

June 12, 2006

## Border battles



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### Top Story

*Illegal immigration has been a major point of contention from Washington to CALIFORNIA this year. But a new plan by TEXAS Gov.*

*Rick Perry (R) to install cameras along the border has ruffled even hardened anti-immigration forces.*

## SNCJ Spotlight

### *Perry launching TEXAS border webcams*

**T**EXAS Gov. Rick Perry (R) has long counted himself among the many governors who feel that border security is first and foremost a federal responsibility. But in a significant turnaround on the eve of the state GOP convention last week, Perry announced a \$5 million state-funded plan to install hundreds of night-vision cameras on private land along the Mexican border, with the live video being streamed on the Internet. That, Perry said, will enable anyone with a computer to act as

additional eyes for law enforcement by notifying authorities via a toll-free hot line if they spot illegal immigrants trying to slip across the border.

“I look at this as not different from the neighborhood watches we have had in our communities for years and years,” Perry said last week. “We can say to the federal government ‘please give us our fair share,’ but we’re not going to sit here on our hands while we have a border and citizens’ safety at stake and not do everything we can to address this issue.”

He cited a recent 31 percent cut in federal homeland security funding for his state, a rise in reports of border violence and an alleged incursion by what he said were Mexican soldiers into TEXAS earlier this year as proof that his state “cannot wait for Washington, D.C., to act.”

“If our border cannot prevent the entry of foreign soldiers wearing clearly identifiable uniforms, what are the odds that we’re going to stop an enemy?” Perry said. Both U.S. and Mexican officials have agreed that the incident that Perry was referring to did not actually involve Mexican soldiers, but drug smugglers wearing military-style clothing.

Despite the harsh anti-Washington rhetoric, Perry was quick to note he was not blaming his gubernatorial predecessor, President George W. Bush, for the state’s immigration troubles.

“I think if anybody tries to point their finger at George W. Bush and say, ‘This is all your fault,’ that is a big error,” he said. “This has been going on 30-plus years. The federal government has not taken care of the needs.”

The program would place cameras in some of the state’s most remote areas, with live video available to law enforcement or anyone else with an Internet connection and a willingness to sit and watch. Perry says the state already has enough homeland security grant money in hand to put the program on the fast track, with the first cameras set to be installed within 30 days. He is also planning to seek another \$120 million in the 2007 state budget solely for border security, including \$100 million for border police departments.

## *The Week in Session*

States in Regular Session: CA, DC, DE, LA, MA, MI, NC, NJ, NY, OH, PA, RI, US

States in Special Session: CA "a", PA "a", VA "a"

States in Recess: NH

Special Sessions in Recess: OK "b"

States Projected to Adjourn: AZ

States Adjourned in 2006: AK, AL, CT, CO, FL, GA, HI, IA, ID, IL, IN, KS, KY, MD, ME, MN, MO, MS, NE, NM, OK, SC, SD, TN, UT, VA, VT, WA, WI, WV, WY

States in Special Session Adjourned in 2006: AK "b", AR "a", AZ "a", LA "a", OK "a", OR "a", TN "a", TX "c", UT "a", WI "b", WI "c"

Letters indicate special/extraordinary sessions

Source: State Net, 06/09/06

Perry toured southern Texas last week to promote the program, telling residents that it was necessary because “continued federal inaction jeopardizes our security.” But the plan has met with skepticism on several fronts.

“This is just one of those half-baked ideas that people dream up to save money but have no practical applications,” argued Jim Harrington, director of the Austin-based TEXAS Civil Rights Project. “We would be far better off to invest that money in Mexican small towns along the border so people wouldn’t have to emigrate.”

Luis Figueroa, an attorney with the Mexican American Legal Defense and Educational Fund in San Antonio, warned that the camera program could lead to racial profiling and other potential civil rights abuses. “This leaves the door open to anyone who has a vindictive state of mind or a racial motive,” Figueroa said. “Anyone down there could easily be mistaken and falsely accused of something they didn’t do.”

Even some of those most committed to slowing the tide of illegal immigrants entering the country have voiced their doubts.

Connie Hair, a spokeswoman for the Minuteman organization that patrols the border to look for illegal immigrants, said only trained volunteers and law enforcement officials should be able to view the video. Making it accessible to everyone, she says, will allow drug smugglers and human traffickers to use the video to adjust their routes.

