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The Abortion Question

June 7, 2010

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The next issue of Capitol Journal will be available on June 14th.

Top Story

The final passage of the federal health care overhaul hinged almost entirely on whether the massive reform would allow public money to pay for abortions. Now that battle has moved to the states.

SNCJ Spotlight

Federal health care overhaul fuels state abortion debates

Some time in the next few weeks, FLORIDA Gov. Charlie Crist (I) and MISSOURI Gov. Jay Nixon (D) will either sign or veto controversial measures that would require abortion providers to perform an ultrasound on any woman seeking the procedure, and then show and describe the images to the patient unless she signs a waiver. While most observers on both sides of the abortion issue have focused on that element of the bills, both measures also contain another tenet that has been a regular feature in state anti-abortion legislation in 2010: a ban on public funding of abortion



through impending state high risk pools created under the Obama administration's massive health care overhaul.

According to State Net, at least 18 states have considered bills this year to bar the health care pools, or exchanges, from using public money to pay for abortions when they begin operating in 2014. At least two measures, ARIZONA SB 1305 and MISSISSIPPI SB 3214, have been signed into law. OKLAHOMA Gov. Brad Henry (D) vetoed a third such proposal, HB 3290, but Sooner State lawmakers are expected to override that veto any day now.

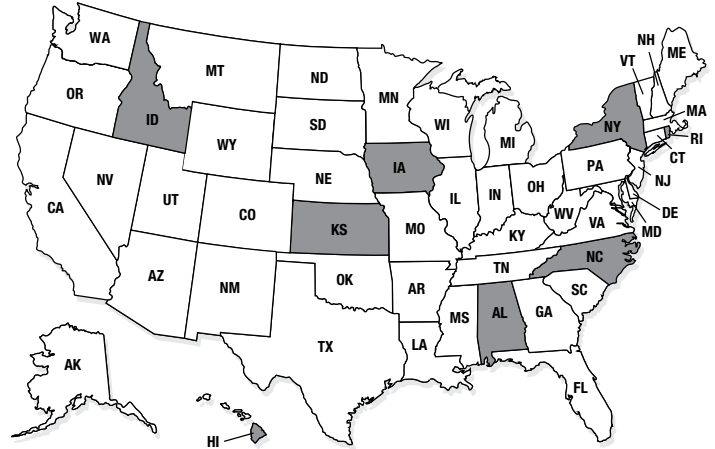
Public funding of abortion has been a sore spot for opponents since the U.S. Supreme Court legalized the procedure in 1973. For the first few years thereafter, abortion was covered without restriction under the joint federal-state Medicaid program. That changed in 1977 when

Congress implemented the Hyde Amendment, named for bill author Henry Hyde (D-ILLINOIS), which limited coverage to certain conditions, including cases of rape or incest or when the mother's life or health was in danger. Those restrictions fluctuated for several years thereafter but have remained solidly in place since 1993.

The Hyde Amendment, however, covers only federal funding. States have always been free to deal with the issue as they see fit. According to the Guttmacher Institute, a non-partisan, non-profit organization that tracks reproductive health issues worldwide, 32 states follow the federal model and cover abortion under the same specific conditions. Another 17 use state dollars to pay for most medically necessary abortions, four voluntarily and 13 via a court directive. One state, SOUTH DAKOTA, allows the use of public funds only in cases of the mother's life being endangered.

Whether the new health care program expands public abortion funding is open to debate. That possibility very nearly derailed the bill in Congress, prompting lawmakers to bar the specific use of federal dollars on the procedure. When anti-

Bird's eye view



Source: New York Times, USA Today

States that have delayed tax refunds

Several states delaying tax refunds

At least eight states are taking a page out of taxpayers' playbook this year and procrastinating on one of their key tax duties: mailing out refund checks. NEW YORK briefly delayed issuing half a billion dollars worth of refunds until the start of its new fiscal year in April. And HAWAII finally began sending out checks a few weeks ago to taxpayers whose returns were processed back in January. The continuing effects of the recession are forcing states to juggle their refund obligations with others, including Medicaid costs and public employee payrolls. Budget cuts have also left some states short of the staff needed to process returns in a timely manner. But many states have strong incentives not to delay their refunds for too long: laws subjecting them to interest penalties. Georgia paid roughly \$2.1 million in such penalties last year.





abortion advocates argued that exchange users could still use federal money to buy private health coverage that covered abortion — thus indirectly covering abortions through plans paid for in part with federal funds — lawmakers required anyone seeking abortion coverage to acquire it separately from their basic coverage and to pay for it with their own funds.

