

April 10, 2006

## SNCJ Q & A



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### Top Story

*In our latest one-on-one interview, we discuss homeland security with NEW YORK Sen. Mike Balboni (R), author of the Empire State's primary anti-terrorism law and a member of several state-federal task forces that are shaping national homeland security policy.*

## SNCJ Spotlight

### *In depth with: NY Sen. Michael Balboni*

**SNCJ:** You said last summer after Real ID was approved in Congress that “if we don’t do this right we may actually create an even less secure system” than we have now. What has happened, if anything, since then to convince you we are or are not doing this right?

**Balboni:** I’m not yet convinced that all of the issues have been worked out. States are still reluctant to buy into new systems with technology that may not be foolproof, or which may be antiquated in a couple of years,

especially when they may not be getting any federal money to pay for all of it. So it is still a very difficult situation that will eventually come down to how well the federal government engages the states and to the proper use of the right technology.

**SNCJ:** You have advocated for giving states maximum flexibility in setting their own driver's license standards. That kind of leeway hasn't exactly been a trademark of the current administration. Are you optimistic about getting this flexibility?

**Balboni:** That's really the main problem here because the law itself gives states flexibility, but it is just so vague in its terms and conditions. Unfortunately, that vagueness has also become a cost driver for the states because now we're trying to implement something that is true to the intent of the law without the tools to actually do it.

**SNCJ:** How about the funding? Has there been any movement at all that has encouraged you to believe the states will be adequately funded by the federal government to carry out this mandate?

**Balboni:** No, nothing.

**SNCJ:** What was your reaction to the now-defunct plan for Dubai Ports World (DPW), a United Arab Emirates-owned (UAE) company, to operate several U.S. ports?

**Balboni:** It was on two levels. First was the political concern because we are talking about a company that has a history of meeting with Osama bin Laden, and there was concern over whether there were still members of Al Qaeda involved in their daily operations. But on the other hand, I am also a firm believer that a country-specific or company-specific strategy against terrorism is myopic, unrealistic and naïve because terrorists will simply just change the

## *The Week in Session*

States in Regular Session: AK, AZ, CO, CT, DC, DE, FL, HI, IA, LA, MA, ME, MN, MO, NH, NY, OK, PA(House), RI, SC, TN, US, VT, WI

States in Informal Session: OH

States in Special Session:  
AR "a", VA "a"

States in Recess:  
AL, CA, KS, MI, PA(Senate)

States in Budget Hearing Recess:  
NJ

Special Sessions in Recess:  
CA "a", OK "a", PA "a"

States Projected to Adjourn:  
ID, IL, KY, MD, NE

States Adjourned in 2006: GA, IN, MS, NM, SD, UT, VA, WA, WV, WY

States in Special Session  
Adjourned in 2006: AZ "a", LA "a", TN  
"a"

Letters indicate special/extraordinary sessions

Source: State Net, 04/07/06



that agency. From there, it could go through the National Security Council (NSC) and the CIA to see if any of the company's subsidiaries have anybody in their ranks who is a potential risk. It should also include going to the company's overseas operations to see how they run their business. These are things we could have done with the Dubai Ports World situation, but we chose not to. Now they have pulled out, which I think is just a lost opportunity.

**SNCJ:** Hurricane Katrina has pushed many states toward an "all-hazards" approach to homeland security that includes preparing not just for terrorism, but also natural disasters or a potential health crisis like avian flu. Are you satisfied with how this approach has worked for your state?

**Balboni:** I think it depends on what part of the state you're talking about because I think there are definitely some parts of the state that are better prepared than others. I recently issued a report card on hurricane preparedness to counties on Long Island, and

Nassau and Suffolk got an F and a D respectively, principally because their shelter capacity was so inadequate. That said, we also know that our terrorist enemies are patient people who are counting on us losing our resolve, so an all hazards approach is the only logical way to ensure that everyone on the local level is still preparing for whatever may come. From a governmental perspective, an all hazards approach is also the only way to sustain funding to pay for that preparation.

## Bird's eye view



### *Dawn of the morning after pill*

Current federal law bars emergency contraceptives, also known as Plan B or the "morning after" pill, from being sold over the counter without a doctor's prescription. These pills, which must be taken within 72-hours of unprotected sex, contain a concentrated dose of the hormones typically found in ordinary birth control pills. To date, eight states have adopted laws that allow pharmacists with collaborative agreements with a doctor, clinic or HMO to dispense those emergency contraceptives without a prescription. At least half a dozen other states this year have considered or are still pondering similar legislation, including MARYLAND, which rejected HB 828, and COLORADO, where lawmakers have sent HB 1212 to Gov. Bill Owens (R). The accompanying map shows the states that currently allow pharmacists to dispense Plan B contraceptives without a prescription.







