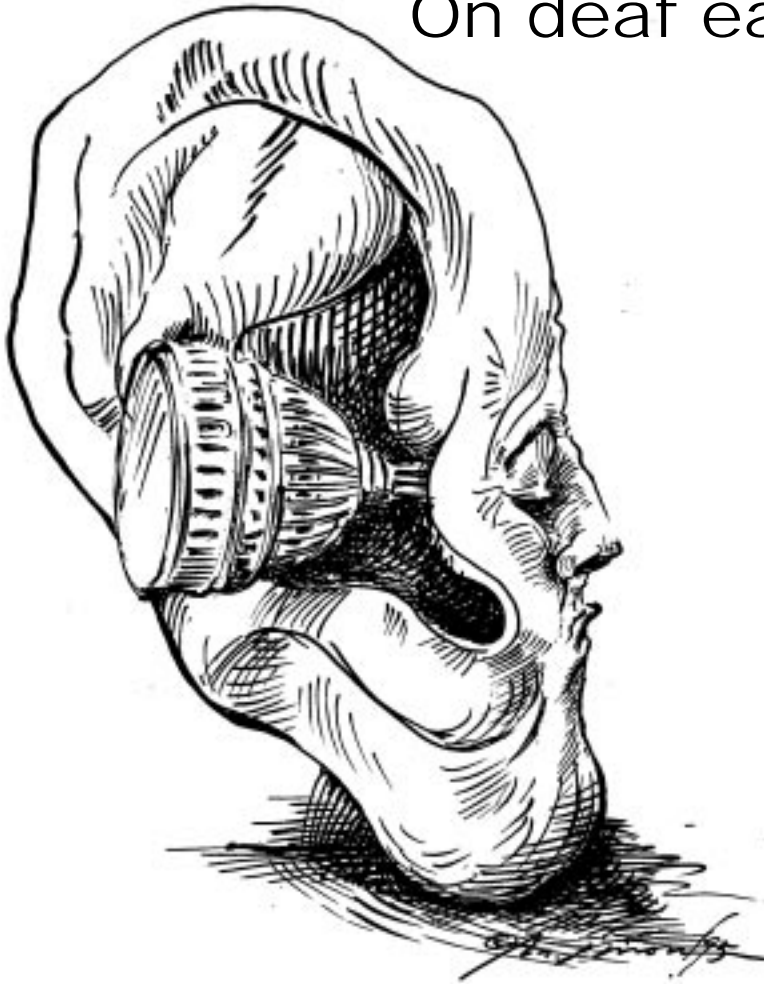


March 1, 2004

On deaf ears?



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*Now on the
State Net Web site*

2003 State Session
Recaps showcasing
legislative statistics
for each state.

Top Story

Governors met last week in Washington for a rare chance to collectively lobby the White House for help in their ongoing budget battles. Whether they were successful remains to be seen.

SNCJ Governors Spotlight

Will Washington answer gov's calls for help?

Bearing a full agenda of hot button issues, the nation's governors descended upon Washington, D.C. last week for the winter meeting of the National Governors Association. The gathering was a rare chance for the states' chief executives to talk policy with a host of Congressional leaders and to lobby the Bush administration for more help on everything from homeland security to the cost of

over the last few weeks. "It's the strength of his support and political capital that are pushing this ahead," DiCamillo said. A separate Field Poll also released last Monday showed Schwarzenegger's approval rating had risen to 56% among registered voters, a 4-point rise from last month. While Schwarzenegger acknowledged the role of his popularity in changing the prospects for his two propositions, he said bipartisan support for the measures was the key. "The major credit goes to the Democrats and the Republicans working together," the governor said. (SACRAMENTO BEE)

NJ GOV PROPOSES UPBEAT BUDGET:

NEW JERSEY Gov. James E. McGreevey (D) announced a state budget plan last week that is far more optimistic than the budgets he pitched in his first two years in office. The governor's \$26.3 billion budget for the 2005 fiscal year calls for a 9% increase in state spending, the largest such increase in five years. In his address before the Legislature last Tuesday, McGreevey said the plan was the payoff for the tough fiscal choices he'd made over the previous two years to "build a better New Jersey." But some observers say McGreevey's liberal spending proposal has more to do with the fact that his fellow Democrats now

control the Legislature, and that the governor is up for re-election next year. Much of the additional money McGreevey is requesting would go to key voting blocs, such as schools, businesses, seniors and blue-collar families. McGreevey also made no mention in his budget address of the fact that the additional funds would come from \$1.5 billion in borrowing and over \$1 billion in new taxes on cigarettes, cell-phones and outpatient hospital visits. One of the most ambitious proposals outlined in the address was the allocation of \$50 million over 10 years for stem cell research. The complete details of the budget are expected to be available by mid-March. (NEW YORK TIMES, TRENTON TIMES)

... unquote

"That train is the largest tax increase in the history of the commonwealth. I'm glad I'm not on that train. If it means I have to take the next train, so be it."