To seal the deal, President Obama issued an executive order that specifically bars the use of federal money to pay for abortion other than in cases already covered under the Hyde Amendment. The law itself further gave states the right to bar policies sold through their exchanges from covering abortions, also with the Hyde exceptions. State exchanges must also include at least one plan that does not cover abortion beyond federal limitations, and health insurers are required to keep privately-paid abortion coverage funds from comingling with federal subsidies. States may, however, continue to use their own Medicaid funds to pay for abortions if they so choose.

The restrictions have not been popular with abortion rights supporters. The Guttmacher Institute, for one, has decried forcing insurers “to jump through numerous, unprecedented hoops” to carry abortion coverage through the exchanges, saying “the complex, politicized arrangements the legislation necessitates militate heavily against the likelihood that many such plans will be purchased or even offered.” Some large insurers, including giants like WellPoint Inc., have voiced similar concerns, indicating they may not offer abortion coverage through the exchanges.

Vicki Saporta, president of the National Abortion Federation, notes that several of the bills introduced in statehouses this year go beyond funding restrictions to bar any plan in an exchange from offering abortion coverage, regardless of who pays for it. Last month, TENNESSEE Gov. Phil Bredesen (D) allowed such a measure, HB 2681, to become law without his signature. Another proposal, LOUISIANA HB 1247, cleared the House on April 22nd and is currently being debated in the Pelican State Senate. It is expected to pass and be signed into law by Gov. Bobby Jindal (R). The WEST VIRGINIA Legislature, however, failed to approve SB 1011a during a special session last month.

Some states already block insurers from covering abortion. According to Guttmacher, at least five states restrict abortion coverage in private health insurance plans, while a dozen restrict the coverage for public employees.

In the hopper

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

Number of Prefiles last week: 42

Number of Intros last week: 790

Number of Enacted/Adopted last week: 878

Number of 2010 Session Prefiles to date: 19,355

Number of 2010 Intros to date: 82,985

Number of 2010 Session Enacted/Adopted overall to date: 22,752

Number of 2009-10 bills currently in State Net Database: 182,530

— Compiled By JAMES ROSS
(measures current as of 6/3/2010)
Source: State Net database

Saporta calls the spate of bills “unnecessary,” saying they are “just another opportunity for opponents to restrict access to abortion.” She also believes the health reform bill should have included abortion coverage.

“We should not discriminate against low-income women in this area,” she says. “And it is simply wrong to prevent women from paying for abortion health services with their own money.”

“We should not discriminate against low-income women in this area,” she says. “And it is simply wrong to prevent women from paying for abortion health services with their own money.”

But Carrie Gordon Earll, a spokesperson for the pro-life group Focus on the Family, says states are only reacting to what their citizens want.

“Polls show clearly now that a majority of people oppose abortion,” she says, noting a May Gallup Poll that indicated 51 percent of Americans now consider themselves to be “pro-life” rather than “pro-choice.” Gallup says it was the first time that a majority of respondents dubbed themselves “pro-life” since the organization began asking the question in 1995.

Earll says that feeling is particularly strong in regard to the use of public money.

“These bills are happening across the states because people do not want their tax dollars to pay for abortions,” she says.

The battle over public abortion funding has been only part of the abortion landscape this year. The Guttmacher Institute notes that 21 states introduced bills with stringent ultrasound requirements, including the measures already noted in FLORIDA

“These bills are happening across the states because people do not want their tax dollars to pay for abortions.”

and MISSOURI. Comparable bills have moved through statehouses in WEST VIRGINIA, where Gov. Joe Manchin (D) signed SB 597 into law on April 2nd, and SOUTH CAROLINA, where HB 3245 has been approved in both houses and is now in a joint conference committee. Gov. Mark Sanford (R) is expected to sign the bill once it gets to his desk. And last Thursday, a LOUISIANA house committee approved SB 528, which would

require a woman seeking an abortion to have an ultrasound. Pelican State lawmakers dropped a requirement that the woman be forced to view the results, hear details about it and receive a print of the image.

The most anti-abortion activity of 2010 has so far come in OKLAHOMA, where lawmakers sent Gov. Brad Henry (D) eight measures. Henry has so far signed four and vetoed three, including, HB 2780, an ultrasound measure similar to those in other states. The bill has one significant difference from most others in that it does not allow for exceptions in cases of rape or incest. It does exempt women in cases where the mother’s life is endangered.



The Sooner State Legislature also turned back Henry’s veto of another controversial abortion measure, HB 3284, which the governor’s veto message said would have “required women, including rape and incest victims, to participate in an intimate and detailed questionnaire about their pregnancy and personal life in order to obtain an abortion.” Lawmakers have in fact successfully overturned all three of Henry’s vetoes, though HB 2780 has been stayed pending a July hearing in a lawsuit seeking to block the law from going into effect.

