORADO Gov. Bill Ritter (D) is expected to sign House Bill 1184, which requires the state's public pension fund to rid itself of an estimated \$141 million in holdings in companies that do business with the civil war-torn African nation of Sudan. IOWA Gov. Chet Culver (D) is also expected to sign SB 361, which would require the Hawkeye State to sell off its own Sudan-related holdings. In doing so, Ritter and Culver will make their states the eighth and ninth to

undertake such a divestment, with several more primed to follow suit. But while supporters hail these measures as an appropriate moral stand against the Sudanese government and the genocide it is accused of carrying out in Darfur, others contend they are unconstitutional and could potentially harm pensioners in those states.

While many Americans have only recently become aware of the ongoing strife there, Sudan — the largest country in Africa, with an estimated 41 million people — has suffered through a long history of violence and international discord. Controlled at various times over the last two centuries by Turkey, Egypt and Great Britain, Sudan has been in an almost constant state of civil war since gaining independence in the 1950s. While the discovery of oil in southern Sudan in the 1970s spurred a flood of international investment that made Sudan a player in the global oil trade, it also exacerbated long-held ethnic and religious tensions between the mostly Arabic-speaking Muslim north and the more indigenous tribal population in the south. With the rise of Islamic extremist groups like Al Qaeda, Sudan gradually became a haven for international terrorism, serving as a base for Osama Bin Laden. That led the U.S. to impose comprehensive economic and trade sanctions against Sudan in 1997.

When a new rebellion broke out in Western Sudan's Darfur region in 2003, the government responded with a bloody reprisal that has since continued almost unabated. The United Nations claims that Arab-led militias (called Janjaweed) backed by the Sudanese government continue to carry out a violent program of rape, murder and ethnic cleansing against Darfur's non-Arab population, leaving hundreds of thousands of people dead and as many as 2 million more homeless. In 2004, Congress officially declared the violence to be genocide.

But while U.S. sanctions forbid American companies from doing business directly with or in Sudan, they do not block investment in foreign companies that carry on business there. Accordingly, many of the nation's largest universities and state pension funds have cumulatively held hundreds of millions of dollars worth of those investments for years.

That began to change in 2005. Inspired by the successful anti-apartheid movement against South Africa in the 1980s, several prominent American universities began a movement to have their organizations divest completely from Sudan. Later that year,

The week in session

States in Regular Session: AK, AL, AZ, CO, CT, DC, DE, FL, HI, IA, IL, IN, KS, MA, MD, ME, MI, MN, MO, MT, NC, ND, NE, NH, NV, NY, OK, OH, OR, RI, SC, TN, TX, US, VT, WA, WI

States in Reconvened Session: VA

States in Special Session: NM "a"

States in Recess: AR, CA, GA, PA

States in Budget Hearing Recess: NJ

States Currently Prefiling or Drafting: LA

States Projected to Adjourn: ID, MS

States Adjourned in 2007: KY, NM, SD, UT, VA, WV, WY

States Adjourned in 2007: UT, VA, WY

State Special Sessions Adjourned in 2007: AL "a", FL "a", WI "a", WV "a"

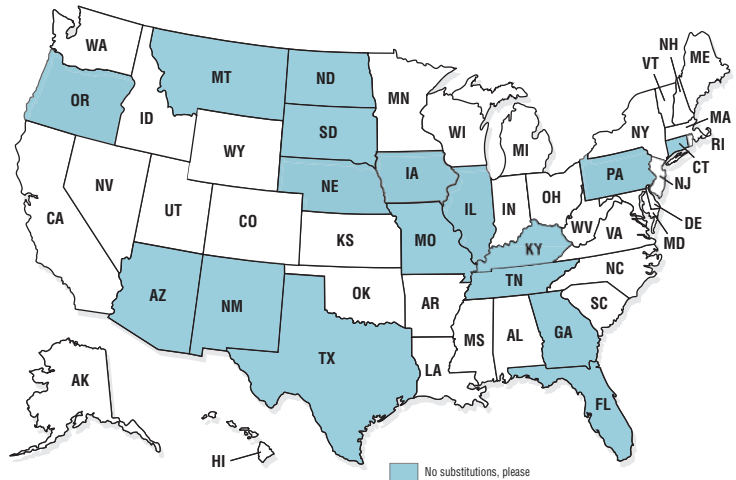
— Compiled By JAMES ROSS
(session information current as of 03/30 /2007)
Source: State Net database

lawmakers in OREGON, NEW JERSEY and ILLINOIS approved legislation requiring their pension funds to divest from companies doing business in Sudan. CALIFORNIA, WASHINGTON and CONNECTICUT joined them in 2006, followed by VERMONT in February of this year.

According to the State Net database, more than 25 states have introduced some form of Sudan divestment measure this session. In addition to VERMONT, IOWA and COLORADO, divestment bills have moved forward in INDIANA, FLORIDA, HAWAII, RHODE ISLAND and TEXAS. Supporters say many states are seriously considering divestment because taking money away from the Sudanese government is the most effective way to force it to end its support of the violence there.