# Politics & Leadership

**M**ARYLAND PASSES DEM-FRIENDLY VOTING BILL: Last month, a legislative conference committee in MARYLAND composed solely of Democrats approved changes to an early voting law enacted last year. When the legislation (HB 1368) came to the floor of the Senate for a vote, members of the chamber's GOP minority requested an hour to review it. When the Senate leadership denied that request, the Republicans stormed out of the chamber. The measure was passed in their absence. The House also passed it on a straight party-line vote.

When Republican lawmakers finally did get a chance to look over the bill, they learned that it specified 21 locations where the polls would be open the week before Election Day — a dozen of those polling places residing in precincts in which President Bush fared poorly in the 2004 election — and that the measure also increased the authority of the state elections administrator — a Democratic appointee — over local election officials appointed by Republicans.

Senate Minority Leader J. Lowell Stoltzfus (R) called the bill “a Democratic power grab,” aimed at protecting incumbent lawmakers and helping to defeat Republican Gov. Robert L. Ehrlich Jr.

Senate President Thomas V. Mike Miller Jr. (D) countered that the objective of the bill was merely to set up early voting at “locations that would be convenient to voters, where there are population centers, where there is plenty of parking and where there is the possibility for people to get there using public transportation.” Democrats also said they wanted to spur local election officials who had taken no steps to implement early voting.

But not every Democrat supported the bill, and some did so only reluctantly. One, Sen. Brian E. Frosh (D), conceded that he'd merely acquiesced to the reality of the political process. “However it gets done, it's going to be influenced by political judgments,” he said. (WASHINGTON POST)

**VOTING RIGHTS ACT TURNED AGAINST BLACK OFFICIAL:** For the last 25 years, Noxubee County, MISSISSIPPI Democratic Chairman Ike Brown has pursued one main political goal: electing *real* Democrats. Brown says he has no time for what he calls “Dixiecrats,” moderate white Democrats who support Republican policies once they're elected. “To hell with ‘em,” he says. “They're not doing me one bit of good.” But Brown has recently become the subject of a federal lawsuit alleging that he has discriminated against whites in violation of the 1965 Voting Rights Act. Justice Department spokesman Eric Holland said Brown has acted “with





**SINE DIE:** On March 30, GEORGIA concluded a 2006 legislative session that saw the passage of several GOP initiatives, including increased penalties for sex offenders, measures reducing school class sizes and ensuring that a larger portion of education dollars are spent in the classroom, restrictions on government seizure of private property (which Democrats also supported) and a crackdown on illegal immigrants and their employers. “We dealt with the toughest, most sweeping criminal legislation dealing with sex offenders,” said House Speaker Glenn Richardson (R). “And we changed the face of eminent domain in GEORGIA.” The session didn’t go entirely smoothly for the Republicans, who control both chambers of the legislature and the governor’s office. Tensions between the House and Senate resulted in a couple of notable failures, including a proposal backed by House Speaker Pro Tem Mark Burkhalter (R) that would have allowed Atlanta Gas Light to bill its customers for construction of a new pipeline, and a measure sponsored by Senate Majority Leader Tommie Williams (R) that would have required doctors to offer women seeking an abortion the opportunity to see an image of their fetus. But political experts say the Republicans’ successes are likely to play well with the average Peach State voter and should help them hold on to the statehouse in November (ASSOCIATED PRESS, MACON TELEGRAPH, ATLANTA JOURNAL-CONSTITUTION).

**POLITICS IN BRIEF:** The PENNSYLVANIA Supreme Court last week took up the issue of whether to reinstate the legislative and judicial pay raises that caused such a ruckus in the Keystone State last year. More than two hours of arguments last Tuesday from all of the parties involved in the case — activists representing the public’s interest, lawyers representing the legislators’ interests and judges representing their own — prompted one of the justices to describe the matter as a “morass and quagmire.” It is not yet clear when the court will issue a ruling in the case. A separate case concerning the pay raise is pending in federal court (PHILADELPHIA INQUIRER). • Rachel Rubin, the ethics counsel appointed with much fanfare by CONNECTICUT Gov. M. Jodi Rell (R) in an effort to distance her administration from the scandal-ridden one of former Gov. John G. Rowland, has left Rell’s staff.

## Upcoming Elections

(04/06/06 - 04/27/06)

04/11/2006

California Special Election

Senate 035

US House (CA 50)

04/11/2006

Pennsylvania Special Election

House 030

04/11/2006 Texas Primary Runoff

House (All)

Senate 1, 2, 3, 5, 7, 8, 12, 13, 14, 17, 18, 19, 22, 25, 29,

Constitutional Officers:

Governor, Lieutenant Governor, Secretary of State, Attorney General, Comptroller of Public Accounts; Commissioners of General Land Office, Agriculture and Railroad

04/25/2006 Alabama special general if needed

House 001



them to represent all of California's diversity.”

