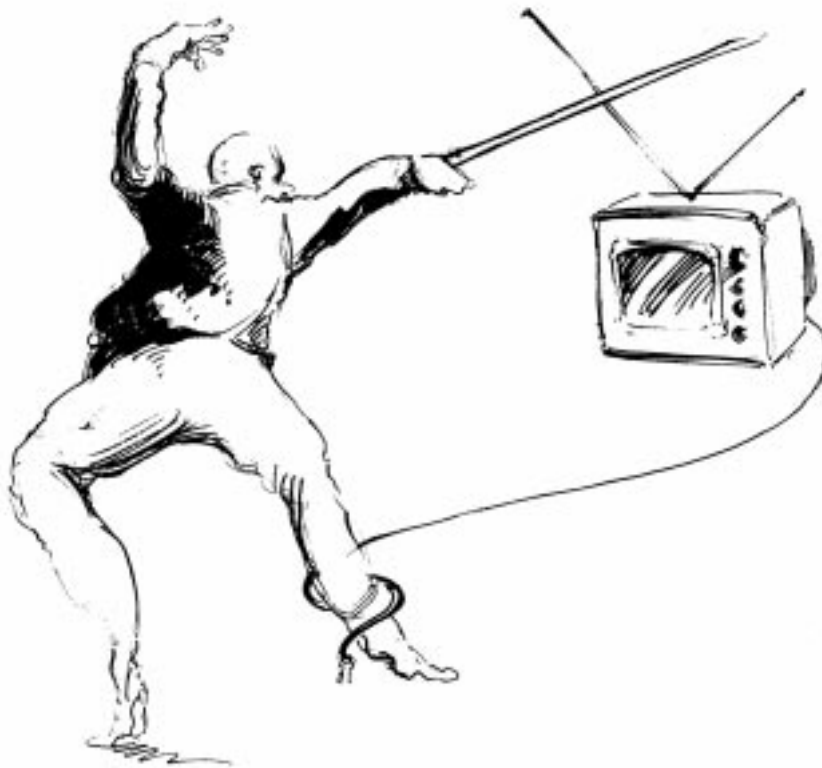


February 6, 2006

## TV wars



Budget & taxes	
Federal hurricane relief plan gets mixed response	5
Politics & leadership	
States attend to own ethics scandals	6
Governors	
Manchin shuts down WV coal mines	10
Bird's eye view	3
Hot issues	12
Once around the statehouse lightly	15

### Top Story

*Telecommunication companies got a big break last year when TEXAS passed legislation making it easier for them to get into the video business. But with numerous states now looking to follow suit, cable companies are crying foul.*

## SNCJ Spotlight

### Issues 2006: Straight to video?

*Another in our series of reports on some emerging "under the radar" issues state lawmakers will face this year.*

**M**ost people usually don't care who provides their cable television service as long as HBO, the Disney Channel and ESPN are there when they grab the remote. But what happens if a service provider doesn't want to sell them those products because that consumer does not live in an affluent enough part of town? That is the

question a growing number of state lawmakers are seeking to answer this year as they come under increasing pressure from telecommunications companies to fundamentally change how video providers are licensed to do business.

At the heart of the matter is a major push from traditional telephone companies like AT&T and Verizon that now want to also provide the kind of video service normally available only from cable TV operators. The catch is that they don't want to operate under the same rules as the cable companies, which typically must be licensed by the individual communities they serve, and which must also make their service available to that entire area. Cable operators also pay the community a significant franchise fee, offer public access programming and agree to broadcast information on various city government operations and services. The trade-off, of course, is that cable operators then receive a monopoly in those communities, effectively shutting out their competition and assuring themselves of being able to charge pretty much whatever they like.

The phone companies don't want either restriction, wishing instead to be allowed to garner one single license that covers the entire state. Telcos also want an exemption from having to provide services across their entire coverage area. But wishes were all they were until last fall when, after several previously unsuccessful efforts, the TEXAS Legislature approved SB 5, which pretty much gave the phone companies everything on their Christmas list. Gov. Rick Perry's (R) signature made Texas the first state in the nation to give telcos such a green light. Based on the slew of similar bills now heading toward lawmakers in several other states, Texas may not be the last.

According to the State Net data base, INDIANA (SB 245), MISSOURI (SB 816), NEW JERSEY (AB 804, SB 192) and SOUTH CAROLINA (HB 4428, SB 1053) have all introduced legislation this session that would allow telcos to get a blanket state license for video service. At the national level, at least two bills — House Bill 3146 and Senate Bill 1349 — are under consideration in Congress. Those measures would allow any wannabe video supplier to forgo getting a local license if it is already providing telephone service in that community.

