

February 12, 2007

Texas-Sized Dilemma



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The next issue of Capitol Journal will be available on February 19th.

Top Story

A new drug to prevent cervical cancer has more than 20 states considering bills to include it in school vaccinations. But an unexpected executive order in TEXAS has people on all sides of the issue feeling ill.

SNCJ Spotlight

Texas puts HPV controversy under microscope

Most states have required school-age children to be vaccinated against diseases like measles, hepatitis B and polio for years. Some have immunization requirements, also known as “school laws,” for chicken pox as well. This month, TEXAS became the first to require pre-teen girls to be vaccinated against sexually transmitted strains of the human papillomavirus, or HPV, believed to cause cervical cancer. And while numerous other states are lined up to do the same, TEXAS’ action may have made that more of a challenge.



After the FDA approved the HPV vaccine Gardasil last summer and an advisory panel to the Centers for Disease Control and Prevention recommended that it be administered to girls before they become sexually active, it was only a matter of time before states began mandating it. Few would have guessed, however, that the first to actually do so would be a conservative stronghold like TEXAS.

But newly re-elected TEXAS Gov. Rick Perry (R) took the task upon himself, mandating HPV vaccinations for girls entering the 6th grade, starting in 2008, by executive order. That move may have averted a tough fight over the issue in the state's GOP-controlled Legislature, but it was still something of a feat. Perry himself is a conservative Christian who opposes abortion and embryonic stem-cell research and whose political base is the religious right. Consequently, his action took even some Lone Star State lawmakers by surprise, including the author of a bill that would have required HPV vaccinations starting this fall. "I had no idea; I was absolutely caught off guard," said Rep. Jessica Farrar (D).

Perry's move drew praise from many health advocates and even from some of his more persistent critics in the state. The Texas Freedom Network, for instance, which bills itself as "A Mainstream Voice to Counter the Religious Right," declared, "Today's decision by the governor is not just a positive step forward in efforts to promote health. It is also an important acknowledgment that health and science should not be held hostage to politics and ideology."

Some of the governor's usual supporters, however, were a little less enthusiastic about his action. Pro-family and conservative Christian groups criticized him for challenging parents' authority to determine what's best for their children, even though his order allows parents to opt their children out of the inoculations; for imposing a

"I am disgusted that [Perry] has chosen to circumvent the legislative process and strip away the right of TEXAS citizens to have their voices heard."

considerable expense on families — \$360 for the three shots that are required — although the order provides for free vaccinations for the uninsured; and for subjecting young girls to a brand new drug. They also raised concerns that the vaccination program would undermine the state's abstinence-only sex education policy by giving young people the impression that sex before marriage is okay and that vaccines will make it safe.

The week in session

States in Regular Session: AK, AR, AZ, CA, CO, CT, DC, GA, HI, IA, ID, IL, IN, KS, KY, MA, MD, ME, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NM, NV, NY, OK, OH, OR, PA, RI, SC, SD, TN, TX, US, UT, VA, VT, WA, WI, WV, WY

States in Budget Hearing Recess: DE

States Currently Prefiling or Drafting: FL, LA

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

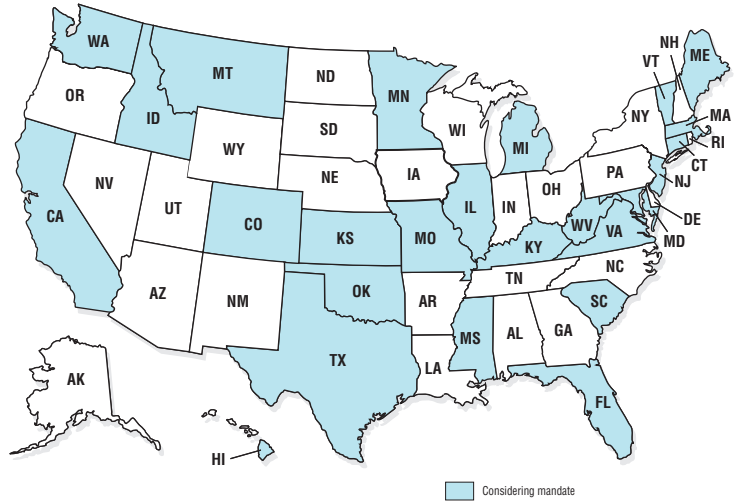
— Compiled By JAMES ROSS
(session information current as of 02/02/2007)
Source: State Net database

Some of Perry's fellow conservative lawmakers assailed him for many of the same reasons, but above all for undermining the legislative process. "This is a personal decision to be made by parents and not the governor of TEXAS," said Rep. Dennis Bonnen (R). "I am disgusted that he has chosen to circumvent the legislative process and strip away the right of TEXAS citizens to have their voices heard." Sen. Jane Nelson (R), chair of the Senate Health and Human Services committee, said she planned to seek an opinion from the state attorney general about the legality of the executive order, and at least three other GOP legislators actually filed bills to nullify it.