“We feel this is a great tool to convince the Sudanese government to change its behavior,” says Kula Koenig of the Washington D.C.-based Sudan Divestment Task Force (SDTF), which provides model legislation for states considering divestment bills. SDTF targets specific companies they say are the “worst offending” in Sudan, those that have a direct business relationship with the Sudanese government or have no corporate governance concerning human rights abuses in Darfur. The SDTF plan calls for engagement with targeted companies as a first effort to get them to alter their policies before moving to the divestment process, and exempts companies it says are benefiting civilians. Exceptions are also made for divestment that “could be convincingly proven to be infeasible, allowing pension funds to maintain their prudent investor responsibilities.”

Bird's eye view



The right drug for the job

Although the FDA allows for some variability between generic and name brand medications, generics have generally proven to be just as safe and effective as the name brand drugs they are meant to replace. Generics are also cheaper, leading many insurers to require the use of a generic drug whenever possible. But there are some medical conditions that require a high level of oversight before a prescription can be adjusted to a less expensive generic option. Epilepsy is one such condition. Even small changes in the medications used to control epileptic convulsions can cause unexpected “breakthrough” seizures in epileptics who have long had their condition under control. Because such seizures can be both debilitating and life threatening, 17 states have introduced legislation this year that would prohibit substituting a prescribed antiepileptic drug with a generic without the prior consent of the prescribing physician.





Two states, CALIFORNIA and VERMONT, currently use the SDTF model. CALIFORNIA, for instance, requires that the state’s two main public pension funds — the CALIFORNIA Public Employee Pension System (CalPERS) and the CALIFORNIA State Teachers Retirement System (CalSTRS) — divest from companies that help prop up the Sudanese government. VERMONT, WASHINGTON, CONNECTICUT and MAINE do not use the exact SDTF model, but follow their own plan of targeted divestment. In contrast, ILLINOIS and NEW JERSEY have attempted a much more comprehensive divestment. Several of the states with pending legislation, including COLORADO, IOWA, WISCONSIN, TEXAS and KANSAS have also used the targeted investment model. “I think we’re going to see a lot more states using our model legislation to divest this year,” SDTF’s Koenig says. “Any leftovers will be continued next year.”

“I think we’re going to see a lot more states using our model legislation to divest this year.”

But not everyone thinks this is a role states should be playing. Divestment measures have failed in NEBRASKA (L 468), VIRGINIA (HB 1828, HB 2869 and SB 1331) and WYOMING (HB 245), ostensibly because lawmakers did not feel comfortable making state pension fund decisions. Ditto in INDIANA, where HB 1484 cleared the Hoosier State House but died in the Senate Pension and Labor Committee after Sen. Dennis Kruse (R), the committee chair, said it would set a dangerous precedent to let lawmakers determine pension fund policy. The INDIANA Senate is still considering Senate Concurrent Resolution 74, a nonbinding measure that encourages but does not mandate Sudan divestment.

International trade advocates also oppose state divestment measures, claiming they are an unconstitutional undermining of the federal government’s sole authority to set U.S. foreign policy. A federal court in Chicago recently agreed, at least in regard to the ILLINOIS statute. The court ruled in February that the measure usurped both federal foreign policy power and Congressional authority over international commerce.

“Everybody is against genocide, including us and the people we represent,” says Dan O’Flaherty, vice president of the Washington D.C.-based National Foreign Trade Council, which filed the ILLINOIS suit. “But we believe that forced divestment is unconstitutional, and the court agreed.”

ILLINOIS has not yet decided if it will appeal the decision. O’Flaherty says the NFTC is similarly undecided as to whether it will pursue legal action against other states, but noted that the SDTF model has yet to be tested in court. The ILLINOIS ruling and the potential for further litigation was definitely on the minds of lawmakers in COLORADO, according to Katie Kaufmanis, communications director for the state’s Public Employee Retirement Association, which publicly endorsed the state’s Sudan divestment.



“Our legislation is very different from ILLINOIS’. We were very cognizant of what was going on there before we drafted our language,” she says. “The PERA board worked with staff in drafting the legislation to make sure it could be implemented and was precise in the types of holdings we would be required to divest from.” She notes that a “severability” clause was also added in the Senate that would likely prevent the entire statute from being declared unconstitutional.

“It is hard to imagine Chinese oil companies are suddenly going to leave Sudan, so I really doubt pension divestment is going to contribute significantly to the leverage against the government there.”

Several U.S. Senators, including ILLINOIS Democrats Sen. Dick Durbin and Barack Obama, have introduced legislation in Congress that would authorize states to fully divest from Sudan. But even if the balance of the current divestment measures hold up, O’Flaherty doubts they will ultimately do much to sway either Sudan or the companies doing business there. “It is hard to imagine Chinese oil companies are suddenly going to leave Sudan, so I really doubt pension divestment is going to contribute significantly to the leverage against the government there,” he says.