Focus on the Family’s Earll says that while the ultrasound measures require “some delicacy of language,” she believes states will continue to adopt more stringent measures like OKLAHOMA’s HB 2780. Given the recent history of state-level abortion measures — upwards of 350 bills introduced in each of the last two years, a slight uptick from previous years — there is little doubt states will continue to be the main abortion battleground.

“Traction on these issues is always at the state level,” Earll says.

— By *RICH EHISEN*

Budget & taxes

STATES JOIN BANKS IN OPPOSING LIMITS ON ‘SWIPE’ FEES: It’s no great shock that the banking industry opposes an amendment to a financial overhaul bill moving through Congress that would place limits on the fees credit and debit card issuers can impose on retailers. What is a little surprising, however, is that some state officials have also joined the fight over the amendment — on the side of the banks.

A number of state treasurers have expressed concerns that the proposed limits on the fees creditors can charge for processing purchases might endanger state programs that use prepaid cards to distribute benefits such as unemployment insurance, child support and wages for state employees who don’t use direct deposit.

“The cost savings achieved as a result of moving from check to electronic distribution of benefits are significant to states and their taxpayers,” NEBRASKA State Treasurer Shane Osborn told Congress two weeks ago. The “amendment will drastically alter this equation.”

The amendment, sponsored by U.S. Sen. Richard J. Durbin (D-ILLINOIS), was included in the version of the financial overhaul legislation that passed the Senate with bipartisan support last month. But it was not included in the version passed by the House in December, and it is now the focus of an intense lobbying effort as lawmakers seek to reconcile the two bills.

The amendment allows retailers to provide discounts to customers who pay with cash and to set minimum purchase thresholds for allowing credit card purchases. But what most troubles banks is that the amendment also tasks the Federal Reserve with determining whether processing fees — also known as interchange or “swipe” fees — are “reasonable and proportional.” The fees usually range from 1 to 2 percent of the purchase price, which retailers say can wipe out their profit on smaller sales.

But the banks now have a powerful new ally on their side. According to Osborn, 46 states use prepaid cards to distribute at least some government benefits, saving them money on printing and mailing checks, as well as on processing and managing the accounts.

“These government cards are filling a dramatic need that no other product has done before,” said Kirsten Trusko, executive director of the Network Branded Prepaid Card Association. (WASHINGTON POST)

BUDGETS IN BRIEF: Thirty-five states and the District of Columbia have applied for the second phase of the Race to the Top education grant competition. Federal officials expect to announce the finalists on or around July 26 and the winners — which could number between 10 and 15 — by the end of September (WALL STREET JOURNAL). • A senior **NEW YORK** official said last week that Gov. David Paterson (D) is drafting a plan to lay off thousands of government workers at the beginning of next year. That disclosure came just days after a federal judge blocked Paterson’s effort to furlough half the state work force to balance the state budget (NEW YORK TIMES). • **CONNECTICUT** Gov. M. Jodi Rell (R) signed a debt-reduction bill last month that erases \$480.6 million in bond authorizations. The measure, SB 25, was passed by the Legislature on a unanimous vote (DAY [NEW LONDON]).

— Compiled by **KOREY CLARK**

Upcoming elections

6/3/2010 - 6/24/2010

06/08/2010

Arkansas Primary Runoff

House Districts 5, 10, 27, 31, 34, 51, 69, 73, 76, 82

Senate District 13

Constitutional Officers:

Secretary of State, Commissioner of State Lands

US House (Districts 1, 2 and 3)

US Senate

California Primary Election

Assembly (All)

Senate (Even)

Constitutional Officers:

Governor, Lieutenant Governor, Secretary of State,

Treasurer, Attorney General, Controller,

Insurance Commissioner,

Superintendent of Public Instruction

US House (All)

US Senate

California Special Election

Assembly District 43

Senate District 37

Georgia Special Runoff

US House (GA Congressional District 9)

Iowa Primary Election

House (All)

Senate (Odd)

Constitutional Officers:

Governor, Secretary of State, Treasurer, Attorney

General, Auditor, Secretary of Agriculture

US House (All)

US Senate

Maine Primary Election

House (All)

Senate (All)

Constitutional Officers: Governor

US House (All)

Montana Primary Election

House (All)

Senate 1, 4, 5, 8, 11, 12, 13, 14, 15, 17, 20, 23, 25, 28, 29, 30, 31, 32, 35, 39, 40, 42, 43, 44, 48, 49

US House (All)

(continues on page 8)

Politics & leadership

NM HOUSE SPEAKER NEARLY LOSES SEAT: NEW MEXICO House Speaker Ben Luján (D) was barely holding onto the legislative district he's served in the Sante Fe area since the mid 1970s, following last Tuesday's primary elections. His challenger, Carl Trujillo, a senior technologist at Los Alamos National Laboratory who is new to politics, was trailing him by only 80 votes, with provisional ballots still left to be counted. Sante Fe County Clerk Valerie Espinoza wasn't sure how many provisional votes were cast in the District 46 race, but she said "typically it's just a handful."