In answer to his critics, Perry proclaimed that he stands "firmly on the side of protecting life" and refuses "to look a young woman in the eye who suffers from this form of cancer and tell her that we could have stopped it but we didn't." He also had some choice words for those who believe his order will encourage premarital sex. "Providing the HPV vaccine doesn't promote sexual promiscuity any more than providing the hepatitis B vaccine promotes drug use," he said in a statement. "If the

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Bird's eye view



Source: State Net

Mandating HPV vaccine



According to the State Net database, 25 states and the District of Columbia have introduced bills this session that would make a new-to-the-market cervical cancer vaccine mandatory for pre-teen girls before they can enter the sixth grade. (See *SNCJ Spotlight* in this issue) The vaccine protects against the human papillomavirus, or HPV, which is believed to be responsible for most cases of cervical cancer. These measures have not come without controversy, as many parents contend that the forced immunization will encourage young girls to have sex, while many advocates for the poor question whether the drug's high cost will prevent low income people from obtaining it. Still others say the vaccine has not been in use long enough to assure its safety. The accompanying map shows states currently considering bills that would make the vaccine mandatory for pre-teen girls. TEXAS has already made the vaccine mandatory via a gubernatorial executive order.

medical community developed a vaccine for lung cancer, would the same critics oppose it, claiming it would encourage smoking?"

The charge against Perry that has drawn the most widespread attention, though, is that his action



was prompted by his ties to the manufacturer of Gardasil, Merck & Co., which stands to make billions if the vaccine is mandated nationwide. Stories in newspapers across the country have alluded to the fact that Merck’s PAC donated \$6,000 to Perry’s re-election campaign, that one of Merck’s lobbyists in TEXAS is Perry’s former chief of staff and that his current chief of staff’s mother-in-law, TEXAS Rep. Dianne White Delisi (R), is a director for Women in Government, the advocacy group through which Merck has been directing most of its HPV lobbying efforts.

“There are bills filed. There’s no emergency except in the boardrooms of Merck....”

Texans undoubtedly got that news. Dawn Richardson, president of the citizens group Parents Requesting Open Vaccine Education, certainly seemed to be aware of it when she remarked that Perry was “circumventing the will of the people” by issuing his executive order. “There are bills filed. There’s no emergency except in the boardrooms of Merck...” Those well outside of TEXAS got the news about Merck too. One indication of that was CALIFORNIA Assemblywoman Sally Lieber’s (D) withdrawal of her authorship of a bill mandating HPV vaccinations after a local newspaper revealed that her husband’s family trust held thousands of dollars in Merck stock.

The specter of Big Pharma is a relatively new addition to the litany of arguments that have been made in opposition to compulsory vaccination. Objections on privacy grounds, for instance, have been around since at least the start of the last century, when the U.S. Supreme Court ruled in the case of *Jacobsen v. the Commonwealth of MASSACHUSETTS (1905)* that the state could subject individual citizens to vaccination for the common good.

The Merck factor is not the only thing that is unique to the current vaccine controversy, however. Unlike the diseases for which vaccines have been mandated in the past, “HPV is not caught by sitting next to someone in class but by

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sexual contact,” says Dr. Richard Zimmerman, a professor of family medicine at the University of Pittsburgh, who recently wrote an analysis of the ethical issues

surrounding HPV vaccination for the journal *Vaccine*. “Using school laws, which were developed to protect children from communicable diseases like smallpox and measles, to mandate vaccination against a sexually transmitted infection, is to use the ends to justify the means,” he says.

But Dr. Louis Cooper, a former president of the American Academy of Pediatrics, points out that history shows people tend not to get vaccinated in numbers sufficient to reduce disease rates unless they’re required to. He said, for example, that although



vaccines for measles, mumps, rubella and polio became available in the 1950s and ‘60s, infection rates for those diseases didn’t drop substantially until states began requiring schoolchildren to be vaccinated for them.

Despite that fact, however, Dr. Cooper believes it’s a little premature to mandate immunization for HPV. He said the public needs more time to learn about the issue and healthcare professionals need more time to study the effects of the vaccine.