But the current heartburn over Sudan is only part of the divestment story. Over the years, the overwhelming success of the anti-apartheid effort against South Africa has also spurred numerous copy-cat divestment campaigns worldwide, covering a range of environmental, social and consumer causes. To wit, State Net has identified eight states this session with divestment bills aimed at terrorist nations, most notably Iran. While many see such campaigns as a logical extension of U.S. efforts to thwart terrorism, NFTC president Bill Reinsch contends that such use of fiscal divestment as a policy tool does far more harm than good.

“These measures are absolutely awful because they directly compromise President Bush’s efforts to get agreement from other nations on multilateral sanctions against Iran,” Reinsch says. “They don’t even hit Iran, they hit companies doing business with Iran. Well, where are those companies located? They are in the very countries we are trying to get to cooperate with us. These bills essentially poke a stick in the eye of the very people we’re asking for help.”

There are also questions about how divestment may impact American pensioners. Because states like ILLINOIS have laws that require public pension funds to invest only in mutual funds or bonds, Reinsch says forced divestment in high-yield foreign funds could have meant lower returns for Prairie State retirees. “That’s why we had eight state pension funds as co-plaintiffs in our lawsuit there,” he says.



SDTF’s Koenig says these concerns are why her organization supports targeted divestment and has built in safety valves that allow state funds to keep investments they feel are necessary to protect their pensioners. But, she says, she too is troubled by what some might see as the abuse of divestment campaigns for political reasons. “We don’t want to start down that slippery slope where divestment is the call to deal with every sort of crisis,” she says.

— By RICH EHISEN

Budget & Taxes

S TATES WARMING UP TO NEW TAXES: A few years ago, when states were struggling under some of the worst economic conditions since the Great Depression, they were doing whatever they could to avoid big tax increases, including spending their rainy day funds, borrowing and expanding legalized gambling. But now it appears that some states have gotten over their aversion to taxes.

ILLINOIS, for instance, is considering \$6 billion in new business taxes. CONNECTICUT is pondering a 10 percent boost in its income tax. MICHIGAN is looking into raising excise taxes on services and “sin” taxes to help close a \$3 billion hole in its budget. And PENNSYLVANIA and WISCONSIN are both weighing higher taxes on tobacco and oil.

One reason for the softening of the line on taxes is that Democrats control more governors’ offices and statehouses than they did before the 2006 elections. The majority of the proposed tax hikes have come from Democrats, one of the more notable exceptions being the income tax proposal in CONNECTICUT, which was pitched by Republican Gov. M. Jodi Rell.

Nick Johnson of the Center on Budget and Policy Priorities says the tax trend also “reflects the imperative that states feel somehow, someday, they must expand health care.” Indeed, the proposals in ILLINOIS, CONNECTICUT, PENNSYLVANIA and WISCONSIN are all at least partially geared toward that end, as are tax hikes being considered in DELAWARE, INDIANA and OREGON.

“Six years ago, states went after tobacco companies, now it’s oil companies’ turn.”

companies’ turn,” said Chris Atkins, an attorney for the Tax Foundation, which rates state tax burdens. (STATELINE.ORG)

With the recent spike in gasoline prices, states also appear to have found a new villain at which to direct their ire. “Six years ago, states went after tobacco companies, now it’s oil



CORZINE RULES OUT SELLING NJ TURNPIKE: The administration of NEW JERSEY Gov. Jon Corzine (D) has been spending a lot of time lately looking into “monetizing” state assets, such as the lottery and toll roads, as a means of generating cash to pay down the state’s debt and finance road construction and other projects for which funds are currently lacking. And although the governor has been reluctant to discuss the specifics of that effort, he made it clear last week that one thing the state won’t be doing is selling the NEW JERSEY Turnpike, only leasing it in a way that is beneficial to taxpayers. “There will be no sale, I can assure you of that, and any leasing will be under a very controlled basis,” he said during a cable news program last Tuesday. “We’re not giving away the shop. We’re not giving away the crown jewels.” Corzine said the plan being considered was transferring the long-term costs of operating the toll road to a private operator and then taking the state’s share of the expected revenue in a lump sum, saving the state the expense of yearly debt service payments. “It’s monetization as opposed to privatization,” said Corzine. (STAR-LEDGER [NEWARK])

DANIELS DROPS NEW TOLL-ROAD PLANS: Last week, INDIANA Gov. Mitch Daniels (R) abandoned his plan to construct a toll-road bypass in the Indianapolis area and scaled back a proposal for a similar project in the northwestern part of the state. In a letter to legislative leaders, Daniels stated, “it is clear to me that we are far from the degree of consensus that is necessary before embarking on major public works projects of high local impact.” Which was a refined way of saying that Hoosiers didn’t much care for his toll-road ideas. They’d turned out in the thousands to oppose the proposals at field hearings held by the House Roads and Transportation Committee, fearing their homes, farms and rural way of life were in jeopardy. Some lawmakers felt that given the public response, the governor’s action was inevitable. “He did the