## Bird’s eye view



### States block insurance restrictions on foreign travel

Americans love to travel. For many, the “trip of a lifetime” has meant sojourning to the white sand beaches of HAWAII or the grand cities of Europe. These days, however, travelers are often expanding their vacation possibilities to include such previously unconsidered locales as Africa, Central America, Asia, Eastern Europe and the Middle East. But such destinations are also problematic for many of the nation’s largest life insurers. As exotic travel has increased, a growing number of the nation’s largest insurers – Allstate, MetLife, Inc. and Prudential among them – are either refusing coverage or jacking their rates up sky high for customers heading to countries they deem dangerous. This has inspired lawmakers in several states to respond with legislation barring the practice, provided the government recognizes the destination as a legal travel area for Americans. Since 2004, eight states have adopted these measures, with four more considering similar proposals this year.





Consequently, it's little surprise that SOUTH CAROLINA has petitioned the federal government to change the section of I-95 that runs between its borders to a toll road. Or that new toll lanes opened two weeks ago on I-25 in OREGON. Or that NEW JERSEY is considering the idea of leasing the NEW JERSEY Turnpike. Or that TEXAS has partnered with Cintra to build a new \$6 billion highway, the Trans-TEXAS Corridor 35.

“Right now, Americans are looking at toll roads — or no roads.”

Toll roads do have their critics, however. Some say they upset the egalitarian spirit of freeway travel by creating separate roads for the “haves” and “have-nots.” Others complain that toll road deals often include measures designed to drive traffic on parallel roads to the toll road — such as imposing a lower speed limit on the free roads — which basically amount to highway robbery.

The criticism has actually boiled over into action in some places, such as Austin, TEXAS, where activists have formed an anti-toll-road group called the “Toll Party,” which claims to have unseated the pro-toll mayor of a local suburb. And the INDIANA Supreme Court will hear arguments this week on a legal challenge to whether the Hoosier State can lease the Toll Road to foreign investors. The state requested an expedited hearing of the suit because the investing companies can back out if litigation is still pending when the deal is scheduled to close June 30. (ASSOCIATED PRESS, INDIANAPOLIS STAR, CHRISTIAN SCIENCE MONITOR)

**BUDGETS IN BRIEF:** The ALASKA House passed legislation last week imposing a 23.5 percent tax on the net profits of oil companies operating in the state. The Senate promptly rejected the House bill, and it headed off to conference committee (ANCHORAGE DAILY NEWS). • MARYLAND Gov. Robert L. Ehrlich Jr. (R) announced last Monday that he will convene a special session this week to develop an electricity rate stabilization plan to replace the one he negotiated with utility companies in April. That deal was recently thrown out as a result of a lawsuit filed by the city of Baltimore. In a letter to House Speaker Michael E. Busch (D), Ehrlich blamed Mayor Martin O’Malley — who is seeking the Democratic nomination for governor — for the suit and, consequently, the session. Senate President Thomas V. Mike Miller (D) said that was all well and good, but he and Busch had already decided to hold a special session to deal with the issue and the governor was just trying to avoid being left behind. “It came about because the speaker and myself agreed to a special session next week,” Miller said (BALTIMORE SUN).

— *Compiled by KOREY CLARK*

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# Politics & Leadership

**A**NOTHER TOUGH DAY AT THE POLLS FOR INCUMBENTS: Last Tuesday, legislative primary elections were held in six states: ALABAMA, CALIFORNIA, IOWA, MONTANA, NEW MEXICO and SOUTH DAKOTA. None of last week's results were quite as dramatic as those in PENNSYLVANIA on May 16, when seventeen incumbent lawmakers lost their seats, but as in the dozen other primaries that have been held so far this year, incumbency proved no guarantee of victory.

In all, four senators lost their re-election bids in SOUTH DAKOTA, while three incumbents were defeated in IOWA, including a two-term House member, Joe Hutter (R) and a five-term senator, Maggie Tinsman (R). Hutter's ouster was particularly tough for the Republicans as it could give House Democrats a better chance to eliminate the GOP's slim 51-49 majority in that chamber. Veteran lawmakers were also ousted in ALABAMA and MONTANA.

As in the previous primaries, at least some of last week's upsets look to be more the result of local issues than a general anti-incumbent mood spreading through the electorate (see *INCUMBENCY NO GREAT ADVANTAGE THIS ELECTION YEAR?* in June 6 issue of *SNCJ*).

For example, the four senators ousted in SOUTH DAKOTA — all Republicans — appear to have suffered the wrath of their own party for voting against the stringent abortion ban passed earlier this year. In one race, a staunch abortion opponent, Elli Schwiesow, defeated the senator who had defeated her two years ago, Sen. Stan Adelstein, who said he'd voted against the abortion ban because it provided no allowances for the victims of rape or incest, or for the health of the mother. Meanwhile, a key sponsor of the abortion bill, Sen. Julie Bartling (D), dispatched two Democratic challengers with 47 percent of the vote, compared to their 30 percent and 22 percent.