Which is the position WASHINGTON Gov. Christine Gregoire (D) is taking on the subject. She stated in a news conference a few days after Perry’s action that she “was reticent to dictate when I think there is a lot of public education that needs to go on,” adding, “To go out and start just saying everybody mandatorily has to have this is a little bit troublesome for me.” So, instead of requiring HPV inoculations, the Evergreen State is planning only to provide them for free. State officials said they expect to purchase 143,000 doses of Gardasil by late spring, and that by buying in bulk, they’ll reduce their cost per dose by about 25 percent.

Still, according to State Net’s legislative database, bills mandating HPV vaccination have been introduced in 24 states besides TEXAS (See *Bird’s eye view* in this issue). Many of those measures do not currently include parental opt-out provisions or provide for state-subsidized inoculation like Perry’s executive order. (At least four states, however, GEORGIA, HAWAII, IOWA and NEW MEXICO, have proposed legislation requiring insurers to cover HPV vaccinations.)

It’s unclear what impact the developments in TEXAS will have on that HPV legislation — even if Perry’s executive order holds up. At the very least, the controversy has ensured that those bills are going to receive a heightened level of scrutiny. (CDC.GOV, HHS.GOV, ASSOCIATED PRESS, DALLAS MORNING NEWS, HOUSTON CHRONICLE, WASHINGTON POST, WALL STREET JOURNAL, SAN JOSE MERCURY-NEWS, NEW YORK TIMES, MSNBC.COM, LSU LAW CENTER, SOUTH FLORIDA SUN-SENTINEL, BUSINESSWEEK, STATENET.COM)

— *Compiled by KOREY CLARK*

Budget & Taxes

NEW JERSEY HOMEOWNERS GET \$2 BILLION IN TAX RELIEF:
 After six months of often contentious debate, NEW JERSEY lawmakers sent Gov. Jon Corzine (D) legislation aimed at reducing the Garden State’s highest-in-the-nation property taxes. The measure promises to provide a total of \$2 billion in tax credits for about 1.8 million of the state’s 2 million homeowners, with credits ranging as high as \$2,000, depending on income and total tax bill. Households with incomes of less than \$100,000 a year would receive the maximum credit, 20 percent, while those with incomes of \$100,000 to \$150,000 would get 15 percent.



High-income households, those earning \$150,000 to \$250,000, would get 10 percent. The legislation also puts a 4 percent cap on tax increases by local governments.

The measure’s passage was in question right up until the final hours, with a quartet of Democrats holding out against the proposal. Their issue was twofold: whether the money to pay for the program would be there in future years and concern that the measure was unconstitutional. With only 18 votes assured — out of a necessary 21 for approval — Corzine and Senate President Richard Codey turned their attention to Republicans.

They quickly got two GOP members to join them, leaving them one vote shy. That prompted a clearly exasperated Sen. Martha Bark (R), who has already announced her imminent

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retirement from the Legislature, to vote yes. “I just thought, well, here we are, it’s going to happen, why shouldn’t it be me so we can get out of here?” Bark said. Her vote prompted another half dozen yes tallies, giving the measure plenty of breathing room on its way to Corzine’s desk. Corzine said plans to give the proposal a thorough review, but still figures to sign it within 45 days. (STAR-LEDGER [NEWARK])

RELL PROPOSES BIG TAX HIKES: CONNECTICUT Gov. M. Jodi Rell (R) called for a record-setting increase in education spending last week, proposing a five-year plan to increase state education aid by \$3.4 billion and hiking the current tax rate by 0.5 percent to pay for it. In doing so, Rell became the first Constitution State governor to ask for an income tax hike since the state adopted the tax in 1991. Rell also wants to do away with the estate tax, which currently only impacts those who die with more than \$2 million in assets, and hike the cigarette tax to \$2-per-pack from its current level of \$1.51. The proposals were part of an overall two-year \$35.8 billion budget. (HARTFORD COURANT)

RENDELL WANTS TAX HIKE TRIFECTA: PENNSYLVANIA Gov. Ed Rendell (D) proposed a trio of tax hikes last week, including a 6 to 7 percent hike in the state sales tax and a 10-cents-per pack increase in the Keystone State’s cigarette tax, which would be coupled with a new 36-cents-per-ounce tax on smokeless tobacco and cigars. The state does not currently tax those products. Rendell also proposed taking advantage of the oil industry’s record profits by offering companies a trade — a new gross profits tax of 6.17 percent in exchange for a state exemption from paying the corporate net income tax of 9.99 percent. The governor figures the exchange would net the state around \$760 million, which he could then use for mass transit needs. Rendell’s entire \$27.3 billion budget now goes to lawmakers. (PITTSBURGH POST-GAZETTE)

