

A Look Ahead



December 17, 2007

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 ● The next issue of
 ● Capitol Journal will be
 ● available on December 24th.
 ●

Top Story

State legislatures in 2008 will face an ever widening spectrum of difficult problems, from healthcare woes to illegal immigration. This week and next, the State Net staff previews some of the key issues we see lawmakers considering in the coming year.

SNCJ Spotlight

Lawmakers face many tough issues in 2008

State lawmakers are rarely short of hot issues to deal with, and 2008 will undoubtedly be more of the same. With Washington in a seemingly endless state of partisan-fueled gridlock, states are taking on more and more of the critical issues that once fell to the federal government. As such, state legislatures in 2008 will face an ever widening spectrum of difficult problems, from healthcare woes to illegal immigration. This week and next, the State Net staff previews some of the key issues we see lawmakers considering in the coming year.



Foreclosure/Bankruptcy/Lending

The subprime mortgage crisis has already spawned a variety of state and federal measures, including a plan from the Bush administration to freeze interest rates for some homebuyers. At the state level, CALIFORNIA Gov. Arnold Schwarzenegger (R) recently negotiated a deal with four of the nation's top lenders to maintain the initial, lower interest rate for some subprime borrowers whose rates are scheduled to jump significantly higher in the near future. Other proposed state measures deal with foreclosures, future mortgage lending and credit. Specifically, proposed measures are providing for free mortgage foreclosure counseling and education to homeowners who have defaulted or are in danger of defaulting on the mortgages on their homes, as well as setting certification standards for such counselors. Other proposals will require loan applicants for complex or nontraditional home loans to receive consumer counseling before the closing date. States are also looking at a new issue: discharged debts under bankruptcy still being reported as live and collectible, prompting them to be grabbed up by bankruptcy-debt buyers.

Physician Gifts

Increasing numbers of hospitals, healthcare systems, and states are beginning to regulate drug company "promotions" to physicians and pharmacy benefit managers. MINNESOTA has already set limits on gifts, while at least 13 other states have similar bills that will be considered in 2008. Most of the bills call for disclosure by drug companies of the value, nature and purpose of any economic benefit provided in connection with "detailing", promotional or other marketing activities. MAINE, VERMONT and WEST VIRGINIA have already adopted registry laws.

Hiring Immigrants/E-Verify/Sanctuary Cities

States considered over 1,400 immigration-related bills in 2007, and many expect a similar number to go before lawmakers in 2008. But states and municipalities are also responding in wildly different ways to undocumented workers. Lawmakers in at least a dozen states are mulling whether to introduce anti-illegal immigration measures similar to those adopted in 2007 in OKLAHOMA and ARIZONA allowing police to detain illegals and exposing employers to state fines and civil liability for hiring undocumented workers. Both of those laws are also under fire from business interests in those states who say they are suffering the unintended consequences of those measures, most notably a depletion of the available workforce.

Meanwhile, other jurisdictions are looking at bills to deputize local or state law enforcement officers as federal immigration agents (NY A 9455). And at least four states — NEW YORK, MICHIGAN, MISSOURI and WISCONSIN — will consider measures to ban local governments from establishing "sanctuary cities" where police or municipal employees are barred from inquiring about the immigration status of anyone within the city limits, and public employees are prohibited from cooperating



Plastic Bags/Bottled Water

It is estimated that the U.S. goes through 100 billion plastic bags a year. Those bags take an estimated 12 million barrels of oil to produce and last almost forever. According to the Earth Policy Institute, it takes another 1.5 million barrels of oil a year just to make the plastic water bottles Americans use. After San Francisco became the first major U.S. city to ban plastic shopping bags earlier this year, nine states followed up by introducing similar bills that would enact statewide bans or mandatory recycling. With many big city mayors now calling for citizens to choose the tap over bottled water, a likely increase in new measures by the states should be expected in 2008.

