

February 07, 2005

Closing the book on meth?



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Top Story

An OKLAHOMA law restricting how common cold medications are sold has fostered a surge of copycat legislation in other states, but some retailers say the proposed new laws are bad medicine for consumers.

SNCJ Spotlight

Restricting cold medicine new weapon in states' war on meth

If imitation is the sincerest form of flattery, OKLAHOMA should be feeling pretty flattered these days. Already in 2005, lawmakers in more than 20 states and Congress have proposed legislation that would mirror a 2004 Sooner State law that places heavy restrictions on the sale of cold pills containing ingredients also used to make the illegal drug methamphetamine. But while there is little argument against trying to con-

trol the growing national methamphetamine problem, some retail organizations think the new rules might go too far.

Lawmakers have long been aware that determined methamphetamine cooks were using common cold pills to produce their product, and in recent years several states have adopted laws limiting the quantity of such precursor products that can be purchased at one time. But under Oklahoma law, pseudoephedrine — the key component in making methamphetamine, more commonly known as meth, speed or crank — has been classified as a Schedule 5 drug, the federal designation for an illegal controlled substance. That means in Oklahoma only pharmacies are allowed to sell such well known

ephedrine-based cold and allergy medications as *Sudafed* and *NyQuil*, and that those medications must now be placed behind the counter. Anyone buying them must also show photo identification and sign a logbook before receiving the product. The restrictions generally apply only to medications in pill form. Liquid and gel cap forms of pseudoephedrine can't be broken down into the illegal form of meth.

The impetus for so many states following with copycat legislation is simple — the statute seems to be working. Oklahoma authorities report a dramatic and ongoing reduction in the number of Sooner State meth labs, including an immediate 25 percent drop in the initial months after the law went into effect in April 2004. That figure has since grown to 81 percent, according to Mark Woodard of the Oklahoma Bureau of Narcotics. Although not all of the new bills call for making pseudoephedrine a Schedule 5 drug, other states have clearly noticed Oklahoma's success.

“State legislatures have recognized the growing threat posed by methamphetamine use and production,” says Blake Harrison, who tracks drug crime policy for the National Conference of State Legislatures. “We expect to see a large number of states address these issues in the coming year.”

Several already have. Last October, OREGON became the first state to adopt Oklahoma-like policies when Gov. Ted Kulongoski (D) ordered similar restrictions on the sale of ephedrine and pseudoephedrine products. ILLINOIS followed suit in January, requiring retailers to lock pseudoephedrine-based tablets in cabinets or behind counters, and about two dozen states are now considering their

The Week in Session

Regular Session: AK, AL, AR, AZ, CA, CO, CT, DC, DE, GA, HI, IA, ID, IL, IN, KS, KY, MA, MD, ME, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NM, NV, NY, OH, OR, PA, RI, SC, SD, TN, TX, US, UT, VA, VT, WA, WI, WV, WY

States in Recess: DE

Currently Prefiling (Drafts for 2005): FL, NV, OK

States Adjourned in 2005: DC “z”, IL “z”, MA “z”, NY “z”

Special Session Adjourned in 2005: DE “c”, FL “a”, MD “a”, WI “a”, WV “a”

Letters indicate special/extraordinary sessions

Source: State Net, 2/4/05

own restrictions (see *Bird's eye view*), as are both houses of Congress. Governors in several of those states have enthusiastically voiced their support for such legislation, including TENNESSEE Gov. Phil Bredesen (D), MISSOURI Gov. Matt Blunt (R), KANSAS Gov. Kathleen Sebelius (D) and GEORGIA Gov. Sonny Perdue (R).

But not everyone is singing with the choir on this one. While most retail groups are careful not to appear as if they support meth cooks, many state and national drug, grocery and retail groups have expressed concern that making pseudoephedrine into a Schedule 5 drug is too extreme and will ultimately cause as much grief for law-abiding consumers and retailers as for meth producers. Some note that legislation like Georgia's HB 45 and SB 24 would force retailers to reduce access to literally hundreds of cold and allergy medicines, most of which are not ever used in making meth. Others complain that such bills also could produce an unfair business advantage for pharmacies over grocery and convenience store outlets.