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BUDGETS IN BRIEF: TEXAS Gov. Rick Perry (R) has proposed selling the Lone Star State lottery to a private entity, with much of the proceeds going to subsidize health care for the poor and to fund cancer research. Perry’s proposal envisions a \$14 billion up-front payment, with the money being used to create a “superfund” that will establish three trusts, one for the cancer research, one to bolster health care for 500,000 low-income residents and a final one to replace the annual education money the lottery currently pumps into the state school system. Perry said he wants to move quickly because other states are considering similar actions, which he says would diminish the value of the **TEXAS** lottery (DALLAS MORNING NEWS). • **A KANSAS** House committee endorsed dropping the state franchise tax, which is based on the value of a firm’s assets and represents a fee for being able to do business in the Sunflower State. The measure now goes to the full House for debate (WICHITA EAGLE). • The **VIRGINIA** Senate gave approval last week to legislation that would let the state’s off-track betting parlors install machines that allow electronic wagering on horse races held in other states. Proponents claim the measure could produce up to \$350 million in annual revenue for the state’s struggling transportation fund. The bill is now off to the House, which killed a similar proposal earlier this year (RICHMOND TIMES-DISPATCH). • **NEW JERSEY** officials announced that the state’s long-term health care obligation to retired public employees is \$78 billion, almost four times what lawmakers estimated it to be a year ago. The new tally was determined as the state moved to comply with a new Government Accounting Standard Boards (GASB) rule that will require governments to list the health benefits liability as part of their routine disclosures of long-term debt (STAR-LEDGER [NEWARK]). • **TENNESSEE** Gov. Phil Bredesen (D) asked lawmakers to raise the Volunteer State cigarette tax by 40 cents per pack, with 90 percent of the resulting \$220 million in new revenue targeted for education. Bredesen said \$6 million would go to farmers once dependent on growing tobacco and \$15 million to anti-smoking programs (NEWS SENTINEL [KNOXVILLE]). • **RHODE ISLAND** Gov. Don Carcieri’s (R) budget proposes a new tax on health care companies that spend too much on administration. Carcieri’s proposal says that if an insurer spends less than 88 percent of its revenue from premiums on medical services and hospital care, the state would take the difference, up to 1 percent of gross premiums for nonprofits and 2 percent for profit-making companies (PROVIDENCE JOURNAL).

— *Compiled by RICH EHISEN*

Politics & leadership

S PITZER TO LEGISLATURE — OH, IT’S ON NOW: NEW YORK lawmakers overwhelmingly chose one of their own members to fill the post of state comptroller last week — and ignited a war with firebrand Gov. Eliot



Spitzer in the process. The comptroller choice had become a hot issue in recent weeks, with Spitzer making it clear he wanted lawmakers to pick a candidate of his choosing to be the state’s top fiscal overseer. Fine, said legislative Democrats, who presumed Spitzer would send them someone culled from the legislative ranks. Spitzer instead gave lawmakers a trio of candidates from outside the Capitol, setting off a game of political chicken between the enormously-popular-with-voters Spitzer and the highly unpopular-but-utterly-entrenched pols that legally hold the power to make the choice.

Last week, that choice became long-time Assemblyman Thomas P. DiNapoli (D), which garnered a bitter reaction from the governor. “We have just witnessed an insider’s game of self-dealing that unfortunately confirms every NEW YORKER’s worst fears and image of all that goes on in the Legislature of this state,” Spitzer said. “When all was said and done, the question legislators asked was not who was best qualified among the 19 million New Yorkers for this job, but rather, who among us will receive as a virtual gift this job that we control.”

Spitzer also vowed to campaign against incumbent Democrats and Republicans, and said the event marks a negative turning point in his relationship with Assembly Speaker Sheldon Silver (D) and House Minority Leader Joseph Bruno (R).

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For their part, Silver and Bruno both said they expect the turmoil to blow over. “We have to move on and govern. This ‘who’s the most macho,’ I think, clearly has run its course,” Bruno said. But Spitzer, who views his landslide election last

“We have to move on and govern. This ‘who’s the most macho,’ I think, clearly has run its course.”

November as a public mandate for political and ethical reform in Albany, did not sound inclined to let the matter fade away any time soon, saying Silver and Bruno “showed a stunning lack

of integrity that is deeply troubling. They returned to the cocoon of the Albany status quo that has driven their behavior for too long.” (NEW YORK TIMES, NEW YORK POST, ALBANY TIMES TRIBUNE)

PA SENATOR INDICTED: A PENNSYLVANIA grand jury indicted long-time state Sen. Vincent J. Fumo (D) on charges he defrauded a multimillion-dollar charity, used Senate staff for personal and political errands, and engaged in a cover-up after the FBI and IRS began to investigate him. Fumo, 63, is charged with 139 counts of



conspiracy, fraud, obstruction of justice, and filing false tax returns. He faces up to 10 years in jail if convicted on all counts.