## *The Week in Session*

### States in Regular Session:

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

States in Special Session: AZ "a", CA "a", LA "a", OK "a", PA "a", TN "a"

States in Budget Hearing Recess: DE

Letters indicate special/extraordinary sessions

Source: State Net, 02/03/06

There are other telco-friendly measures as well. CALIFORNIA Assembly Bill 903 doesn't relieve phone companies from getting licensed in each municipality, but it does let phone companies getting into the video game avoid serving their entire coverage area. That is a similar provision to those found in VIRGINIA, where several such measures — HB 881, HB 1404, SB 706 and SB 707 — are now under consideration.

The possibility of those bills passing — and the likelihood that lawmakers in several other states will introduce similar bills this year — has elicited both howls of protest and a flurry of lawsuits from the cable industry, which claims that single-license systems give telcos an unfair business advantage and violate both the U.S. Constitution and the 1996 federal Telecommunications Act. They also contend that while bills like Texas' SB 5 have provisions that attempt to prevent phone companies from “cherry picking” their customers by opting to serve

only the wealthiest communities while ignoring low income areas, those provisions are so vague they will be almost impossible to enforce. That, in the official comments from the Texas Cable and Telecommunications Association (TCTA), “will adversely impact Texas consumers by dividing communities into the ‘haves’ and ‘have nots’ of advanced technologies for the home.” The TCTA has filed suit seeking to block the new law in both federal and state courts.

But many consumer advocates disagree, saying bills like SB 5 actually open the door to competition, which is good for consumers because it ultimately could provide a wider array of services at cheaper prices.

## Bird's eye view



Source: Economic Policy Institute, Center on Budget and Policy Priorities, U.S. Census Bureau

### The growing income gap

The gap between America's rich and poor is growing, according to a new report from the Economic Policy Institute and the Center on Budget and Policy Priorities, both based in Washington D.C. The report uses 25 years of U.S. Census data to compare the incomes of the top and bottom fifth of wage earners in each state. That data indicates that the gap between the highest-earning families and poor and middle-earning families has expanded significantly since the early 1980s, with top earners in two states — TEXAS and NEW YORK — bringing in more than eight times the annual income of the bottom fifth of earners. WYOMING had the smallest differential at 5.2 times the difference. The accompanying map shows the 10 states with the largest and smallest income differentials. The full report can be viewed on the Economic Policy Institute Web site at <http://www.epi.org>.



Steven Titch, a senior fellow at the Heartland Institute, a Chicago-based non-profit that works to support social movements that empower people, says that principle remains true even if the new kids on the block do cherry pick their customers for a while.

“Obviously, with the first go around these companies are going to go after communities that have the disposable income to pay for their services,” Titch says. “That’s the cost of initially getting the product out there. But I think they see their horizons as being a lot larger. They won’t just stay in those areas because they need the revenue. They’re going to build out as soon as they can.”

Dr. Barbara O’Connor, the director of the Institute for the Study of Politics and Media at California State University, Sacramento and a former consultant to the Federal Communications Commission (FCC), says encouraging as much competition as possible has long been the FCC’S unrealized goal. By taking that effort into their own hands, she says, states are leading the way in “allowing competitors to come into the fray against monopolists.”

O’Connor also feels the advance in technology will make the requirement to serve entire communities unnecessary. With the spread of technology, she says, competition is a better way to ensure everyone has equal access.

“All of these companies use multiple technologies now,” she says. “It’s not like you have one phone-only company against one cable-only company. Phone companies these days are using dish, wireless broadband and low urban satellites. That alone will ultimately provide competition in most communities from at least two vendors.”

“This is inevitable. You can’t harness or stop technology,” she adds.

Phone companies have staked a pretty large investment in this arena. San Antonio-based AT&T is investing \$800 million in Texas alone to lay the fiber optic cable that will allow them to provide voice, Internet and television services. Titch says whether states currently considering following Texas’ lead actually do so will likely depend on what consumers grown accustomed to having such services demand.

“The reality is that phone companies are ready to go with these products right now, but they are hamstrung by all of these franchise rules” he says. “But when consumers in INDIANA see the kind of services people in Texas can get, they’re going to want to have that too. I think in that way there is going to be a lot of pressure placed on states this year to make something happen.”