Julie Brandis, a lobbyist for Associated Oregon Industries, says the new restrictions have already had a major effect on Beaver State retailers, reducing the number of stores where consumers can purchase over-the-counter cold medications from 2,400 down to approximately 700. Brandis says the pharmacy requirement is more of a boon to law enforcement than to consumers.

"Why make these drugs only available in pharmacies? Because it is easier to regulate 700 stores than it is to regulate 2,400," she says.

Bird's eye view



Stopping meth where it starts

In 2005, numerous states are taking direct aim at over-the-counter cold and allergy medications that contain ephedrine and pseudoephedrine, precursors that are also used to make the illegal drug methamphetamine (See *SN CJ Spotlight* in this issue). Patterned after a 2004 OKLAHOMA law, most of these statutes would require drugs like *NyQuil* and *Tylenol Cold* to be sold only at pharmacies, and then only from behind the counter. Purchasers would also have to show identification and sign a log book that goes into a state database. The accompanying map shows the states which currently are considering restrictions on ephedrine-based medications.



Source:

Some pharmacists have complained that the new rules will inconvenience consumers by forcing them to wait in long lines, while others see the logbooks and additional forms as an invasion of consumer privacy. Some also grouse over a lack of space to accommodate the new shelving requirements, something that could prove more detrimental to small stores.

Linda Suydam, president of the Consumer Healthcare Products Association (CHMA), which represents more than 60 U.S. manufacturers and distributors of over-the-counter medicines and nutritional supplement products, is among those who believe a Schedule 5 designation for pseudoephedrine will do little to ease the meth problem. Suydam voiced her doubts during testimony before the U.S. House of Representatives last November, saying that “At first blush, putting these medications behind the counter to frustrate criminals might sound sensible. Before we embrace a single-step approach that ignores the totality of this substance abuse problem and restricts access by consumers who need these medications, we need to make sure it is a truly effective solution. We believe it is not.”

Suydam also claimed stricter regulations would unintentionally harm consumers, saying that, “If your pharmacy closes at 6:00 p.m. on a Saturday and your child comes down with a cold and can’t sleep after closing hours, you may be out of luck until Monday. And consumers living in rural areas without access to a local pharmacy will not have access to these medicines at all.”

CHMA spokesperson Elizabeth Assey says that the restrictions of the Oklahoma law are overkill, noting that only about 20 percent of all meth is produced in local communities using pseudoephedrine-based products, with the balance coming from much larger makers located primarily in CALIFORNIA and Mexico. She also points out that in addition to the new sales restrictions, Oklahoma has made it much more difficult for people arrested on meth-making charges to get bail, something she argues “could be the real source of Oklahoma’s success in reducing the number of meth labs there.” Assey says her group favors stronger limits on the amount of pseudoephedrine-based products consumers can buy and more stringent identification checks for those purchasers.

But that argument gets little support from police, who have uniformly criticized purchase-limit laws as ineffective, noting that dedicated meth cooks simply go from store to store until they acquire enough pills to make their next batch. Police also say making pills harder to get to makes them harder to shoplift.

It is too early to tell if arguments against the plethora of new bills will gain traction with lawmakers, many of whom have previously been unwilling to produce laws as strict as Oklahoma’s. Part of that unwillingness has been due to persistent lobbying efforts against such measures by drug companies like Pfizer, which makes many of the medications in question. Ironically, Pfizer says it will



not lobby against the new bills. The company has also introduced a new non-pseudoephedrine product called Sudafed PE.

Results so far have been mixed. Last week a NORTH DAKOTA Senate committee endorsed HB 1346, a measure that would limit the sale of some types of cold pills to no more than 64 tablets while also requiring stores to limit access to those medications. That measure will now go before the full House. Meanwhile, a KANSAS Senate committee put off making a decision on SB 217, which would have applied Oklahoma-style laws in the Sunflower State. The delay drew the ire of Senate Majority Leader Derek Schmidt (R), who complained that lobbying efforts by pharmacy groups had stalled the bill.

