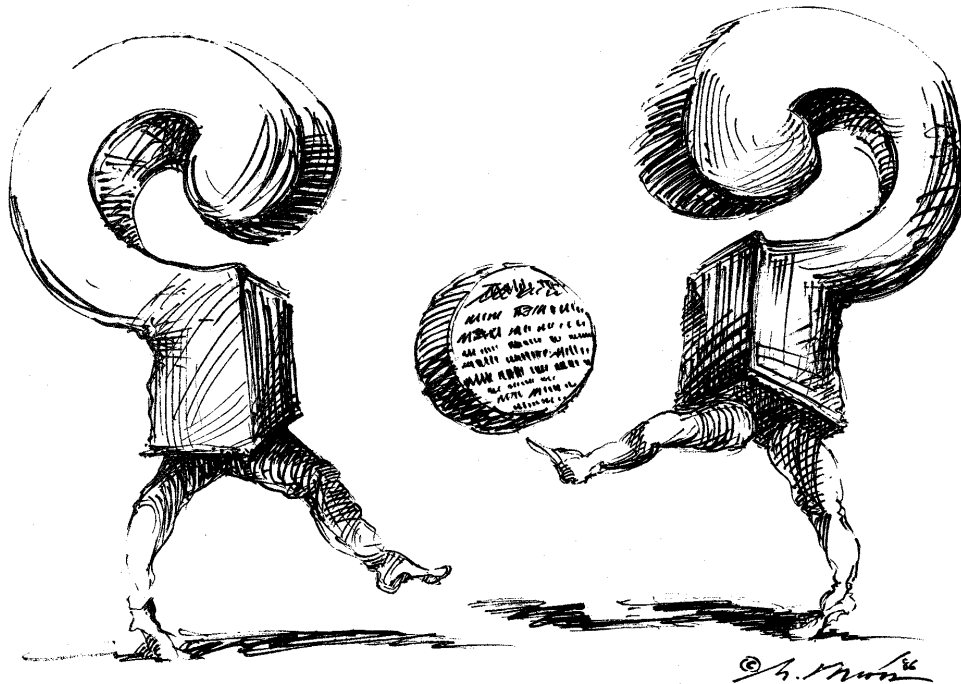


New year; old issues

January 16, 2006



Budget & taxes	
States push e-filing	4
Politics & leadership	
Party shuffle continues in ME House	5
Governors	
Govs tackle illegal immigration	7
Bird's eye view	3
Hot issues	11
Once around the statehouse lightly	14

Top Story

It is shaping up to be another hectic year in statehouses around the country. But while budget matters will likely continue to dominate the political landscape, lawmakers also face a plethora of other high profile issues.

SNCJ Spotlight

Last year's headlines this session's priorities

As in previous years — particularly recent ones — budget-related matters will dominate state legislative sessions in 2006 (see STATE BUDGET FORECAST STILL MOSTLY SUNNY in Jan 09, 2006 *SNCJ*). Another well-established trend that also shows no sign of ending this year is that legislative activity will follow the news.

Spurred by last year's U.S. Supreme Court decision granting governments the power to seize private property for private economic develop-

ment, lawmakers in several states, including FLORIDA, GEORGIA, MARYLAND and MISSOURI, will seek to ban that liberal exercise of eminent domain authority within their borders this session.

Likewise, the declaration of a state of emergency in ARIZONA and NEW MEXICO last fall has added impetus to the issue of illegal immigration. Arizona will consider a proposal that would punish businesses that hire illegal immigrants. GEORGIA will deliberate whether to deny illegal immigrants education and food stamps. And NEW HAMPSHIRE will seek to allow local law enforcement the power to detain undocumented immigrants for a few days until they can be turned over to federal authorities. “The federal government has got to step up and do its job,” said Granite State Senate Majority Leader Bob Clegg (R).

