

May 9, 2005

Mixed reviews



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Top Story

*Just a few months ago many people thought WASHINGTON Gov. Christine Gregoire (D) was in a no-win situation. Many more thought CALIFORNIA Gov. Arnold Schwarzenegger (R) might never lose again. A lot has changed since then.*

**SNCJ Spotlight**

*Gregoire, Schwarzenegger living reversal of fortune*

**M**idwesterners are fond of saying that if you don't like the weather, just wait a few hours and it will change. That same concept can often be applied to politics, where today's steamroller momentum is often tomorrow's impenetrable brick wall...and vice versa. Doubts? Just ask WASHINGTON Gov. Christine Gregoire (D) and CALIFORNIA Gov. Arnold Schwarzenegger (R), two chiefs of state whose fortunes have turned in decidedly opposite directions in recent months.

Gregoire entered office in January with a black cloud of doubt swirling around the legitimacy of her razor thin 129-vote win over Republican Dino Rossi the previous November, the closest gubernatorial race in U.S. history. Legislative Republicans immediately tried to stop state recognition of the outcome, a move the Democrat-controlled legislature rejected out of hand. The state GOP then filed a lawsuit challenging the results and asking for another vote, an effort bolstered by a series of vote-counting errors that seemed to give credence to their claim that the election was, at best, too much in question to accept as valid.

The controversy left Gregoire with anything but a mandate as she tried to get a handle on a job that many voters felt she had “stolen” from Rossi, who had won the first two counts before a hand recount gave the win to Gregoire. One poll taken during inauguration week showed that 56 percent of voters did not consider her to be the legitimate winner. It was a revolting development for Gregoire, who prior to the election was seen by many as a shoo-in to replace outgoing Gov. Gary Locke (D). Many of those same people now voiced doubts that, given the situation, Gregoire would be able to ever effectively lead the state.

Meanwhile, in California Schwarzenegger was riding high, the holder of a solid 60 percent approval rating and fresh off a huge win for two signature ballot measures that authorized the state to borrow a record \$15 billion to help balance the budget. That campaign had drawn wide bipartisan support, including that of Democratic State Controller Steve Westly, who stood on the podium with Schwarzenegger on election night, joyously waving clenched hands together in victory.

The governor had also brought Golden State Democrats and Republicans together to enact major workers compensation reform, a long-time political bugaboo viewed by many observers as an issue bigger than the state’s perpetual budget crisis. That string of successes even inspired a movement aimed at amending the U.S. Constitution to allow foreign-born citizens to run for president.

## *The Week in Session*

### States in Regular Session:

AK, AL, CA, CO, CT, DC, DE, IL, LA, MA, MI, MN, MO, NC, NE, NH, NJ, NV, NY, OH, OK, OR, PA, RI, SC, TN, TX, US, VT, WI

### States in Special Session:

CA "a", ME "a"

### States in Recess: KS

### States Projected to Adjourn:

AK, AZ, CO, FL, IA

### States Adjourned in 2005:

AR, GA, HI, ID, IN, KY, MD, ME, MS, MT, ND, NM, SD, UT, VA, WA, WV, WY

### States in Special Session

#### Adjourned in 2005:

MS "a", UT "a", WI "a", WV "a", WV "b"

Letters indicate special/extraordinary sessions

Source: State Net, 5/6/05



suddenly have momentum of their own in resisting what has previously been a Schwarzenegger juggernaut. So fierce is the pummeling that Schwarzenegger recently unveiled his own ads to try to bolster his position.

The resulting loss of popular support — Schwarzenegger’s approval rating has also taken a Terminator-sized hit, dropping to below 50 percent for the first time since he entered office in October 2003 — has apparently made the governor blink first. He has already scuttled his plans to cut the 88 state boards and commissions as well as calling off the effort to revamp public pensions and redistricting. His remaining agenda items are also teetering, and most observers highly doubt any will end up being decided by voters this year. There is even question now as to whether he will run for reelection in 2006. That possibility has his critics practically foaming at the mouth in glee.

“He picked too many fights,” says Darry Sragow, a Democratic consultant who has previously worked on ballot issues with Schwarzenegger. “He picked them over the wrong issues and he’s got too many adversaries.”

Schwarzenegger’s supporters, of course, don’t buy any of it, saying the fierce opposition is a prime example of how the governor is taking on the status quo.