Many observers blame the voters' approval of Proposition 34 in 2000 for the current emphasis on candidates' personal wealth. Prop 34 bans individuals and businesses from donating more than \$44,600 to gubernatorial candidates, which some say forces candidates to either find far more contributors or spend more of their own money to fund a campaign, unintentionally limiting elections to only those wealthy enough to self-finance or well-known enough to draw a very broad swath of contributors.

Nobody expects the trend to stop this year, as personal spending is expected to help push the candidates' total campaign tab to over \$130 million by November. But not everyone believes that forcing candidates to spend their own money to fund campaigns is a bad idea.

Bob Stern, president of the Center for Governmental Studies, says voters really don't care that much about the personal wealth of the candidates. "The attitude seems to be, if they want to spend their own money, let them." (SAN JOSE MERCURY NEWS)

### **MA HEALTHCARE BILL BOON TO ROMNEY WHITE HOUSE BID?**

When MASSACHUSETTS lawmakers last week approved a proposal from Gov. Mitt Romney (R) to require all state residents to purchase health care insurance, they did more than hand the governor a major political victory in his own state. According to a few Democratic heavyweights around the country, they also gave a significant boost to Romney's anticipated effort to seek the GOP presidential nomination for 2008. "To come up with a bipartisan plan in this polarized environment is commendable," said NEW YORK Senator and former First Lady Hillary Clinton (D), herself an oft-mentioned potential candidate for the White House in 2008. "It's a feel-good story, this Romney thing. Republican Gov., Democratic legislature," added James Carville, who ran then-ARKANSAS Gov. Bill Clinton's (D) successful 1992 presidential campaign. "Romney is an ascendent guy," said Carville. Under the plan, uninsured residents who don't buy new, low-cost plans — some subsidized by the state — would face financial penalties beginning in July 2007. With his signature, Romney will now have a highly noteworthy achievement on an issue of increasing concern for most U.S. voters. It also adds weight to the

## Quoteable

"Frankly, there are only two kinds of people who can think about running for governor of CALIFORNIA: millionaires and people who have been in politics long enough that they have lengthy Rolodexes of ready donors."

— **Bruce Cain, director of the University of CALIFORNIA Washington Center, on the growing trend of very wealthy people seeking the Golden State's highest office. (SAN JOSE MERCURY NEWS)**



argument that his experience as a Republican in a Democratic state would help Romney break the partisan gridlock of Washington. As he has been doing since he announced he would not seek another term as governor, Romney dismissed speculation about a presidential campaign, saying “I have nothing to add to that.” (WALL STREET JOURNAL, WASHINGTON POST, BOSTON GLOBE)

**GOVS WANT FEDS TO PAY FOR JAILING IMMIGRANTS:** More than a dozen governors signed a letter to Congress last week urging federal lawmakers to reinstate funding to reimburse states for the cost of jailing illegal immigrants. President Bush’s 2007 budget proposal deletes funding for the State Criminal Alien Assistance Program, something he has also done in previous years. But Congress has always found at least some money to keep the program alive, including \$405 million for FY 2006. In their letter to the spending subcommittees in the Senate and House with jurisdiction over the program, governors asked for \$805 million for FY 2007, saying, “These funds are critical to states such as ours and needed to at least partially offset the costs our taxpayers are bearing as a result of the failure to control illegal entries along our international borders.” Governors from ILLINOIS, CALIFORNIA, GEORGIA, ARIZONA, TEXAS, WASHINGTON, FLORIDA, NEW YORK, IOWA, MINNESOTA, OREGON, NEW MEXICO, NEVADA, and NEW JERSEY signed off on the request. (CHICAGO TRIBUNE)

**KULONGOSKI ORDERS END TO HOMELESSNESS:** OREGON Gov. Ted Kulongoski (D) issued an executive order last week creating a statewide council charged with developing a 10-year plan to eliminate homelessness in the Beaver State. The 24-member council includes representatives from government, public, private and faith-based organizations. Kulongoski said such a council will be able to better coordinate the services available to homeless people and avoid duplication of efforts. (CORVALLIS TIMES-GAZETTE)

**GOVERNORS IN BRIEF: MARYLAND** Gov. Robert Ehrlich Jr. (R) signs legislation that will earmark \$15 million in public funds for stem cell research. Much of that money is expected to go to researchers at Johns Hopkins University and University of MARYLAND, as well as to companies in the state’s biotech sector conducting research on adult stem cells (WASHINGTON POST). • **ARKANSAS** Gov. Mike Huckabee (R) called for a special session this week to address the state’s latest court order to remedy chronic education funding shortfalls. Huckabee put 31 items on the agenda, including such non-education issues as a ban on smoking in the workplace and raising the state minimum wage