State lawmakers also appear to be heeding the lessons learned from Hurricane Katrina. For example, HAWAII Gov. Linda Lingle (R) wants to spend \$4 million preparing public buildings to function as emergency shelters. She has also called for legislation imposing steep penalties for looting. In TENNESSEE, Gov. Phil Bredesen (D) will seek to improve his state’s emergency communications. “At the moment, we are basically picking up cell phones and calling,” he said. “That’s fine, unless something happens and the cell phone towers go down.”

After last year’s U.S. Supreme Court rulings concerning religious displays in public buildings and the widely-publicized battles in KANSAS and PENNSYLVANIA over the teaching of intelligent design in public school science classrooms, it’s no surprise that matters of church and state will figure prominently in legislative sessions in 2006. Florida’s GOP-controlled legislature will weigh a constitutional amendment that would require public school students to recite the Pledge of Allegiance with the words “under God,” unless excused from doing so by a parent. Another Republican stronghold, Georgia, will take up proposals that would let religious charities receive state tax dollars and allow counties to display the Ten Commandments on public property. Meanwhile, ALABAMA’s Democrat-dominated statehouse will consider a measure that would allow public high schools to offer an elective course in Bible liter-

The Week in Session

States in Regular Session:

AK, AL, AZ, CA, CO, DC, DE, GA, HI, IA, ID, IL, IN, KS, KY, MA, MD, ME, MI, MO, MS, NE, NH, NJ, NM, NY, OH, PA, RI, SC, SD, TN, US, UT, VA, VT, WA, WI, WV

States in Special Session:

CA "a", TN "a"

States in Recess: PA

Special Sessions in Recess:

OK "a", PA "a"

Letters indicate special/extraordinary sessions

Source: State Net, 01/13/06

acy. “It would be hard to dispute the most influential book known to man is the Bible,” said the author of the proposal, House Majority Leader Ken Guin (D), who added that the course would be academic rather than devotional.

Other subjects that will receive attention again this year include gay marriage — with MINNESOTA, New Hampshire and Maryland weighing bans — and the death penalty, with CALIFORNIA and NEW JERSEY considering moratoriums and Florida pondering whether to require unanimous juries instead of simple majorities in death-penalty cases.

On a lighter note, at least one state legislator appears to have found inspiration in the “droopy drawers” bill that made VIRGINIA the butt of jokes in the news across the country and around the world last year. Florida state Rep. Gary Siplin (D) wants individuals who display their underwear “in a vulgar and indecent manner” to be punished by up to 10 days in jail. “We have to change the way men, especially young men, dress,” he said. “I had an Afro when I was growing up. We had some things. But showing your underwear? That doesn’t look good. That ain’t cool.” (ASSOCIATED PRESS, BOSTON GLOBE)

Bird’s eye view



State embryonic stem cell laws

Public funding for embryonic stem cell research is expected to be a hot issue in numerous statehouses this year. Although many conservative lawmakers oppose the research because of its destruction of human embryos, others see it as a potentially lucrative industry that will create jobs and increase tax revenues. In spite of opposition from some legislators and religious activists, governors from both parties — including Matt Blunt (R) of MISSOURI, Jim Doyle (D) of WISCONSIN, Rod Blagojevich (D) of ILLINOIS, Robert L. Ehrlich Jr. (R) of MARYLAND and Gov.-elect Jon Corzine (D) of NEW JERSEY — are expected to push hard for legislation this year that would broaden stem cell research and lend public support to the budding science in their state. The accompanying map shows how each state stands with its current stem cell research statutes.