VIRGINIA Republican House Majority Leader H. Morgan Griffith. (WASHINGTON POST)

The Week in Session

States in Regular Session: AK, AL, AZ, CA, CO, CT, DE, GA, HI, IA, ID, IL, IN, KS, KY, MA, MD, MI, MN, MO, MS, NE, NH, NJ, NY, OK, SC, SD, TN, US, UT, VA, VT, WA, WI, WV, WY

States in Skeleton Session: OH

States in Special Session: ME "b", WI "d"

States in Recess: AR "b", CA "d", CA "e", PA, RI

Currently Prefiling: FL, LA, MT (Drafts for 2005)

States Adjourned: AZ "b", CA "a", CA "b", CA "c", CT "a", CT "b", DE "a", FL "e", MD "2003 session", ME, NC "a", NC "b", NJ "2002 session", NM, NM "a", UT "c", WA "a", WA "b", WA "c"

Letters indicate special/extraordinary sessions
Source: State Net, 2/23/04



RIVAL BUDGET PLANS UNVEILED IN VA: VIRGINIA's House and Senate presented their budget plans for 2004-05 last week. And in keeping with recent developments — and despite the fact both houses are controlled by the GOP — the plans couldn't be much different. About the only similarity

continued on page 5

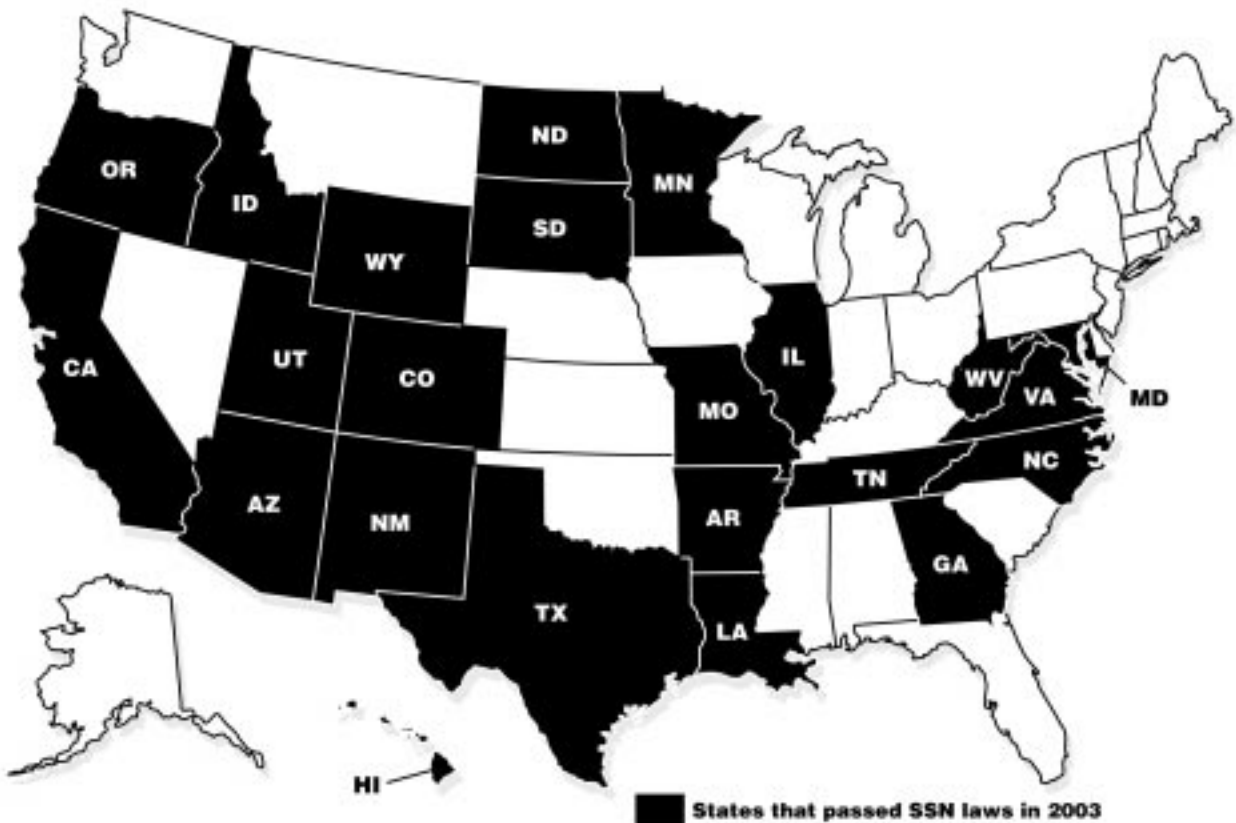
Bird's-eye view

To stop a thief

The Social Security number (SSN) is easily the most personal identifier an individual will ever be issued by the government. Because the SSN is used on everything from financial records to medical history, it has also become a favorite target for identity thieves. In order to fight the rising tide of identity theft, more than 20 states last year passed legislation designed to limit access to the SSN. Several, including ARIZONA and UTAH, passed laws restricting their use on driver's licenses, while states like MARYLAND and TEXAS no longer require the SSN to appear on marriage certificates. CALIFORNIA, TENNESSEE and VIRGINIA are among those that now limit access to the number in court or legal documents. The map below shows states that passed laws restricting SSN use in 2003.



Source: National Conference of State Legislatures



State Net Capitol Journal





between them is that both close the projected \$1 billion shortfall in revenue and balance the budget, as required by state law. But while the House plan provides for little new spending or new revenue beyond raising \$520 million to reduce the deficit by ending some business tax breaks — a proposal sprung by House Republicans a couple of weeks ago — the Senate plan would dramatically increase expenditures for education, health care, and transportation, funded by nearly \$4 billion in tax hikes on cigarettes, gas, sales, and income. The House and Senate plans actually fall on either side of the budget proposed last month by Gov. Mark R. Warner (D), which calls for \$1 billion in tax hikes, and some observers believe Warner’s plan may provide the basis for a compromise. But others are less optimistic, at least about the prospect of a deal being reached by the end of the session this month. A lobbyist for the Virginia Municipal League said, “Typically, there is enough common ground. But this year, we are starting at polar extremes. I’m still hoping for March 13. But I wouldn’t bet the farm.” (WASHINGTON POST)