“If special interests weren’t upset, then it wouldn’t be reform worth doing,” says Schwarzenegger spokesperson Rob Stutzman.

While Schwarzenegger struggles in California, back in Washington Gregoire quietly racked up a host of major accomplishments during the recently-concluded 105-day legislative session, not the least of which was earning a degree of respect from both Republican lawmakers and those within her own party who saw her as being too conservative in comparison to the departed Locke.

Bolstered by Democratic majorities in both chambers, Gregoire pushed hard for a host of issues long dear to the Party’s liberal stronghold, including smaller class sizes, increased health care for low-income children and raises for teachers and state workers, swaying most of her internal Party critics. Both parties ultimately sang her praises for cajoling through an \$8.6 billion transportation package, especially her efforts in getting additional votes for the bill after the House rejected the 9.5-cent gas tax that will fund the measure. Republican Rep. Mike Armstrong credited Gregoire’s hands-on approach with getting it done.

“I appreciate that she had the backbone to come to us,” he said. “She proved herself to be a leader on this, and I don’t give that lightly by any means. I have a good friend who I’d very much like to see as governor.”

He might still get his chance. The trial over the vote begins May 23. The GOP took a small victory last week, convincing the trial judge to reject the Democrats’ claim that the statistical strategy that makes up the core of the Republican argument is illegal under state law. Republicans want the judge to subtract illegal and



improper votes from Gregoire and Rossi in proportion to the overall percentage of votes each received in the affected precincts, a procedure they say will give Rossi a 100-vote win. Democrats counter with their own list of wrong-voters, most of whom they contend voted in counties that favored Rossi and thus would guarantee Gregoire stays in office. Regardless of this court's decision, most observers feel the case will eventually end up in the state Supreme Court.

It is clear that Gregoire and Schwarzenegger are experiencing a trip to the opposite end of the spectrum from where they started the year. Whether this reversal of fortune is permanent or, like the weather, due to change again soon is yet to be determined. (STATELINE.ORG, SEATTLE POST-INTELLIGENCER, LOS ANGELES TIMES, USA TODAY, SAN DIEGO UNION TRIBUNE)

— *Compiled by RICH EHISEN*

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# Across state lines

## *State tax ratings in*

**F**or the second year in a row, TEXAS is the most tax-friendly state in the nation — and HAWAII the least, according to the U.S. Census Bureau's annual tax report for 2004. The Aloha State's tax burden last year, which the Census Bureau calculated by dividing tax revenues by population, was \$3,048 per person, more than double that of the Lone Star State, at \$1,367. While the states at the top and bottom of the list didn't change from 2003, there were some shifts in the rankings. For instance, an increase in WYOMING's tax burden moved it from 7th position to 2nd, while an opposing trend in MINNESOTA dropped it from No. 2 to No. 4. The Census Bureau's rankings don't take into account local taxes, which largely explains Hawaii's No. 1 ranking; public school education, which is funded locally in most states, is strictly a state operation in the Aloha State. But, unlike some other rankings that include both state and local taxes, the Census Bureau's are based on actual tax collections rather than estimates, which some experts say makes them more reliable. The rankings may also be fairly influential. A study last year by the nonprofit Goldwater Institute in ARIZONA, found that tax burden played a major role in state-to-state migration in the 1990s. According to that study, the ten states with the lowest tax burdens -- ALABAMA, Alaska, COLORADO, DELAWARE, FLORIDA, NEVADA, NEW HAMPSHIRE, SOUTH DAKOTA, TENNESSEE, and TEXAS -- saw a net increase of 1.3 million residents due to migration from out-of-state. The accompanying map shows where each state ranks both in total and per capita taxation. For more information, please visit the U.S. Census Bureau Web site at <http://www.census.gov/>.