The election results prompted Leslie Unruh, a prominent local abortion opponent, to remark, "South Dakotans are proud of the bold legislation passed this past session. Anyone who says otherwise should look at the outcomes of the primaries." (*ARGUS LEADER* [SIOUX FALLS], *QUAD-CITY TIMES* [DAVENPORT], *BIRMINGHAM NEWS*, *BILLINGS GAZETTE*, *STATELINE.ORG*)

**CA VOTERS REJECT 'TAX-THE-RICH' INITIATIVE:** CALIFORNIA voters soundly defeated a measure last Tuesday that would have imposed a tax on the state's wealthiest residents in order to provide a free year of preschool for every 4-year-old. Proposition 82 failed in 55 of the Golden State's 58 counties (the excep-





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# Governors

**B**LANCO AGAIN THREATENS OIL LEASES: LOUISIANA Gov. Kathleen Blanco (D) has reiterated her threat of earlier this year to block the federal government’s August auction of offshore oil properties in the western Gulf of Mexico unless Washington agrees to help restore the Pelican State’s wetlands.

Scientists claim that decades of oil exploration have forced LOUISIANA’s marsh areas to disappear at an alarming rate. Those marshlands, scientists say, are the best way to combat storm surges brought on by hurricanes like Katrina and Rita. Congress has already agreed to provide \$500 million in restoration money, but federal estimates project the state will need as much as \$16 billion to fully restore the affected marshes and swamps.

“Some might see this as an idle threat,” Blanco told a group of activists in New Orleans last week. “They shouldn’t. For decades, LOUISIANA has made its case. We have asked for a reasonable share of outer continental shelf revenues. And we

“Some might see this as an idle threat. They shouldn’t.”

were snubbed.” Some within LOUISIANA’s own Congressional delegation, however, are questioning whether her vow to block the deal could have negative repercussions on the state’s ongoing efforts to get more federal money for

fixing last year’s hurricane devastation. Republican Congressman Bobby Jindal said he supports her efforts to challenge Washington for a share of the offshore lease proceeds, but prefers to address the matter with legislation rather than lawsuits. Jindal and Sen. Mary Landrieu (D), the state’s senior senator, have each sponsored bills that would force the federal government to share offshore oil lease revenue.

Blanco has so far been undeterred by the chance that legislation might get her what she wants. She instead formally complained to the federal Dept. of the Interior last week that the proposed oil leases conflict with LOUISIANA’s coastal-management plan. Her attorney, William Szabo, said he assumes the governor will be overruled, after which the Commerce secretary will take up the matter. If Commerce also overrules her — also as expected — Szabo said he intends to file suit against the Minerals Management Service in New Orleans in order to block any sales from the government’s auction. (WALL STREET JOURNAL)



**GOVERNORS IN BRIEF:** The **RHODE ISLAND** House overrode Gov. Don Carcieri's (R) veto of a measure that strips the governor's office of the power to place a nonbinding referendum on the ballot. The override measure moves to the Senate, where it is also expected to be approved (**PROVIDENCE JOURNAL**). • A trio of governors — **MISSOURI** Republican Matt Blunt and Democrats Phil Bredesen of **TENNESSEE** and Brad Henry of **OKLAHOMA** — announced plans last week to seek re-election (**CHATTANOOGA TIMES FREE PRESS**, **KANSAS CITY STAR**, **OKLAHOMAN [OKLAHOMA CITY]**). • **SOUTH CAROLINA** Gov. Mark Sanford (R) vetoes legislation that would have allowed the Palmetto State attorney general to instigate criminal anti-price-gouging laws if he determines that gasoline suppliers have artificially disrupted the supply. Sanford said that power belongs solely to his office (**GREENEVILLE NEWS**). • **WASHINGTON** Gov. Christine Gregoire (D) said last week that Evergreen State pharmacy officials "made a mistake" in approving rules that could allow pharmacists to refuse to fill prescriptions on religious grounds. She promised to work with lawmakers this fall to overturn the ruling, and hinted that she might consider replacing some state Pharmacy Board members if they don't cooperate (**OLYMPIAN**). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) declared a state of emergency in 10 Golden State coastal counties in order to aid financially-strapped fishermen after federal regulators severely limited the annual salmon take to just 40 percent of the typical season. The declaration makes \$9.6 million in low-interest loans available to fishermen and the businesses that support them (**SACRAMENTO BEE**). • **FLORIDA** Gov. Jeb Bush (R) said he will try to persuade federal officials to alter a plan to ban **FLORIDA**-grown fresh citrus from being shipped to other citrus producing states. Bush said the plan is "overkill" that doesn't make scientific sense. Last week, the U.S. Department of Agriculture barred **FLORIDA** citrus from being shipped to the other states over fears that cancer and other diseases that have affected Sunshine State fruit could spread to those areas (**MIAMI HERALD**).