BUDGETS IN BRIEF: For the third year in a row, FLORIDA Gov. Jeb Bush (R) is pushing to eliminate the state’s intangibles tax, levied on investment portfolios worth more than \$250,000. Bush has insisted that it’s a tax “on the middle class,” despite the fact that exemptions for retirement accounts, as well as savings and checking accounts, effectively limit the tax to the wealthiest 1.3% of Sunshine State residents (PALM BEACH POST). • Lobbyists for PENNSYLVANIA school districts are gearing up for a fight with Gov. Ed Rendell (D) and Republican lawmakers over a provision in the governor’s slots-and-relief package that would require schools to seek voter approval before imposing a property tax increase. The referendum provision actually came up for consideration last year, but education groups, focused on budget issues at the time, failed to make an issue of it (PITTSBURGH POST-GAZETTE).

— *Compiled by KOREY CLARK*

Politics & Leadership

NEW YORK LAWMAKERS VIE FOR KEY US POSTS: U.S. Sens. Hillary Rodham Clinton (D-NY) and Charles Schumer (D-NY) are among a group of influential lawmakers from around the country campaigning behind the scenes to fill a pair of vacancies on the powerful Senate Finance Committee. The two senators from NEW YORK are vying for openings



on the panel that will be created by the retirements later this year of veteran Sens. Bob Graham (D-FL) and John Breaux (D-LA). With the Senate Finance Committee responsible for crucial spending decisions that can mean billions in federal dollars for the state, having a representative on the panel can be key. New York's former U.S. Sen. and committee member Al D'Amato (R) said, "If you don't have somebody on the committee, they'll roll you. It has nothing to do with ideology and everything to do with getting money for your state." Public lobbying for the much-coveted seats is frowned upon, so while associates of Clinton and Schumer say the senators are actively seeking the posts, the lawmakers themselves are staying pretty tight-lipped. When asked about the issue a couple of weeks ago, Clinton responded, "I have nothing to say about that. Talk to me after the election next fall." One of the others reported to be pursuing a seat on the committee is NEW JERSEY's Sen. Jon Corzine (D). (NEW YORK POST)