**State rankings total and per capita taxes: 2004**

| State          | Total taxes | rank | tax per capita | rank |
|----------------|-------------|------|----------------|------|
| ALASKA         | 1,288,164   | 48   | 1,966.66       | 25   |
| ALABAMA        | 7,018,242   | 26   | 1,549.28       | 46   |
| ARKANSAS       | 5,580,678   | 30   | 2,027.13       | 23   |
| ARIZONA        | 9,606,318   | 20   | 1,672.41       | 41   |
| CALIFORNIA     | 85,721,483  | 1    | 2,388.18       | 9    |
| COLORADO       | 7,051,457   | 25   | 1,532.59       | 48   |
| DELAWARE       | 2,375,482   | 43   | 2,862.03       | 5    |
| FLORIDA        | 30,767,561  | 3    | 1,768.56       | 35   |
| GEORGIA        | 14,570,573  | 13   | 1,650.31       | 42   |
| HAWAII         | 3,849,135   | 37   | 3,047.61       | 1    |
| IOWA           | 5,133,126   | 32   | 1,737.69       | 39   |
| IDAHO          | 2,647,790   | 41   | 1,900.78       | 32   |
| ILLINOIS       | 25,490,593  | 5    | 2,004.92       | 24   |
| INDIANA        | 11,957,470  | 18   | 1,916.88       | 30   |
| KANSAS         | 5,283,676   | 31   | 1,931.17       | 29   |
| KENTUCKY       | 8,463,400   | 23   | 2,041.34       | 21   |
| LOUISIANA      | 8,025,507   | 24   | 1,777.13       | 34   |
| MASSACHUSETTS  | 16,698,723  | 10   | 2,602.26       | 7    |
| MARYLAND       | 12,314,799  | 17   | 2,215.69       | 15   |
| MAINE          | 2,896,759   | 40   | 2,199.51       | 16   |
| MICHIGAN       | 24,061,065  | 7    | 2,379.22       | 11   |
| MINNESOTA      | 14,734,921  | 12   | 2,888.63       | 4    |
| MISSOURI       | 9,119,664   | 22   | 1,584.65       | 45   |
| MISSISSIPPI    | 5,124,730   | 33   | 1,765.32       | 36   |
| MONTANA        | 1,625,692   | 46   | 1,753.71       | 37   |
| NORTH CAROLINA | 16,576,316  | 11   | 1,940.79       | 27   |
| NORTH DAKOTA   | 1,228,890   | 49   | 1,938.31       | 28   |
| NEBRASKA       | 3,639,811   | 39   | 2,083.46       | 18   |
| NEW HAMPSHIRE  | 2,005,389   | 44   | 1,542.61       | 47   |
| NEW JERSEY     | 20,981,428  | 9    | 2,411.94       | 8    |
| NEW MEXICO     | 4,001,780   | 36   | 2,102.88       | 17   |
| NEVADA         | 4,738,877   | 34   | 2,029.50       | 22   |
| NEW YORK       | 45,833,652  | 2    | 2,383.82       | 10   |
| OHIO           | 22,475,528  | 8    | 1,961.39       | 26   |
| OKLAHOMA       | 6,426,713   | 28   | 1,823.70       | 33   |
| OREGON         | 6,103,071   | 29   | 1,697.66       | 40   |
| PENNSYLVANIA   | 25,346,869  | 6    | 2,043.11       | 20   |
| RHODE ISLAND   | 2,408,861   | 42   | 2,228.36       | 14   |
| SOUTH CAROLINA | 6,803,568   | 27   | 1,620.67       | 43   |
| SOUTH DAKOTA   | 1,062,722   | 50   | 1,378.37       | 49   |
| TENNESSEE      | 9,536,031   | 21   | 1,616.00       | 44   |
| TEXAS          | 30,751,860  | 4    | 1,367.36       | 50   |
| UTAH           | 4,189,172   | 35   | 1,753.53       | 38   |
| VIRGINIA       | 14,233,065  | 14   | 1,907.92       | 31   |
| VERMONT        | 1,766,719   | 45   | 2,844.96       | 6    |
| WASHINGTON     | 13,895,346  | 15   | 2,239.74       | 13   |
| WISCONSIN      | 12,531,098  | 16   | 2,274.66       | 12   |
| WEST VIRGINIA  | 3,749,013   | 38   | 2,065.57       | 19   |
| WYOMING        | 1,504,777   | 47   | 2,968.00       | 2    |