Universal Healthcare

There are seemingly only two kinds of states these days: those that already have (or soon will have) some form of universal healthcare — MASSACHUSETTS, MAINE and VERMONT — and those that want it. The problem is, of course, how to pay for it. At least 21 states introduced a universal healthcare bill in 2007, and many of those measures will carry over into 2008. Many observers were also waiting to see what happened in CALIFORNIA, where Gov. Arnold Schwarzenegger (R) made healthcare reform a major issue this year. But Schwarzenegger and Democratic leaders in the Legislature have yet to reach an agreement on a funding mechanism, and with the Golden State budget inching toward a \$14 billion deficit, that compromise may not happen. NEW YORK Gov. Eliot Spitzer (D), however, recently set up a task force to explore bringing universal care to the Empire State, so the issue will remain a hot topic no matter what happens in CALIFORNIA.

Lawmakers will consider numerous other issues as well in 2008, many of which we will look at in the Dec. 24 issue of SNCJ.

— State Net Staff

Budget & taxes

R UN ON STATE FUND: Last month, cities, counties, school districts and other agencies in FLORIDA began pulling their money out of an investment fund managed by the State Board of Administration. Over a period of weeks, the holdings of the so called Local Government Investment Pool fell from over \$27 billion to \$14 billion, forcing the state to temporarily suspend withdrawals from the fund.

The unprecedented run was evidently sparked by an e-mail from the Public Financial Management Group, which advises agencies throughout the state,

informing its clients that the SBA's investments were performing at an unusually high level.

Leanne Evans, treasurer for the Palm Beach County School District, withdrew \$307 million from the fund because the amount of interest the fund was paying indicated the SBA was making risky investments.

"I do believe at some point they made a conscious decision to take on more risk to get a better return," she said.

Her suspicion was accurate, according to an analysis of the SBA fund by the *Orlando Sentinel*. The review showed that since 2003, the SBA had steadily decreased its investments in U.S. Treasury bills and other federally-backed notes in favor of riskier commercial paper and private debt, some of which was tied to the subprime mortgage industry.

SBA officials said they switched to commercial and private notes because they were earning higher returns than treasuries but were still considered very safe investments. And they added that until recently, investors weren't complaining.

"People were agreeing with the strategies, with the results," said SBA senior investment officer Rob Smith.

In fact, while the SBA fund's rate of return over most of the period between 1999 and 2003 was near or below that of treasuries, the fund outperformed federally backed investments by more than 1.5

percent the last two quarters. Its return rate actually went from 1.49 percent on March 31, 2003 to 5.7 percent on Sept. 30.

The problem is that local governments typically use the fund to pay for such things as meeting payroll. They simply park their money in the fund to earn interest until it's needed. Consequently, their top investment priorities are safety and liquidity, with return a distant third.

That disconnect — combined with the fact that \$2 billion of the fund's investments were either in default or had been downgraded in value — forced the resignation of SBA director Coleman Stipanovich two weeks ago.

Last week, the state's chief financial officer, Alex Sink, instructed a committee of auditors from the offices of the governor, attorney general and chief financial officer to sort out the situation.

The week in session

States in Regular Session: DC, NJ, NY, WI

States in Informal Session: MA

States in Skeleton Session: OH

States in Veto Session: IL

States in Special Session: IL Special Sessions "a"-r", PA "a"

States in Recess: IN(2008), MI, NH, PA

Special Sessions in Recess: CA "a", CA "b", DE "a", WI "c"

States Currently Prefiling or Drafting for 2008: AL, AZ, CO, DE, FL, GA, IA, IN, KS, KY, ME, MO, NH, OK, SC, TN, VA, WA, WY

States Projected to Adjourn: US

States Adjourned in 2007: AK, AL, AR, AZ, CA, CO, CT, DE, FL, GA, HI, IA, ID, IN, KS, KY, LA, MD, ME, MN, MS, MT, NC, ND, NE, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WA, WV, WY

State Special Sessions Adjourned in 2007: AK "a", AK "b", AL "a", CT "a", CT "b", DE "b", FL "a", FL "b", FL "c", FL "d", HI "a", HI "b", HI "c", KY "a", KY "b", MD "a", MN "a", MO "a", MS "a", MT "a", MT "b", NC "a", NM "a", NV "a", UT "a", WA "a", WI "a", WI "b", WV "a", WV "b"