IL PLAYS SHELL GAME: ILLINOIS lawmakers have outdone themselves this year, breaking the Prairie State's all-time record for bills introduced in a session. As of the state's Feb. 9 intro deadline, the 93rd General Assembly, which convened in January of last year, had introduced a total of 10,280 bills, shattering the previous record of 8,756 bills set during the 2001-02 session. But this feat of prolificacy may not be as remarkable as it seems. According to analysis of Illinois legislative data by State Net, a significant number of the introductions are merely "shell" bills, typically including little more than an indication of the bill's sponsor; a topic reference, such as "an act concerning medical malpractice;" and a citation of the relevant section of existing state law. The bills are essentially placeholders, allowing lawmakers to get all of the issues they're considering on the docket by the intro deadline and then determine which to actually pursue as the session unfolds. Although observers say the practice has been going on for a number of years, the big jump in intros this session probably has a lot to do with the fact it's an election year, and lawmakers want to show their constituents back home how hard they're working for them. (SPRINGFIELD JOURNAL REGISTER)

HIGH COURT KILLS WA PRIMARY SYSTEM: The U.S. Supreme Court has denied an appeal by the state of WASHINGTON to save its blanket primary, intensifying ongoing negotiations over how to replace the long-standing system. The high court let stand the decision of an appeals court throwing out the state's 69-year old blanket primary system on the grounds that it failed to give political parties enough control over their nominating process. The blanket primary, adopted by the state in 1935, allowed voters to choose candidates from any political party, regard-



less of their own party affiliation. Party leaders contended — and the courts agreed — that the system allowed non-party members too much influence over the selection of the parties’ nominees. Although the Supreme Court’s decision didn’t come as much of a surprise to state legislators who were already struggling to decide on an alternative primary scheme, the ruling means they have no fallback, with only days left in the session. If they fail to settle on a replacement, the state could face a general election even more chaotic than last year’s California gubernatorial recall, with every candidate for every elective office — not just governor — crowded onto the ballot. (SEATTLE POST-INTELLIGENCER)

POLITICS IN BRIEF: Two organizers of last year’s recall of Democratic CALIFORNIA Gov. Gray Davis have launched a campaign to remove state Attorney General Bill Lockyer (D). The conservative Republicans — U.S. Senate hopeful Howard Kaloogian and political consultant Ted Costa — contend Lockyer has failed to uphold California’s marriage laws by not taking aggressive action to stop city officials in San Francisco from issuing same-sex marriage licenses (ASSOCIATED PRESS, ORANGE COUNTY REGISTER). • A federal court has ordered the MASSACHUSETTS House to redraw its legislative district map for Boston, ruling that the existing plan protects House leadership at the expense of black voters’ constitutional rights. The court gave House leaders six weeks to come up with a new map, which may require changes to dozens of districts surrounding the 17 within the capital (BOSTON GLOBE). • Democrats in the GEORGIA Senate have introduced legislation to ban post-election party switching. The move came in response to a party switch by four Democrats after the 2002 election, which gave control of the Senate to the Republicans for the first time in over a century (MACON TELEGRAPH). • The most significant portion of SOUTH CAROLINA Gov. Mark Sanford’s (R) government restructuring plan was torpedoed by amendments in the Senate Judiciary Committee, virtually assuring its demise. The proposal would have made six of the state’s eight constitutional offices appointed positions (THE STATE [COLUMBIA]).

— *Compiled by KOREY CLARK*

Hot Issues

A BORTION: A **KANSAS** House committee recommends a bill that would impose new state regulations on any medical facility that performs abortions. Gov. Kathleen Sebelius (D) vetoed similar legislation last year. It moves now to the full House (**KANSAS CITY STAR**). • The **SOUTH DAKOTA** House sends legislation to Gov. Mike Rounds (R) that would virtually ban all abortions in the Coyote State. Rounds has not indicated if he will sign the bill, which makes performing an abortion a felony punishable by up to five years in prison. Opponents and supporters alike say the bill’s real intent is to force a challenge to abortion rights in the federal courts (**ARGUS LEADER [SIOUX FALLS]**).