The FBI indictment contends that Fumo “regularly endeavored to gain personal benefits and gratuities from others, including entities over which he had influence, such as the Senate” and non-profit groups he was involved with. Those benefits include trips, a bulldozer used to clear acreage on his 100-acre farm and using Senate funds to pay a Senate aide to work as his housekeeper. In announcing the indictment, U.S. Attorney Patrick Meehan said “Sen. Fumo didn’t just step over the line, he completely ignored it.”

Fumo, who has served in the Senate for 29 years, denied all the charges, saying in a speech to his Senate colleagues that “I know in my heart that I have not done anything illegal.” Fumo did step down from his committee posts, but will remain in the Senate. He has been indicted twice before, once in 1973 for voter fraud and again in 1980 for putting ghost employees on the state payroll. (PHILADELPHIA INQUIRER)

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ET TU BRUTUS? An **IDAHO** House committee killed a proposal last week to close the state’s open primary election system. The bill’s demise caused a significant stir among GOP leadership because four Republicans crossed party lines to vote against it. That was a major no-no because said GOP leaders were the ones behind the measure, and it is protocol among Gem State Republicans for the GOP majority to clear all leadership-backed measures for further debate. Oops. But the wayward Republicans denied they were openly defying the bosses, contending instead that their nay votes were merely a mistake — they forgot to look at whose names were on the bill. Regardless, the now-agitated GOP leadership has vowed to use their clout to muscle through another measure that will require **IDAHO** voters to register with a party before they can vote in a primary election. (IDAHO STATESMAN [BOISE])

POLITICS IN BRIEF: Rep. Barbara Buckley (D) became the first female Assembly Speaker in **NEVADA** state history last week. Buckley garnered all but one vote, that of freshman Assemblyman Ty Cobb — a Reno Republican, not the infamous late Detroit Tiger — who said, “I’m a Republican and I would have preferred a Republican speaker.” Buckley said Cobb’s dissension “shows a lack of bipartisan cooperation and poor taste” (LAS VEGAS SUN). • A **SOUTH DAKOTA** House committee last week endorsed HB 1272, which would move the Coyote State presidential primary from June to the last Tuesday in January. The full House will review the measure this week (RAPID CITY JOURNAL).

Upcoming elections

(02/08/2007 - 03/01/2007):

02/27/2007 Florida Special General Election

House District 3

Governors

DANIELS WANTS TO END HOOSIER BRAIN DRAIN: INDIANA Gov. Mitch Daniels (R) is tired of the Hoosier State's bright young minds heading off to other states for college, usually not to return. In order to rectify that situation, Daniels has proposed offering resident students \$20,000 in scholarships as an incentive to choose an in-state college. Of course, there is a catch — anyone accepting the state dollars must agree to stick around after they get their college diploma. Those who leave less than three years after graduation will be required to repay the money.

Daniels wants to fund the "Hoosier Hope Scholarships" program by outsourcing the state lottery for 30 years in exchange for an estimated up-front payment of \$1 billion, with annual payments thereafter. Republican Sen. James Merritt has already filed legislation that would commit 60 percent of the money to a fund for the scholarships and 40 percent to attract top faculty to state universities and colleges. If lawmakers ultimately approve the proposal, INDIANA would become the first state in the nation to offer scholarship money with such a caveat.

But getting the proposal past lawmakers could be a major challenge, as Hoosier Democrats are so far cool to the idea. INDIANA House Speaker Pat Bauer (D), for instance, called the proposal to sell off the lottery "fool's gold" and said he "wouldn't place any bets on it getting through." But Daniels and some academic leaders point to studies that show a third of students who stay in state for college leave after they graduate, with 90 percent of those never returning. That, says INDIANA higher education commissioner Stan Jones, is a major problem.

"The brain drain is one of the top three or four issues facing the state," Jones said. "If we cannot have a talented pool of young people in the state, we're not going to be able to attract jobs." (ASSOCIATED PRESS, BOSTON GLOBE)

GREGOIRE PROPOSES UNIVERSAL HEALTH: WASHINGTON Gov. Christine Gregoire (D) last week introduced the Healthy WASHINGTON Initiative, a proposal to provide access to health coverage for all state residents by 2012. The Evergreen State currently has approximately 600,000 uninsured residents, including 73,000 children. The proposed program's many elements include provisions allowing employees to take their health care coverage with them when they change jobs and ending the practice of kicking children off of a parent's health coverage at age 18. State health officials say that young adults between the ages of 19 and 25 make up almost 30 percent of the state's uninsured population. The plan would require insurers to allow parents to keep their unmarried children under the age of 25 on their health care policy, with either an employer or the covered party paying for it. Gregoire said the state will also explore ways to pool public and private markets to combine



purchasing power to drive down insurance premiums. The proposal, which is set to go before lawmakers this week, is expected to cost about \$142 million in the first two years. (SEATTLE TIMES)