Source: U.S. Census Bureau

# Budget & taxes

**B**UDGET BUSINESS IN NY: Last week was an eventful one on the budget front for NEW YORK Gov. George E. Pataki (R). On Tuesday, the state Appellate Division upheld the stay of a court ruling last November requiring the state to provide billions more in education funding while the governor appeals that decision. The same day, the state Supreme Court upheld the Pataki administration's expansion of casino and lottery gambling in 2001, shortly after the 9/11 terrorist attacks sent the state's economy into free-fall. The decisions will keep those two colossal issues from tearing apart the 2005-06 budget deal that was reached by the state's constitutional deadline for the first time in 20 years. However, another development, Pataki's veto of a bill to overhaul the budget process — which, incidentally, also happened on Tuesday — poses some less favorable implications. The bill, which would shift the start of the fiscal year from April 1 to May 1 and provide for a Legislature-controlled backup budget for use in the event that the new deadline was missed. In his veto message, Pataki wrote that “instead of encouraging on-time budgets, the proposal would provide the Legislature with a powerful — indeed irresistible — incentive for late budgets.” The veto is part of an ongoing struggle between the governor and lawmakers for control over the budget process, a battle that may ultimately be decided by the state's voters. The day after Pataki issued his veto of the budget overhaul bill, the Senate gave final approval to a referendum on the issue that will go before the electorate in November. “Let the people decide if they want this form of budget reform put in place,” said a defiant Joseph Bruno (R), Senate majority leader. (TIMES UNION [ALBANY], NEW YORK TIMES)

**BUDGETS IN BRIEF:** KANSAS lawmakers passed an \$11.4 billion state budget and adjourned their 2005 session in the wee hours of the morning last Sunday. The budget includes a two-step pay raise for public employees, with a 1.25 increase in July and another 1.25 increase in January, which had been a major point of debate delaying final action on the plan (WICHITA EAGLE). • The TEXAS Senate unveiled a tax-swap proposal last Monday that would raise taxes on businesses, consumers, smokers and drinkers in exchange for a \$4.5 billion cut in school property taxes. Senate leaders are hoping they can pass the plan and strike a deal with the House before the Legislature's scheduled adjournment on May 30 (DALLAS MORNING NEWS). • The latest proposal to allow state-



sponsored gambling in **MINNESOTA** includes a \$500 cap on gamblers' daily losses, a provision intended to curb compulsive gambling. But prospective casino owners say the limit would make the state a far less attractive market, pointing out that **IOWA** repealed its \$200-a-day loss limit for riverboat casinos in 1994 after two of the boats weighed anchor and floated on down the Mississippi River (MINNEAPOLIS STAR TRIBUNE).

— *Compiled by KOREY CLARK*

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# Politics & leadership

**L T GOV SEIZES OK SENATE:** Like a skipping record — only worse — the chime used to beckon OKLAHOMA's Democratic senators for a quorum call sounded every four seconds for 7 1/2 hours — or 6,750 times — before Lt. Gov. Mary Fallin (R) gave up her controversial effort two weeks ago to get the Democrats to vote on a workers' compensation bill favored by the Republican minority. Democrats had withdrawn from the chamber after Fallin took over the seat of presiding officer Senate President Pro Tempore Mike Morgan (D). By the time the lieutenant governor finally gave up the fight around midnight, there still wasn't a single Democrat present, and the Republican ranks had actually shrunk by three. Democrats called Fallin's action a "political stunt" designed to bolster her run for the governor's office next year and accused her of overstepping her authority as presiding officer of the Senate during ceremonial legislative sessions. But Fallin claimed that if her action was politically motivated, she would have done it closer to the election. And the Republicans say they're now planning to bring the issue of Senate control before the Supreme Court, arguing that while the state Constitution grants the president pro tem authority over the day-to-day business of the Senate, it also designates the lieutenant governor president of the chamber. Senate Republican leader Glenn Coffe said a lawsuit would be filed "as soon as is practicable." (OKLAHOMAN [OKLAHOMA CITY], DAILY ARDMORITE [ARDMORE])

**SINE DIE:** Spurred by a chaotic 2004 gubernatorial race that featured multiple recounts, lost ballots, votes cast by convicted felons and the deceased — as well as an ongoing legal challenge, election reform was high on the list of priorities for WASHINGTON lawmakers this session. And the Democrat-controlled Legislature passed a slew of bills relating to the issue, most notably measures