— Compiled by KOREY CLARK

Budget & taxes

S TATES PUSH E-FILING: Five years ago, only about 20 percent of all state personal income tax returns were submitted electronically. The number was up to 48 percent nationally last year, with states like ARKANSAS, CALIFORNIA, GEORGIA, IOWA, MICHIGAN and MINNESOTA topping the 50 percent mark. Much of that growth was due to the states' budget troubles over the last few years. "When the recession hit, there was a push to move to electronic filing because that takes paper out of the system, requires fewer people and helps save money," said Harley Duncan, executive director of the Federation of Tax Administrators. But after ten years of double-digit growth, the rate of new e-filings has begun to slow. "It's just getting harder to attract new people to the game by using the old method of trying to market it," Duncan said. So states have begun trying new methods. For instance, INDIANA and VIRGINIA are now allowing taxpayers to check the status of their refunds online. MARYLAND's state comptroller is pushing for legislation to grant e-taxpayers a two-week extension on the filing deadline. And thirteen states — ALABAMA, CALIFORNIA, CONNECTICUT, MASSACHUSETTS, MICHIGAN, NEW JERSEY, NEW YORK, RHODE ISLAND, OKLAHOMA, UTAH, VIRGINIA and WISCONSIN — now require tax preparers to file their clients' returns electronically. Most states also offer taxpayers the option of having their refunds direct-deposited into their bank accounts. "Just like the electronic filing, it's quicker, easier and cheaper," said Duncan. "It cuts down printing and mailing costs and printing and mailing time." Next up for the states, Duncan says, will be corporate income taxes, with 17 states offering businesses the option of filing electronically this year. (STATELINE.ORG)

BUDGETS IN BRIEF: CALIFORNIA Gov. Arnold Schwarzenegger (R) proposed a \$222.6 billion public works program in his State of the State address last week. The money, which would come in part from \$68 billion in bond issues over the next decade, would be used to rebuild the Golden State's aging infrastructure to accommodate population growth of up to 30 percent over the next 20 years. State Controller Steve Westly, one of the state's two top Democrats vying for Schwarzenegger's job this fall, said the plan was a sign the governor is "racing back to the center" in an election year. The other Democratic hopeful, Treasurer Phil Angelides, called the proposal "phony" (SAN DIEGO UNION-TRIBUNE). • **MARYLAND** Gov. Robert L. Ehrlich Jr. (R) said last week that he will push for a 15 percent cut in the state's property tax rate and urged local governments to follow

his lead. Democratic county officials called the move an election-year gimmick, pointing out that Ehrlich engineered the biggest property tax increase in state history three years ago (BALTIMORE SUN). • Budget forecasters informed **ALABAMA** lawmakers last week that the state could have an extra \$1 billion next year. The projected surplus is due to increased collections of state income taxes, sales taxes and natural gas taxes, as well as rising interest rates paid on state deposits (BIRMINGHAM NEWS). • In an effort to control the skyrocketing costs of prescription drugs covered under its Medicaid program, **NEW YORK** will begin requiring drug companies to provide heavy rebates to the state in order to get on the “preferred drug list.” Craig Burrige, executive director of the Pharmacists Society of the State of New York, said most companies would likely take the financial hit to get on the list (ASSOCIATED PRESS, TIMES UNION [ALBANY]).

— *Compiled by KOREY CLARK*

Politics & Leadership

PARTY SHUFFLE CONTINUES IN ME HOUSE: Over the past six weeks, the partisan composition of MAINE’s House has gone from 75 Democrats, 73 Republicans, one Green Independent and two unenrolled independents to 73 Democrats, 73 Republicans, one Green and four independents and back to 74 Democrats, 73 Republicans, one Green and three independents. The dance began in late November when Rep. Joanne Twomey (D) bolted from the state’s majority party to become an independent. Then, two weeks ago, Rep. Barbara Merrill (D) did the same. And just as GOP leaders had begun negotiating with the Democrats for power-sharing arrangements, Twomey re-enrolled in the Democratic Party. The dizzying developments had House Speaker John Richardson (D) calling for legislation to discourage or prevent lawmakers from changing parties during the session. “The people’s business is more important than the partisanship that goes on up here and when people are switching parties these days, what it does is disenfranchise those who voted for a Republican, or a Democrat or an independent from what they originally chose.” Richardson said if he didn’t introduce a bill addressing the issue himself, he would look for one to come out of the Legal and Veterans Affairs Committee. But the chairman of that committee, Rep. John L. Patrick (D) is a little dubious about the idea. “I’ve had three constituents out of about 8,500 express specific concerns about that, so I don’t think it creates a major problem for the general public, and I’m not certain whether legislation will actually be developed or not,” he said. “We’ll have to discuss it as a committee and see what people think.” (BANGOR DAILY NEWS)

