

August 16, 2010

Human Cargo



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The next issue of
Capitol Journal will be
available on August 23rd.

Top Story

*Long after most
Americans thought
the slave trade had
vanished, state and
federal lawmakers
say the global trade in
human beings is alive
and well on our soil.*

SNCJ Spotlight

States battling to end modern day slave trade

To many Americans, slavery is nothing more than a dark scar on our past that died out along with the antebellum South. But for state lawmakers, the effort to end slavery is anything but a relic of a bygone era. Almost exactly 158 years after Abraham Lincoln issued the Emancipation Proclamation, the U.S. Department of State (DOS) says the business of trafficking in human beings is alive and well in America, and state lawmakers are considering a variety of measures to stop it and to help its victims.



Data on human trafficking can be bit sketchy, but the DOS estimates the practice has become a \$32 billion global industry, with over 12 million people worldwide currently held in some form of servitude. While much of that trade occurs in other nations, DOS says that up to 17,500 of those people end up in the U.S. annually, often locked away in grimy sweat shops, on farms or in the sex trade. Many come along willingly at first, believing they are taking legitimate jobs that will give them a better way of life. Only later do they discover they are really being forced into working grueling hours, usually without pay and with no ability to quit. Trapped in a strange country where they often do not speak the language, with no money, documentation or resources with which to extricate themselves — and often facing the real threat of violence or death if they try to run — victims are left with no recourse but to suffer in silence. Sometimes traffickers also

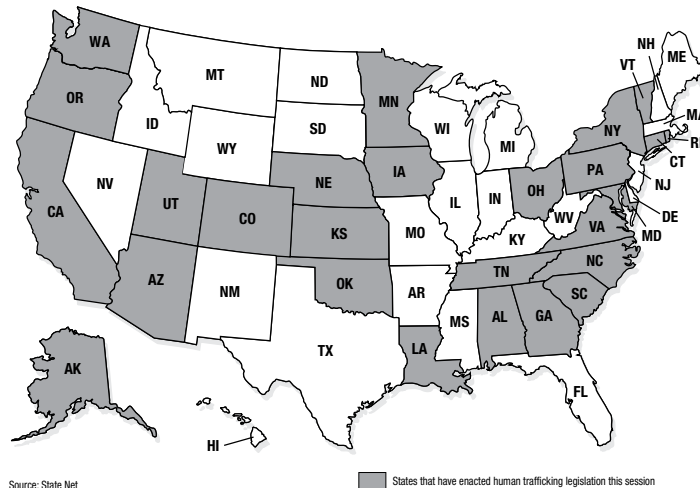
“Kids are truly the slaves of the 21st Century. They’re a commodity.”

have others means of coercion, such as a hold on victims’ family members.

But many of the slave trade’s victims are not imported from other countries. U.S.–born runaways or otherwise homeless teens are particularly vulnerable to pimps and other predators who coerce them into the commercial sex trade as strippers, erotic escorts or street-level prostitutes. Speaking at a National Conference of State Legislatures (NCSL) seminar in July, Ernie Allen, president and CEO of the National Center for Missing and Exploited Children, noted that the typical entry age for female prostitutes is 12 to 14, while the average age for boys forced into the profession is 11 to 13.

“Kids are truly the slaves of the 21st Century. They’re a commodity,” Allen said, noting that his organization believes that as many as 100,000 children in the U.S. are coerced into prostitution each year. Even that figure could be low, Allen said, citing a 2001 University of PENNSYLVANIA study that indicated as many as 293,000

Bird’s eye view



States seek to stop human trafficking

So far this session, 256 bills relating to human trafficking have been introduced in 37 states, according to State Net’s legislative tracking database. Seventy-one of those measures have been enacted in 26 states, while five have been vetoed in three states — CALIFORNIA, FLORIDA and HAWAII. More enactments may still be on the way, with more than 60 of the other introduced human trafficking bills still pending in nine states.



American kids are at risk of being sexually exploited every year.

Although the State Department has issued an annual report on human trafficking for 10 years, the most recent report, released in June, is the first to include the United States in its ranking of government efforts around the world to stop the practice. The report also acknowledged for the first time that the U.S. has become “a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced labor, debt bondage and forced prostitution.”

States, for the most part, have only recently taken on the task of combating human trafficking, though almost all now have at least some laws against the practice. According to the Washington DC-based Polaris Project, which advocates for anti-trafficking laws around the world, all but a half dozen states — HAWAII, MASSACHUSETTS, OHIO, SOUTH DAKOTA, WEST VIRGINIA and WYOMING — have at least one statute barring human trafficking. NCSL notes that most of the statutes are fairly new, with the vast majority coming only in the last few years.

Human trafficking has remained a hot topic this year. According to State Net, lawmakers in 37 states and the District of Columbia considered over 250 bills dealing with the issue this session, with over 70 of those enacted. The bulk of these measures are similar to most other current state laws in that they criminalize the most common human trafficking practices, primarily coerced sexual exploitation, forced domestic servitude and factory labor.