Even without a heavyweight like Pfizer in the fray, many observers think the battle over how best to control the sale of pseudoephedrine-based drugs will be a long one. But while there is disagreement on exactly what to do, most agree more needs to be done to combat methamphetamine production. Julie Brandis acknowledges the results might not feel fair to some retailers, but also says that “we learned from our kindergarten teachers that life isn’t fair.” She says it is also important to remember that lawmakers, retailers and drug makers are all on the same side.

“In the end, we’re all after the same thing,” she says. “We’re all trying to stop this awful, despicable scourge on our society.”

— *By RICH EHISEN*

Budget & taxes

SURPLUS DOESN'T END DISCORD IN VA: Last month, VIRGINIA Gov. Mark R. Warner (D) announced that revenue for the 2005-06 budget cycle would be \$900 million higher than projected, owing to the state’s bustling economy. Last week, the governor revised the revenue estimate upward again, saying the surplus would probably be closer to \$1.2 billion. That’s a far cry from the dire financial straits the state was in last year, a predicament that had the Republican majorities in the House and Senate locked in a bitter feud, and ultimately led to a \$1 billion tax increase. The improved economic outlook is particularly good news for the state’s 100 House members, all of whom are up for re-election this year. And they didn’t waste any time publicizing their ambitious plans for how to spend the \$1.2 billion — and then some — including a \$500-million clean-up of the Chesapeake Bay, \$1 billion in transportation projects and a several-hundred-million-dollar phaseout of the car tax. Senate Republicans, most of whom had opposed last year’s tax increase and view the current surplus only as proof that



they were right to do so, were just as quick to condemn the House proposals as pie in the sky. Chairman of the Senate Finance Committee, Sen. John H. Chichester (R), for example, said, “The sad part is, when we return in a year and all the expectations that are being raised with these press conferences are dashed with reality, then so many folks are going to be let down, disappointed, and will point their finger at all of us.” The way things are shaping up, the session may not turn out to be that much different from last year’s after all. (WASHINGTON POST)

FLETCHER DARES LAWMAKERS TO REFORM TAXES: In his State of the Commonwealth address last week, KENTUCKY Gov. Ernie Fletcher (R) issued a challenge to Bluegrass State lawmakers: rubber stamp his no-frills budget plan or pass the bold tax reform legislation he was also proposing. “The budget I present is based on our current tax code, a system rooted in an economy nearly 100 years old,” he stated. “This is not the path I prefer, but if you cannot summon the will to reform our taxes, that it is the path we are destined to take.” Basically, Fletcher’s plan would reduce personal income taxes by 9 percent and corporate income taxes by 27 percent, while increasing taxes on alcohol, tobacco and telecommunications services. The changes would allow the state to dedicate more money for education and take on a number of construction projects. The governor actually proposed some of the same provisions last year, but this time around he’s not waiting until the 46th day of the 60-day session to release it, a move which sent the General Assembly into a tizzy. In response to the governor’s challenge, legislative leaders said they would probably take a middle-of-the-road approach, passing his budget and at least some of his tax reforms. (LEXINGTON HERALD-LEADER)

BUDGETS IN BRIEF: NEW YORK Gov. George Pataki (R) reached a settlement with the Mohawk Nation last Tuesday over a decades-old land claim involving 12,000 acres in the northern part of the state. The settlement gives the Mohawks \$100 million, lets them expand their reservation by 13,400 acres and allows Pataki to include them in his sweeping plan to bring five casinos to the Catskills (TIMES UNION [ALBANY].) • **TENNESSEE** Gov. Phil Bredesen (D) revealed last week how he intends to spend the money the state will save by dropping 323,000 people from TennCare and scaling back benefits for 396,000 others. His proposed budget for 2005-06 allocates more money for K-12 education and funds a modest raise for teachers and other state employees (TENNESSEAN [NASHVILLE]). • Last Monday, the **SOUTH CAROLINA** Supreme Court ruled that the city of Myrtle Beach did not follow state law when it calculated how much



to charge its residents in property taxes following a 1999 reassessment. The decision may not only require Myrtle Beach and other local governments to refund millions in excess charges, but also require them to draft their budgets based on hard prior-year numbers rather than on tax estimates, as has been the standard practice (ASSOCIATED PRESS, STATE [COLUM-