— *By RICH EHISEN*

# Budget & taxes

**FEDERAL HURRICANE RELIEF PLAN GETS MIXED RESPONSE:** The Bush administration announced on Jan. 25th it will provide \$11.5 billion in grants to rebuild homes in the Gulf Coast damaged by last year's hurricanes. LOUISIANA will receive the largest share of the money, \$6.2 billion. MISSISSIPPI will get \$5.1 billion; FLORIDA, \$83 million; and ALABAMA and TEXAS, \$74 million each. Louisiana Gov. Kathleen Blanco (D), who has been cultivating a thoroughly antagonistic relationship with President Bush since Hurricane Katrina struck, was unsurprisingly less than thrilled with the plan. "We have a Republican administration in Washington that just doesn't get it. Louisiana is in a lot of need and they just don't get it in the White House," she said at a Democratic Party fundraiser last week. Pelican State officials had sought \$30 billion in federal assistance for rebuilding and said the amount they received would leave at least 140,000 homeowners out in the cold. Donald Powell, the administration's coordinator for Gulf Coast rebuilding, recommended that Louisiana give the money to the roughly 20,000 homeowners who did not have flood insurance but who were not in a designated flood zone. Blanco doesn't appear inclined to take that advice, however. "We are not in the business of choosing between our citizens," she said. Louisiana's Democratic governor wasn't the only one to find fault with the feds' aid package. TEXAS Gov. Rick Perry (R) said, "Thousands of Texas families and senior citizens whose homes were destroyed or severely damage in Hurricane Rita will lack the funds to rebuild their homes as a result of this decision." But lawmakers in at least one state were happy with their grant. "It's huge," said U.S. Rep. Gene Taylor (D) of MISSISSIPPI. (USA TODAY, WASHINGTON POST, TIMES-PICAYUNE [NEW ORLEANS])

**BUDGETS IN BRIEF:** Last week, **FLORIDA** Gov. Jeb Bush (D) proposed \$1.5 billion in tax cuts, including a one-time \$100 rebate for mobile home owners. The plan, which came on the eve of the governor's final budget before leaving office, would constitute the largest one-time cut in state history (ORLANDO SENTINEL, ST. PETERBURG TIMES). • **HAWAII** Gov. Linda Lingle (R) has unveiled an energy plan that she claims will save the state \$6.32 billion over the next 14 years. The plan calls for a taxpayer subsidy of less than \$2 million per year and some additional spending to make state buildings more energy efficient (HONOLULU ADVERTISER). • **NEW YORK** Gov. George Pataki (R) has signed a bill that will provide another \$100 million in emergency heating aid for poor and eld-

erly residents. The money will be added to the \$263 million in federal funding for the Empire State's Home Energy Assistance Program, which has seen a significant rise in applicants as a result of the rise in energy prices (SYRACUSE POST-STANDARD). • The **IOWA** House approved legislation last Tuesday that would phase out the state taxes on pensions and Social Security income over five years, beginning in 2007. The measure heads to the Senate, where its future is reportedly uncertain (OMAHA WORLD-HERALD). • **MARYLAND** Gov. Robert L. Ehrlich Jr. (R) proposed a \$1.4 billion plan for capital projects last Monday that includes \$193 million to expand student capacity at the state's four-year colleges and universities (WASHINGTON POST). • **LOUISIANA** officials continue to demand an audit of the Federal Emergency Management Agency before they will agree to pay the \$156 million bill they received from the agency for their share of hurricane-recovery costs. Pelican State Legislative Auditor Steve Theriot said they are only asking FEMA for the same level of accountability it demands from state authorities (TIMES-PICAYUNE [NEW ORLEANS]).

— *Compiled by KOREY CLARK*

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# Politics & Leadership

**S**TATES ATTEND TO OWN ETHICS SCANDALS: Although the Abramoff lobbying scandal has been grabbing all the headlines lately, Washington, D.C. is certainly not the only capital in the nation to have been stung recently by a lapse of political ethics. For example, last May, the FBI concluded a two-year undercover operation in Nashville called “Tennessee Waltz,” which led to the indictment of five state lawmakers for extortion. And in August, OHIO Gov. Bob Taft (R) pled guilty to misdemeanor charges of failing to report gifts from lobbyists, which stemmed from an investigation into Columbus’ “Coin-gate” investment scandal. State lawmakers’ publicized indiscretions, however, have spurred them to take action to curb future transgressions. Tennessee’s House and Senate, for instance, passed bills last week imposing new restrictions on lobbyists and lawmakers. And last year, in the wake of revelations that three FLORIDA lawmakers jetted off on a golf trip sponsored by a company seeking slot machine licenses, the Sunshine State enacted some of the toughest lobbying restrictions in the country, including a ban on gifts and travel from lobbyists and their employers. “Unfortunately, it takes scandal to get reform,” says Robert M. Stern, director of the nonpartisan Center for Governmental Studies in Los Angeles. “People don’t want to change. It’s human nature, particularly if they’re being asked to change themselves.”