But in recent years, some states have taken slightly different tacks in their approach to the problem. This year, legislatures in CALIFORNIA, CONNECTICUT, ILLINOIS and WASHINGTON approved bills that mimic NEW YORK’s “Safe Harbor for Exploited Children Act” (AB 5258/SB 3175), which Gov. David Paterson (D) signed into law in 2008. That legislation is based on the view that minors arrested for prostitution should be treated as victims of sexual exploitation rather than juvenile delinquents deserving of jail time. Instead, non-repeat offenders are sent to publicly-funded “safe houses” and given access to medical and psychological services meant to help them return to a more normal life.

To date, three of the 2010 measures have been signed into law. CONNECTICUT Gov. M. Jodi. Rell (R) signed her state’s bill, SB 153, in June while WASHINGTON Gov. Christine Gregoire (D) signed SB 6476 in April. In July, CALIFORNIA Gov.

The week in session

States in Regular Session: CA, MI, PR

States in Recess: DC, NJ, NY, PA, US

States in Special Session: CA “f”, NY “w”

Special Sessions in Recess: CT “a”, CT “b”, DE “b”, PA “a”

States in Informal Session: MA

States in Skeleton Session: OH

States Currently Prefiling or Drafting for 2011: FL, KY, MT, ND, NV, VA

States Adjourned in 2010: AK, AL, AR, AZ, CO, CT, DE, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MN, MO, MS, NC, NE, NH, NM, OK, RI, SC, SD, TN, UT, VA, VT, WA, WI, WV, WY

State Special Sessions Adjourned in 2010: AZ “a”, AZ “b”, AZ “c”, AZ “d”, CA “e”, CA “h”, FL “a”, KY “a”, MN “a”, MO “a”, MS “a”, NH “a”, NJ “a”, NM “a”, NV “b”, OR “a”, TN “a”, WA “a”, WI “b”, WV “a”, WV “b”

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS
(session information current as of 8/13/2010)
Source: State Net database

Arnold Schwarzenegger (R) signed SB 1279, which implements a similar pilot program in Los Angeles County, which has a population of almost 10 million. That bill is modeled after another measure Schwarzenegger signed in 2008, AB 499, which enacted the same policy in much smaller Alameda County (population around 1.5 million) in Northern CALIFORNIA.

ILLINOIS Gov. Pat Quinn (D) has not yet acted on HB 6462, which he received in June. He has approximately one more week to sign or veto the bill before it becomes law without his endorsement.

FLORIDA was the only other state to consider Safe Harbor bills in 2010. Both of its measures, SB 1700 and HB 535, died earlier this year in committee.

The TEXAS Supreme Court has also weighed in, ruling in June that since Lone Star State law stipulates that minors under age 14 cannot legally understand the significance of agreeing to sex, they also cannot be prosecuted as prostitutes. Rather, the court said, they must be treated as victims of human trafficking and sexual

exploitation.

Julie Janovsky, a spokesperson for the Polaris Project, says most lawmakers have been supportive of the Safe Harbor proposals, though she notes that some have argued for making 16 the age cutoff. But, as with so many other issues at the moment, the real challenge is rooted in dollars and cents.

“State budgets are easily the greatest challenge right now,” she says. “These kids have very specialized needs, and a lot of states don’t have the resources right now to pay for that care.”

It isn’t just kids, either. Several states offer significant assistance to all victims of human trafficking, including state-funded public health care and other services. To help pay for it, six states — ALABAMA, CALIFORNIA, CONNECTICUT, ILLINOIS, OKLAHOMA and VIRGINIA — adopted laws in 2010 that implement or expand the use of fines and asset forfeiture against traffickers, with generated funds used to help pay for victim care. In all, 17 states now have trafficking-related forfeiture laws.

States have also adopted measures that place more of the onus on businesses to help reduce the problem. A 2007 TEXAS law, HB 1751, imposes a tax on sexually-oriented businesses, with funds going toward prosecution and trafficking-related victims’ services. TEXAS is also one of five states that now require certain businesses and other entities — mostly hotels, truck stops and bars or restaurants that sell liquor — to post signs with information on human trafficking and the National Human Trafficking Resource Center Hotline number.

Some lawmakers are considering measures that would place even more pressure on companies to deal directly with the issue. CALIFORNIA SB 657,

“State budgets are easily the greatest challenge right now. These kids have very specialized needs, and a lot of states don’t have the resources right now to pay for that care.”



sponsored by Senate President Darrell Steinberg (D), would require companies with gross revenues over \$100 million annually to post on their Web sites what steps, if any, they are taking to ensure their supply chains are free of slavery and human trafficking. The bill has drawn opposition from numerous business interests, including the California Chamber of Commerce, which contends it will force Golden State businesses to become “the enforcement arm for federal and state laws regarding slavery and human trafficking.” The bill cleared the Senate in January and is now close to approval in the Assembly.