posals would still require voters to show photo identification at the polls, but it would make ID cards available for free at all county voter registration offices (ATLANTA JOURNAL-CONSTITUTION). • Last week, the **TENNESSEE** legislature convened its first special session in six years. Gov. Phil Bredesen (D) called the session to take up ethics reforms he and legislative leaders believe are necessary to restore public trust after a highly-publicized FBI bribery investigation called Tennessee Waltz (COMMERCIAL-APPEAL [MEMPHIS]). • Political activists have filed more than 140 proposed ballot initiatives for **OREGON**'s Nov. 7 election with the secretary of state. That number is still short of the state record of 183, set in 2002. Only 18 of those measures ultimately made it to the ballot (OREGONIAN [PORTLAND]). • **MICHIGAN** moved a step closer to its November ballot showdown on affirmative action, with the proposal of ballot wording just over a week ago by the state's elections director. Those on both sides of the issue seemed satisfied with the proposed language, which asks voters if they want to ban government "affirmative action programs that give preferential treatment" based on race, ethnicity, color or gender. Both sides also agreed that the wording is crucial, given the varying outcomes of affirmative action proposals in other states. For instance, a ballot measure that prohibited "discrimination or preferential treatment" based on race or gender and which made no mention of affirmative action passed easily in **CALIFORNIA** in 1996, while a nearly identical measure that was described on the ballot as a ban on affirmative action failed in **TEXAS** two years later (DETROIT FREE PRESS).

— *Compiled by KOREY CLARK*

Governors

GOVNS TACKLE ILLEGAL IMMIGRATION: Governors Tim Pawlenty (R) of MINNESOTA and Janet Napolitano (D) of ARIZONA have started the new year promising to take significant action to thwart illegal immigration in their respective states, including a crackdown on employers who knowingly hire undocumented workers.

In Minnesota, Pawlenty has proposed a seven-point package of illegal immigration initiatives, including one that would fine Gopher State employers up to \$5,000 for knowingly hiring or recruiting illegal immigrants. He also wants state contracts to contain a clause prohibiting the use of illegal immigrants to perform any services of that contract.

"We have benefited immensely from immigration. But it needs to be legal and reasonable and orderly," the governor said in announcing his proposals.



Among his other initiatives, the first-term Republican also wants to create the Minnesota Illegal Immigration Enforcement Team (MIIET), a 10-officer unit that would have the dual legal jurisdiction to enforce both state and federal immigration laws. MIIET would focus on illegal immigrants that commit crimes such as identity theft, producing and selling methamphetamine and terrorism.

Pawlenty also announced the formation of a separate task force to deal with human trafficking. Called the Governor’s Human Trafficking Task Force (GHTTF), its job will be to identify effective methods in finding and prosecuting human traffickers. Pawlenty also wants to increase the jail time for such trafficking, which lawmakers last year set at 15 years maximum. He is proposing a 20 year maximum when the victim is under the age of 18.

Fake identification was also on Pawlenty’s list. Currently, it is not illegal in Minnesota to possess false identification documents unless there is also a clear intent to commit a crime. Pawlenty wants lawmakers to change that by making it a crime to possess, create, manufacture or obtain any false identification. Possession would be a gross misdemeanor punishable by up to one year in jail, while creating or obtaining those documents would be a felony punishable by up to five years in jail.

All of Pawlenty’s proposals require legislative approval, which could make them a key point of contention throughout what promises to be a tough election year, both for Pawlenty and all 201 state lawmakers.

In Arizona, Napolitano plans to release the details of her own plan to fine companies who intentionally hire undocumented immigrants this week, but she made it clear in her remarks to lawmakers on the opening day of the Legislature that she expects the federal government to do more to stem the tide of illegal immigration in the Grand Canyon State.

“We are going to step up and protect our citizens when the federal government fails them, but this is a federal problem, and we expect the federal government to do its part,” Napolitano said.