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS
(session information current as of 12/14/2007)
Source: State Net database



BUDGETS IN BRIEF: Last week, **ALASKA** Gov. Sarah Palin (R) proposed increasing annual school funding by more than \$300 million over the next three years, bringing the total to over \$1 billion. The money would come from higher oil prices and the tax hike on oil companies she pushed through the Legislature last month (ANCHORAGE DAILY NEWS). • **CALIFORNIA's** government run workers' compensation insurance company spent over \$500 million dollars over the last 10 years on "minimal" marketing services, according to a state audit. Marketing firms were paid millions, for instance, for little more than sending out quarterly newsletters to members. The audit also indicated that about half of the State Compensation Insurance Fund's questionable marketing expenditures went to organizations with direct financial ties to two former board members (LOS ANGELES TIMES).

• **UTAH** Gov. Jon Huntsman Jr. (R) proposed an \$11.7 billion budget for next year that would increase spending for education, health care, corrections and air quality but provide no tax cuts as in the previous couple of years (DESERET MORNING NEWS [SALT LAKE CITY]). • The federal government officially released the \$3 billion allocated to fill the shortfall in **LOUISIANA's** Road Home hurricane recovery program. New Orleans is expected to receive the largest chunk of that money, \$296 million (TIMES-PICAYUNE [NEW ORLEANS]). • **PENNSYLVANIA's** GOP-led Senate approved legislation last week granting \$650 million in tax credits, rebates, loans and grants promoting cleaner energies and conservation. The Democrat-controlled House is expected to alter the bill, which Gov. Ed Rendell (D) said doesn't go far enough to attract energy businesses to the state. • **NEW YORK** Gov. Eliot Spitzer (D), Comptroller Thomas DiNapoli and Insurance Superintendent Eric Dinallo announced that they are stepping up oversight of the state's \$154 billion pension system. The news comes as state Attorney General Andrew Cuomo is investigating allegations that friends of former state Comptroller Alan Hevesi benefited from pension-fund transactions (TIMES UNION [ALBANY]).

— *Compiled by KOREY CLARK*

Upcoming elections

12/13/2007 - 01/03/2008

12/18/2007

Georgia Special Election

House District 072

New Hampshire Special Primary

House Rockingham County District 01 (Candia, Deerfield, Northwood, Nottingham)

Rhode Island Special Election

House District 75

Texas Special Election Runoff

House District 97

12/22/2007

Virginia Special Election

House District 001

01/03/2008

Minnesota Special Election

Senate District 25



“While INDIANA is an intensely patriotic state — we have at least seven war memorials in Indianapolis — the war is not an issue in the governor’s race,” said Brian Vargus, a political scientist at Indiana University-Purdue University Indianapolis.

TEXAN PROPOSES PRIMARY ROTATION SCHEME: Opposed to the way next year’s presidential primary calendar has shaped up, one of TEXAS’ three Republican National Committee members has proposed letting groups of states take turns leading off the primary season.

“The candidate selection process starts entirely too early, and the candidates spend fortunes campaigning through months and months before the conventions,” said Austin lawyer Bill Crocker.

Under Crocker’s plan, the primary season would run from February to May, and states would be divided into four groups, with each group getting a turn starting the nominating process every 16 years. The rotation scheme would begin in 2012.

Crocker’s plan is one of more than a half-dozen that have been proposed, including the rotating regional plan, in which groups of states would go first every 20 years; the DELAWARE plan, which would order the primaries according to population, with smaller states going first; and the American Plan, in which states would be randomly selected to hold primaries over 10 two-week intervals.

Tina Benkiser, one of the other GOP national committee members — who also chairs the state party, hasn’t had a chance to review Crocker’s plan in its current form, according to a party spokesman. The Lone Star State’s third national committee member, Denise McNamara, seemed to have more on her mind than just scheduling issues.

“The whole system needs to be reformed so that candidates who don’t have a pile of money can compete,” she said. “Its become such a money-driven process.”