Meanwhile, legislation is pending in NEW YORK (AB 470/SB 6180) that would require every state vendor to provide the hiring agency with a statement attesting that “no foreign-made equipment, materials, or supplies given to the state for the contract have been produced in whole or in part by forced labor or indentured servitude.”

With the attention now being focused on human trafficking and slavery, most observers expect more state and federal legislation in 2011, particularly as police and others become better trained in spotting signs of it. The Polaris Project’s Janovsky says she is aware of at least six states — MARYLAND, PENNSYLVANIA, TEXAS, NEVADA, NEW JERSEY and KENTUCKY — that will introduce Safe Harbor laws next year.

U.S. Secretary of State Hillary Rodham Clinton also made it clear in her comments surrounding the release of the DOS “2010 Trafficking in Humans” report in July that she expects more response from lawmakers at all levels of government in the United States.

“This report sends a clear message to all of our countrymen and women: Human trafficking is not someone else’s problem,” she said. “Involuntary servitude is not something we can ignore or hope doesn’t exist in our own community.”

— By RICH EHISEN

Budget & taxes

INSURERS FLEX STATEHOUSE MUSCLE: The state regulators who oversee the insurance industry have little control over what insurers charge in many states, according to analysis by the *Chicago Tribune*’s Washington Bureau and the National Institute on Money in State Politics.

Campaign finance data shows that since 2003, insurance companies and HMOs have donated more than \$42 million to state lawmakers, many of whom sit on committees that oversee their state insurance regulators. And those same lawmakers have effectively blocked legislative efforts to exert greater control over the industry.

“The pressure that the industry can bring to bear in state legislatures is unbelievable,” said J. Robert Hunter, a former TEXAS insurance commissioner. “They pretty much get what they want.”

In PENNSYLVANIA, the industry stopped bills in 2008 and 2009 that would have granted the state’s insurance commissioner “prior approval” authority, the power to block unjustified rate hikes, in the small-group market. In CALIFORNIA,

“State government here has basically been a wholly owned subsidiary of the insurance industry.”

Assemblyman Dave Jones (D) is on his third attempt in five years to give his state’s insurance commissioner prior approval authority. And in ILLINOIS, consumer advocates say insurers have such a strong grip on the statehouse, they can’t remember the last serious effort to give the state insurance commissioner authority over the rates insurance companies charge. The state’s former

chairman of the House Insurance Committee, Rep. Frank Mautino (D), received nearly 10 percent of his campaign contributions from the insurance industry in the 2008 election cycle.

“State government here has basically been a wholly owned subsidiary of the insurance industry,” said Jim Duffett, Executive Director of the ILLINOIS-based Campaign for Better Health Care.

The Obama administration is planning to announce a series of \$1 million grants this week to help states strengthen their regulation of the industry. Many industry officials fear the move will encourage elected officials to exploit their authority.

“They are worried about the politicization of the process. They are worried about not being able to get rates approved,” said America’s Health Insurance Plans President Karen Ignagni, who leads the industry’s lobbying effort in Washington. She noted that the new federal health care law includes provisions requiring insurers to explain “unreasonable” rate increases.

But many Democrats and consumer advocates say that’s not enough. They want all state insurance commissioners to have prior approval, which has proven a powerful regulatory tool. In OREGON, for instance, it has allowed regulators to deny or modify 20 of 71 proposed rate increases in the individual and small-group markets since April of last year. Only 19 states currently have prior approval authority in both the individual and small-group markets, however.

“A lot of us are scrambling right now to match the insurance industry’s influence,” said Larry C. McNeely II, health care advocate for U.S. PIRG, the federation of state public interest research groups. (CHICAGO TRIBUNE)

OR TAX HIKES HAVEN’T STOPPED FLOW OF RED INK: When OREGON voters approved a pair of ballot measures last January raising income taxes on corporations and households earning over \$250,000 a year, it came as something

of a surprise. The state's voters hadn't approved an income tax increase since the 1930s. They've also rejected proposals to institute a sales tax nine times, and they've approved amendments enshrining a property tax cap in the state constitution and requiring the state to give rebates to taxpayers whenever revenues exceed projections by 2 percent or more. But Democratic lawmakers, labor unions and others managed to convince voters that Measures 66 and 67 were necessary to avoid unthinkable spending cuts.

The surprise now is that the state's fiscal situation has only gotten worse since the tax measures were approved. In May, the state's economist announced a new, \$577 million shortfall in the current, two-year budget. Gov. Ted Kulongoski (D) responded by cutting spending 9 percent across the board, including K-12 education, which the threat of cutting had been key to passage of Measures 66 and 67. And last month, a report released by the National Conference of State Legislatures indicated that OREGON was one of only two states (ILLINOIS was the other) projecting shortfalls for the current budget year.