“He did the only thing he could do. But if he hadn’t done it, we would have done it for him.”

only thing he could do,” said House Speaker B. Patrick Bauer (D). “But if he hadn’t done it, we would have done it for him.” Bauer added that had Daniels sought public input before he leased the INDIANA Toll Road to private interests last year, he would have encountered similar resistance. But Bauer and other lawmakers

acknowledged that the traffic problems that gave rise to Daniels’ proposals haven’t gone away. And they’re now considering holding hearings, possibly this summer, to consider other solutions, such as mass transit. (INDIANAPOLIS STAR)

ROAD FUNDING DEAL REACHED IN VA: VIRGINIA’s Democratic Gov. Timothy M. Kaine and Republican legislative leaders reached a deal last week that could bring the first major increase in state transportation funding in the



Old Dominion in over two decades. There are still details to be worked out but the agreement currently includes \$3 billion in new borrowing, an increase in the tax on diesel fuel from 16 cents per gallon to 17.5 cents, a \$10 hike in the vehicle registration fee and authorization for cities and counties in southeastern and northern VIRGINIA to levy taxes and other fees for local road projects. And although the deal came as a surprise to the General Assembly’s Democratic leaders, it appears likely they’ll go along with it. “We’ve come too close to scuttle the effort,” said Del. Brian Moran (D). (VIRGINIAN-PILOT [NORFLOLK])

Upcoming elections

(03/15/2007 - 04/05/2007):

04/14/2007 Delaware Special Election

House 7th Representative District

04/17/2007 Massachusetts Special Election

House 14th Worcester

04/17/2007 Massachusetts Special Primary

House 11th Norfolk

BUDGETS IN BRIEF: The **GEORGIA** House passed legislation that would tighten the income eligibility requirement for the state’s PeachCare health insurance program for poor children in order to address a \$131 million shortfall in federal funding. If the measure — HB 340 — is approved by the Senate and signed by Gov. Sonny Perdue (R), the income limit for the program will drop from 250 percent of the federal poverty level, or \$48,500, to 200 percent, or \$41,300 (ASSOCIATED PRESS, MACON TELEGRAPH). • **MICHIGAN** Treasurer Robert Kline warned last week that the state could see shutdowns of government services as early as May if the current budget crisis is not resolved. Klein said the uncertain economy, combined with previous tax cuts and overspending, will push the state \$400 million into the red by then (DETROIT NEWS). • The **MINNESOTA** House voted last month to raise the Gopher State’s 20-cents-per-gallon gas tax by 10 cents and boost vehicle registration fees to provide \$9.1 billion in funding for transportation projects over the next 10 years. The bill was bound for a conference committee to work out differences between it and a roads bill passed by the Senate. But even if a compromise is reached, the proposal’s future is in doubt. Gov. Tim Pawlenty (R) has vowed to veto any transportation funding bill that includes a tax increase, and the version that cleared the House was seven votes shy of the 90 that would be needed for an override (STAR TRIBUNE [MINNEAPOLIS-ST. PAUL]). • **OHIO** is planning to issue \$100 million in municipal bonds this month to enable homeowners to refinance their mortgages and thereby avoid foreclosure. The Buckeye State had the highest foreclosure rate in the country last year, at 3.38 percent (NEW YORK TIMES).

— *Compiled by KOREY CLARK*

Politics & leadership

EARLY PRIMARY RUSH GOES BI-COASTAL: Last month, the day formerly known as “Mini-Tuesday” — the first Tuesday in February on which multiple states hold their presidential primaries — became super-sized, when the CALIFORNIA Legislature okayed and Gov. Arnold Schwarzenegger (R) signed a measure shifting the state’s presidential primary from June 3 to Feb. 5 (see CALIFORNIA PASSES EARLY PRIMARY in March 12 issue of *SNCJ*). Two weeks ago, that Tuesday became bi-coastally super-duper-sized when NEW YORK lawmakers followed CALIFORNIA’s lead, passing legislation that, if signed by Gov. Eliot Spitzer (D), would change the Empire State primary from March 4 to Feb. 5.

Backers of the move sounded a lot like their counterparts on the left coast did a few weeks ago. “Changing NEW YORK’s primary date to February will provide voters with an early voice in the selection of presidential candidates and restore NEW YORK’s input into choosing the most important office of our democracy,” said Sen. Majority Leader Joseph L. Bruno (R). But NEW YORK’s early-primary advocates have the added incentive of possibly boosting the chances of a couple of home-state candidates, Democrat Hillary Rodham Clinton (D) and Republican Rudolph Giuliani.