BUSINESS: A **TENNESSEE** House committee okays legislation that would exempt real estate agents from the Volunteer State’s do-not-call list. It moves to the full House (**TENNESSEAN [NASHVILLE]**) • A **WEST VIRGINIA** Senate committee approves SB 468, legislation that would make it easier for insurance companies to drop auto policyholders who have a bad driving record. It would also allow insurers to drop home policyholders for any reason (**CHARLESTON GAZETTE**). • A **MARYLAND** Senate committee approves a proposal from Gov. Robert L. Ehrlich, Jr. (R) to allow more than 15,000 slot machines at three Old Line State racetracks and tourist destinations. The plan heads to a vote of the full Senate (**BALTIMORE SUN**). • **WEST VIRGINIA** Gov. Mike Wise (D) signs a bill barring hospitals from forcing nurses to work overtime except in emergencies or to complete patient procedures. The law only affects the state’s 60 privately run hospitals (**DOMINION POST**). • The **WISCONSIN** Assy. okays a bill that grants immunity for restaurants and food distributors and manufacturers from lawsuits filed by obese people who claim they were unaware their food would make them fat. It gets served up next to the Senate (**MILWAUKEE JOURNAL-SENTINEL**).

CIVIL RIGHTS: A **MICHIGAN** House panel votes unanimously to forward a proposal to add an amendment to the Wolverine State constitution that would define marriage as being only between a man and a woman. The proposal now moves to a vote before the full House (**LANSING STATE JOURNAL**). • The **MISSOURI** Senate grants initial approval to a similar constitutional amendment. It has one more vote in the Senate before moving to the House (**JEFFERSON CITY NEWS TRIBUNE**). • **UTAH**’s House also advances a “man and woman only” constitutional amendment proposal. House Joint Resolution 25 passed 56-16 on its way to the Senate (**SALT LAKE TRIBUNE**).



HEALTH: WISCONSIN officials begin listing the names of Canadian pharmacies on the state’s prescription drug Web site. Gov. Jim Doyle (D) said that Badger State health officials have inspected the Canadian sites and deemed them “safe and responsible” (GREEN BAY PRESS GAZETTE). • Citing extreme costs, a **WYOMING** Senate panel rejects HB 28, a bill that would have required Medicaid to cover the cost of some organ transplants (BILLINGS GAZETTE). • An **ILLINOIS** House committee gives their approval to legislation that would allow pharmacists to sell the emergency contraception known as the “morning after” pill without a prescription. The bill moves to the full House (NORTHWEST INDIANA NEWS).



POTPOURRI: A **KANSAS** House committee gave a thumbs up to a bill that would allow concealed handguns to be carried in public. Government buildings and schools would still be off limits. It moves to the full House (KANSAS CITY STAR). • The **VERMONT** Senate gives preliminary approval to a measure that would allow a reference to a person’s racial or ethnic heritage on vehicle “vanity” license plates. Derogatory inferences would not be allowed. It faces another vote before moving to the House (RUTLAND HERALD). • **CALIFORNIA**, on the other hand, takes a dimmer view on license plates as a federal judge permanently bars the Golden State from issuing plates that promote the interest of private, non-profit organizations. The judge ruled that the state’s law allowing the Legislature to have “unfettered discretion” over who does and does not get such plates is unconstitutional. Assembly Bill 477, which would take the power away from lawmakers and place it with the DMV, has passed the Assy. and is pending before the Senate (SACRAMENTO BEE).

— *Compiled by RICH EHISEN*

SNCJ spotlight

Continued from page 2

But star power has its perks, and the former world bodybuilding champion and Hollywood movie hero did not appear to miss any chance to take advantage of his seemingly unfettered access to Washington’s power brokers. Health and Human Services Secy. Tommy Thompson gave him a personal tour of the department’s high-tech command center before sitting down with Schwarzenegger for a

one-on-one meeting in which the former action star gave his pitch for regulatory changes that would save California \$400 million. Along the way Schwarzenegger dined with Powell and had a private meeting with MASSACHUSETTS Senator Ted Kennedy (D), then attended a fund-raising dinner for the Republican Governors Association (RGA) at which deep-pocket donors were offered a chance to have their picture taken with one of two people — the President of the United States or the governor of California.