GOVERNORS IN BRIEF: Legislative leaders from **OHIO** filed a 137-page lawsuit last week asking the Buckeye State Supreme Court to overrule a veto recently imposed by Gov. Ted Strickland (D). Senate President Bill Harris and House Speaker Jon Husted claim the veto is invalid because it was completed during the last legislative session, under former Gov. Bob Taft (R). Strickland contends he was able to legally veto the measure because the deadline for it to become law had not yet passed (AKRON BEACON JOURNAL).

- A **VIRGINIA** House committee killed a proposal to allow Old Dominion governors to run for a second term. The measure would have needed voter approval, but died in committee with nary any debate. **VIRGINIA** remains the only state in the union that prohibits incumbent governors from running for re-election (VIRGINIAN-PILOT [NORFOLK]).
- **OREGON** Gov. Ted Kulongoski (D) asked lawmakers to freeze development allowed by Measure 37, Oregon’s voter-approved property rights law, while a special committee decides whether to retool it. Kulongoski also asked to have landowners who are seeking to build only a single home under the statute to be placed on an “express” track. Measure 37 allows Beaver State property owners whose property value is reduced by environmental or other land use regulations to claim compensation from state or local government. Approximately 7,000 applications have been filed since the law took effect in December 2004 (OREGONIAN [PORTLAND]).
- Many **COLORADO** lawmakers were livid to learn last week that when several top appointees of former Gov. Bill Owens (R) left office in January with their termed-out boss, they took with them a collective total of more than \$500,000 in severance and unused sick leave and vacation pay. In 2004, Owens changed administration policy to allow his staff to begin building up vacation and sick leave. Previously, staff lost any vacation or sick leave they did not use in a year.

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: 812

Number of Intros last week: 14,449

Number of 2006 Session bills enacted/adopted last week: 6

Number of 2007 Session bills enacted/adopted last week: 628

Number of prefiles to date: 23,689

Number of Intros to date: 63,210

Number of enacted/adopted overall in 2006: 33,320

Number of enacted/adopted overall in 2007: 2,003

— Compiled By JAMES ROSS
(measures current as of 02/08/2007)
Source: State Net database

Hot issues

B **USINESS:** The **VIRGINIA** Senate approves legislation that would raise the Old Dominion minimum wage from \$5.15 to \$6.50-per-hour effective July 1. The measure moves to the House (**RICHMOND TIMES-DISPATCH**).

An **IDAHO** House committee rejects a proposal to raise the state minimum wage to \$7.25-per-hour and index it to rise with inflation (**IDAHO STATESMAN [BOISE]**).

• A **SOUTH DAKOTA** Senate panel kills SB 188, a proposal to ban genetically modified alfalfa in the Coyote State. Supporters claim that genetically modified crops could eventually contaminate standard alfalfa crops and dramatically harm the alfalfa industry (**RAPID CITY JOURNAL**). • The **WEST VIRGINIA** Senate unanimously approves a measure that would criminalize the sale and use of products made to help people pass drug tests. Such tests are a commonplace hiring requirement for most businesses. The proposal moves to the House (**CHARLESTON DAILY MAIL**). • **CALIFORNIA** officials okay a plan for Golden State produce farmers to establish voluntary safety standards for leafy vegetables. The plan is a response to a deadly nationwide outbreak of E. coli last fall that was traced to contaminated **CALIFORNIA**-grown spinach (**SAN JOSE MERCURY NEWS**). • An **ARKANSAS** House panel endorses a measure that would bar payday lenders from charging more than 17 percent interest on a loan. It moves to the House floor (**LOG CABIN DEMOCRAT [CONWAY]**).

CRIME & PUNISHMENT: Citing a lack of willing volunteers, **CALIFORNIA** prison officials announce they will begin forcing inmates to transfer from seriously overcrowded Golden State prisons to private facilities in **ARIZONA**, **MISSISSIPPI** and **OKLAHOMA**. The state hopes to relocate as many as 5,000 prisoners to the new digs (**SAN FRANCISCO CHRONICLE**). • A **SOUTH DAKOTA** Senate committee rejects a proposal to abolish the death penalty in the Coyote State. The House recently killed a similar measure (**ARGUS LEADER**). • The **VIRGINIA** House endorses a measure that would allow cities with populations above 10,000 to use traffic cameras to catch drivers who run red lights. It zooms to the Senate (**WASHINGTON POST**).