Analysts, however, continue to warn that the early primary rush — twenty-two states have either already scheduled their primary for Feb. 5 or are considering doing so, according to the National Association of Secretaries of State (NASS) — could ultimately backfire on the primary switchers. They say that’s exactly what happened in 1984, when the Democrats, seeking to ensure the early nomination of former Vice President Walter Mondale, stacked up the early primaries, only to see several go to COLORADO Sen. Gary Hart, leading to what one observer at the time described as one of the “most grueling, frenetic and unpredictable primary seasons ever.” (NEW YORK TIMES, NASS.ORG)

MD SENATE PASSES NATIONAL POPULAR VOTE BILL: MARYLAND could soon become the first state to drop out of the electoral college and agree to elect U.S. presidents by national popular vote. Last Wednesday, the Senate approved a bill that would award the Old Line State’s 10 electoral votes to the candidate who receives the most votes nationwide rather than statewide. A similar measure was approved the same day by a House committee, and Gov. Martin O’Malley (D) has indicated that he supports the idea.

The Senate’s action seemed to generate a bit of excitement among some of its members. “MARYLAND could lead a national movement to popular election of a president,” said freshman Sen. Jamie B. Raskin (D). Supporters argued that the measure would force presidential candidates to campaign in states other than just “battlegrounds” like FLORIDA and OHIO, and also prevent outcomes like that of the

2000 presidential race, when the candidate who won the popular vote lost the election.

Opponents of the popular-vote measure, however, contended that it could lead to “mass chaos” if the vote was so close that a recount became necessary. “While the electoral college is not flawless, the alternative might be worse,” said Sen. Michael G. Lenett, one of three Democrats who joined the Senate’s 14 Republicans in opposing the bill. Lenett also said the measure might just shift the candidates’ focus from battleground states to big cities, which wouldn’t necessarily benefit MARYLAND much.

But the pro-popular vote side ultimately won the battle in the Senate and appears likely to win the war in the state. Ryan O’Donnell, a spokesman for National Popular Vote Inc., attributes that to the fact that MARYLAND has been “the classic spectator state” in presidential races. “I think MARYLAND voters are tired of being ignored, and lawmakers are reacting to that,” he said.

Even if MARYLAND enacts its national popular vote measure, though, it might never actually take effect. Enough states to generate 270 electoral votes — enough to elect the president — must do the same in order for that to occur. The CALIFORNIA Legislature passed such a bill last year, but it was vetoed by Gov. Arnold Schwarzenegger (R), and this year, only three other states — ARKANSAS, HAWAII and COLORADO — have managed to get popular-vote bills through one chamber of their legislatures, according to National Popular Vote Inc. Prompting MARYLAND Senate President Thomas Mike V. Miller Jr. (D) to remark, “I don’t know if it will happen in my lifetime.” (WASHINGTON POST)

NJ ADOPTS CAMPAIGN FINANCE REFORM PILOT PROGRAM: Last week, NEW JERSEY moved a step closer to having the sort of statewide public campaign finance program already in place in ARIZONA, CONNECTICUT and MAINE. Under legislation signed into law by Gov. Jon Corzine (D) last Wednesday, major party candidates for the state Assembly and Senate in three districts — to be determined April 16 — will be able to earn \$50,000 in taxpayer dollars by raising \$10,000 in individual donations of \$500 or less and then collecting 400 contributions of \$10 or more. Accumulating 800 contributions will garner them \$100,000. Independent candidates will be eligible for half as much. The measure will actually replace a pilot program that achieved only limited success in 2005, but supporters

In the hopper

State Net tracks tens of thousands of bills in all 50 states, US Congress, and the District of Columbia, at any given time. Here’s a snapshot of what’s in the legislative works:

Number of prefiles last week: 742

Number of Intros last week: 3,945

Number of bills enacted/adopted last week: 2,103

Number of prefiles to date: 30,614

Number of Intros to date: 122,097

Number of enacted/adopted overall to date: 11,273

— Compiled By JAMES ROSS
(measures current as of 03/29/2007)
Source: State Net database



seemed determined. “We are moving the reform agenda forward, taking one more step toward making fundamental change in the way we do politics in NEW JERSEY,” said Vic De Luca of the government watchdog group NEW JERSEY Citizen Action. (ASSOCIATED PRESS, RECORD OF BERGEN COUNTY)

POLITICS IN BRIEF: SOUTH CAROLINA’s sole female senator, Linda Short (D), has announced that she will retire next year. Unless another woman joins the Senate before then, it will become an all-male chamber for the first time since 1979. Whether that happens or not, however, the Palmetto State Legislature will likely retain its status as the most masculine governing body in the nation, with only 8.8 percent of its 170 seats currently held by women (STATE [COLUMBIA]).