Part of that expectation is that the military will honor her request to post more National Guard troops along the Arizona-Mexico border. Arizona already has about 170 Guard troops on border duty, mostly in assisting federal and state officers with communications, fence construction and anti-drug efforts.

Upcoming Stories

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

Disaster Mitigation — Are states prepared for the next Katrina?

Data privacy — What are states doing to protect citizens against identity theft?

Higher education funding — Budgets are better; will states end or roll back higher ed tuition hikes?

Stem cell research - Will more states spend public dollars on this controversial research?

And much more...



effort “a real challenge.” Blanco was out of the country last week studying flood-control measures in Holland and unavailable to comment. A Blanco spokesman would not comment on the petition. (ASSOCIATED PRESS, NEW ORLEANS TIMES-PICAYUNE, ADVOCATE [BATON ROUGE])

EHRlich PONYING UP FOR STEM CELL RESEARCH: MARY-

LAND Gov. Robert L. Ehrlich Jr. (R) announced last week a commitment to spend \$20 million in state funds for stem cell research. Ehrlich promised another \$12 million to build a new center for regenerative research in Baltimore. It is the first time Ehrlich has committed his support to the controversial science research opposed by President Bush and most conservative Republicans. Democrats expressed surprise at Ehrlich’s unexpected decision, but said they would not end their own push for \$125 million in state stem cell research funding over five years or for legislation that would include a longer-term funding commitment and detailed guidelines for how the money would be spent. “I welcome the fact that the governor is providing money that he wasn’t going to up until today,” said Del. Samuel I. Rosenberg (D), the sponsor of a bill to provide \$25 million in state stem cell research money annually for five years. “I would also say it would be irresponsible for us not to establish the criteria by which the decisions should be made as to how this money is to be awarded.” A recent *Baltimore Sun* poll indicated that 60 percent of Maryland voters support stem cell research, while 27 percent oppose it. (BALTIMORE SUN)

GOVERNORS IN BRIEF: ILLINOIS Gov. Rod Blagojevich (D) says he will propose legislation to crack down on people that impersonate police officers. Blagojevich wants anyone who impersonates a police officer while committing a more serious crime to receive a mandatory prison term. The governor would also broaden the Prairie State’s current police impersonation law to include Homeland Security officers and “other necessary local, state and federal authorities”

(CHICAGO SUN-TIMES). • **KENTUCKY** Gov. Ernie Fletcher (R) encouraged Bluegrass State school districts to teach the theory of intelligent design alongside Darwin’s theory of evolution. The comments apparently took some of his own cabinet members off guard, particularly Education Cabinet Secretary Virginia Fox, who said, “it’s an interesting topic, but it’s not in my portfolio. The governor

Upcoming Elections

(01/12/06 - 02/06/06)

- 01/12/2006 Tennessee Special General House 022
- 01/17/2006 Texas Special Election House 048
- 01/24/2006 Alabama party primaries House 031
- 01/24/2006 Virginia Special Election House 097



and I have not discussed it” (LEXINGTON HERALD-LEADER). • A state court threw out a lawsuit challenging **NEW JERSEY** Gov.-elect Jon Corzine's (D) right to name his successor in the U.S. Senate. The suit claimed that Garden State law mandates a special election to fill the U.S. Senate seat, but Superior Court Judge Linda Feinberg rejected that claim, saying the law is “clear and unequivocal” in allowing the governor to appoint someone to fill a U.S. Senate vacancy until the next election (STAR-LEDGER [NEWARK]). • Fundraising reports filed last week show that **KANSAS** Gov. Kathleen Sebelius (D) raised just under \$2 million in 2005 for her re-election campaign. That figure easily tops the record amount raised by her predecessor, Republican Bill Graves, in his third year of office in 1997. He was easily re-elected in 1998. Sebelius’ nearest rival, State Sen. Jim Barnett (R), reported raising \$281,725 (KANSAS CITY STAR).