EDUCATION: A **WASHINGTON** House committee approves a bill that would require “medically and scientifically accurate” sex education courses to be taught in Evergreen State public schools. The measure, which would also prohibit schools from teaching abstinence as the only form of birth control and protection from sexually transmitted diseases, moves to the full House (**OLYMPIAN**). • The **ARKANSAS** House approves HB 1072, which would add use of the Internet to harass or ridicule public school students or school personnel to the state’s definition of bullying. The measure would also require school districts to enact policies to



punish such use. It moves to the Senate (ARKANSAS NEWS BUREAU [LITTLE ROCK]). • The **IOWA** House approves legislation that would require Hawkeye State school districts to adopt anti-bullying policies that provide specific protection to gay and lesbian students. The measure would also enact statutes against harassment through electronic communications such as e-mail, Web sites and text messaging. The measure returns to the Senate, which approved an earlier version of the bill (QUAD CITY TIMES [DAVENPORT]). • **COLORADO** Gov. Bill Ritter (D) signs HB 1048, legislation that will establish a system to measure each public school student’s annual academic progress. Current metrics track entire classes as a group with no individual assessment (DENVER POST).

Upcoming stories

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

- **Real ID**
- **Security breach protection**
- **Credit scoring**

ENVIRONMENT: A **UTAH** Senate committee endorses SB 183, which would prohibit local governments from designating protected wetland areas, except when a federal agency has issued the designation. The measure now heads to the full Beehive State Senate (DAILY HERALD [PROVO]). • Still in **UTAH**, a House committee approves HB 233, which limits the ability of government officials to deny land-use applications for development within environmentally sensitive areas, including those at risk for landslide and other hazards. The measure now goes before the full House (SALT LAKE TRIBUNE). • **WASHINGTON** Gov. Christine Gregoire (D) issues an executive order calling for the Evergreen State to cut greenhouse gas emissions to 1990 levels by 2020, 25 percent below 1990 levels by 2035 and 50 percent under by 2050. Gregoire said she will create a task force to develop plans to reach those goals (SEATTLE TIMES).

HEALTH & SCIENCE: Gov. Rick Perry (R) issues an executive order making **TEXAS** the first state to require all sixth-grade girls to be vaccinated against the sexually transmitted forms of the HPV virus that cause sexually-transmitted forms of the most kinds of cervical cancer. (See SNCJ Spotlight in this issue) Perry’s order allows parents to opt out of the vaccinations if they have religious or moral objections (DALLAS MORNING NEWS). • **COLORADO** Gov. Bill Ritter (D) signs legislation that allows Centennial State citizens not eligible for Medicaid to get state-subsidized discounts on generic prescription medications. The program goes into effect next year (DENVER POST). • The **CONNECTICUT** Supreme Court upholds a Constitution State law that bans smoking in bars and restaurants. The court rejected a claim that the law’s exemption of private clubs and tribal casinos violated the rights of other businesses affected by the statute (HARTFORD COURANT). • The **VIRGINIA** Senate approves a measure that would ban smoking

in most public places. It wafts over to the House, which has already snuffed out similar proposals this session (WASHINGTON POST).

IMMIGRATION: An **ARIZONA** House panel kills HB 2286, which would have made it a felony for someone not in law enforcement to be armed while on patrol to “detect alleged illegal activity.” The measure was aimed at prohibiting the anti-immigration Minuteman Civil Defense Corps from patrolling the Grand Canyon State’s border with Mexico (ARIZONA DAILY STAR [TUCSON]).

SOCIAL POLICY: The **MICHIGAN** Court of Appeals strikes down a Wolverine State law that allowed governments and public universities to offer health benefits to employees with same-sex domestic partners. The court ruled that a 2004 voter-approved ban on gay marriage also “prohibits public employers from recognizing same-sex unions for any purpose” (LANSING STATE JOURNAL).

• The **NEW MEXICO** House approves a measure that would require insurers to provide health insurance coverage to domestic partners if an employer requests it. The proposal, which does not require employers to offer coverage, moves to the Senate (ALBUQUERQUE TRIBUNE). • **WASHINGTON** Gov. Christine Gregoire (D) signs legislation that requires protesters at funerals to remain 500 feet or more from those proceedings (NEWS TRIBUNE [TACOMA]). • The **VIRGINIA** House rejects HB 2797, which deemed that life begins at the moment of conception (VIRGINIAN-PILOT [NORFOLK]). • A federal judge refuses to allow enforcement of a 10-year-old **ILLINOIS** law that requires minor teenage girls who want abortions to first notify their parents. The court said rules for managing cases in which a girl does not want to tell her parents have not been put in place statewide (CHICAGO SUN-TIMES). • The **MISSISSIPPI** Senate approves SB 2795, a measure that would ban almost all abortions in the Magnolia State. Exceptions would be made only for cases of rape or incest, or where the mother’s life or health is at risk. It moves to the House (CLARION-LEDGER [JACKSON]).