— *Compiled by KOREY CLARK*

Governors

DEMSPONDER BLANCO’S BANKROLL: LOUISIANA Gov. Kathleen Blanco’s (D) decision to not seek a second term has sparked intense speculation about what she will do with the more than \$3 million sitting in her now-defunct campaign’s coffers. Although Blanco cannot keep the cash for herself, other options abound, including stashing it for any future campaigns she might wage. Blanco could also give it all to charity or she could simply return it to the donors who gave it to her in the first place. Or, should she suddenly want to make herself a very popular person with her not-always-so-friendly colleagues, she could hand a big chunk of it off to some of the horde of Pelican State Democrats jostling to replace her. Blanco is apparently choosing that option, as state Democratic Party leaders say she has already indicated she would send some of the cash their way, perhaps as much as the maximum \$100,000 allowable during every four-year election cycle. She is also likely to send maximum contributions to Dems running in several down ticket races. (TIMES-PICAYUNE [NEW ORLEANS])

RENDELL WANTS MAJOR REFORMS: PENNSYLVANIA Gov. Ed Rendell (D) proposed more sweeping changes to Keystone State government last week, including reducing the size of the state Legislature and enacting term limits on the members who serve there. Saying that “The size of our General Assembly causes not only gridlock, but cost to taxpayers,” Rendell suggested forming a state committee to redraw the state into fewer districts to reduce the number of lawmakers under the Capitol dome. Rendell says the state paid out \$340 million to operate the Legislature last year, an average of \$1.3 million per lawmaker. He also suggested limiting those lawmakers to no more than eight years in each chamber. Perhaps most surprising was



Rendell’s call for campaign contribution limits, with caps of \$5,000 in gubernatorial elections and \$2,000 in most other races. Acknowledging his reputation as a prodigious fundraiser, Rendell quipped that “Having me talk about campaign finance reform may sound a little odd to some people, but if Richard Nixon could be the first person to bring diplomatic relations to China, then I could certainly be the governor that spearheads campaign finance reform.” (PITTSBURGH POST-GAZETTE)

“Having me talk about campaign finance reform may sound a little odd to some people, but if Richard Nixon could be the first person to bring diplomatic relations to China, then I could certainly be the governor that spearheads campaign finance reform.”

GOVERNORS IN BRIEF:

FLORIDA Gov. Charlie Crist (R) says he will form a Governor’s Council on Physical Fitness to help Sunshine State residents lose weight and be more physically fit. Crist also called for schools to hold daily physical education classes, particularly for kindergarten through the fifth grade (ST. PETERSBURG TIMES).

• **MASSACHUSETTS** Gov. Deval Patrick (D) began a series of eight town hall meetings to be held across the Bay State. Patrick also launched a new, more user-friendly Web site designed to help people send their ideas and comments to him. Both efforts were aimed at helping to overcome a series of high-profile PR blunders that have hurt his popularity with voters (BOSTON GLOBE).

• **NEW YORK** Gov. Eliot Spitzer (D) vowed to bolster state laws to safeguard abortion rights in the Empire State if the U.S. Supreme Court overturns or limits *Roe vs. Wade*. Spitzer told attendees at a family planning conference that he fears the appointment of conservative judges to the U.S. Supreme Court by President Bush could put the 1973 decision in jeopardy (ALBANY TIMES UNION).

— *Compiled by RICH EHISEN*



Hot issues

BUSINESS: The **KANSAS** Supreme Court rules that a Sunflower State law requiring workers to be paid their full wages at least once a month applies to illegal immigrants. That law also allows the Department of Labor to double the amount of money an employee collects if the employer deliberately withholds wages. The decision overrules a lower court verdict that said the statute did not cover



undocumented workers (LAWRENCE JOURNAL-WORLD). • **KENTUCKY** Gov. Ernie Fletcher (R) signs legislation requiring that all cigarettes sold in the Bluegrass State be self-extinguishing. Seven other states have also passed laws mandating the fire-safe smokes, which go out when not being puffed on by the user (COURIER-JOURNAL [LOUISVILLE]).

• **FLORIDA** lawmakers give final approval for the state-run Citizens Property Insurance to sell coastal residents wind-only and full-coverage policies at prices competitive with private insurers. The coverage will eventually be available to all Sunshine State residents (TALLAHASSEE DEMOCRAT). • **IOWA** Gov. Chet Culver (D) signs legislation that caps interest on loans that use a car title as collateral at 21 percent. Proponents of the new law say current interest rates on such loans often reach 300 percent (QUAD CITY TIMES [DAVENPORT]). • The **GEORGIA** House rejects HB 163, a measure that would have legalized short-term, high-interest payday loans in the Peach State. **GEORGIA** is one of 12 states that do not allow the loans, which typically charge interest rates as high as 390 percent (ATLANTA JOURNAL-CONSTITUTION).

Upcoming stories

Here are some of the topics you will see covered in upcoming issues of the State Net Capitol Journal:

- **HPV update**
- **Security breach protection**
- **Smoking legislation covers the states**