Trujillo's showing is surprising, particularly given that Luján hasn't faced a primary challenger in a decade. Luján blamed the closeness of the race in part on a recent news story linking him to Santa Fe County's use of public resources to pave a church parking lot in Nambé, where he lives.

"I had nothing to do with that," the speaker said. He said he merely asked a county official to "look into maybe putting some (millings) in to that Nambé church."

Luján said he was also a victim of the same public sentiment that has hurt incumbents across the nation. But he said the election result would have no impact on his leadership in the House, where he has served as speaker since 2001.

The race may not be over yet, however. Trujillo said if he is still behind after the provisional ballots are counted, he'll request a recount.

"We have worked too hard, my staff and my volunteers," he said. "The people have been ready for change."

Whichever of the two candidates ultimately prevails will claim the seat, with no Republican vying for it in November.

The GOP will, however, be vying for the seat held by U.S. Rep. Ben Ray Luján (D-NEW MEXICO), the son of the state House speaker. And it looks as though it will be Farmington petroleum engineer Tom Mullins who faces the younger Luján on Nov. 2, having defeated war veteran Adam Kokesh in the state's 3rd Congressional District in last week's Republican primary. (SANTA FE NEW MEXICAN, DAILY TIMES [FARMINGTON], NEW MEXICO INDEPENDENT, NEW MEXICO SECRETARY OF STATE)

FL SHINES (SOME) LIGHT ON ELECTIONEERING GROUPS:

FLORIDA Gov. Charlie Crist (I) signed legislation last month (HB 131) that will require just about every group that spends over \$5,000 to communicate a message about a state candidate to register with the state as an Electioneering Communication Organization and disclose its donors and expenses. The law is aimed at the shadowy

political groups that launch attack ads before an election and reveal who funded the ads only after all the votes have been cast.

“You want to have the spirit of ‘who gave it and who got it’ tied in with the election cycle,” said Tallahassee-based election-law attorney Mark Herron.

But the law has a couple of holes. Electioneering Communication Organizations can accept money from other groups that don’t have to disclose their individual donors, and the organizations are only subject to state regulation 30 days before a primary

and 60 days before a general election.

“You want to have the spirit of ‘who gave it and who got it’ tied in with the election cycle.”

FLORIDA previously had another

Electioneering Communication Organization law, but a federal judge declared in 2008 that it violated the First Amendment. Bert Gall, the attorney who brought the suit that led to that ruling, said the new law was “an improvement,” but he was concerned it might still be too burdensome for community organizations just seeking to express their political views.

“A lot of people are going to throw up their hands and say I can’t afford the lawyers and accountants,” he said. (ST. PETERSBURG TIMES)

MD CONSIDERS REGULATING POLITICAL NETWORKING: MARYLAND’s State Board of Elections was set to vote last week on rules requiring certification of political candidates’ Facebook pages and Twitter accounts, a move officials say is intended to help voters distinguish official campaign messages from those that aren’t.

The rules would require campaigns to add the disclosure sentence currently mandatory for printed materials — which includes the name of the campaign committee responsible for the materials — to blogs, online advertisements and social networking sites. In the case of Twitter, which does not give users

Upcoming elections (cont.)

6/3/2010 - 6/24/2010

Nevada Primary Election

Assembly (All)
Senate Clark Co Dist: 2, 5, 7, 8, 9, 10, 12,
Capital Senatorial Dist, Washoe Co Dist:
1, 2, 4
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State, Treasurer, Attorney
General, Controller
US House (All)
US Senate

New Jersey Primary Election

US House (All)

North Dakota Primary Election

House (Odd)
Senate (Odd)
Constitutional Officers:
Secretary of State, Attorney General,
Agriculture
Commissioner, Tax Commissioner,
Public Service Commissioner
US House (All)
US Senate

South Carolina Primary Election

House (All)
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State,
Treasurer, Attorney General, Comptroller
General,
Adjutant General, Commissioner of
Agriculture,
Superintendent of Education
US House (All)
US Senate

South Dakota Primary Election

House (All)
Senate (All)
Constitutional Officers: Governor
US House (All)
US Senate

Virginia Primary Election

US House (All)

06/15/2010

Massachusetts Special Election

House 16th Essex

Virginia Special Election

House Districts 26 & 27

(continues on page 9)



enough space to put a disclosure sentence, campaigns would have to register their sites with the state board, which would make that information public. Failure to register would be a misdemeanor, punishable by up to a \$1,000 fine or a year in jail.