POTPOURRI: The **NEW MEXICO** Senate approves legislation that bans cockfighting. **LOUISIANA** is the only other state in the nation where cockfighting is legal. The measure moves to the House (ALBUQUERQUE TRIBUNE). • A **UTAH** Senate committee approves SB 204, which will allow the state to process ancient human remains found on private lands. Beehive State officials say most of the remains found on private land are Native American and would be returned to their tribe of origin for re-burial. The measure goes to the full Senate (DESERET NEWS [SALT LAKE CITY]).

— Compiled by *RICH EHISEN*

Once Around the Statehouse Lightly

RETREAT IS HELL: That may be the spin that lawmakers in CALIFORNIA will try when they return to the Capitol this week. Assembly caucuses for both Republicans and Democrats spent the bulk of last week in policy retreats, working through agendas for the current legislative session. Democrats endured the dingy surroundings afforded by Napa Valley's Silverado Resort, while Republicans retired to the shabby vistas of Calaveras County, in the heart of the state's Gold Country. Unlike previous years, reports the *San Diego Union-Tribune*, special interests won't pick up the tab for Democrats. The cost will be split between the speaker's political action committee (which gets its money, incidentally, from special interests), and taxpayers. Yes, a grueling but necessary trek to the hinterlands.

THE ONE DOLLAR MAN: First, the MISSISSIPPI State Board of Health tried to fire Dr. Brian Amy from his job as state health officer. But Amy foiled the plan by going to court, where he obtained an order that prevented the Board from taking any such action. Now, reports the Associated Press, the state Senate has intervened by passing a bill that reduces Amy's annual salary to \$1. The good doctor currently is paid \$213,315. The bill's sponsor says Amy will be paid "what he's worth." Amy's lawyer says the proposal is silly and a waste of taxpayer money. Amy and his department have been under scrutiny by the media and state officials since last summer for what has been termed "poor performance."

PACKING THE COURT: If a state Senate panel has its way, judges in OKLAHOMA will soon be able to pack in court. Not a lunch — a gun. According to the Associated Press, a bill to that effect passed out of committee last week, prompted by several incidents involving courtroom violence. The most infamous disturbance took place two years ago in GEORGIA where a defendant overpowered a guard, seized his weapon and killed three people — including a judge. "It's imperative that we give judges the right to protect themselves and their courtrooms," argued the bill's sponsor, Sen. Brian Crain, a Tulsa Republican. Shouldn't that be the job of folks trained to use firearms in crowded rooms? Just a thought.

OOPS OF THE WEEK comes from WEST VIRGINIA where, the *Charleston Gazette* reports, the state had to clean up a little oversight from 2006. Last year, the Legislature passed a bill meant to crack down on teenagers who gab on cell phones while also driving a vehicle. Sound policy, but the crack down was a tad bit lame in the eyes of those who had to do the cracking. Seems legislators forgot to include a



penalty. Lawmakers were informed of the lapse by the Division of Motor Vehicles, which complained that it had no way to enforce the law.

ANOTHER CRACKDOWN: If WEST VIRGINIA had a problem with teens, phones and cars, NEW YORK has a related problem that a state senator wants to solve with yet another official nanny-ism. Common sense doesn't seem to be working, Sen. Carl Kruger told the *Albany Times Union*, so he wants to punish anyone who tries to cross a street using a cell phone or listening to an iPod. Kruger says he's been mulling over the problem since last fall when an iPod-distracted man was killed by a bus after stepping off a Brooklyn curb. A similar death was recorded in Bergen Beach just a few weeks ago, and Kruger's mull became a bill. Penalty: a \$100 fine.

THE NAME GAME: At least one ILLINOIS lawmaker thinks that having the governor's name on tollway signs is an abuse of taxpayers' money. In this case, nearly \$480,000 worth of taxpayers' money — the amount spent on signs that now occupy space at 32 toll plazas and bear the name "Gov. Rod Blagojevich." Republican state Sen. Bill Peterson considers this unwarranted PR for the gov and wants to prevent Blagojevich — or anyone else — from affixing his or her name to signs that ought to be generic. Those signs are "strictly political," Peterson told the *Daily Herald*. It is unclear, however, why it benefits the governor to have his name associated with a place that charges people for driving on a state road.

— *By A.G. Block*

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