CRIME & PUNISHMENT: A **CALIFORNIA** court rules that police may detain and search someone they suspect of using marijuana even if that person has a state-approved medical marijuana card. The court said the Golden State law only shields medical pot patients from legal conviction, not from being searched or arrested (SAN FRANCISCO CHRONICLE). • **VIRGINIA** Gov. Tim Kaine (D) vetoes SB 1116, HB 2347, HB 2348, HB 2750 and SB 1288, all of which would have expanded the Old Dominion’s use of the death penalty. Lawmakers reconvene this week to decide whether to accept or seek overrides to the vetoes (VIRGINIAN-PILOT [NORFOLK]). • **KENTUCKY** Gov. Ernie Fletcher (R) signs SB 43, which makes the Bluegrass State the 28th to criminalize the exploitation of children or adults for forced labor, domestic work or the sex trade (COURIER-JOURNAL [LOUISVILLE]). • **TEXAS** Gov. Rick Perry (R) signs legislation that relieves Lone Star State residents of the legal obligation to retreat before using deadly force against an intruder in their home, business or car. The measure also grants civil immunity to anyone who lawfully uses deadly force. Fifteen other states have adopted similar laws over the last two years (DALLAS MORNING NEWS). • The **NEW HAMPSHIRE** House kills a proposal to end use of capital punishment in the Granite State (CONCORD MONITOR).

EDUCATION: The **MARYLAND** House approves legislation that would extend in-state tuition rates to all Old Line State residents, regardless of their legal immigration status. It graduates to the Senate (NEWS JOURNAL [NEW CASTLE-

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WILMINGTON]). • The **TEXAS** Senate approves SB 9, a measure that would require all public school employees, including janitors, bus drivers and other non-teaching personnel, to undergo a criminal background check. Anyone with a sexual offense or felony against a child would be barred from being employment in the school system. It moves to the House (DALLAS MORNING NEWS).

ENVIRONMENT: The **MARYLAND** House approves legislation that will ban dish soaps that contain phosphorous. Manufacturers will have until 2009 to comply. The measure moves to Gov. Martin O'Malley (D), who says he will sign it into law (WASHINGTON POST). • **COLORADO** Gov. Bill Ritter (D) signs HB 1281, legislation that requires utilities to get 20 percent of their electricity from renewable sources such as the sun, wind or biomass by 2020 (ROCKY MOUNTAIN NEWS [DENVER]).

HEALTH & SCIENCE: The **MARYLAND** Senate approves a measure that would bar smoking inside most public buildings. It wafts back to the House to address changes made to the version passed there earlier in the week (BALTIMORE SUN). • An **ARKANSAS** Senate committee rejects SB 911, which would have barred young children and pregnant women from receiving vaccinations containing more than 0.5 microgram of mercury per 0.5 milliliter dose of vaccine (ARKANSAS NEWS BUREAU [LITTLE ROCK]). • The **MINNESOTA** Senate approves a proposal to bar smoking in virtually all public buildings, including bars and restaurants. It moves to the House (MINNEAPOLIS STAR TRIBUNE). • The **COLORADO** Senate approves a proposal to extend the Centennial State's ban on smoking in public buildings to include gambling casinos. The measure returns to the House to debate changes made in the timetable for implementation (DENVER POST). • Still in **COLORADO**, the House rejects SB 23, a proposal that would have required parental permission for teens to use tanning salons (ROCKY MOUNTAIN NEWS [DENVER]).

IMMIGRATION: The **MISSOURI** House approves HB 851, a measure that would require police to determine citizenship status for anyone arrested in the Show Me State. It moves to the Senate (NEWS TRIBUNE [JEFFERSON CITY]). • The **ILLINOIS** House endorses legislation that would allow illegal immigrants to obtain a Prairie State driver's license. The measure moves to the Senate (CHICAGO TRIBUNE).

SOCIAL POLICY: The **MINNESOTA** Senate approves a measure that would extend health coverage benefits to the same-sex partners of Gopher State public employees. It moves to the House (MINNEAPOLIS STAR TRIBUNE). • **MISSISSIPPI** Gov. Haley Barbour (R) signs legislation that would ban all abortions

not involving rape or a threat to the mother's life. The measure will only take effect if the U.S. Supreme Court overturns the federal statute making abortion legal (CLARION-LEDGER [JACKSON]). • An **OHIO** court upholds a Buckeye State law that bars funeral protests during and one hour before and after a service and mandates that protesters stay at least 300 feet away from those proceedings. The court did abolish a 300-foot "floating buffer zone" for moving funeral processions (CLEVELAND PLAIN DEALER). • The **KANSAS** House approves a measure that would require funeral protesters stay at least 150 feet away from those services one hour before, during and two hours after the ceremony. It moves back to the Senate (LAWRENCE JOURNAL WORLD). • An **ARKANSAS** Senate committee rejects SB 871, which would have required family planning clinics to post signs advising patients they cannot be forced to have an abortion (ARKANSAS NEWS BUREAU [LITTLE ROCK]). • **IDAHO** Gov. Butch Otter (R) signs legislation that requires all unmarried, unemancipated minor girls to get the permission of a parent, guardian or judge before having an abortion. It goes into effect immediately (IDAHO STATESMAN [BOISE]). • The **IOWA** Senate approves SF 427, which would add sexual orientation and gender identity to the list of categories covered under the state's anti-discrimination law. It moves to the Senate (QUAD CITY TIMES [DAVENPORT]). • The **NEW HAMPSHIRE** House rejects a proposed constitutional amendment that would have defined marriage as being only between one man and one woman (CONCORD MONITOR).