Republicans have seized on the issue as a way to help them win control of the governor's office and pick up seats in the Legislature in November.

"The lesson here," said Greg Leo, communications director for the state Republican Party, "is that taxing the rich and business actually reduces the amount of revenues that are collected."

Some economists attribute the state's continuing fiscal struggles primarily to its stubbornly high unemployment rate, which has held steady at about 10.5 percent for months. But the state's Democrats now find themselves in much the same situation as President Obama: trying to convince their constituents that things would be much worse if they hadn't taken the action they did.

Sen. Richard Devlin (D), one of his party's budget experts, argues that without Measures 66 and 67, instead of having to cut \$577 million, the state would be facing a \$1.3 billion shortfall. He said the new deficit only confirms that supporters of the ballot measures

Upcoming elections

8/12/2010 - 9/2/2010

08/17/2010

California Special Election
Senate District 15

Washington Primary Election

House (All)

Senate 6, 7, 8, 13, 15, 21, 26, 29, 30,
31, 32, 33, 34, 35, 36, 37, 38, 41, 42,
43, 44, 45, 46, 47, 48

US House (All)

US Senate

Wyoming Primary Election

House (All)

Senate (Odd)

Constitutional Officers:

Governor, Secretary of State,

Treasurer, Auditor,

Superintendent of Public Instruction

US House (All)

08/24/2010

Alaska Primary Election

House (All)

Senate B, D, F, H, J, L, N, P, R, S

Constitutional Officers:

Governor, Lieutenant Governor

US House (All)

US Senate

Arizona Primary Election

House (All)

Senate (All)

Constitutional Officers:

Governor, Secretary of State, Treasurer,

Attorney General, Mine Inspector,

Superintendent of Public Instruction

US House (All)

US Senate

Florida Primary Election

House (All)

Senate (Even)

Constitutional Officers:

Governor, Lieutenant Governor,

Attorney General, Chief Financial Officer,

Commissioner of Agriculture

US House (All)

US Senate

(continues on next page)

were't exaggerating about the depth of the state's fiscal troubles and the need to raise taxes.

"We would be in absolutely terrible shape right now if we didn't have that revenue," he said. (STATELINE.ORG)

STATES TARGET CURRENT RETIREES' BENEFITS: Over the last several years, states seeking to curb the rising costs of public employee retirement benefits have taken the legally — and politically — safe approach of targeting the benefits of new hires. But earlier this year, lawmakers in COLORADO, MINNESOTA and SOUTH DAKOTA, having reached the conclusion that cutting benefits for new employees alone won't be enough to keep their pension plans solvent over time, voted to limit cost-of-living increases they had already promised to thousands of current retirees.

Unsurprisingly, retirees in each state have filed lawsuits seeking the restoration of their annual benefit increases at their former levels. If the courts refuse to do so, a flood of states could follow COLORADO, MINNESOTA and SOUTH DAKOTA's lead.

Both CALIFORNIA Gov. Arnold Schwarzenegger (R) and NEW JERSEY Gov. Chris Christie (R) have openly expressed their desire to scale back benefits for current retirees and employees. And lawmakers from all over the country packed a session on modifying public pension benefits at the National Conference of State Legislatures' annual meeting last month.

If the courts rule in the retirees' favor, however, it could halt the impending stampede.

"If the plaintiffs are successful, it may discourage legislators in other states from attempting to diminish benefits," said Keith Brainard, research director for the National Association of State Retirement Administrators. (STATELINE.ORG)

BUDGETS IN BRIEF: CALIFORNIA voters will consider a ballot measure in November (Proposition 25) that would lower the vote threshold to pass state budgets from a two-thirds supermajority to a simple majority. CALIFORNIA is one of only three states that require a supermajority vote, and many believe the requirement is one of the main reasons the state's Legislature has met its June 15 constitutional budget deadline only five times since 1980 (STATELINE.ORG). • Also in CALIFORNIA, a Superior Court judge issued a temporary restraining order last week blocking

Upcoming elections (cont.)

8/12/2010 - 9/2/2010

Oklahoma Primary Runoff

House Districts 3, 18, 21, 27, 66, 86 and 100
Senate District 44
Constitutional Officers: Insurance Commissioner
US House (Districts 2 and 5)

Vermont Primary Election

House (All)
Senate (All)
Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Auditor of Accounts
US House (All)
US Senate

08/28/2010

Louisiana Primary Election

US House (All)
US Senate

West Virginia Special Primary

US Senate



furloughs Gov. Arnold Schwarzenegger (R) ordered for 150,000 state employees this month. The governor said the furloughs are necessary to conserve cash until lawmakers approve a budget (LOS ANGELES TIMES). • Last Tuesday, President Obama signed the \$26 billion state aid package (U.S. HB 1586) approved by the U.S. House earlier in the day. The legislation, which extends federal Medicaid payments many states had figured into their FY 2011 budgets, finally cleared the U.S. Senate last week, after two moderate Republicans joined all 57 of the chamber’s Democrats and two independents to block a threatened GOP filibuster (WASHINGTON POST). • MONTANA’s public pension funds registered investment gains of more than 13 percent for the current fiscal year, a consultant reported last week. The funds lost \$2 billion — nearly a quarter of their combined value — in the 2008 national financial meltdown (BILLINGS GAZETTE).