Upcoming Elections
 (1/2/2005 - 2/16/2005)
 02/05/2005 Texas Special Election
 House 121

BIA]). • Lobbyists spent over \$900,000 schmoozing **GEORGIA** lawmakers last year, according to the State Ethics Commission. Most of the money, about \$780,000 of it, went toward meals and receptions, while another roughly \$30,000 was spent on sporting events. The total was around \$90,000 more than lobbyists spent in 2003, and \$200,000 more than they spent the preceding year (ATLANTA JOURNAL-CONSTITUTION, ASSOCIATED PRESS, MACON TELEGRAPH). • **ARKANSAS** officials are having a difficult time assessing the impact of vending-machine sales at Razorback State schools, due to considerable variation in the way districts are reporting those sales, as required under a 2003 state law. Some schools are doing so via oral reports to parents, others in written statements, while still others aren't disclosing that information at all. Some observers say the problem is that the law imposes no penalties for failing to comply with the reporting requirements (ASSOCIATED PRESS, LOG CABIN [CONWAY], COMMERCIAL APPEAL [MEMPHIS]).

— *Compiled by KOREY CLARK*

Politics & leadership

MANCHIN SCORES FIRST WIN: WEST VIRGINIA's new governor, Joe Manchin (D) has gotten his term off to an auspicious start, securing the passage of every bill he proposed for his first special session — something most insiders thought he'd never be able to do. "I don't believe anyone thought what has occurred in the past six days could happen," Manchin said at the conclusion of the week-long session on Jan. 29th. Even the governor himself seemed surprised at the accomplishment. "The four things we thought would take forever to do, we did in just six days," he said. Those four things were initiate a plan to privatize the workers' compensation system, address unfunded liabilities in teacher and public employee retirement funds, reorganize

the executive branch, and pass ethics legislation. Some lawmakers credited Manchin specifically for the session's success, pointing out that the governor met repeatedly with legislators to hammer out the details of his proposals. "If he hadn't been so involved in discussions, and so hands-on, I'm not sure this gets done," said House Speaker Bob Kiss (D). Not everyone was happy about the outcome of the session, however. Senate Minority Leader Vic Sprouse (R) had some reservations about the government reorganization measure, which brings eight autonomous agencies under the governor's control. "I think we're going to look back on this and say, "We made a mistake," he said. And a West Virginia University law professor said a provision in the new ethics law imposing a gag order on individuals who file ethics complaints is "blatantly unconstitutional." Manchin said that provision actually came as a surprise to him and suggested that it might be a case of lawmakers having gone a little "overboard." But magnanimous in victory, he said he was willing to cut out the provision. (CHARLESTON GAZETTE, CHARLESTON DAILY MAIL)

POLITICAL THEATER IN NY: The three most powerful elected officials in NEW YORK — Gov. George E. Pataki (R), Senate Majority Leader Joseph Bruno (R) and Assembly Speaker Sheldon Silver (D) — got together last week to talk over the budget, something they've done numerous times over the last few years. What was unusual about this particular gathering, however, was that the three were not alone. Dogged by calls to open up the "three-men-in-a-room" process of governing the state, Pataki had invited along the press, and even asked the minority leaders of each chamber to take part in the discussion. It was actually the first time since 1995 — the year Pataki took office — that the three leaders had met publicly to discuss the budget. But despite some substantive debate, particularly about the impact of a recent court ruling granting the governor more power in the budget process, it soon became clear that the meeting was mostly for show, with the leaders mugging for the cameras and joking about starting their own reality TV show. About the only thing the leaders decided was that they would meet again. "We should do this again real soon — it's a lot of fun," said Pataki. "What about next week?" (NEWSDAY, NEW YORK TIMES)