Crocker intends to run his plan by committee members from other states before presenting it to the national committee in January. (AUSTIN AMERICAN-STATESMAN)

POLITICS IN BRIEF: The WISCONSIN Senate voted unanimously last week to allow voters to decide in April whether to bar the governor from stitching together unrelated words and phrases in budget bills to make new laws, a practice that has been dubbed the “Frankenstein” veto (WISCONSIN STATE JOURNAL [MADISON]). • A Democratic activist has filed a federal lawsuit seeking to halt MICHIGAN’s Democratic presidential primary because four candidates — John Edwards, Barack Obama, Bill Richardson and Joe Biden — have removed their names from the ballot to appease IOWA and NEW HAMPSHIRE. “You have a situation now in MICHIGAN where we have what can best be described as a rump primary,” said an attorney for the activist (USA TODAY). • MINNESOTA House



Republicans voted last week to permanently remove Rep. Mark Olson (R) from their caucus. The House GOP caucus suspended the eight-term legislator about a year ago after he was arrested in connection with a domestic disturbance (MINNESOTA PUBLIC RADIO).

— *Compiled by KOREY CLARK*

Governors

JINDAL WANTS ETHICS VIOLATORS JAILED: LOUISIANA Gov.-elect Bobby Jindal (R) said last week that he will push legislation that would jail Pelican State lawmakers who violate some state ethics laws.

“The real consequences for those who break the rules should not be slap on the wrist. They should go to jail,” Jindal told the annual meeting of the Council for a Better LOUISIANA, a nonpartisan government watchdog group. “I want to send a strong, loud message that enough is enough. Corruption is stealing jobs from our people (by keeping companies from locating to the state). We don’t have

to choose between honesty and effectiveness.”

Jindal said he will soon call a special session to take up the matter, but did not offer specifics on when that session will be held.

A Jindal spokesperson later said the session would probably occur “within a month after the inauguration.”

“The real consequences for those who break the rules should not be slap on the wrist. They should go to jail.”

Jindal also did not say which ethics violations will be targeted for jail sentences, but he did note that he strongly supports requiring elected officials to disclose their income and assets as well as forcing lobbyists to give more detailed reports of their spending on lawmakers.

Sean Reilly, one of Jindal’s top transition advisers and chairman of the ethics advisory panel that will submit reform suggestions to the governor-elect, said his panel will recommend that local officials be included in any new requirements for personal financial disclosure by public office-holders. Disagreement over including locals led to the failure of a disclosure bill during this year’s regular session. Lawmakers are not expected to support enhanced disclosure statutes unless they include local officials. (TIMES-PICAYUNE [NEW ORLEANS])

PALIN WANTS FEWER EARMARKS: ALASKA Gov. Sarah Palin (R) wants Last Frontier State commissioners to avoid asking for all but the most essential Congressional earmarks in 2008. Karen Rehfeld, Palin’s budget chief, told



commissioners that cutting back on earmark requests was essential to “enhance the state’s credibility.” Rehfeld said that the state has to be sensitive to a national perception that ALASKA has a lot of money and shouldn’t always be asking for so much from the federal treasury. “I think anyone who travels outside of ALASKA...typically there is always a comment about something to do with a bridge or the Permanent Fund dividend,” she said. Consumer groups have long complained about abuse in the Congressional earmark system, with many specifically pointing the finger at ALASKA, which has the highest per-capita federal spending in the nation. (ANCHORAGE DAILY NEWS)

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: 654

Number of Intros last week: 725

Number of bills enacted/adopted last week: 110

Number of prefiles to date: 43,131

Number of Intros to date: 166,725

Number of enacted/adopted overall to date: 41,903

— Compiled By JAMES ROSS
(measures current as of 12/13/2007)
Source: State Net database