Jared DeMarinis, director of the state elections board, said he was fast-tracking the approval process in the hope of getting the rules in place by November.

“With the way information can go viral, it is important to know who is the source of the posting,” he said. “In tight elections, misinformation could swing the outcome.”

If approved by the board and a state legislative committee, MARYLAND would become one of the first in the country to oversee the use of social networking sites by political campaigns. Similar measures have been proposed in CALIFORNIA and WISCONSIN, but they have faced opposition from groups claiming they infringe on the freedom of speech. (BALTIMORE SUN)

POLITICS IN BRIEF: Nancy Freudenthal, wife of WYOMING Gov. Dave Freudenthal (D), was sworn in last week as a federal judge. The Equality State’s first lady has worked as a lawyer in private practice in Cheyenne, and the governor submitted her name along with the names of two others to President Obama for consideration for the judgeship, which covers federal cases in WYOMING and the sections of Yellowstone National Park in MONTANA and IDAHO (BILLINGS GAZETTE). • An initiative to legalize the use of marijuana for medical purposes in ARIZONA has qualified for the state’s November ballot. The measure (Prop. 203) is backed by the Marijuana Policy Project, a Washington, D.C.-based advocacy group that helped pass initiatives legalizing medical marijuana in MICHIGAN and decriminalizing possession of small amounts of marijuana in MASSACHUSETTS (STATELINE.ORG). • Both houses of NEW JERSEY’s Democrat-controlled Legislature are planning votes to overturn Gov. Chris Christie’s (R) veto of the millionaire’s tax (AB 10) they passed last month. The odds of a successful override are slim, given the measure was originally passed on a party-line vote, and an override would require four Republicans in the Senate and seven in the Assembly to switch their votes (STAR LEDGER [NEWARK]). • MICHIGAN Sen. Bruce Patterson (R) has introduced legislation (SB 1323) that

Upcoming elections (cont.)

6/3/2010 - 6/24/2010

06/22/2010

California Special Primary
Senate District 15

Mississippi Primary Runoff (if needed)
US House (All)

North Carolina Primary Runoff
Senate District 21
US House (Districts 8, 12 and 13)
US Senate

South Carolina Primary Runoff (if needed)
House (All)
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State, Treasurer, Attorney
General, Comptroller General,
Adjutant General, Commissioner of
Agriculture, Superintendent of Education
US House (All)
US Senate

Texas Special Runoff
Senate District 22

Utah Primary Election
House (All)
Senate 2, 3, 4, 5, 7, 9, 11, 12, 15, 17, 18,
21, 22, 26, 28
US House (All)
US Senate



would establish a voluntary licensing procedure for journalists. Even Patterson acknowledged that the measure, which seeks to clarify the line between “traditional media” and “new media,” is unlikely to pass (STATELINE.ORG).

– Compiled by KOREY CLARK

Governors

LINGLE ENDS HI SCHOOL FURLOUGHS: After eight months of bitter feuding with teacher unions and state education officials, HAWAII Gov. Linda Lingle (R) officially ended school “Furlough Fridays, restoring Aloha State schools to a five-day week for the first time since last October. The furloughs had left the state with the fewest number of instruction days of any state in the nation.

Lingle said she would release \$57 million in funds currently in the state’s Hurricane Relief Fund in conjunction with a \$10 million interest-free line of credit from local banks to pay for sending teachers back into the classrooms next school year. The governor said she believes that should cover the cost of at least 11 of next year’s 17 scheduled furlough days, while teachers have already agreed to give up six of their non-instructional planning days to cover the remaining days. The state’s public charter schools will also receive \$2.2 million in federal State Fiscal Stabilization Funds.

Although both sides had been working for months to end the furloughs, there was significant disagreement over how that would happen. Lingle insisted that only essential workers would be brought back to school on furlough days, while education officials wanted all workers back on the job. The stickler was naturally money: the unions’ proposal was estimated to cost approximately \$10 million more than Lingle’s. The ensuing standoff raised howls of protest from Aloha State parents, several of whom were arrested during a week-long sit-in protest in Lingle’s office in April. U.S. Education Secretary Arne Duncan weighed in as well, penning an op-ed in the *Honolulu Advertiser* last year saying it was “inconceivable to me that this is the best solution for HAWAII.”

In announcing the deal last week, Lingle credited the two banks involved in the compromise — First Hawaiian Bank and the Bank of Hawaii — for bridging the fiscal gap between the two proposals.