POLITICS IN BRIEF: The MISSOURI Senate voted to do away with its \$50 limit on gifts from lobbyists, contending that the restriction, imposed in the mid-1990s, was outdated and unenforceable (ASSOCIATED PRESS, KANSAS CITY STAR). • An estimated \$2.1 million in pay raises for DELAWARE lawmakers, judges and other statewide elected officials went into effect automatically last Tuesday, after both houses passed measures forgoing the raises and then recessing for a



six-week break without sending the bills to Gov. Ruth Ann Minner (D) to sign. The incident prompted one legislator to comment, “It’s not like all of us are virgins or without sin, but when we do things like we did last week, it makes it harder for people to believe in anything we’re doing” (NEWS JOURNAL [NEW CASTLE-WILMINGTON]). • **ARKANSAS** House Speaker Bill Stovall (D) wants to restrict legislators from using laptops to exchange e-mail with constituents and others during floor debates. “When a bill comes to the floor of the House, that debate should be focused on [by] the 100 members that have been elected to represent the people of the state of Arkansas,” he said (ASSOCIATED PRESS, COMMERCIAL APPEAL [MEMPHIS], LOG CABIN [CONWAY]). • Over a quarter of those who contributed \$50,000 or more to **ILLINOIS** Gov. Rod Blagojevich’s (D) campaign in 2002 have received state business during the governor’s first term, according to disclosure reports filed last week. A construction firm that donated \$224,000 to Blagojevich (D) was awarded a \$24.3 million contract for work at Chicago State University, roughly 10 times the total amount of state business the firm had received over the five years preceding the award of that contract (CHICAGO TRIBUNE, CHICAGO SUN-TIMES).

— *Compiled by KOREY CLARK*

Across state lines

Making the grade on state management

State governments have been severely tested over the past few years by some of the worst financial conditions since WWII, with revenues plummeting and expenses surging. But some states have responded better than others to the crisis, and now their grades are in, thanks to a report by the Government Performance Project (GPP) entitled “Grading the States 2005.” The GPP’s research team of academics and journalists graded the states in four categories — Information, Infrastructure, Money and People — with the aim of helping legislators and other decision-makers improve the management of their states.

LOUISIANA, MISSOURI, UTAH, VIRGINIA and WASHINGTON received the highest marks in the information category, which took into account, among other things, how well states provide information electronically. For instance, Virginia and Washington earned their A-minus grade, in part, for posting information about wait times at their Department of Motor Vehicles on their state Web sites. The weakest per-

formers in the category of information management were CONNECTICUT (C-), NEW HAMPSHIRE (C-), HAWAII (D), and SOUTH DAKOTA (D).

UTAH earned the highest grade (A) for maintaining its roads and buildings, while MARYLAND (A-), OHIO (A-) and Virginia (A-) all tied for second. The lowest marks in the category of infrastructure went to Hawaii (C-), MASSACHUSETTS (C-), ALABAMA (D) and NEW MEXICO (D).

DELAWARE (A), Utah (A), Virginia (A), MINNESOTA (A-) and Washington (A-) led the nation in the area of money management. Delaware's three-year old "Partners in Procurement" program, which saves the state money by coordinating the purchase of items like food, furniture and office supplies by state agencies and school districts, was singled out by the GPP researchers. COLORADO (C-), OREGON (D) and CALIFORNIA (D) are doing the worst job of managing money, according to the report. California, with its \$9 billion deficit is really no surprise, and researchers called attention to the lack of coordination in the Golden State's financial management technology system.

The report said GEORGIA (A) did the best job of managing its human resources, followed by SOUTH CAROLINA (A-) and Virginia (A-). The Peach State earned high praise for its interactive recruitment Web site and for awarding achievement-based bonuses to employees. California (C-), TENNESSEE (C-), RHODE ISLAND (D+) and WYOMING (D+) brought up the rear in the category.