There's also plenty of financial incentive for lawmakers to resist changing; according to the Center for Public Integrity, which has been studying lobbying at the state level for the past eight years, lobbyists and allied interests spent nearly \$1 billion in 2004 in the 42 states that require detailed reporting of expenditures. But the Abramoff affair may be just the push states needed to overcome their inertia, if the comments of Tennessee Gov. Phil Bredesen (D) are any indication. "What's happening in Washington is adding momentum to what we're trying to do here," he said. "I'm telling the Legislature this is going to be front-page news for a year, so let's get out in front of the curve and be actively addressing these issues." (NEW YORK TIMES, STATELINE.ORG, TENNESSEAN [NASHVILLE])

*Upcoming Stories*

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

- Raising the minimum wage
- Health care workers: the right to say no?
- Funeral protests: how far is far enough?
- Targeting employers: State efforts to slow illegal immigration

And much more...

**REFERENDUM C CONTINUES TO DIVIDE CO LAWMAKERS:** Just weeks into COLORADO's 2006 legislative session, ideas are beginning to pile up for how the state should use the \$3.96 billion it expects to take in over the next five years as a result of the passage last November of Referendum C, suspending the revenue limits imposed by the Taxpayer's Bill of Rights. Rep. Cory Gardner (R) has proposed funneling hundreds of millions of dollars into a rainy-day fund. Rep. Bill Crane (R) is pushing for an increase in the size of the property-tax exemption for senior citizens. And Rep. Keith King (R) wants to spend \$6.4 million-plus over the next two years on a data-sharing system for schools. What ranks some of the legislature's Democratic majority about these particular proposals is that their authors voted against Referendum C. "These people chose not to be part of the solution," said House Majority Leader Alice Madden (D). "Part of me says, 'Too little, too late.'" Republicans counter that they have a duty to make sure the state spends the Referendum C money wisely, noting that 48 percent of the state's voters opposed the ballot measure. "We still have a responsibility, don't we, to responsibly spend the money, even if I opposed it? Isn't that my responsibility?" said Rep. Crane. That argument doesn't appear to be swaying the Democratic leadership, which has already killed one Republican proposal in the Senate, SB 104, sponsored by Sen. Ron May, which sought to use Referendum C money to restore hundreds of millions of dollars the state took out of some business-related funds. Senate President Joan Fitz-Gerald left little doubt that May's



failure to support Referendum C contributed to the demise of his bill. “If this was part of what we thought should have been done, we could have used your help out there,” she said. (DENVER POST)

**RIVER BATTLE FLOWS TO CONGRESS:** A 15-year-old quarrel between NEW JERSEY and PENNSYLVANIA over whether to deepen a 103-mile stretch of the Delaware River by five feet to allow larger ships to access the port of Philadelphia has drifted downstream to Washington, D.C. Congress actually gave the go-ahead for the project in 1991 and former New Jersey Gov. Christie Whitman (R) agreed to back it in 1999. But since then, Garden State lawmakers have dug their feet, maintaining that the project is both environmentally and economically unsound. Now, U.S. Sen. Rick Santorum (R) of Pennsylvania is threatening to block any federal legislation that would benefit New Jersey unless the state changes its course. And Pennsylvania Gov. Ed Rendell (D) has threatened to stop Garden State commuter trains from running into his state. “New Jersey is playing politics and from what I’m sensing...they are using the fact that we both jointly share this river, and they are blocking our ability to compete,” says Santorum. According to some experts, politics is indeed a factor in the escalation of hostilities over the issue, but Santorum and Rendell aren’t exactly blameless in that regard. Terry Madonna, a professor at Franklin & Marshall College in Lancaster, Pa., said Santorum and Rendell both face tough re-election fights this year and are anxious to appear to voters as “campaigning to protect the home turf, protecting home state interests.” The strategy might help the politicians’ campaigns but doesn’t appear likely to resolve their state’s ongoing feud with its neighbor to the east, judging by the remarks of New Jersey’s newly sworn-in U.S. Senator, Robert Menendez (D). “Sen. Santorum may be able to put a hold on legislation, but so can I, and I don’t think that’s the way to proceed,” he said. However, New Jersey’s newly sworn-in governor, Jon Corzine (D), offers some hope of a resolution to the matter; a former U.S. senator, himself, Corzine has a good relationship with both Rendell and Santorum. Of course, even if New Jersey and Pennsylvania are able to work out their differences, DELAWARE has yet to weigh in on the subject. (ASSOCIATED PRESS, PITTSBURGH POST-GAZETTE)

**AT THE POLLS:** Democrat Mark R. Herring defeated Republican David M. “Mick” Staton Jr. in a special election last Tuesday in VIRGINIA’s 33rd Senate district. Herring will assume the seat of Republican former Sen. Bill Mims, who resigned to become chief deputy to state Attorney General Bob McDonnell.