“It would not have been possible without this good idea and the banks stepping up,” Lingle said. “We have a difference in point of view. I believe that \$57.2 million, plus now the \$2.2 million specifically for charter schools, I think that’s enough to cover all of the furlough days. If that turns out not to be true, the line of credit is there and available.”



The governor noted that the banks allowed both sides to claim a political win, saying, “This was a way to make both sides correct, or both sides able to stay with their position.”

The deal also seemed to ease some of the bad feelings created by the prolonged battle.

“I would have preferred for her to release the full \$67 million, but if this is what it takes for her to feel comfortable, that’s fine with me. As long as the kids get back to school,” said Lois Yamauchi, a parent with the grassroots organization Save Our Schools Hawaii, which conducted the sit-in in Lingle’s office.

Interim Superintendent of Schools Kathy Matayoshi said her office would also still look for ways to avoid using the loans if possible.

“We’re going to look first at our own budget — look for the pennies under the couch — and try to see whether we can come up with the \$10 million.”

But state Board of Education Chairman Garrett Toguchi sounded less committed to working with Lingle than with looking ahead to dealing with a new governor.

“The main thing, right now, is that we’ve been given the green light to end furloughs,” Toguchi said. “In the end if we are going to be short \$10 million, we will work with the next governor to see how to balance it, whether it’s taking the loan or taking the additional money from the hurricane fund.” Lingle’s term expires in December. (HONOLULU ADVERTISER, WASHINGTON POST, WALL STREET JOURNAL)

A TEXTBOOK CASE IN TX GOV RACE: Textbooks reflecting the TEXAS Board of Education’s decision to adopt a controversial new history and social studies curriculum that emphasizes conservative philosophy are more than two years from reaching classrooms, but the flap over those changes is already playing a role in the Lone Star State’s gubernatorial race. Former Houston mayor and current Democratic

Upcoming stories

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

- **Time to bag plastics?**
- **Primary election wrap**
- **Budget updates**

“I’d rather be on offense than defense, and we’ve been on the defense for far too long.”

gubernatorial candidate Bill White said that if elected in November he would pick a new Board chairman to “undo some of the damage” caused by the new curriculum. The chairman is only one voice on the Board, but that person is responsible for setting the group’s agenda.

Incumbent Rick Perry (R) has so far offered no comment on the textbook changes, which, among other things, encourage students to challenge the concept of separation of church and state. The Board considered but ultimately chose not to deemphasize Thomas Jefferson over his support for keeping church and government apart. The new guidelines do require greater study of President Ronald Reagan and offer a more favorable view of Sen. Joe McCarthy and his efforts to root out alleged communists



not drop its own academic benchmarks, **VIRGINIA** Gov. Robert McDonnell (R) pulled the state out of the second round of the federal Race to the Top grant contest. McDonnell called a federal requirement that the state adopt common core standards “unacceptable” (WASHINGTON POST).

— *Compiled by RICH EHISEN*

Hot issues

B **USINESS:** The **ILLINOIS** House endorses HB 537, which would cap the annual interest rate that payday lenders can charge Prairie State borrowers at 99 percent for loans below \$4,000 and 36 percent for loans greater than that. The measure, which would also allow lenders to increase the term of loans from four to six months, is now with Gov. Pat Quinn (D) for consideration (QUAD CITY TIMES [DAVENPORT]). • **COLORADO** Gov. Bill Ritter (D) signs HB 1351, which caps the annual interest rate that payday lenders can charge borrowers at 45 percent. The bill also requires lenders to offer loan terms of at least six months and allow early repayment without penalty (DENVER BUSINESS JOURNAL). • Still in **COLORADO**, Ritter signs SB 167, which allows the state to recover three times the amount of damages from any company that knowingly submits a false claim for the payment of Medicaid services, and allows workers that report the fraud to get up to 30 percent of that total (DENVER BUSINESS JOURNAL). • **FLORIDA** Gov. Charlie Crist (I) vetoes SB 2044, an expansive measure that would have allowed property insurers to, among many things, more easily hike rates up to 10 percent each year to cover reinsurance and inflation costs (ST. PETERSBURG TIMES). • Still in **FLORIDA**, Crist signs SB 1196, a bill that requires home lenders that foreclose on condo units to cover 12 months of unpaid homeowner association assessments or 1 percent of the original mortgage debt, whichever is less. Previously, lenders had to pay six months of assessments or 1 percent of mortgage debt (ORLANDO SUN SENTINEL). • The **NEW YORK** Senate approves SB 2311, which would give the Empire State’s estimated 200,000 maids, nannies and other domestic workers the right to paid vacations, sick days, holidays and overtime pay. The measure, which would also give workers legal protection from discrimination and permit them to sue their bosses in civil court, must be reconciled with a similar measure passed by the Assembly last year (WALL STREET JOURNAL).