CORZINE RECONSIDERS FAMILY LEAVE: Under intense pressure from business interests, NEW JERSEY Gov. Jon Corzine (D) and Legislative leaders said they will scale back a proposal that would give Garden State workers the right to take paid family leave to care for a new baby or a sick relative. The original proposal called for employees to be able to take up to 10 weeks off, which would have been the most generous leave program in the nation. The new plan would equal that of CALIFORNIA, which allows workers as long as six weeks. WASHINGTON also has a family leave statute that takes effect in 2009, but that provides a parent with only five weeks of paid leave after a child’s birth and no time to care for an ailing family member. Federal law has long allowed workers in companies with at least 50 employees to take up to 12 weeks of unpaid leave. (NEW YORK TIMES)

GOVERNORS IN BRIEF: According to a new Siena College poll, only 36 percent of Empire State residents approve of the job NEW YORK Gov. Eliot Spitzer (D) is doing. Fifty-one percent gave Spitzer unfavorable marks, while only a third of Democrats said they would vote to re-elect him (BUFFALO NEWS). • Former KENTUCKY Gov. Ernie Fletcher (R) issued 101 pardons or sentence commutations before leaving office last week, including several to convicted murderers. Fletcher’s actions drew sharp criticism from prosecutors around the Bluegrass State, who complained that nobody from the governor’s administration consulted with them beforehand (LEXINGTON HERALD-LEADER). • IDAHO Gov. Butch Otter (R) said that the Gem State’s public pension fund managers should keep investments in companies that do business in Sudan regardless of whether those companies might be supporting genocide. Otter said the state “does have some investments



in foreign-based companies which may have some business interests in Sudan,” but argued that divestment would only be a symbolic gesture and “will not have a direct effect on the situation in Darfur” (IDAHO STATESMAN [BOISE]). • **WASHINGTON** Gov. Christine Gregoire (D) proposed giving the state’s public colleges and universities \$14.3 million to upgrade their emergency warning systems. Gregoire’s proposal would allocate \$8 million for instant-warning systems; \$2.85 million for community notification; \$2.2 million to help first responders; \$830,000 for access-control and shutdown capabilities and \$400,000 for duplicate or “redundant” communications. Lawmakers must approve the request (SEATTLE TIMES).

Upcoming stories

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

- A preview of hot issues for 2008

— *Compiled by RICH EHISEN*

Hot issues

BUSINESS: The **WISCONSIN** Assembly approves a bill that would allow cable TV providers to obtain a single statewide license rather than negotiate individual deals with local communities. The measure now moves to Gov. Jim Doyle (D) for review (JANESVILLE GAZETTE).

CRIME & PUNISHMENT: The **NEW JERSEY** Senate and Assembly endorse a bill that would abolish the death penalty in the Garden State. If Gov. Jon Corzine (D) signs the measure into law as expected, **NEW JERSEY** would become the 14th state to permanently replace capital punishment with life without parole. **WEST VIRGINIA** and **IOWA** were the last states to enact such a ban when they each abolished executions in 1965 (NEW YORK TIMES).

EDUCATION: **ARIZONA** education officials adopt a new graduation policy that will require students now in the eighth grade to take three years of math in order to earn a high school diploma. Students currently in seventh grade will need to take four years of math and three of science to graduate (ARIZONA FAMILY STAR [TUCSON]).

ENVIRONMENT: A federal court rules that **CALIFORNIA** has the authority to regulate greenhouse gas emissions from vehicles. The ruling was in regard to a 2004 Golden State law that requires automakers to build cars and light trucks that produce about 30 percent fewer greenhouse gases by 2016. Automakers sued to block the measure, claiming that only the federal government can implement those



standards (SAN FRANCISCO CHRONICLE). • Still in **CALIFORNIA**, wildlife officials expand a new state law that bans hunters from using lead ammunition when hunting in the habitat of the rare and endangered **CALIFORNIA** condor. Officials added rimfire ammunition — such as that used in .22-caliber weapons — to the list of banned ammunition covered under the statute. The new law already bars the use of centerfire ammunition typically used for hunting big game, such as deer, elk and pig (SACRAMENTO BEE). • Seven states — **COLORADO, UTAH, CALIFORNIA, ARIZONA, WYOMING, NEW MEXICO** and **NEVADA** — reach agreement with federal officials on how they will share the impact of water shortages in the drought-stricken **COLORADO** River. The accord also enacts new measures to encourage conservation and manage two primary reservoirs, Lake Mead and Lake Powell, which have gone from nearly full to just about half-empty since 1999 (NEW YORK TIMES).