The race was the last of four special elections to fill vacancies in the 2006 General Assembly. (TIMES-DISPATCH [RICHMOND])

**I'LL BE BACK:** Last month, ARIZONA Rep. David Burnell Smith (R) became the first legislator in the country to be thrown out of office for violating state public campaign finance laws. The Grand Canyon State Citizens Clean Elections Commission ordered the first-term lawmaker to step down for overspending in his publicly-funded 2004 campaign. A court stay of that order expired at midnight, Thursday Jan. 26. But Smith made an appearance on the House floor the following Monday to say goodbye to his colleagues and to tell them that he'd "be back." He has said previously that he plans to run again, which he would be allowed to do under Arizona election law. (ASSOCIATED PRESS, ARIZONA DAILY STAR [TUCSON])

**POLITICS IN BRIEF:** LOUISIANA Gov. Kathleen Blanco (D) released the agenda last week for a second storm-recovery special session that will begin today (Feb. 6) and run through Feb. 17. The issues to be taken up include consolidation of government agencies in the New Orleans area, extension of the sunset date for the Louisiana Recovery Authority beyond 2006 and provision of additional housing for hurricane victims (TIMES-PICAYUNE [NEW ORLEANS]). • The campaigns on either side of the eight initiatives on the ballot in CALIFORNIA's November special election spent a record \$260 million-plus. The previous record, set in November of 2004, was only \$10 million less, but involved twice as many initiatives (SAN JOSE MERCURY NEWS). • Last Tuesday, OHIO's Republican-controlled General Assembly passed legislation largely along party lines requiring voters to show ID at the polls. Hours later, Gov. Bob Taft (R) signed the bill into law (CLEVELAND PLAIN DEALER). • A push by two OREGON legislators for an immediate special session to address a hole in the state human services budget that threatens crucial services fizzled last week due to a lack of support from other lawmakers. Polls of the House and Senate membership showed a majority opposes the idea until Gov. Ted Kulongoski (D) and legislative leaders agree on a proposal to deal with the shortfall (ASSOCIATED PRESS, CORVALLIS GAZETTE-TIMES). • The 2006 election season is expected to be a record-breaking one for KENTUCKY, with more than 4,000

## Upcoming Elections

(02/02/06 - 02/23/06)

02/07/2006 Missouri Special Election  
House 132

02/14/2006 Alabama party primaries  
House 001

02/14/2006 Kentucky Special Election  
Senate 037

02/14/2006 Texas Special Election  
House 048

02/21/2006 Michigan special primary  
Senate 023



county, state and congressional races scheduled throughout the state. The election glut is the result of a 1992 constitutional amendment that shifted election cycles to provide a quadrennial election-free year (COURIER-JOURNAL [LOUISVILLE]). • This year has already been a record-setting one for the **NEW MEXICO** House, which introduced 676 bills for the 30-day 2006 session, topping the chamber’s previous record for a 30-day session of 581 introductions (DAILY TIMES [FARMINGTON]).

— *Compiled by KOREY CLARK*

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# Governors

**M**ANCHIN SHUTS DOWN WV COAL MINES: WEST VIRGINIA Governor Joe Manchin III (D) called on all Mountain State coal mines to close down and perform safety checks after two more miners were killed in accidents last week. That brings to 16 the number of miners killed in January, the most in a decade. “We’re going to check for unsafe conditions, and we’re going to correct any unsafe conditions before we mine another lump of coal,” Manchin said in calling for the shut down. Although the governor doesn’t have the legal authority to force the mines to halt production, a Manchin spokesperson said all of the state’s 544 mines were cooperating. Manchin also ordered state mine regulators to review all 229 surface and 315 underground mines immediately. An explosion at the Sago Mine last month cost 12 miners their lives after they were exposed to lethal amounts of carbon monoxide. Two miners died less than three weeks later in a fire at a mine in Melville, followed by two more deaths last week in separate incidents at mines in Boone County. Those deaths spurred West Virginia lawmakers to quickly pass legislation enacting more stringent mine safety standards, including requiring coal companies to provide miners with emergency communicators and tracking devices, and to store extra air supplies underground. But the ink was barely dry from Manchin’s signature when the latest deaths occurred, leading him to ask for the immediate shut down and inspections. West Virginia lawmakers in Congress are now pushing for similar laws at the national level. U.S. Sen. Robert Byrd (D) urged his fellow lawmakers to act quickly, warning that “If these tragedies continue, mines could be closed and coal and energy production could falter...the consequences could ripple throughout the nation’s economy,” he said. (ASSOCIATED PRESS, USA TODAY, CHARLESTON DAILY MAIL)



**DOYLE UNDER FIRE:** WISCONSIN Gov. Jim Doyle (D) came under fire from the state GOP last week after state prosecutors accused a member of his administration of illegally steering a \$750,000 state travel contract to one of the governor's campaign contributors. Republicans want Doyle to return the \$20,000 in donations, but he has so far refused. Doyle canceled the contract, but said he would keep the donations because they were made legally and neither donor — the company's CEO and a board member — had done anything wrong. Doyle did, however, return \$10,000 in donations from a luxury yacht builder three days after the company won a \$1.1 million grant from the state to build a boat ramp on the Manitowoc River. The same company received \$2.1 million in expansion grants and loans the year before. (WISCONSIN STATE JOURNAL [MADISON], MILWAUKEE JOURNAL-SENTINEL, JANESVILLE GAZETTE)