requiring voters to show proof of residency at the polls and mandating a paper trail for electronic voting machines. But many criticized the reforms for failing to move the primary from September to August to give election officials more time to get absentee ballots to residents serving in the military overseas, and for doing too little to prevent a repeat of the gubernatorial election spectacle. No one, however, called one of the Democrats' final acts of the session insignificant: an \$8.5 billion transportation package that includes a 9.5-cent-per-gallon hike in the gas tax over the next four years — the largest increase in state history. The tax will be used to fund a number of major construction projects, including a \$2-billion repair of the earthquake-damaged Alaskan Way Viaduct in Seattle. Passage of the tax hike was facilitated by an alteration of Initiative 601 allowing the Legislature to approve a tax increase with only a simple majority instead of the two-thirds supermajority that had previously been required. Beyond election reform and transportation, the Dems, who hold their strongest majorities in the House and Senate in a decade, and — at least for the time being — the governor's office, focused on catering to their political allies. They restored benefits labor unions lost in a major unemployment insurance overhaul pushed through the Legislature by the business lobby two years ago and passed the state's first collective bargaining agreement with public employees. They granted teachers hundreds of millions of dollars for pay raises and funded the 2000 voter-approved Initiative 728, directed at cutting school class sizes. And they gave environmentalists one of the toughest car-emissions laws in the nation, modeled after California's standards. But Dems also didn't get absolutely everything they wanted. A bill prohibiting discrimination against gays, for example, was narrowly defeated in the Senate, while a measure granting workers up to five weeks of paid family leave died in the House. Still, some Republicans were predicting that next year's legislative elections would be a repeat of 1993, when the Democrats' passage of a major health-insurance overhaul strongly opposed by business interests and the biggest tax hike in state history led to a Republican takeover of the Legislature. (SEATTLE TIMES).

**POLITICS IN BRIEF: WISCONSIN** Gov. Jim Doyle (D) vetoed a bill last week requiring residents to show a photo ID before being allowed to vote, saying the requirement would disenfranchise poor and elderly voters who lack IDs and

## *Upcoming Elections*

*(05/05/2005 - 05/26/2005)*

05/10/2005  
Tennessee Special Election  
Senate 033

05/17/2005  
Pennsylvania Special Election  
Senate 004, 042

05/21/2005  
Louisiana Special Election  
Senate 003

do nothing to correct the “management and process problems that have been identified in our elections.” After failing to muster the votes to override the veto, Republicans immediately pressed for a constitutional amendment on the issue, which would need to be passed by two successive legislatures and then ratified by the state’s voters (ASSOCIATED PRESS, WISCONSIN STATE JOURNAL [MADISON]). • The Republican-controlled **TEXAS** House passed legislation last week largely along party lines that would require prospective voters to present a driver’s license or state-issued photo ID, or alternatively, two forms of non-photo ID. The measure now moves to the Senate, where Republicans also hold a majority (DALLAS MORNING NEWS). • Voter identification was also in the news in **INDIANA**, where Democrats filed a lawsuit in U.S. District court seeking to overturn their state’s new voter ID law (INDIANAPOLIS STAR). • County commissioners in **WYOMING** named businessman Jeff Essmann (R) to fill the vacancy in Senate District 28 created by Sen. John Bohlinger’s (R) election as lieutenant governor last November (BILLINGS GAZETTE). • Four judges and two attorneys in private practice applied by last week’s deadline to fill the seat on **ARIZONA**’s Supreme Court being vacated by Justice Charles Jones, who will reach mandatory retirement age this summer. The opening will give Democratic Gov. Janet Napolitano the opportunity to shift the partisan composition of the court, which now stands at three Republicans — including Jones — and two Democrats (CAPITOL MEDIA SERVICES, ARIZONA DAILY STAR [TUCSON]). • **KANSAS** Gov. Kathleen Sebelius (D) said last week that she may call a special session later this year to address rulings by the state Supreme Court on education funding and the state’s death penalty law. Special sessions are a fairly rare occurrence in the Sunflower State, having been called only 19 times since statehood in 1861 and only five times in the last 50 years (LAWRENCE JOURNAL-WORLD). • Legislation was introduced last week in Congress to grant the District of Columbia a seat in the U.S. House of Representatives. Although some experts consider the bill sponsored by Rep. Thomas M. Davis III (R-VIRGINIA) the best chance for Washington residents to gain representation in Congress in years, they say it still faces obstacles from both sides of the aisle (NEW YORK TIMES).

## *Upcoming Stories*

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

The spread of CALIFORNIA’s strict new emissions laws

Opting out - the battle over No Child Left Behind

How states are dealing with right-to-die laws after Terry Schiavo

State efforts to stop credit card solicitation on college campuses

And many more...