— *Compiled by RICH EHISEN*

Hot issues

B **USINESS:** An **INDIANA** House committee approves HB 1010, which would bar local governments from seizing private property under eminent domain statutes unless there was no reasonable alternative. The parcel would also have to meet specific criteria for condemnation, such as safety or health code violations. It now goes to the full House (FORT WAYNE JOURNAL GAZETTE). • **WISCONSIN** Gov. Jim Doyle (D) vetoes SB 58, which would have required consumers seeking financial retribution for defective products to provide a safer design of the defective product. Doyle said the measure would have reduced the incentive for manufacturers to produce the safest possible products (MILWAUKEE JOURNAL-SENTINEL). • Still in **WISCONSIN**, Gov. Jim Doyle (D) also vetoes AB 56, which would have granted civil liability immunity to the entire gun industry. Doyle said the industry is already protected by federal law (MILWAUKEE JOURNAL-SENTINEL).

CRIME & PUNISHMENT: The **NEW JERSEY** Assembly approves AB 2347, which would mandate a one-year moratorium on the death penalty in order to allow a state commission to study the issue. It moves to Gov. Richard Codey (D), who is expected to sign it into law. **ILLINOIS** is the only other state which currently has a moratorium on capital punishment (STAR-LEDGER [NEWARK]). • A **CALIFORNIA** Senate committee kills SB 588, which would have required satellite monitoring of felony sex offenders and forced registered sex

offenders to live more than 2,000 feet from schools and parks. Supporters say they will instead seek to place an initiative on the fall ballot (SACRAMENTO BEE). • **WISCONSIN** Gov. Jim Doyle (D) signs legislation that prohibits the Badger State’s Department of Corrections from using state or federal funds to offer sex change operations or hormone therapy to inmates (MILWAUKEE JOURNAL-SENTINEL). • The **MASSACHUSETTS** House overwhelmingly approves legislation that would create a statewide witness protection program. The program would offer participants armed police escorts, surveillance, relocation, and “reasonable” housing and living expenses. The measure heads to the Senate, which approved a similar bill last year (BOSTON GLOBE). • The **NEW JERSEY** Supreme Court rules that police cannot legally search a vehicle without a search warrant, even if the driver or passenger has already been arrested. That ruling contradicts a 1981 U.S. Supreme Court decision that allows such searches (STAR-LEDGER [NEWARK]).

EDUCATION: The **MASSACHUSETTS** House rejects a proposal to allow undocumented immigrants to pay in-state tuition at Bay State public colleges and universities. The legislation would have applied to those students who graduated from a Massachusetts high school after attending it for at least three years and who signed an affidavit affirming that they intended to seek citizenship (BOSTON GLOBE). • A **MAINE** joint legislative committee refuses to endorse a measure that would legalize charter schools in the Pine Tree State. Despite the rejection, the measure still moves to the full Legislature for a roll call vote (PORTLAND PRESS-HERALD).

ENVIRONMENT: The U.S. Supreme Court refuses to hear an appeal of a ruling that banned the use of pesticides around Western salmon streams. That ruling imposed a 100-yard buffer for aerial spraying and a 20-yard buffer for ground application of three dozen pesticides, from agricultural sprays to household weed-killers, and requires stores selling pesticides in more than 500 communities in the West to post warnings about the potential effects of seven common pesticides on salmon and steelhead (CORVALLIS GAZETTE). • Citing extreme fire danger caused by unseasonable dry weather, **COLORADO** Gov. Bill Owens (R) issues an executive order banning all open fires on state lands below 8,000 feet for 30 days. Owens said he is hoping to prevent fires similar to those which have afflicted **ARKANSAS, NEW MEXICO, OKLAHOMA** and **TEXAS** this winter. Those blazes destroyed almost 500 homes and caused several deaths (DENVER POST).