## *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: 124

Number of 2006 Intros last week: 938

Number of bills enacted/adopted last week: 1,120

Number of 2006 prefiles to date: 20,023

Number of 2006 Intros to date: 92,606

Number of enacted/adopted overall in 2006: 24,054

— Compiled By JAMES ROSS  
(Measures current as of 06/08/06  
Source: State Net)







riders 21 and older to hit the road sans helmet if they have been licensed to operate their bike for two years or have taken a legitimate safety course. The measure roars off to Gov. Jennifer Granholm (D), who has indicated her veto is a no-brainer (LANSING STATE JOURNAL).

— Compiled by RICH EHISEN

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# Once around the statehouse lightly

**A DISMAL DAY FOR DEMOCRACY:** That would be Primary Election Day in CALIFORNIA, where only 28 percent of registered voters bothered to show up at the polls. Moreover, notes *Capitol Weekly*, turnout for the Democratic gubernatorial primary may have been worse than statewide numbers indicate. The reason: voter disgust over the negative tone of the contest between Treasurer Phil Angelides and Controller Steve Westly. The two, vying for the chance to oppose Republican incumbent Arnold Schwarzenegger in November, savaged each other for weeks in television ads and mail drops. Although Angelides prevailed, one tracking poll taken only days before the election showed that 12 percent of those who had *already turned in* an absentee ballot had “no opinion” on the Angelides-Westly race. Translation: They took a hike on that particular race.

**BUT WAS HE THINKING ABOUT IT?** Lawmakers in COLORADO have tightened rules regarding per-diem payments to legislators when the Legislature itself is not in session. The old system, reports the *Rocky Mountain News*, allowed legislative leaders to continue getting \$99 a day in the off season if they spent time tending to official duties. The old system needed a lube job, however, after it was revealed that in 2005 Republican Joe Stengel, then serving as House minority leader, had scooped up per diem while vacationing in Hawaii and preparing for the state bar exam. He subsequently resigned his position and repaid the state \$891.

**WHAT’S IN A NAME?** A migraine, if you’re MICHIGAN. Seems a donor is willing to give the state \$1 million to complete a 92-mile state park bike trail — with one string attached: The state must name the trail after the donor. That requirement ran afoul of the state Natural Resources Trust Fund Board, which

administers the park system. The NRTFB insists that state policy prevents putting a donor's name on a park. A legislative committee disagreed, reports *Mlive.com*, passing a bill to staple the donor's name to the park. Gov. Jennifer Granholm is embarrassed by the internal squabble, and officials are trying to work out a compromise before the donor pulls the plug.

**WHAT'S IN A WORD, PART I:** As every editor knows, a little tinkering here and there can improve just about any written word. But does that apply to something as universal as the Ten Commandments? It does in the LOUISIANA Legislature where, according to the *Advocate*, lawmakers set about tinkering in order to come up with a version for display in government buildings that complies with U.S. Supreme Court edicts about the separation of church and state. Turns out that the Ten Commandments are not universal; there is a Protestant, Catholic and Jewish version. LOUISIANA lawmakers used the King James' version, which a lobbyist pointed out might offend Catholics and Jews, so a red pencil was applied in hopes of avoiding a dispute. One change: The version being used by the Legislature read, "Thou shalt not murder." It was changed to the more familiar, "Thou shalt not kill." And in the Fifth Commandment, "honour" was changed to "honor." No word on whether everyone is now happy.

**WHAT'S IN A WORD, PART II:** If it's the right word — or wrong word, in this case — enough to make a public official resign, reports the *Lexington Herald-Leader*. The official in question is Brett Hall, chief spokesman for KENTUCKY Gov. Ernie Fletcher. Asked by a reporter last week whether the embattled governor would quit his office, Hall responded with a four-letter expletive. Hall was out by week's end, his resignation requested by the governor's chief of staff.

**THE ANTI-ASSAULT WEAPON:** It may not have the rapid-fire capability of an AK-47 or M-16, but muzzleloaders are firearms — at least in the state of IDAHO. As such, notes the *Idaho Statesman*, felons can't own one, even if it is an antique. The ruling by a Gem State appellate court was made necessary when a convicted felon tried to hunt with Old Betsy.

— By A.G. BLOCK