— *Compiled by KOREY CLARK*





nationals currently serving time in Arizona prisons (ARIZONA DAILY STAR [TUCSON]). • **NEVADA** Gov. Kenny Guinn (R) signs AB6, which prohibits the death penalty for offenders who committed capital crimes as minors. The measure brings the Silver State in line with a March U.S. Supreme Court ruling that called such executions cruel and unusual (NEVADA APPEAL [CARSON CITY]).

**EDUCATION:** The U.S. Supreme Court tosses a lower court’s ruling that found **MICHIGAN**’s high school girls’ sports schedules to be unconstitutional because they did not coincide with boys’ schedules. The original court did not indicate if it would take up the case again (DETROIT FREE PRESS). • The **TEXAS** House approves “the Booty Shaking Bill,” legislation that would allow education officials to set standards for sexually suggestive cheerleading routines in Lone Star State high schools. It struts off to the Senate (DALLAS MORNING NEWS). • Still in **TEXAS**, the Senate gives a passing grade to legislation that would allow universities to charge out-of-state tuition rates to in-state students who accumulate 30 hours of coursework above and beyond their degree requirements. It heads to the House (SAN ANTONIO EXPRESS-NEWS). • The U.S. Supreme Court agrees to consider whether the government can withhold federal funds from colleges that bar military recruiters. At issue is the validity of a 1994 law that requires universities which receive federal funds to give the military the same access as other recruiters. Deliberations are expected to begin in October (ASSOCIATED PRESS).

**ENVIRONMENT:** Federal officials reject a plea from **COLORADO, UTAH, WYOMING** and **NEW MEXICO** to cut releases of Colorado River water from drought-depleted Lake Powell, which provides them with drinking water and hydroelectric power. The quartet argued that heavy rains have raised the water level of Lake Mead, located downstream on the **ARIZONA-NEVADA** border, enough to justify the unprecedented reduction of water released from Lake Powell. But lower Colorado-basin states Arizona, Nevada and **CALIFORNIA** said that doing so would subsequently lower Lake Meade enough to stop them from using it for their own water and power. Federal Interior Sect. Gale Norton agreed, but also said she will review the situation again next April. She also ordered states to begin working on a long-range plan to share Colorado River water during drought conditions (DESERET MORNING NEWS [SALT LAKE CITY]).

**HEALTH & SCIENCE:** A federal court unanimously upholds a lower court ruling that says **TEXAS** cannot legally deny Medicaid benefits to working welfare mothers whose children skip school or miss doctors’ appointments. Texas officials



are considering an appeal (HOUSTON CHRONICLE). • **IOWA** Gov. Tom Vilsack (D) signs legislation that requires health insurers to provide coverage for mental illness that is comparable to coverage for physical ailments (DES MOINES REGISTER). • **NEW JERSEY** Gov. Richard Codey (D) signs legislation that requires health-care personnel to undergo a background check when they renew a professional license. The bill also allows medical facilities to report to other facilities the disciplinary actions taken against employees for professional misconduct or improper patient care (TIMES [TRENTON]).

**SOCIAL POLICY:** The **COLORADO** House rejects an attempt to override Gov. Bill Owens (R) veto of a bill that would have required health care providers to inform rape victims about “morning-after” contraceptives. Supporters say they will reintroduce the bill next session (DENVER POST). • The **OREGON** House endorses legislation that would require health care providers to notify parents before a minor receives an abortion. It now heads to the Senate (STATESMAN JOURNAL [SALEM]). • The **FLORIDA** House approves SB 152, a bill that would allow judges to reduce or entirely cut off alimony when the recipient moves in with a significant other. Judges already have the power to cut off alimony if the party receiving it remarries. It now leaves the House for the Senate (ST. PETERSBURG TIMES).

**POTPOURRI:** **NEW YORK** Gov. George E. Pataki (R) signs a measure that requires Empire State governments to respond to public information queries within 20 days of receiving the request. Under current regulations, state and local governments could take months or even years to release documents to the public (TIMES UNION [ALBANY]). • A **CALIFORNIA** Assembly committee rejects AB 1428, a measure that would have barred the sale of cloned or genetically modified pets. The bill was a direct response to a Bay Area company that has begun cloning pet cats. The company, Genetic Savings and Clone, charges customers around \$30,000 to recreate their pet. It expects to begin reproducing dogs later this year (LOS ANGELES TIMES). • A **CALIFORNIA** Assembly committee also snuffs out AB 450, a bill that would have barred the sale of ultra-violent video games to kids under the age of 17 (SAN FRANCISCO CHRONICLE).