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Once around the statehouse lightly

A **H, ELECTION YEAR:** Rhetorical fever in MASSACHUSETTS is inching up the thermometer these days among potential gubernatorial rivals. The latest spike, reports the *Boston Herald*, occurred when Republican Lt. Gov. Kerry Healey and Democratic Atty. Gen. Tom Reilly sparred over Reilly's apparent intervention in the investigation of an apparent DUI-related auto accident that took the lives of two daughters of a campaign donor. In dueling news conferences last week, Healey lambasted Reilly for urging a local DA to keep the girls' medical records private, prompting Reilly to lambaste Healey for politicizing a family tragedy. The pair are among a handful trying to succeed Republican Mitt Romney, a declared candidate for president in 2008.

FAT LIP DEPARTMENT: In an unceremonious bit of political irony, CALIFORNIA Gov. Arnold Schwarzenegger was dumped from his motorcycle last week when a car backed out of a driveway near his Brentwood home and slammed into his Harley, where the governor's 12-year-old son was riding in a sidecar. Although his son was unhurt, Schwarzenegger suffered a cut lip that required 15 stitches, according to the *Los Angeles Times* and many other media outlets. The irony: Schwarzenegger did not have a license to operate the motorcycle, despite wide publicity about the Harley rides he often takes with celebrity friends. He was not cited in this case because of a loophole provided by the sidecar, which technically makes the motorcycle a three-wheel vehicle covered by his driver's license. The most amused by the governor's mishap: state Sen. Gil Cedillo, the Los Angeles Democrat who repeatedly has sponsored a bill to grant driver's licenses to undocumented aliens — bills repeatedly vetoed by Schwarzenegger.

CHURCH AND STATE: Unusual times call for unusual measures. And so it was that last week, ARKANSAS Gov. Mike Huckabee broke down a sacred and traditional barrier by issuing an official proclamation that asked citizens to "pray for rain." As the *Arkansas News Bureau* reports, the Land of Opportunity has been plagued by a drought for nearly a year — a weather trend that forecasters say is not expected to ease any time soon.

HUMOR, TARHEEL STYLE: The speaker of the NORTH CAROLINA House also happens to be a rancher, which gives Rep. Richard Morgan a chance to be creative when he names calves after legislators and various other state officials. As the *Winston-Salem Journal* reports, “Veto Mike” is a bull calf named for Gov. Mike Easley, who pestered Morgan to honor him with a name-sake. “Jolly Jim” is another bull calf named for House Spkr. Jim Black. But not everyone is amused. When Morgan blessed Republican Rep. Debbie Clary with a calf named “DC Gal,” Clary’s response was less than enthusiastic. Said she, “You name a cow after me, and I’m supposed to like that?”

BLEAH DEPARTMENT: If a MISSOURI lawmaker has his way, the folks who own liquor stores could lose their licenses if they commit the egregious sin of...selling cold beer. According to *The Kansas City Star*, Sen. Bill Alter’s proposal is meant to cut down on drunk-driving by making it less tempting to pop open a brew two seconds after leaving a convenience store. Alter’s bill would make it illegal to sell a beer chilled to less than 60 degrees. The convenience store folks are, quite naturally, opposed to the notion, saying that the Show Me State already has enough laws on the books to curb the practice of guzzling at the wheel.

TAKE SOME RESPONSIBILITY: An ARIZONA lawmaker wants to take the fun out of having your car stolen. Yes, it’s not a great experience, but at least the victim gets to shop for a new vehicle — with all the excitement that can bring into one’s life. But now, reports Capitol Media Services, Sen. Linda Gray is pushing a proposal to allow insurers out of paying victims for cars stolen when drivers forgot to remove the keys. A state official reports that Gray’s bill would cover about 2 percent of the vehicles stolen in Arizona.

— By A.G. BLOCK

In the Hopper

State Net’s database tracks tens of thousands of bills in all 50 states at any given time. Here’s a snapshot of what’s in the legislative works:

Number of 2006 prefiles last week: 1,688

Number of 2006 Intros last week: 12,959

Number of bills enacted/adopted last week: 456

Number of 2006 prefiles to date: 8,517

Number of 2006 Intros to date: 18,472

Number of enacted/adopted overall in 2006: 1054

— Compiled By JAMES ROSS
(Measures current as of 01/12/06
Source: State Net)



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