



Mississippi leads nation in filing legislation that other people wrote. Here's why that matters.

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A bill that critics fear could unleash a wave of “dark money” in political spending quietly slipped through the Mississippi Legislature this year and became law.

There were no rallies for or against the bill, which was loaded with jargon about non-profit organizations.

It only caused a stir by the time it reached the desk of Gov. Phil Bryant, who signed it with no hesitation.

Supporters of the bill say it protects the privacy of donors, yet acknowledged that donor privacy is not a problem in Mississippi.

Some did not realize it had originated outside of Mississippi, or that a nearly identical bill had been pushed through the Michigan Legislature months earlier.

That's because House Bill 1205, like many Mississippi bills, is a model bill, meaning it was essentially copied from a bill in a different state.

Rather than lobby the U.S. Congress, partisan organizations, business interests, and religious groups with national agendas plant these bills in statehouses across the country.

They have found plenty of soil in the Magnolia State, though it's not always fertile.

A USA Today investigation found Mississippi — which has fewer than 3 million residents — has more model bills introduced in its Legislature than any other state in the country.

Bills about donor privacy, abortion, divesting from Iran and many other issues frequently come from outside Mississippi's borders.

Most never end up becoming law.

But some do. They have restricted abortion rights and public benefits and have changed policies on drugs, charter schools and much more.

Bryant said he was proud to sign a bill into law banning abortions once a heartbeat is detected — which can come as early as six weeks. Yahoo News reported 12 other states considered similar laws this year.

Both Democrats and Republicans have successfully passed model bills in recent years.

Some lawmakers say there's nothing inherently wrong about using a model bill. If there is a model bill related to an issue in Mississippi, why not use a bill that's already written?

‘A continuing, ongoing outrage’

Critics say they allow deep-pocketed outsiders to meddle in Mississippi.

Sen. Hob Bryan, D-Amory, has introduced at least nine model bills in the past decade, related to issues like human trafficking, scrap metal and the drug kratom.

He said model bills have historically been “very useful,” but the term as it’s used now is a misnomer.

Bryan said there’s nothing “model” about many model bills being introduced in the Legislature.

They have dumbed down the legislative process, stripped out constructive dialogue, and ignored what Mississippians actually care about, he said.

“Nobody cares about the impact of the legislation. All they know is they have been told how to vote,” Bryan said. “...That’s how the Legislature’s been operating. It’s a continuing, ongoing outrage.”

Between 2010 and 2018, Mississippi legislators introduced at least 744 model bills, USA Today found. That’s 200 more model bills than the next highest state.

Many bills, but few laws.

But like all nine of Bryan’s model bills, most model bills never become law in Mississippi.

Only 57 of the model bills in Mississippi between 2010 and 2018 became law, the USA Today investigation found.

That’s one of the lowest rates of passage in the country. Both Democrats and Republicans file these bills.

According to the National Conference of State Legislatures, at least 13 states have some restrictions on the number of bills allowed to be introduced by lawmakers each year to improve efficiency. But not Mississippi.

More than 3,000 bills were filed in the Mississippi Senate and House — each.

Rep. Hank Zuber, R-Oceans Springs, said that’s too many.

"It gets to the point where if you have too many bills that are filed, are we able to vet each one and able to look into the merits of each one?" Zuber said.

Some good bills go ignored, while others that still need work are rushed into becoming law.

Zuber thinks raising the voting threshold to pass general legislation to three-fifths or two-thirds of the Legislature would cut down the number of bills filed. Another idea is to ban general legislation every other year and focus only on the budget and what state agencies are doing with taxpayer money.

"That’s the way it was done in the vast majority of states in this country up until the late 60s, early 70s. That’s the way it was done in this state until 1972," Zuber said. "We’re not reinventing the wheel."

Zuber said this would give legislators more time to consider and study potential bills.

"It'll give you more time to figure out the source of that legislation because a lot of legislation comes from interests outside the state of Mississippi and they may not always have what's in the best interest of Mississippi in their heart," Zuber said.