CRIME & PUNISHMENT: The 9th U.S. Circuit Court of Appeals upholds an **ARIZONA** law that bars convicted felons from voting until after they have served their sentences. The court rejected an argument that the statute violates the



14th Amendment, ruling instead that the Constitution allows states to disenfranchise felons and that requiring felons to serve sentences before having voting rights restored is a legitimate state interest (ARIZONA DAILY SUN [FLAGSTAFF]). • The **CALIFORNIA** Assembly approves AB 1934, which would make it a misdemeanor to carry unloaded firearms in public places. State law already bars the carrying of loaded weapons in public. Violators would face up to six months in jail. It moves to the Senate (SACRAMENTO BEE). • **SOUTH CAROLINA** Gov. Mark Sanford (R) signs SB 1154, a measure that deletes mandatory minimum sentences for some first drug convictions, allows more parole for certain second and third drug possession convictions, and removes sentencing disparities between crack and cocaine possession. The new law also changes the status of two dozen crimes from nonviolent to violent, requiring those inmates to serve at least 85 percent of their sentences before being eligible for parole (ASSOCIATED PRESS).

In case you missed it

The restrictive new immigration law in ARIZONA has sparked impending showdowns over similar bills in statehouses across the country. But what states really need is action from Congress.

In case you missed it, the article can be found on our Web site at http://www.statenet.com/capitol_journal/06-07-2010/html

EDUCATION: The **TEXAS** Board of Education approves controversial new textbook curriculum standards for history and social studies that critics contend drastically slant those subjects to a conservative political ideology. The Board defended the changes, arguing that they reflect an effort to make up for what they contend is a liberal-slanted curriculum now being used in schools (DALLAS MORNING NEWS). • **CONNECTICUT** Gov. M. Jodi Rell (R) signs SB 438, which increases the minimum requirement for high school graduation from 20 to 25 credits and requires students to complete a “capstone project” before graduation, beginning with the class of 2018. The measure also will allow state education officials to replace local school boards in low-achieving schools and eliminates enrollment caps for high-performing charter schools (NEW HAVEN REGISTER). • **GEORGIA** Gov. Sonny Perdue (R) signs SB 299, which allows juvenile court judges to take circumstances into account before charging students with violating the Peach State’s zero tolerance law banning weapons in school. The law was inspired by the case of a student who was arrested and expelled from school after turning himself in for accidentally bringing a fishing knife to school (MACON TELEGRAPH). • Still in **GEORGIA**, Perdue signs SB 250, a bill that requires state education officials to develop an anti-bullying policy that can be a model for local school systems and requires school officials to notify parents when their child is either the victim or instigator of bullying (ATLANTA JOURNAL-CONSTITUTION).

ENVIRONMENT: **CONNECTICUT** Gov. M. Jodi Rell (R) vetoes SB 493, which would have, among many things, created a state-run power purchasing division, asked cities and towns to borrow money so that customers could convert to



renewable energy systems and added regulations for electricity competitors. Rell said the measure would likely raise residents' energy bills instead of lowering them (HARTFORD COURANT). • **OKLAHOMA** Gov. Brad Henry (D) signs HB 3028, legislation that establishes a goal that 15 percent of Sooner State electricity be generated from renewable energy sources such as wind, solar and geothermal by 2015 (OKLAHOMAN [OKLAHOMA CITY]).

At Issue in the States

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HEALTH & SCIENCE: **COLORADO** Gov. Bill Ritter (D) signs HB 1021, which requires all insurers to offer contraception and prenatal coverage except in instances where women who already are pregnant seek to buy health care (DENVER BUSINESS JOURNAL). • Still in **COLORADO**, Ritter also signs HB 1228, a law that removes dependents of state employees from state group health benefit plans when they turn 25 years of age (DENVER BUSINESS JOURNAL).

IMMIGRATION: The **MASSACHUSETTS** Senate approves a sweeping amendment to HB 4601, legislation that would, among many things, bar contractors from bidding on public contracts if they employ illegal immigrants, require businesses that contract with the state to verify immigration status of employees and prohibit illegal immigrants from receiving in-state tuition benefits at Bay State public colleges. The measure, which would also require the state's health insurance program to check on a person's immigration status before granting them insurance, is now in the House (PATRIOT-LEDGER [QUINCY]).