— *Compiled by RICH EHISEN*

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# Once around the statehouse lightly

**D**ON'T FENCE IT IN. The burning question out MONTANA way these days: When is a ditch not a ditch? The controversy, reports the *Billings Gazette*, involves a body of water called “Mitchell Slough,” which meanders through the picturesque Bitterroot Valley. Seems that some area homeowners have fenced off access to parts of the slough, claiming that it is a ditch and therefore not subject to state law governing who may fish and cavort on or near “public waters.” Back in 2003, the local Bitterroot Conservation District ruled the slough a ditch, a notion state officials dispute. The fight currently is in court. Meanwhile, the fence remains — much to the angst of local cavorters. Now, Gov. Brian Schweitzer has become embroiled and plans to visit the area next week to see matters for himself. Why all the fuss and feathers over what appears to be a minor dustup between local gentry and the rest of the world? Could be because one of the fence-building homeowners is rocker Huey Lewis. Translation: photo op.

**SHOPPING FOR A BILL.** If at first you don't succeed, keep looking. That is a motto for every successful lobbyist trying to stuff a suspect notion through a legislature. In the case of those fronting for the FLORIDA fireworks industry, however, the effort failed. According to the *St. Petersburg Times*, firework lobbyists sought to pre-empt local fireworks ordinances with a friendlier version crafted by the Legislature. So, they went to work on the Monday before session ended, looking for a vehicle to carry their little virus. Their first attempt: amend a bill dealing with the state building code. No dice. Second try: a consumer-protection bill. No dice. Asked if they would give up, the chief lobbyist acknowledged that he and his cohorts would keep searching for a bill. “It's Monday,” he said. “Don't we quit on Friday?”

**TOO MUCH MONEY SYNDROME.** How much would you pay to keep Fido or Puss alive forever? If not alive, how about “replicated.” If you live in CALIFORNIA, it will cost you \$32,000 — the price charged by a Marin County company to clone your cockatoo, or whatever. A bargain, notes the *Los Angeles Times*. Last year, the price was \$50,000. And last week, the Legislature decided not to interfere with your right to flush money down the toilet; an Assembly committee killed a bill that would have banned pet cloning. So, instead of spending



\$30 to rescue a doomed kitten from your local shelter, you can fork over the equivalent of a teacher's annual salary to replicate your pet.

**ABE IS NOT AMUSED.** Think of favorite sons from ILLINOIS, and the name "Lincoln" immediately leaps to mind. Never mind that the 16th president was born in KENTUCKY or raised mostly in INDIANA. The Prairie State has claimed Lincoln since he rode forth to the White House in 1860. Now, reports *The Southern Illinoisan*, the state Chamber of Commerce and Illinois Civil Justice League have evoked Lincoln's image in an effort to reform the state's medical malpractice system, which exacts high premiums from doctors and hospitals. Their slogan: "Honest Abe would be ashamed — The Land of Lincoln has become the Land of Lawsuits," a reference to the endless string of litigation involving the medical industry and the huge awards given out by juries.

**HANG 'EM HIGH.** If state Sen. Deb Fischer has her way, the varmints who stole her George O'Keefe bull will be tracked down and hanged. Not only that, they'll be publicly humiliated before the trapdoor is dropped. The bull in question was not made of fur and hide but of fiberglass, and students in Fischer's NEBRASKA district painted it. It was "rustled" from a display next to her Capitol office, reports the *Lincoln Journal Star*, and replaced with ransom notes that referred to it as a "steer." "They cannot tell a sire from a steak," sniffed Fischer, who has vowed revenge. The price for its return: a "yes" vote on a bill that allows counties to control prairie dogs. Or, a box of juju fruit candy. Fischer's reply, taped to the wall outside her office: "Cattle rustling is a felony..." She also refused to negotiate with "COWards."

— 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 2005 prefiles last week: 218

Number of 2005 Intros last week: 2,480

Number of bills enacted/adopted last week: 1,743

Number of 2005 prefiles to date: 31,922

Number of 2005 Intros to date: 139,187

Number of enacted/adopted overall in 2005: 20,489

— Compiled By JAMES ROSS  
(Measures current as of 5/5/05)  
Source: State Net



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