Zuber was surprised to learn Mississippi leads the nation in filing model bills, and he said he is not against model bills. He just wants get the total number of bills decreased so Mississippi's Legislature runs more efficiently.

"Sometimes because we did not wait and we respond to outside influences, we have bills that pass that should not pass," Zuber said. "And I think If we waited a year, that would stop that — or at least decrease it."

Do lawmakers even read them?

Mississippi nearly created a law in 2015 that could have had damaging, unintended consequences for one of its largest employers, the Toyota manufacturing plant near Tupelo.

The bill would have forced Mississippi to cut financial ties with any entities that have certain financial investments in Iran.

Identical versions of the bill were passed in South Carolina and New Jersey.

Lawmakers railed against Iran, but they apparently didn't realize that Toyota Tsusho, an affiliate of Toyota Motor Corporation, purchased Iranian crude oil under a special exemption from the U.S. and Japanese governments.

Toyota received nearly \$300 million in state incentives to build its auto manufacturing plant, and Toyota Tsusho processed steel and assembled wheels and tires at or nearby the plant.

"After the Senate voted, we found out that this bill threatens Toyota in Mississippi," said state Sen. David Blount, D-Jackson, in 2015. He voted "present" on the bill. "This is another example of the dangers of copying and pasting national, special-interest bills in the Mississippi Legislature."

Both legislative chambers in Mississippi passed the bill, though lawmakers eventually let the legislation die when they realized the possible implications. How one copycat bill led to a \$7.5 billion boondoggle.

In 2008, the Mississippi Legislature passed a law that was making the rounds around the country — particularly in the South. According to an investigation by the Post and Courier in South Carolina, the energy industry pushed the bill, which allowed companies to pay for future power plants by raising the current rates of their customers.

Rather than take out loans or secure the capital themselves, everyday folks could be on the hook for expensive projects.

That's what happened in Kemper County, where lofty talk of a clean coal power plant that would be environmentally friendly and create hundreds, possibly thousands, of jobs turned out to be a multi-billion dollar boondoggle.

The initial price tag on the clean coal power plant more than doubled to \$7.5 billion, the Associated Press reported, and today it only operates by burning natural gas.

The Mississippi Public Service Commission allowed the company to raise rates by 15 percent in 2015 on its 189,000 customers to recover \$840 million.

Lawsuits have accused Mississippi Power and its parent company Southern Energy of fraud, and at one point the Securities and Exchange Commission opened an investigation.

The Post and Courier found similar busts throughout the country spurred by the passage of model bills. Executives were paid millions, the investigation found, while stakeholders and rate payers footed the bill for projects that rarely turned out as promised. Who's pushing for these bills?

Two organizations are behind the bulk of the 744 model bills in Mississippi identified by USA Today: 288 bills came from non-partisan Council of State Governments, and 255 came from the conservative American Legislative Exchange Council, or ALEC. Of the 57 model bills that ultimately became law, 20 came from ALEC and 16 came from the Council of State Governments.

The rest of the model bills came from a smattering of organizations or industry groups, including 21 bills from Americans United For Life, 16 from the National Alliance for Public Charter School, 13 by the Innocence Project, 11 by the Cato Institute and seven by American Civil Liberties Union.

Sen. Michael Watson, R-Hurley, is one of the top sponsors of model bills in the country.

The USA Today analysis found he authored 56 model bills, 22 of which came from ALEC. They included bills on charter schools, occupational licensing, school vouchers and calling for a constitutional convention.

"We go down to our attorneys in Legislative Services, and say, 'Here are the issues I want to cover. I know several other states have done this, so there's some kind of boilerplate language out there. Let's pull in the good pieces and put some legislation together,'" said Watson, who is running for Secretary of State this year.

Bryan said the problem is not model bills, but the people and organizations behind them — particularly the businessmen Charles and David Koch.

The Koch Brothers have financially supported ALEC for decades.

"It is outside people with lots of money coming to Mississippi trying to get legislation passed to promote a national agenda," Bryan said. "...What's going on now is there's just people promoting legislation that has nothing to do with Mississippi."