Overall, the highest honors went to Utah and Virginia, both of which earned a grade of A-minus, while Alabama and California, which both garnered a C-minus, were awarded the dunce cap. The encouraging thing, some observers point out, is that no state received a grade of "F." But that may just be the result of the law of averages. "We're looking at so many different things," said one GPP researcher. "It's hard for a state to do all of those things badly." The GPP's full report can be viewed at <http://results.gpponline.org>. (STATELINE.ORG, GPPONLINE.ORG, PEWTRUSTS.COM)

Grading government performance 2005

State	Overall	Money	People	Infrastructure	Information
AL	C-	C	C+	D	C
AK	C+	C	C+	C+	C
AZ	B	B	B	B-	B-
AR	C+	B-	C	C+	C+
CA	C-	D	C-	C	C
CO	C+	C-	C+	C+	C+
CT	C+	C	B	C+	C-
DE	B+	A	B-	B+	B
FL	B-	C+	B-	B+	B
GA	B	B-	A	C+	B-
HI	C	C	B	C-	D
ID	B-	B+	B	C+	C+
IL	C+	B	C	C+	C+
IN	C+	C	C	B-	C
IA	B	B+	B	B	B
KS	B	B+	B-	B-	B-
KY	B+	B+	B	B+	B
LA	B	B+	B	C+	A-
ME	B-	B-	B-	B	C+
MD	B	B	B-	A-	C+
MA	C+	C+	C+	C-	C+
MI	B+	B	B	B+	B+
MN	B+	A-	B+	B	B+
MS	C+	B-	C+	C+	C+
MO	B	B	B-	B-	A-
MT	C+	C+	C+	B-	C
NE	B	B+	B-	B+	C+
NV	B-	C+	C+	B+	B-
NH	C	C	C+	C+	C-
NJ	B-	C+	B	B-	C
NM	C+	B	C+	D+	B
NY	B-	C+	B-	B+	C+
NC	C+	B-	C+	C+	C+
ND	B-	B-	B-	B-	C
OH	B	B+	B-	A-	C+
OK	C+	B-	B-	C-	C
OR	C+	D	B-	B	B
PA	B	B+	B-	B+	B
RI	C+	C+	D+	B-	C+
SC	B	B+	A-	C+	B
SD	B-	B+	B-	B	D
TN	C+	B-	C-	B-	C+
TX	B	B	B	B-	B
UT	A-	A	B+	A	A-
VT	B	B+	B	B-	B-
VA	A-	A	A-	A-	A-
WA	B+	A-	B+	B	A
WV	C+	B-	C	C	C+
WI	B-	B-	B	C	B-
WY	C	B	D+	C	C

Source: Pew Charitable Trust, Government Performance Project

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Governors

O WENS WANTS PROFESSOR'S RESIGNATION: COLORADO Gov. Bill Owens (R)

has asked for the resignation of a University of Colorado professor who caused a national uproar by writing an essay that blamed America for the 9/11 attacks and glorified the terrorists who carried out the acts. Owens' comments came in response to the writings of Ward Churchill, a tenured professor whose essay on the 9/11 attacks compared the victims to Nazis and praised the terrorists as "gallant." That paper, written on the same day as the attack, cited the deaths of a half million Iraqi children in the wake of U.N. sanctions placed on Iraq after the first Gulf War as a reason why Americans should have expected to become a target for retaliation. The essay went largely unnoticed until Clinton College, a small liberal arts school in upstate NEW YORK, offered the equally anonymous 57-year-old Churchill a speaking invitation.

At first, the college stood behind its invitation, even as Gov. George Pataki (R) expressed his disappointment in the choice. "I think they made a major mistake, and I think it's really wrong that someone who has such reprehensible views is given a forum at a great academic institution in New York State," Pataki said. That was the day before the school backed off, citing more than 100 death threats placed against

the school, its administration and Churchill.

But the cancellation was just the beginning, as radio and cable TV talk shows across the country began debating the issue and students on the CU campus began arguing — often heatedly — over Churchill's statements. The professor, an avowed Indian rights activist with several books to his credit, tried to quell the controversy by resigning as the chair of the university's ethnic studies department, but that did little to calm the storm, or Owens' reaction.

Quote...

"No one wants to infringe on Mr. Churchill's right to express himself. But we are not compelled to accept his pro-terrorist views at state taxpayer subsidy nor under the banner of the University of COLORADO."