— Compiled by KOREY CLARK

Politics & leadership

IOWA GOV CANDIDATE AIMING TO UNSEAT THREE JUSTICES:

IOWA Republican Bob Vander Plaats was the runner up in the state’s GOP primary in June. Campaigning on a platform centered around opposition to gay marriage, he managed a respectable showing in the race, garnering 41 percent of the Republican vote, just 9 points less than the winner of the contest, Terry Branstad, a former four-term governor.

Rather than following the lead of FLORIDA’s Charlie Crist and continuing his run for governor as an independent, however, Vander Plaats announced last week that he will campaign to oust three IOWA Supreme Court justices up for retention votes in November. The justices were among the seven who unanimously ruled last year that the state’s ban on gay marriage was unconstitutional.

“This effort and this campaign is directly to hold the Supreme Court in check by working on an effort to unseat three justices that decided they were the Legislature, that they were the governor, that they were the kingmakers in the state of IOWA,” Vander Plaats said at a news conference.

The conservative-leaning Iowa Family Policy Center praised the move and said Vander Plaats’ campaign was likely to draw national attention. But the American Judicature Society at Drake University in Des Moines said IOWA’s courts are among the nation’s best, placing near the top of the U.S. Chamber of Commerce rankings.

“Retention elections should not be hijacked by moneyed politicians and outside interest groups who disagree ideologically with a single decision,” the group said in a statement.



Bruce Gronbeck, a retired professor of political science at the University of IOWA, said Vander Plaats' effort was unlikely to succeed because the state's electorate tends to frown on extreme politics, whether left or right. Going "after the judges, I don't think, will do him a lot of good," he said. (DES MOINES REGISTER)

Upcoming stories

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

- **Time to bag plastics?**
- **Lou Cannon's global perspective**
- **Ballot measure previews**

RNC PUSHES BACK PRESIDENTIAL

PRIMARY SCHEDULE: The 2008 presidential primary season was one of the most chaotic in history, with state races piled up at the start of the schedule — in some cases in violation of party rules — and the nation's first nominating contest, the IOWA caucuses, pushed all the way up to the first week in January.

"When you have to choose between attending the IOWA caucus and taking down your Christmas tree," MISSISSIPPI Gov. Haley Barbour (R) said at the time, "something's wrong with the system."

The Republican National Committee appears intent on fixing the system for 2012. On Aug. 6, it adopted a new schedule placing the IOWA caucuses and the NEW HAMPSHIRE, SOUTH CAROLINA and NEVADA primaries in February and the other state contests in April or later.

The Democratic National Committee will adopt its own presidential nominating calendar later this month. The Democrats are also expected to designate February as the month for their first primaries, but they may be a bit more lax than the Republicans about the rest of the contests, allowing them to begin in March. (STATELINE.ORG, WASHINGTON POST, DES MOINES REGISTER)

POLITICS IN BRIEF: The state of WISCONSIN has vowed not to enforce key components of new rules regulating campaign-style ads, including making public who paid for them. In the 10 days since the rules took effect, three lawsuits have been filed by nearly a dozen groups across the political spectrum in two federal courts and the state Supreme Court alleging that the rules violate the First Amendment (MILWAUKEE JOURNAL SENTINEL). • Former New York City mayor Ed Koch is waging a campaign to oust from office any of the state's 210 legislators who fail to sign on to reforms strengthening ethics rules, overhauling the budget process and establishing an independent commission to handle legislative redistricting. The number of lawmakers on the "enemies of reform" list of his group, New York Uprising, is already up to 91 (NEW YORK TIMES).

— *Compiled by KOREY CLARK*

Governors

GOP GOVS PUSH OBAMA ON IMMIGRATION ENFORCEMENT: A pair of GOP governors pushed hard on the Obama administration last week to step up its efforts to fight illegal immigration.

The two-pronged effort started last Monday with TEXAS Gov. Rick Perry (R) hand delivering a letter to President Obama warning about the “dire threat” from drug violence along the U.S.-Mexico border. Perry described the rapid escalation of drug cartel-related killings in northern Mexico, and warned that without federal action it was only a matter of time before that violence spread into the Lone Star State. In his letter, Perry called the administration’s pending deployment of 286 National Guard personnel to patrol the TEXAS-Mexico border — out of 1,200 total officers being sent to guard the entire U.S.-Mexico line — “clearly insufficient.”