"We need more transparency, not less"

Bryan said the donor privacy act, House Bill 1205, is one of those bills that does not serve the needs of Mississippians.

Bryan viewed the bill with bitter irony.

"You've got the Transparency Committee passing the bill to keep information secret," Bryan said, laughing.

Bryan took further aim at the House Accountability, Efficiency, Transparency Committee, the chairman of which introduced the bill.

"They're not accountable, they're not efficient and they're not transparent," Bryan said. "... (it's) laughable on its face. But's all day, everyday." Bryan said he was not surprised to learn that Mississippi leads the nation in filing model bills, though he did not know whether House Bill 1205 was a model bill.

So, too, did at least one of the bill's sponsors.

Rep. Mark Baker, R-Brandon, said he didn't believe it was a model bill. Rep. Tracy Arnold, R-Booneville, said he thought similar bills were being passed elsewhere in the country.

While the Mississippi bill generally was supported by Republicans and opposed by Democrats, Baker and Arnold said it was a non-partisan bill, and both said it had nothing to do with what critics call "dark money."

"I don't even know what dark money is," Baker said.

They said the bill would protect Americans' First Amendment rights to donate to a non-profit without fear of persecution, regardless of the donor's political affiliation.

Arnold, a pastor, said non-Christians might target donors to a church if they were able to identify its donors.

The donor information of non-profits is already confidential information not available to the public, but Baker said people have filed lawsuits in other parts of the country trying to access the lists of donors to non-profits.

House Bill 1205 was a proactive piece of legislation that put further strictures on releasing that information, including to state agencies.

"We're trying to close the backdoor that has been tried to be prised open," Baker said.

Blount spent 13 years working for the Mississippi Secretary of State's office before becoming a senator for Jackson.

He called the bill "the greatest step backward in transparent campaigns since the passage of the first campaign finance disclosure laws in Mississippi."

Blount said the new law will allow some non-profits to behave more like political committees and with less oversight from state agencies.

If someone donates thousands of dollars to Attorney General Jim Hood or Lt. Gov. Tate Reeves, that donation must be publicly reported, Blount explained. But someone who donates to a nonprofit in Mississippi will not have their name released — even if the nonprofit engages in political activity, Blount said.

This is prevalent in federal elections, Blount said, and he thinks it will soon spread quickly in Mississippi.

"You never know where that money is from," Blount said. "...The fact that this is governor's and statewide election this year is probably what's driving this bill."

Like the bill's sponsors, Blount said this is a nonpartisan issue, though he and other Democrats opposed the bill. "(Campaign financial disclosure) ensures transparency and accountability in the way we elect our public officials. We need more transparency, not less," Blount said. "...I have a strong suspicion that this bill did not originate in Mississippi."

Blount was right.

The bill's author, House Accountability, Efficiency and Transparency Chairman Jerry Turner, RBaldwyn, acknowledged the bill was a model bill.

Turner said he was approached by the Mississippi Center for Public Policy and introduced their bill because he believed in it.

"There's no stronger advocate for transparency than I am on public monies and public interest," Turner said. "But on private stuff, I think it should be private."

The Mississippi Center for Public Policy is a non-profit conservative think tank that advocates for issues such as free markets and individual rights through legislators, business leaders, press releases and more.

Jon Pritchett, its CEO, said the center is not political or partisan, "so election campaign and political giving disclosures are not relevant what we do."

"Transparency is really for government, not for private citizens," Pritchett said. "Furthermore, some non-profits deal with controversial issues and forcing donations to be publicly disclosed could put people in actual danger. Think of donors to causes like the NAACP, Planned Parenthood, or the Sierra Club."

The center has hundreds of donors, including businesses and foundations, Pritchett said, but the majority are individuals.

Pritchett said a handful of donors to the Mississippi Center for Public Policy reside outside Mississippi, but none live outside of the country.

Thanks to the law for which it successfully advocated, the center will likely never have to disclose its donors.