— **Colorado Gov. Bill Owens (R) explaining why he asked for the resignation of a college professor who praised the 9/11 attackers and compared their victims to Nazis.**

... unquote

"I'm not giving an inch. I don't have to...My intent is to remain here, and, in legal terms, I expect to be here, now, next year, and the year after."

— **The response from University of Colorado professor Ward Churchill, as told to his students. (ROCKY MOUNTAIN NEWS)**

“Ideas have consequences, and words have meaning,” Owens said in a written statement. “Mr. Churchill’s views are not simply anti-American. They are at odds with simple decency... His resignation as chairman of the ethnic-studies department was a good first step. We hope that he will follow this step by resigning his position on the faculty of the University of Colorado.”

Owens later added that Churchill “doesn't have an entitlement to taxpayer money to support an attack on the United States of America.” He also urged CU president Elizabeth Hoffman to fire Churchill, saying the school has sufficient grounds to terminate him even though he is tenured. The Colorado Legislature has also joined the fray, as both chambers mulled resolutions condemning him, while some members called for the elimination of public funding to his department.

So far, Churchill is refusing to give up his \$94,000 a year job. He claims his words were misquoted, and that he does not advocate violence like the 9/11 attacks. (ROCKY MOUNTAIN NEWS, DENVER POST, ASSOCIATED PRESS)

CODEY DEFERS: Acting NEW JERSEY Gov. Richard Codey (D) announced he will not seek a full term of his own, thus avoiding a potentially divisive showdown with U.S. Sen. John Corzine (D) in the fall primary. Codey has earned wide praise for his performance upon taking over for former Gov. James E. McGreevey, who resigned amid a gay sex scandal last November, but he ultimately concluded that he did not have the financial wherewithal to compete with his ultra-wealthy rival. Corzine, the former chairman of Goldman Sachs, spent \$63 million of his own money on his 2000 senatorial campaign. (STAR LEDGER [NEWARK])

HYNES TELLS BLAGOJEVICH NO PAYMENT FOR VACCINE: ILLINOIS Comptroller Dan Hynes has told Gov. Rod Blagojevich (D) that he has no intention of paying a British company more than \$2 million for flu vaccine doses the Prairie State ordered but never received. Blagojevich blames the U.S. Food and Drug Administration for not endorsing his bid to buy the 256,000 doses, which he procured during the national vaccine shortage last fall. The governor has hinted at suing the FDA, a threat which has not resonated with Hynes. “This is a bad deal,” Hynes said. “It was poorly designed and poorly implemented. It’s just bad government.” (CHICAGO SUN-TIMES)

— *Compiled by RICH EHISEN*

and financial plans that meet state goals in those areas. It now goes before the full Senate (VIRGINIAN PILOT [RICHMOND]).

ENVIRONMENT: The **GEORGIA** House unanimously approves a land conservation bill proposed by Gov. Sonny Perdue. The measure would provide \$100 million in federal, state and private funds to protect land from development, mostly on private land. The bill would also eliminate the Peach State's goal of protecting 20 percent of its land from development by allowing local communities to decide for themselves what to set aside. The bill moves to the Senate (ATLANTA JOURNAL CONSTITUTION).

HEALTH & SCIENCE: The **VIRGINIA** House advances legislation that would regulate abortion clinics in the same way as doctors' offices and outpatient surgery centers. The House also endorsed another bill that would require pain medication for fetuses being aborted. Both measures head to the Senate (TIMES DISPATCH [RICHMOND]). • A **NEW JERSEY** Senate committee approves SB 1231, a measure that would ban the sale of prescription drugs from Internet pharmacies based in Canada and Europe. It goes before the full Senate (STAR LEDGER [NEWARK]). • An **ARKANSAS** Senate committee approves SB 43, which would allow patients to choose their physicians and require health management plans to pay those doctors at the plan's regular rates. It now moves to the full Senate (ARKANSAS NEWS BUREAU). • Still in **ARKANSAS**, the House endorses HB 1033, which would require parental consent before a minor could receive an abortion. It heads to the Senate (ARKANSAS NEWS BUREAU). • An **ARIZONA** House panel advances a bill that would allow pharmacists to refuse to dispense medication that could result in the abortion of a fetus, such as RU-486, also known as "the morning after pill." It moves to the full House (ARIZONA DAILY STAR). • A **GEORGIA** Senate committee okay's SB 177, legislation that would require physicians to give women seeking an abortion information on the procedure's risks, potential fetal pain and abortion alternatives like adoption. It would also require a 24-hour waiting period for all women and parental consent for girls under 18. It heads to the full House (ATLANTA JOURNAL CONSTITUTION). • A **MONTANA** House committee narrowly passes HB 324, legislation that prohibits abortion protesters from coming within eight feet of anyone entering a health care facility. It heads to the full House (BILLINGS GAZETTE).