POTPOURRI: The **COLORADO** Senate endorses HB 1184, which would require the state public employee pension fund to divest from companies that do business with Sudan, which the U.S. government has accused of committing genocide (see *SNCJ Spotlight* in this issue). It moves back to the House (ASSOCIATED PRESS). • The **IOWA** House also approves legislation to mandate divestment of public pension funds from Sudan-related companies. It goes to Gov. Chet Culver (D), who is expected to sign it (DES MOINES REGISTER) • Still on Sudan, an **INDIANA** Senate kills HB 1484, which would also have required the Hoosier State retirement system to divest from Sudan-related investments (INDIANAPOLIS STAR). • **VIRGINIA** Gov. Tim Kaine (D) signs legislation that prohibits drivers under 18 from using cell phones or other wireless devices while behind the wheel. The law takes effect on July 1 (RICHMOND TIMES-DISPATCH). • The **MISSISSIPPI** House approves SB 2375, which authorizes Magnolia State transportation officials as well as local cities and counties or public-private partnerships to build toll roads. Under this statute, tolls would be limited only to new roads. It goes to Gov. Haley Barbour (R), who is expected to sign it (SUN HERALD [BILOXI]).

— Compiled by *RICH EHISEN*

Once Around the Statehouse Lightly

THE DEVIL, YOU SAY: If some MISSOURI residents have their way, the national Real ID Act won't ever be adopted in the Show Me State. According to the *St. Louis Post-Dispatch*, many evangelicals believe the Act is a critical link in the coming of the antichrist, arguing that a national identification number is the Bible's very "mark of the beast" as set down in the Book of Revelation. Fortunately for them, a few Missouri legislators have already introduced legislation to exempt the state from provisions of the Act, albeit for the more mundane reasons of lack of funding and issues with federal intrusion on states' rights. The Real ID Act passed Congress in the wake of the 9/11 terrorist attacks and is designed to standardize state drivers' licenses and connect them to the national ID number. The Missouri bill has already passed the state House (146 to 4) and is up for consideration in the Senate.

DEVIL IN THE DETAILS? In this case, the detail was a driver's license. Seems that rookie MICHIGAN lawmaker Bert Johnson didn't have a current one. Johnson, a Detroit Democrat, had his license suspended for a variety of traffic violations but managed to slip behind the wheel anyway and drive himself to work — where he was spotted by a reporter. Driving without a license likely wasn't an innocent oversight, notes the *Detroit Free Press*. Over the past 18 years, the 33-year-old Johnson has had his license suspended more often than not suspended. He has wracked up more than 24 suspensions, including 17 citations for speeding and other moving violations. Oh, and there was that 1994 felony conviction for armed robbery and burglary tossed into the mix as well. Still, Johnson was duly elected last November, and Democrats who control the Legislature made no effort to deny him a seat despite the fact that he once spent eight months in prison. Fittingly, Johnson serves on the, um, House Insurance Committee.

DETAILS IN THE DEVIL? Never let it be said that politicians must be consistent, even those who espouse a "post-partisan" line of thought. As many news organizations pointed out last week, CALIFORNIA Gov. Arnold Schwarzenegger called on presidential candidates from both parties to offer specific ideas and programs on such issues as the environment and universal health care when campaigning in California. The reason: The Land of Schwarzenegger has advanced its presidential primary to February 5, 2008, and many of those White House hopefuls now are wooing Golden State voters, as well as Golden State donors. But as *Los Angeles Times* veteran columnist George Skelton notes, the governor himself



is preaching what he did not practice during last year’s run for re-election. Although repeatedly pressed for details at the time, the Govenator was purposefully vague during the gubernatorial campaign, especially when it came to health care proposals.

JUST FOOLIN’ AROUND: A mixed message zoomed out of the TENNESSEE Senate last week. While it will likely be resolved, it was interesting to note the juxtaposition of the two disparate actions. First, reports the *Tennessean*, the Senate postponed — perhaps indefinitely — a resolution to honor singer/actor Justin Timberlake for “meritorious service” to the state. Some lawmakers objected to the R-rated tone of Timberlake’s most recent effort, an album called “Future Sex/ LoveSounds.” At the same time, notes The Associated Press, the Senate also tabled a bill that would make it a felony for a person to have sex with an animal. So, the Tennessee Senate is not sure of two things: that Timberlake’s music is okay, and that sex with Fido is not okay.

WILD, WILD WEST: The notion is a throwback to the days of the Wild West, where folks — including the local school marm — packed a gun. Now, according to the *Las Vegas Review-Journal*, a bill introduced in the NEVADA Legislature will allow trained teachers to carry a concealed weapon on school property. State Sen. Bob Beers, a Las Vegas Republican, tossed SB 286 in the hopper because, he said last year, students don’t shoot up a school where teachers are armed. Education officials have “questioned the wisdom of the proposal.”

— By A.G.BLOCK



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