**GOVERNORS IN BRIEF:** New **VIRGINIA** Gov. Tim Kaine (D) drew mixed reviews from political scientists for his delivery of the Democratic response to President Bush's State of the Union last week. Richard Murray, a political scientist and director of the Center for Public Policy at the University of Houston, called Kaine "an earnest kind of Dudley-Do-Right," while Newt Gingrich, former Republican Speaker of the U.S. House of Representatives, called Kaine's speech "as good a response from either party as I've ever seen...It was a very solid, very positive statement of an alternative done in a very dignified way" (VIRGINIAN-PILOT [NORFOLK]). • **INDIANA** Gov. Mitch Daniels (R) earned a major victory last week as the House approved his proposal to lease out the Indiana Toll Road to private interests. That approval allows Daniels to lease out a large stretch of I-69 as well as other state roads and bridges. A Spanish-Australian consortium, Cintra-Macquarie, has offered the state \$3.85 billion for the right to operate and maintain the toll road for 75 years. The measure moves to the Senate, where it is also expected to pass (INDIANAPOLIS STAR). • **ALASKA** Gov. Frank Murkowski's (R) self-imposed Jan. 31 deadline to announce whether he will seek re-election came and went last week with no such announcement (JUNEAU EMPIRE). • Speaking of re-election, **CALIFORNIA** Gov. Arnold Schwarzenegger (R) reported last week that his campaign is more than \$400,000 in debt. Recently released campaign finance reports show that the "Governator" spent a huge chunk of his campaign war chest — more than \$45 million — during his ill-fated special election campaign, at least \$8.2 million of which came out of his own pocket. Schwarzenegger's two main Democratic challengers — state treasurer Phil Angelides and controller Steve Westly — reported a combined total of \$41 million in their coffers (LOS ANGELES TIMES).

— *Compiled by RICH EHISEN*



# Hot issues

**B** **USINESS:** A **NEW HAMPSHIRE** House subcommittee rejects a measure that would have required large employers to spend at least 8 percent of their payroll on health insurance. The bill, which is modeled after similar legislation recently approved in **MARYLAND**, must still be reviewed by the full committee (**UNION LEADER [MANCHESTER]**). • The **CALIFORNIA** Assembly endorses AB 802, which would require local governments to consider potential flood dangers before allowing new development. The measure now overflows into the Senate (**SACRAMENTO BEE**). • A **MISSOURI** court bars companies that sell phone records on the Internet from doing business in the Show Me State. The companies in question provided anyone willing to pony up between \$65 and \$110 with a cell phone user's name and address as well as a list of calls made to and from that number (**NEWS & TRIBUNE [JEFFERSON CITY]**). • A **VIRGINIA** Senate committee squelches legislation that would have raised the state minimum wage by \$1 over the current \$5.15-per-hour mandated by federal law. Similar legislation is still pending in the House (**RICHMOND TIMES-DISPATCH**). • A **SOUTH DAKOTA** House committee similarly snuffs out HB 1245, legislation that would have raised the Coyote State minimum wage from \$5.15 to \$6.00-per-hour (**RAPID CITY JOURNAL**).

**CRIME & PUNISHMENT:** A **NEW JERSEY** court rules that a Garden State law requiring anyone convicted of a crime to provide a DNA sample can be retroactively applied to more than 30,000 persons already in jail or on probation or parole when the law took effect in 2003. The court rejected an argument that taking the samples constitutes additional punishment (**STAR-LEDGER [NEWARK]**). • A **NEW MEXICO** House committee endorses HB 130, which would allow authorities to collect DNA evidence whenever someone is arrested on a felony charges. It moves to the full House (**DAILY TIMES [FARMINGTON]**). • A **SOUTH DAKOTA** Senate committee endorses SB 207, which would require pseudoephedrine-based cold products to be placed behind store counters. Those products are often used to make illegal methamphetamine. It now goes to the full Senate (**RAPID CITY JOURNAL**). • The **RHODE ISLAND** Senate approves SB 2068, legislation that would allow police to draw a person's blood without their consent if that person was involved in a vehicular accident that causes death or serious injury. It moves to the House (**PROVIDENCE JOURNAL**). • The **ILLINOIS** House unanimously approves legislation that would make it illegal for impostor musical acts to imitate another group by using its name, image or songs.

Violators would face fines up to \$50,000. The measure would not apply to acknowledged “tribute” bands, but only those who knowingly bill themselves as being the original band in question. It now takes the stage in the Senate (CHICAGO SUN-TIMES).