(ARKANSAS NEWS BUREAU [LITTLE ROCK]). • **NEW HAMPSHIRE** Gov. John Lynch (D) called on the Granite State Senate last week to restore a mandatory minimum 25-year prison term that prosecutors could seek for first-time child molesters. The House recently removed that stipulation from HB 1692, opting instead to allow judges to decide whether a 25 years-to-life in prison sentence is appropriate (UNION LEADER [MANCHESTER]). • A new Rutgers-Eagleton poll shows that only 5 percent of **NEW JERSEY** residents blame Gov. Jon Corzine (D) for the state's financial problems, but 50 percent of those polled think his plan to raise taxes by \$1.9 billion is an unfair solution (STAR-LEDGER [NEWARK]). • **WYOMING** Gov. Dave Freudenthal (D) announced last week he will seek a second term (CASPER STAR-TRIBUNE). • Still in **WYOMING**, Gov. Dave Freudenthal (D) asked the U.S. Environmental Protection Agency to reject water quality rules proposed by **MONTANA** that he says would severely limit natural gas production in his state. **MONTANA** officials have proposed the water quality regulations as part of the federal Clean Water Act (MISSOULIAN). • **MISSISSIPPI** Gov. Haley Barbour (R) signed legislation authorizing \$2 million in state bonds to help fund a museum honoring blues musician and **MISSISSIPPI** native B.B. King. The \$10 million museum is set to open in 2007 (ASSOCIATED PRESS).

— *Compiled by RICH EHISEN*

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## Hot issues

**B** **USINESS:** A **LOUISIANA** House committee endorses HB 666, which would give consumers two years to file lawsuits against insurance companies after the governor declares a disaster. It moves to the full House (TIMES-PICAYUNE [NEW ORLEANS]). • A federal judge rules that a **MICHIGAN** law barring retailers from selling or renting violent video games to minors is unconstitutional. The court ruled that the law, which was scheduled to go into effect on Dec 1, violates the First Amendment. Similar laws have also been struck down or put on hold in **CALIFORNIA**, **ILLINOIS** and **WASHINGTON** (WASHINGTON POST). • The **ARKANSAS** House approves SB 11, which would raise the state minimum wage from \$5.15 to \$6.25 an hour. It moves to Gov. Mike Huckabee (R), who is expected to sign it into law (ARKANSAS NEWS BUREAU [LITTLE ROCK]). • **GEORGIA** Gov. Sonny Perdue (R) signs House Bill 1313, which would prohibit state and local governments from condemning property solely for economic reasons (ATLANTA JOURNAL-CONSTITUTION).



Senate committee approves SB 1437, which would mandate that Golden State public schools teach students about contributions gay people have made to society. It goes now to the full Senate (SAN JOSE MERCURY NEWS).

**ENVIRONMENT:** The **COLORADO** Senate approves HB 1309, which would allow the Centennial State to set tougher pollution standards than those set forth by the federal government. It returns to the House (ROCKY MOUNTAIN NEWS [DENVER]). • **MARYLAND** Gov. Robert Ehrlich Jr. (R) signs legislation that will require six Old Line State coal-burning power plants to reduce their emissions of nitrogen oxide, sulfur dioxide and mercury. The measure also requires the state to join a regional multi-state effort to reduce carbon dioxide emissions (CAPITAL [ANNAPOLIS]). • The **ILLINOIS** House votes to require nuclear power plant operators to report any radioactive leaks to state oversight authorities within 24 hours of detection. It heads now to Gov. Rod Blagojevich (D) for review (CHICAGO TRIBUNE). • A federal appeals court upholds the dismissal of a **WYOMING** lawsuit against the federal government over how wolves should be managed in the Equality State after their removal from Endangered Species Act protection. The court rejected the state's plan in part because it listed wolves as a potential nuisance that could be shot on site outside the Yellowstone National Park area. State officials are contemplating an appeal to the U.S. Supreme Court (BILLINGS GAZETTE).

**HEALTH & SCIENCE:** The **MASSACHUSETTS** legislature approves a bill that would require all residents to purchase some kind of health insurance policy by July 1, 2007 or face a fine. If signed by Gov. Mitt Romney (R), the Bay State would become the first in the nation to require citizens insure to themselves in the same manner as they do their cars. Romney is expected to sign it (WASHINGTON POST). • An **OKLAHOMA** House committee endorses a proposal to license and regulate all Sooner State tattoo parlors and artists. The measure

## *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 2006 prefiles last week: 240

Number of 2006 Intros last week: 1,766

Number of bills enacted/adopted last week: 1,782

Number of 2006 prefiles to date: 17,108

Number of 2006 Intros to date: 78,692

Number of enacted/adopted overall in 2006: 12,830

— Compiled By JAMES ROSS  
(Measures current as of 04/06/06  
Source: State Net)









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