Perry later told reporters the federal effort was “on its face, a bit of a fraud.” He has a standing request for 1,000 temporary National Guard troops and up to 3,000 permanent border patrol agents to be deployed in TEXAS.

Perry’s effort was followed a few days later by VIRGINIA Gov. Bob McDonnell (R) sending a letter formally requesting U.S. Secretary of Homeland Security Janet Napolitano to allow Old Dominion state troopers to act as immigration and customs agents.

The governor’s request came after months of discussions with federal authorities, who have been reluctant to grant the powers. McDonnell wants the feds to train and deputize state police to check individuals’ legal status and refer undocumented persons to federal authorities for possible deportation. In his letter, the governor called the potential agreement “a partnership” that would “serve to improve public safety, while providing more resources to an underfunded and understaffed federal agency in the fight against criminal illegal immigration.”

McDonnell also referenced a section of federal immigration law he says grants states the power to do as he is requesting.

“The federal government is clearly responsible for border security and immigration law enforcement in this country,” he wrote. “However, Section 287g of the amended Immigration and Nationality Act wisely permits state and local assistance in that enforcement.” At least 27 states and scores of counties nationwide already have similar 287g agreements in place.

McDonnell’s letter came just weeks after Attorney General Ken Cuccinelli issued a legal opinion declaring that VIRGINIA police have the authority to check immigration status of people they stop or arrest. Federal officials said they could not comment on the request as it was a pending application. (WASHINGTON POST, VIRGINIAN-PILOT [HAMPTON ROADS], VIRGINIA GOVERNOR’S OFFICE, DALLAS MORNING NEWS, POLITICO.COM, TEXAS GOVERNOR’S OFFICE)



STRICKLAND BANS OUTSOURCED

SERVICES: OHIO Gov. Ted Strickland (D) issued Executive Order 2010-09S, which bars Buckeye State agencies from entering into any contracts with vendors that outsource the work from that contract to entities outside of the United States. Strickland said allowing outsourced services to be paid for with state dollars “undermines economic development objectives” and carries “unacceptable quality and security risks.” (COLUMBUS DISPATCH)

GREGOIRE ORDER WORKERS’ COMP

CRACKDOWN: WASHINGTON Gov. Christine Gregoire (D) announced a strengthened state effort to crack down on workers’ compensation fraud. Those efforts will include the addition of state investigators to sweep construction jobs on nights and weekends in search of employers who hire and pay workers under the table. The ban will also incorporate the use of a new workers’ compensation audit system and a strengthened partnership with the Attorney General’s Office to crack down on employers who don’t pay their workers’ compensation premiums, medical providers who overbill and injured workers who file fraudulent claims (WASHINGTON GOVERNOR’S OFFICE).

RITTER, OIL GIANTS REACH WILDLIFE ACCORD: COLORADO

Gov. Bill Ritter (D) reached an agreement last week with a host of major oil and gas companies operating in the Piceance Basin of the state’s Western Slope to protect 355,000 acres of key wildlife habitat in the area. Under the agreements, operators will be allowed to satisfy wildlife mitigation requirements under the state’s amended oil and gas regulations — such as identifying the most appropriate locations for roads and well pads — at the beginning of the process, thus avoiding a time-consuming well-by-well review process by the state’s Division of Wildlife. (COLORADO INDEPENDENT, COLORADO GOVERNOR’S OFFICE)

GOVERNORS IN BRIEF: INDIANA Gov. Mitch Daniels (R) continued last week to sidestep questions about a possible presidential run in 2012. Daniels told “Fox News Sunday” that he is open to the idea but remains focused on his current job. Daniels is one of several current GOP governors who have been regularly mentioned as possible presidential or vice-presidential candidates, including **MISSISSIPPI** Gov. Haley Barbour, **MINNESOTA** Gov. Tim Pawlenty and

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: 103

Number of Intros last week: 264

Number of Enacted/Adopted last week: 221

Number of 2010 Session Prefiles to date: 20,510

Number of 2010 Intros to date: 88,044

Number of 2010 Session Enacted/Adopted overall to date: 28,600

Number of 2009-10 bills currently in State Net Database: 187,731

— Compiled By JAMES ROSS
(measures current as of 8/12/2010)
Source: State Net database



LOUISIANA Gov. Bobby Jindal (INDIANAPOLIS STAR). • A coroner's report ruled that former **NEVADA** Gov. Kenny Guinn (R) died as a result of injuries he sustained in a fall from the roof of his Las Vegas home last month. Guinn's death was ruled an accident (RENO GAZETTE JOURNAL).