**EDUCATION: NEW MEXICO** Gov. Bill Richardson (D) signs off on new rules that bar junk food from school vending machines. The new rules bar sodas and other carbonated drinks and require that any snacks be of the healthy variety (SANTA FE NEW MEXICAN). • A **VIRGINIA** House committee endorses legislation that would bar illegal immigrants from attending state colleges. The measure graduates to the full House (RICHMOND TIMES-DISPATCH). • Still in the Old Dominion, a **VIRGINIA** House committee blows away HB 1572, which would have allowed college students and employees to carry handguns on campus (ROANOKE TIMES).

**ENVIRONMENT:** Wildlife officials in **ALASKA** develop new regulations that allow them to restart the state’s aerial wolf control program. The program is designed to limit wolf predation on declining moose and caribou populations. The new rules came in response to a recent court decision that said the hunt’s geographic area was larger than state wildlife regulations allow (FAIRBANKS DAILY NEWS-MINER). • In another effort to control predator activity on moose and caribou, **ALASKA** game officials also legalize for the first time in state history the sale of brown and black bear hides. Officials hope the possibility of selling a hide — which can be worth several thousand dollars — will lead to more bear hunters in the same predator control areas where the aerial wolf program is conducted (ANCHORAGE DAILY NEWS). • **CALIFORNIA** becomes the first state to declare secondhand smoke a toxic air pollutant. That ruling places tobacco fumes in the same category as diesel exhaust, arsenic and benzene because of its link to breast cancer. Air resource officials will now move to develop regulatory steps to reduce exposure to secondhand smoke (ASSOCIATED PRESS).

**HEALTH & SCIENCE:** Reversing an earlier stance, federal health officials announce they will reimburse states the cost of paying for hundreds of thousands of prescriptions for seniors who were turned away or overcharged under the new Medicare drug program. As many as 20 states, including **CALIFORNIA**, **ILLINOIS** and **OHIO**, spent millions of dollars to ensure that patients received their prescriptions (LOS ANGELES TIMES). • The **NEW MEXICO** Senate approves SB 258, a measure that would allow critically ill

people to use marijuana under a doctor’s care. The measure wafts over to the House (DAILY TIMES [FARMINGTON]). • A federal court lifts an order that barred **KANSAS** from forcing health officials to report consensual underage sex to authorities. The ruling reversed the finding of a lower court, ruling that the Sunflower State has a legitimate interest in the voluntary sexual conduct of children that overrides the minor’s right to privacy (LAWRENCE JOURNAL-WORLD). • In an attempt to make it more difficult to sue emergency room doctors, a **UTAH** House committee approves legislation that would require patients to prove their negligence claims by “clear and convincing” evidence. House Bill 270 is now being rushed to the full House (SALT LAKE TRIBUNE).

**SOCIAL POLICY:** The **GEORGIA** House overwhelmingly endorses HB 941, which allows local governments to display the Ten Commandments in public buildings, while mandating that any such display also include copies of the Mayflower Compact and the Declaration of Independence. The measure now goes on display in the Senate (ATLANTA JOURNAL-CONSTITUTION). • **WASHINGTON** Gov. Christine Gregoire (D) signs HB 2661, which adds sexual orientation to state laws banning discrimination based on race, sex, religion, marital status or disability. Opponents vow to place a referendum on the November ballot to overturn the law (SEATTLE TIMES). • The **SOUTH DAKOTA** Senate rejects SB 175, a measure that would have required medical facilities to provide information about emergency contraception to rape victims. Opponents said the bill was an attempt to politicize the abortion debate (RAPID CITY JOURNAL). • A **MARYLAND** House committee rejects a measure that would have placed a proposal to constitutionally ban gay marriage on the November ballot. A court ruled two weeks ago that the Old Line State law banning same-sex marriage is unconstitutional (WASHINGTON POST).

**POTPOURRI:** The **GEORGIA** House approves HB 950, a measure that bans any “unlawful” restriction on speech by public employees and schoolchildren. Supporters say the bill is designed to protect the right of those parties to say

# Quoteable

“Are you telling me, if I was in school someone could call me (several repetitions of a racial slur)? Will the author of the bill clarify that, because I don’t want to vote against Christmas.”

— **GEORGIA Rep. Randal Mangham (D)**  
*questioning the vagaries of a bill designed to allow school children to say “Merry Christmas.”*  
**(MACON TELEGRAPH)**

“Merry Christmas,” but opponents claim the bill will also unintentionally allow Holocaust denial or racial slurs in the classroom. The measure moves to the Senate (MACON TELEGRAPH). • **OHIO** Gov. Bob Taft (R) signs legislation that bars local governments from requiring their employees to live within their boundaries (AKRON BEACON JOURNAL). • The **WISCONSIN** Assembly narrowly upholds a veto from Gov. Jim Doyle (D) of legislation that would have allowed people to carry a concealed weapon. The Badger state remains one of four in the nation to not have a concealed carry law (WISCONSIN STATE JOURNAL [MADISON]).