SOCIAL POLICY: A **NORTH DAKOTA** House committee rejects HB 1420, which would have imposed a six month waiting period for a divorce (FORUM [FARGO]). • The **KANSAS** House endorses SCR 1601, a proposed amendment to

The Hartford Courant, crawled across the bottom of Connecticut television screens and, citing an emergency, ordered that the entire state be evacuated. Although few citizens believed the warning, police switchboards were flooded with precautionary calls. The problem? An OEM staffer accidentally punched in the wrong code during a weekly test of the emergency broadcast system. The good news: the system works. The bad news: no one took it seriously.

THE SMOKING LAMP IS OFF. The world's most exclusive cigarette lounge closed for business last week after 16 years of public defiance. The president of the ILLINOIS state Senate announced that his chamber finally would comply with provisions of the state Clean Indoor Air Act. According to the Chicago Tribune, the Senate was a lone holdout but had come under increased pressure to join the rest of the Prairie State and abide by the law. The Illinois House banned smoking years ago. Hardest hit? Senator Emil Jones Jr. — the president of the Senate — who is a legend for bumming smokes.

LINK OF THE WEEK. Point your browser to www.jerseygop.com. That's the Web site for a group trying to put "party" back in the Grand Old Party. As *The New York Times* notes, the site is the brainchild of Tom Schneider, a NEW JERSEY conservative, who laments the fact that his party is routinely drubbed come election day. The site features blogs, news stories and commentaries, but the feature Schneider hopes will change the GOP's dour old puff face is called "Republican Babe of the Week." Click on that puppy and get a screen full of pretty mug shots — mostly blonde and white but with a smattering of ethnic faces as well, such as Condolezza Rice. Schneider's site gets 500,000 hits a month and, although he wishes it were so, he admits that those folks likely aren't surfing in to read his recent essay on "Secular Fundamentalism in America."

BOONE-DOGGLE. The man who opened KENTUCKY to the rest of the world by hacking a road through its vast forested wilderness has been replaced in the lexicon of state highways by the man who channeled federal money to the state during 13 years in Congress. And that change, reports The Associated Press, has the descendants of Daniel Boone hopping mad. The brawl began in 2003 when former Gov. Paul Patton's administration changed the name of the Daniel Boone Parkway to the Hal Rogers Parkway. The legendary woodsman's descendants, organized as the Boone Society, subsequently succeeded in having an alternate road through the Cumberland Gap named for ole Dan'l. A bill to that effect passed the state Senate but died in the House, mystifying its sponsors. Meanwhile, the

family is marshaling public support for the bill. Maybe they should have former “Daniel Boone” TV star Ed Ames perform his famed tomahawk-throwing act on the House floor. That ought to get someone’s attention.

OVERKILL. Or, is it under thrill? Either way, CALIFORNIA has a law on the books that some civil libertarians would like to see amended. According to the *San Jose Mercury News*, a woman who is cited for topless sunbathing on a Golden State beach could be charged with indecent exposure. And while the infraction in this case is relatively small, a conviction could force the woman to register as a sex offender — a designation that dogs a person for life. Some lawyers with the California Bar Association want to change the law but are having trouble finding a legislator to carry the needed bill. One problem: Proponents can’t find an example of any sunbather forced to register as a sex offender. Portrait of a test case creating itself?

— By A.G. BLOCK

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