— *Compiled by RICH EHISEN*

Hot issues

B **USINESS:** The **CALIFORNIA** Senate approves AB 1656, a bill that would require clothing manufacturers to label the animal fur used in all fur garments. It now moves to Gov. Arnold Schwarzenegger (R) for review (SACRAMENTO BEE). • **MASSACHUSETTS** Gov. Deval Patrick (D) signs SB 2407, legislation that enacts several measures to reduce home foreclosures in the Bay State. Those measures include extending the current 90 day foreclosure mediation period to 150 days, making mortgage fraud a crime subject to 15 years in jail and a \$50,000 fine, regulating the reverse mortgage industry and requiring property owners to show just cause before removing rental tenants from a foreclosed property (BOSTON GLOBE, STATE NET, MASSACHUSETTS GOVERNOR'S OFFICE). • **ILLINOIS** Gov. Pat Quinn (D) signs HB 4658, which bars Prairie State employers from using a person's credit history to determine employment, termination, salary or promotion. Violators could face civil suits. The law exempts some industries and positions, such as those dealing with banking, insurance, trade secrets or state and national security (CHICAGO TRIBUNE). • **NORTH CAROLINA** Gov. Bev Perdue (D) signs SB 1400, which bars a bank or mortgage company from foreclosing on the home of service members within 90 days of active duty (NORTH CAROLINA GOVERNOR'S OFFICE).

CRIME: The **CALIFORNIA** Assembly approves SB 525, which would make it a crime to smuggle a cell phone into a Golden State prison. The measure, which would also bar inmates from possessing cell phones, is now with Gov. Arnold Schwarzenegger (R), who is expected to sign it (SACRAMENTO BEE).

EDUCATION: **ILLINOIS** Gov. Pat Quinn (D) signs HB 4647, which creates a violence prevention hotline for students in the Chicago Public Schools system. The hotline allows students, parents and members of the community to anonymously provide information that may prevent violence (CHICAGO SUN-TIMES).



ENVIRONMENT: The **ALASKA** Supreme Court upholds the Last Frontier State’s predator control programs, ruling that they are in line with the state constitution’s mandate to manage wildlife for sustained yield. A pair of animal rights groups had sued to stop the programs, which are focused on culling bears and wolves in favor of protecting moose and caribou (ANCHORAGE DAILY NEWS). • A federal court returns gray wolves in **MONTANA** and **IDAHO** to protection under the Endangered Species Act, saying Northern Rockies wolves must all be treated as a single population. The court’s reference was to a **WYOMING** wolf management plan that allows the unregulated hunting of wolves throughout most of the state if they are taken off the endangered list. **MONTANA** and **IDAHO** allow only controlled wolf hunts, but the court said if the wolves are considered endangered in one state, they must be listed as endangered throughout the region. **WYOMING** officials say they have no plans to change their wolf management plan (WASHINGTON POST). • The U.S. Environmental Protection Agency establishes rules that require cement plants across the nation to cut their mercury emissions and particulate matter by 92 percent and sulfur dioxide by 78 percent. The EPA said the new standards will save up to \$19 in public health costs for every dollar spent in lowering the emissions. Cement plants are the United States’ third-largest airborne source of mercury, after coal-fired power plants and industrial and commercial boilers (USA TODAY). • The **CALIFORNIA** Senate endorses SB 535, which would allow the latest generation of low-emission, hybrid and alternative-fuel vehicles to use high-occupancy vehicle lanes during commuting hours. The measure, which would allow approximately 40,000 more vehicles to access the HOV lanes, now goes to Gov. Arnold Schwarzenegger (R) for review (SAN JOSE MERCURY NEWS).

At Issue in the States

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HEALTH & SCIENCE: The **MASSACHUSETTS** Senate approves HB 4859, which would require health insurers to submit annual reports on their efforts to screen for postpartum depression. The bill would also require Bay State health officials to develop policies on the condition and create a state postpartum depression commission to study ways to detect, prevent and treat it. The bill has moved to Gov. Deval Patrick (D) for review (BOSTON GLOBE). • Also in **MASSACHUSETTS**, Patrick signs SB 2585, which requires health insurers offering select plans to small businesses and individuals to have at least a 12 percent differential in the cost of those policies. The bill also allows small businesses with fewer than 50 employees to join together to form health insurance purchasing co-operatives. The measure would also require insurers to offer plans with low cost health care providers in their network and spend up to 90 percent of their revenue from premiums on medical care rather than administrative costs (BOSTON GLOBE). • The World Health Organization (WHO) announces that the H1N1 flu pandemic is officially over. WHO officials declared the



so-called swine flu a pandemic over a year ago, setting off a global effort to curb the disease. Officials now say the virus “has run its course” (USA TODAY). • Back in **MASSACHUSETTS**, state health regulators finalize rules that will require pharmacists to alert the state when they fill prescriptions for a broader range of medications, including Vicodin, Darvon and steroids. The rules will also require relatives retrieving prescriptions for loved ones for the first time to show identification (BOSTON GLOBE).

In case you missed it

States have done a Herculean job of closing historic budget gaps for FY 2011, but the calm may be only a short respite from what most observers say could be a perfect storm in 2010.