### In case you missed it: Gov. Christine Gregoire

On Jan 9, State Net Capitol Journal editor Rich Ehsen sat down with WASHINGTON Gov. Christine Gregoire (D) to get her views on, among other things, taxes, disaster preparedness and her role as the face of her state in the international marketplace.

In case you missed it, this interview can be found in the archives section of our Web site at [www.statenet.com/resources/](http://www.statenet.com/resources/)

— Compiled by RICH EHISEN

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# Once around the statehouse lightly

**DUMB JOCK RIGHTS:** Perhaps it was the way the story was reported, but it appeared last week as though an OHIO lawmaker had complained that higher academic standards made sports teams fielded by the state’s public colleges and universities unable to compete. According to the *Cleveland Plain Dealer*, State Rep. Tom Brinkman argued that the University of Cincinnati and Ohio State University might have to disband their sports teams if tighter admissions policies put too much emphasis on scholastic ability. The remarks were made at a college forum on Gov. Bob Taft’s higher-education policies. A University of Cincinnati spokesman dismissed Brinkman’s comments as “off base.”

**VLAD MARCHES OFF:** Thus far, *Capitol Journal* has refrained from reporting on the Vlad the Impaler look-alike who currently is a candidate for governor of MINNESOTA. But Jonathon Sharkey got himself arrested last week, reports the Associated Press, perhaps drawing to a close his Quixotic attempt to become the latest oddball to win public office. Sharkey, who professes admiration for the aforementioned Vlad and who promised if elected to impale wrongdoers on the Capitol lawn, is — or was — the standard-bearer of the Vampyres, Witches

and Pagans Party. (Look, we're not making this up, okay?) But the long arm of INDIANA law caught up with Sharkey last week on a pair of felony counts stemming from his days as — what else? — a professional wrestler. Seems he'd been nailed for stalking and for escape.

#### **WE'RE HERE TO HELP**

**DEPARTMENT:** In WASHINGTON state, the Health Care Authority recently gave generous support to the state's identity theft industry by mailing more than 6,000 postcards to state employees — with their Social Security numbers printed on the cards. According to the *Olympian*, the numbers were included in a file sent to the state's Dept. of Printing but never intended as part of the label. A state spokesman expressed concern, but also said identity thieves likely would overlook the long number, printed without the usual dashes. Until, of course, he and the media pointed out how to recognize them.

**SNIFFING OUT A CHALLENGE:** Lawmakers and other officials in IOWA took turns stepping on to a scale in the state Capitol last week in the opening round of a program designed to encourage better eating habits. They were participating in a weigh-in for the annual "Lighten Up Iowa," a contest in which teams of legislators and staff compete to see who loses the most weight over the next few months. But as the *Quad City Times* points out, the ceremony itself highlighted challenges facing each participant. The weigh-in took place in the rotunda where everyone could inhale the aroma of that day's lunch being prepared in the cafeteria — chicken-fried steak.

**OH, THAT LITTLE THING:** Never let it be said that NEVADA state Controller Kathy Augustine is willing to let a little blemish derail her political career. Augustine, a Republican who is termed out this year, last week announced plans to run for state treasurer. She did admit to the Associated Press, however, that she has

## *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 profiles last week: 710

Number of 2006 Intros last week: 5,376

Number of bills enacted/adopted last week: 491

Number of 2006 profiles to date: 11,275

Number of 2006 Intros to date: 38,716

Number of enacted/adopted overall in 2006: 2,387

— Compiled By JAMES ROSS  
(Measures current as of 02/02/06  
Source: State Net)



a few “unfavorables” to overcome. That was an understated reference to the fact that Augustine is the only constitutional officer in Silver State history to be impeached and convicted — a resume killer that stemmed from shenanigans during her 2002 re-election campaign. She was impeached by the Assembly and censured by the Senate, a resolution that allowed her to remain in office.

**BEAR FACTS:** Every now and then, a legislature passes a bill so overwhelming in its significance, and so intrinsic to the well being of the state and its citizens that all one can do is admire the handiwork. And so kudos are sent to ILLINOIS lawmakers who last week had the courage and the determination to declare the 1985 Chicago Bears “the greatest football team ever.” Illini lawmakers were undaunted, reports the *Daily Herald*, when someone from FLORIDA pointed out that the ’85 Monsters of the Midway suffered one defeat — a 38-24 pounding at the hands of the Miami Dolphins, whose undefeated 1972 team might also lay claim to the exalted title.

— *By A.G. BLOCK*



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