SOCIAL POLICY: The **OKLAHOMA** Legislature overrides Gov. Brad Henry's (D) veto of HB 3284, a bill that requires doctors performing abortions to collect patient data such as marital status, previous pregnancies and reasons for ending a pregnancy. Lawmakers are mulling a similar override effort on HB 3290, which bars insurance companies from paying for elective abortions. Henry vetoed that measure on May 27th (OKLAHOMAN [OKLAHOMA CITY]). • **MISSISSIPPI** Gov. Haley Barbour (R) signs SB 3214, which bans public funding for most abortions under health exchanges that will be created under the federal health care overhaul signed into law by President Barack Obama earlier this year. The measure, which duplicates a state law already on the books, includes exceptions for cases of rape and incest or where the mother's life is in danger (CLARION-LEDGER [JACKSON]).

POTPOURRI: The **TENNESSEE** Senate overrides Gov. Phil Bredesen's (D) veto of SB 3012, legislation that allows Volunteer State residents with concealed carry permits to bring guns into bars and restaurants that serve alcohol. If the



House, follows suit, which is expected as early as this week, opponents of the law say they will file a suit to overturn the law (TENNESSEAN [NASHVILLE]). • The OHIO Senate endorses SB 239, which would allow Buckeye State residents with a concealed carry weapons permit to pack their guns with them into bars and restaurants that sell alcohol. It is now in the House (CLEVELAND PLAIN DEALER). • VERMONT Gov. Jim Douglas (R) signs SB 280, which bars motorists from sending or reading cell phone text messages while behind the wheel. The measure also bars 16- and 17-year-olds from using a cell phone while driving (BURLINGTON FREE PRESS).

— Compiled by RICH EHISEN

Once around the statehouse lightly

AMERICAN PIE: To most of us, the local bake sale fundraiser is as American as apple pie. But not so in PENNSYLVANIA, where selling home made goodies can land you in hot water with state officials. Under Keystone State law, selling home made cakes, pies and other goodies has been strictly verboten unless they are made in kitchens that are inspected by state or local officials. That will soon change, however. As the *Pittsburgh Tribune-Review* reports, lawmakers recently sent Gov. Ed Rendell SB 828, a.k.a. “the Pie Bill,” legislation that would allow organizations to sell the home-cooked treats as long as they post signs letting buyers know the snacks were made in non-licensed kitchens. Rendell signed the measure last week. A word to the wise: state health officials say that one-third of all food-borne illnesses come from private fundraisers.

ROAD TO THE COURTHOUSE: Former Talking Heads frontman David Byrne is mad as Hell and he isn’t going to take it any more. As *Bloomberg Business Week* reports, Byrne is chapped over FLORIDA Gov. Charlie Crist using his song “Road to Nowhere” in his campaign to win a U.S. Senate seat. Unfortunately, Crist apparently didn’t bother to ask anyone if this was okay. Based on the \$1 million in damages Byrne is seeking from Crist, it clearly was not copacetic with him. Although Crist used the song prior to leaving the Republicans to run as an independent, Byrne notes that his disapproval is not a matter of political affiliation, saying he would have sued a Democrat too. Byrne is well positioned: his attorney successfully represented Byrne’s



friend and fellow musician Jackson Browne in 2008 over then-presidential candidate John McCain absconding with Browne's signature hit "Running on Empty."

MOONING OVER MOON ROCKS: The case of the missing moon rock has been solved! The intergalactic mystery started when a COLORADO college professor asked his students to find one of the two moon rocks given to the state way back in 1974. One of the chunks of lunar stone still hangs in the Capitol, but nobody had seen the second one, barely the size of a fingernail, in years. Denver television station *KMGH* solved the mystery last week with a phone call to former Gov. John Vanderhoof. Now 88, Vanderhoof admitted to taking the rock when he left office in 1975, noting it was now displayed in his home. He even joked that he had tried to donate it to museums and colleges for years but that none were interested. He was also unaware that the rock's black market value is now placed at a whopping \$5 million. The rock has since been returned.

A BETTER BUTT OPTION: Smokers beware, NEW YORK lawmakers may have found another way to ring a few extra ducats out of you for each pack of cigarettes you buy. As the *New York Times* reports, Assemblyman Michael DenDekker recently introduced legislation that would impose a one-cent deposit per cigarette, with proceeds going to fund a cigarette butt recycling program. DenDekker, who introduced the bill at the urging of a constituent, admits that at first he thought the whole idea was a bit crazy. A bit of research, however, revealed that other countries are already using old butts to make everything from clothing to anti-corrosive sealants for pipes. DenDekker, a reformed smoker who puffed for 30 years, says such a program would both create jobs and help the environment. Alas, a similar bill already adopted in San Francisco has been met with a lawsuit from cigarette giant Philip Morris.

— By *RICH EHISEN*

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