Schwarzenegger raised another stir when he proclaimed on national television his support for an amendment to the U.S. Constitution that would allow him and other foreign-born Americans to be eligible for the presidency. He fell short of saying he would run himself if the law was changed.

Although Schwarzenegger commanded the bulk of the spotlight, he was not the only governor making headlines. Several governors locked in an ongoing battle with the Bush administration over their ability to purchase prescription drugs from Canadian drug companies made news by forgoing some of their conference time in order to lobby their cause with choice Senators on Capitol Hill. The quartet — MINNESOTA Gov. Tim Pawlenty (R), WEST VIRGINIA Gov. Bob Wise (D), ILLINOIS Gov. Rod Blagojevich (D) and WISCONSIN Gov. Jim Doyle (D) — met with U.S. Senators John McCain (R) of ARIZONA and Byron Dorgan (D) of NORTH DAKOTA in an event which was boycotted by the Food and Drug Administration and the U.S. Dept. of Health and Human Services. McCain and Dorgan were sympathetic, but offered little else than encouragement to keep up the struggle.

The summit came one day after FDA officials sent Pawlenty an angry letter that fell just short of ordering him to take down the Gopher State's prescription drug Web site, *MinnesotaRxConnect*. The site directs visitors to Canadian pharmacies that charge as much as 35% less than those in the U.S. Pawlenty said even if ordered to, he will not remove the site, while Doyle announced his state would actually expand their site, which also includes Canadian drug information. Blagojevich, meanwhile, endorsed the lawsuit of a Prairie State couple that is suing the federal government to obtain the right to buy the Canadian drugs.

MICHIGAN Gov. Jennifer Granholm (D) was also seeing red over drug costs, as she fumed over a delay in federal approval of a multi-state prescription

In the Hopper

State Net's database tracks tens of thousands of bills in all 50 states at any given time. Here's a snapshot of what's in the legislative works:

- **Number of prefiles/intros this week:** **5,593**
- **Number of prefiles/intros overall in 2003:** **241,294**
- **Number of bills enacted/adopted this week:** **501**
- **Number enacted/adopted overall in 2003:** **45,378**

— Compiled By GINA HUMMELL
(2003 data current as of 2/23/04
Source: State Net)



nia’s current law banning gay marriage. When pressed further, he stated his support for domestic partnerships in specific and gay rights in general, but stopped short of officially saying he opposed or supported same-sex marriage. (ASSOCIATED PRESS, NEW YORK TIMES, STATEHOUSE NEWS, DES MOINES REGISTER, LAWRENCE JOURNAL-WORLD, THE ADVOCATE [BATON ROUGE], CHICAGO SUN-TIMES, STATELINE.ORG, INDIANAPOLIS STAR, SAN JOSE MERCURY NEWS, LOS ANGELES TIMES, THE SACRAMENTO BEE, SAN FRANCISCO CHRONICLE, THE OKLAHOMAN [OKLAHOMA CITY])

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

CIVIL WAR. The tension between VIRGINIA and MINNESOTA has escalated to dangerous levels thanks to the Gopher State’s reluctance to return a piece of Virginia property. That would be the battle flag of the Confederate 28th Infantry Regiment captured by a Minnesota private during the Battle of Gettysburg. The flag, according to The Associated Press, currently is displayed at the Minnesota Historical Society and is the only such relic not returned to its state of origin. Old Virginia wants it back and has enlisted the support of its junior U.S. senator, George Allen, who last week appealed to the U.S. Army for help. Minnesota Gov. Tim Pawlenty has refused to send it back, despite a 99-year-old congressional resolution and executive order that all such flags be returned. Next step for Virginia? A march on St. Paul.

BAD PUBLICITY? One would think that a state with low business taxes would trumpet that fact to lure jobs from other states. But at least one group in NORTH CAROLINA was bummed that word had leaked out about a survey showing its puny tax rate. According to *The News & Observer* of Raleigh, the North Carolina Citizens for Business and Industry had been sitting on the survey for more than two months before the paper published the results. The reason? The NCCBI is trying to lower the corporate income tax rate, and the study doesn’t help the cause.

LOST IN TRANSLATION. Lawmakers in NEBRASKA are both amused and miffed over a request from a Cornhusker company — Cushman, Inc., of Lincoln — to re-issue a \$170,182 corporate refund check. As the *Lincoln Journal Star* notes,



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