HEALTH & SCIENCE: Public health officials in **NEW JERSEY** adopt new rules that will require children as young as 6 months to receive annual flu shots before they will be allowed to attend preschool or day care. The rules must still be approved by the state health commissioner before they can go into effect (STAR-LEDGER [NEWARK]). • The **WISCONSIN** Assembly gives preliminary approval to a bill that would require hospitals to give rape victims emergency contraception if they ask for it. The measure faces a final vote when the Assembly reconvenes in January (JANESVILLE GAZETTE).

SOCIAL POLICY: The **RHODE ISLAND** Supreme Court rules that Ocean State’s Family Court system does not have the authority to grant same-sex couples married in **MASSACHUSETTS** a divorce in **RHODE ISLAND**. The court ruled that lawmakers never intended for the statute granting the family court system the power to carry out divorces to include same-sex unions (PROVIDENCE JOURNAL).

POTPOURRI: **ILLINOIS** Gov. Rod Blagojevich (D) signs legislation that will require all outdoor fitness and sports venues to store a defibrillator within 300 feet of the facility. Someone trained to use the device must also be present for any event held on those grounds (CBS2CHICAGO.COM).

— *Compiled by RICH EHISEN*

In case you missed it

On Nov. 6, voters in seven states weighed in on a total of 35 statewide propositions and referendums, approving 28 and rejecting only seven. But those seven rejections came on some of the most high profile and controversial issues under consideration. In our Nov. 12 issue, we wrapped up how all the state ballot measures finished.

In case you missed it, the article can be found on our Web site at

http://www.statenet.com/capitol_journal/11-12-2007/html

Once around the statehouse lightly

THAT WAS THEN, THIS IS NOW: Action movie fans likely remember that CALIFORNIA Gov. Arnold Schwarzenegger once played the title character in the fictional swords and sorcery romp “Conan the Barbarian.” The role turned the future governor into one of the world’s leading action heroes, but as the *San Jose Mercury News* reports, he isn’t so keen on a new Conan video game that has recently hit the market. That is because said video game has earned a “Mature/age 17-plus” rating from the Entertainment Software Rating Board for its copious amounts of “blood and gore, intense violence and nudity.” Not necessarily bad traits for a celluloid butt-kicker, but definitely bad news for someone who has fought a two-year court battle in support of legislation that would ban such games from being sold to minors. Schwarzenegger’s people say the gov has “no association” with the new game...which would be one of those impacted by the law Schwarzenegger is seeking.

THAT’S NO BULL...FROG: After much teeth gnashing and serious contemplation, the OHIO Senate has finally determined that the spotted salamander should be the official state amphibian. As the *Columbus Dispatch* reports, it was a brutal blow to supporters of the salamander’s main competitor, the bullfrog. But lawmakers responded to an intense postcard campaign from thousands of Buckeye State school children, who convinced them that salamanders are a sign of healthy wetlands. Sen. Gary Cates, however, had his own reason for supporting the measure. Cates noted that, if the bill passes, students at the school that organized the write-in campaign have agreed to change their school mascot from a wolverine to the spotted salamander. “I think everyone can agree with me that one less wolverine in OHIO is a good thing,” he said.

FREUDIAN SLIP? TEXAS Gov. Rick Perry threw his support for the 2008 GOP presidential nomination to former New York City mayor Rudy Giuliani quite a while back. So imagine the surprise when, as reported by the *Houston Chronicle*, the gov recently told scribes that he stood solidly behind...Mike Huckabee. Even more surprising is that the comments came as Perry was filing the paperwork for Giuliani to be on the Lone Star State’s March 4 Republican primary ballot. Perry seemed agitated over the incident, but insisted it was just a verbal slip and had nothing to do with the former ARKANSAS gov’s recent leapfrog over the rest of the GOP candidates — including Giuliani — in the polls leading up to the IOWA Caucuses.

— By RICH EHISEN



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