In case you missed it, the article can be found on our Web site at http://www.statenet.com/capitol_journal/08-09-2010/html.

SOCIAL POLICY: Citing a lack of resources, **NEW JERSEY** human services officials announce they will indefinitely delay the implementation of a 2009 law that would allow families a say in deciding whether their mentally ill relatives can be ordered by courts to receive outpatient treatment. Officials say the Garden State mental health system infrastructure cannot support the influx of new patients the law could produce (STAR-LEDGER [NEWARK]). • **MASSACHUSETTS** Gov. Deval Patrick (D) signs HB 4916, legislation that will make the Bay State the 27th with a “Silver Alert” program to be used when an adult with serious memory impairment, such as Alzheimer’s disease or other dementia, is reported missing. The program coordinates the release of information about the missing person among police, fire and medical personnel as well as TV, radio and other broadcast outlets (DAILY NEWS TRIBUNE [NEEDHAM]). • A **CALIFORNIA** judge declines to grant same-sex marriage opponents a permanent stay to his ruling declaring Proposition 8, a voter-approved 2008 constitutional amendment barring same-sex marriage, unconstitutional. Judge Vaughn Walker gave the plaintiffs until August 18th to appeal his ruling to the 9th U.S. Circuit Court of Appeals. Walker agreed to continue the state’s prohibition on same-sex marriage until that date, pending further action from the Appeals Court (SACRAMENTO BEE).

POTPOURRI: **NORTH CAROLINA** Gov. Bev Perdue (D) signs HB 614, which requires Tar Heel State elections officials to treat an application for an absentee ballot by a soldier on active duty as an application to vote absentee in all elections that year (NORTH CAROLINA GOVERNOR’S OFFICE).

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

NO CHALLENGE AT ALL: Last month, UTAH Gov. Gary Herbert sent an open letter to Beehive State public employees asking them to join him in the “2010 Clear the Air Challenge” — a monthlong competition that “encourages all Utahns to improve the quality of the air we breathe.” The idea was for participants to limit their automobile usage by carpooling, using public transportation and walking to work whenever possible, a noble and worthy cause indeed. There was only one problem. As the *Provo Daily Herald* reports, Herbert did not actually participate in the program, citing a busy schedule and security concerns. That excuse has not played well with critics, who note that former Gov. Jon Huntsman was often seen walking or riding his mountain bike near the governor’s mansion, which is in one of Salt Lake City’s safest neighborhoods and just a mile from the Capitol.

A PERMANENT COFFEE KLATCH: CALIFORNIA Sen. Dave Cox may be gone but he will not soon be forgotten. As the *Sacramento Bee* reports, the Golden State Senate honored Cox, who passed away recently after a long battle with cancer, by renaming the Senate coffee shop “Cox’s Club House.” Cox and his fellow Republicans often used the lounge as their caucus meeting spot. The senator, who was renowned in the Capitol for his punctuality, was almost always the first person there in the morning. Senate President Darrell Steinberg, a Democrat, noted he often met there with Cox for early morning chats, hoping to get some tidbit of info about what the GOP caucus was up to. Steinberg noted that those conversations were always friendly and cheerful...and that Cox never gave him a wisp of information.

NOT THAT DOTTED LINE: For those of you who are absolutely positive your state is the most goofed up in the nation, we submit the ongoing drama that is NEW YORK. You may recall much rejoicing in the Empire State a week or so ago when lawmakers and Gov. David Paterson finally came to terms on a budget. It was four months late, of course, but at least it was finally done. Or perhaps not. As the *Buffalo News* reports, in the hubbub over getting the budget document to Paterson for his signature, lawmakers sent him the wrong bill, which Paterson duly signed. Red-faced officials in both the Legislature and the gov’s office assured everyone that the bill Paterson signed was not “live” — it was an earlier version that failed — and was not valid. Just to be sure, though, Paterson quickly signed a copy of the real bill last Wednesday.



MAYBE YOU SHOULD REPHRASE THAT: If running for office is primarily about getting attention, then WISCONSIN legislative candidate Ieshuh Griffin may be a shoo-in. For the uninitiated, WISCONSIN election law allows independent candidates to place a five-word slogan describing their candidacy under their name on the ballot. Independent Griffin, who is seeking a seat in the Assembly, chose the always classy, “Not the White Man’s [Bleep].” As the Associated Press reports, the state Government Accountability Board quickly rejected that one, calling it “pejorative.” She appealed to a federal court, which also rejected her effort. Alas, she apparently filed a technically incorrect suit, which left Judge Rudolph Randa with no choice but to send it on its way. The clearly vexed Griffin wasn’t having that, however, and tried to have the judge removed from the case. Uh, no. Now she says she will appeal straight to the U.S. Supreme Court. Okay.

— *By RICH EHISEN*

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