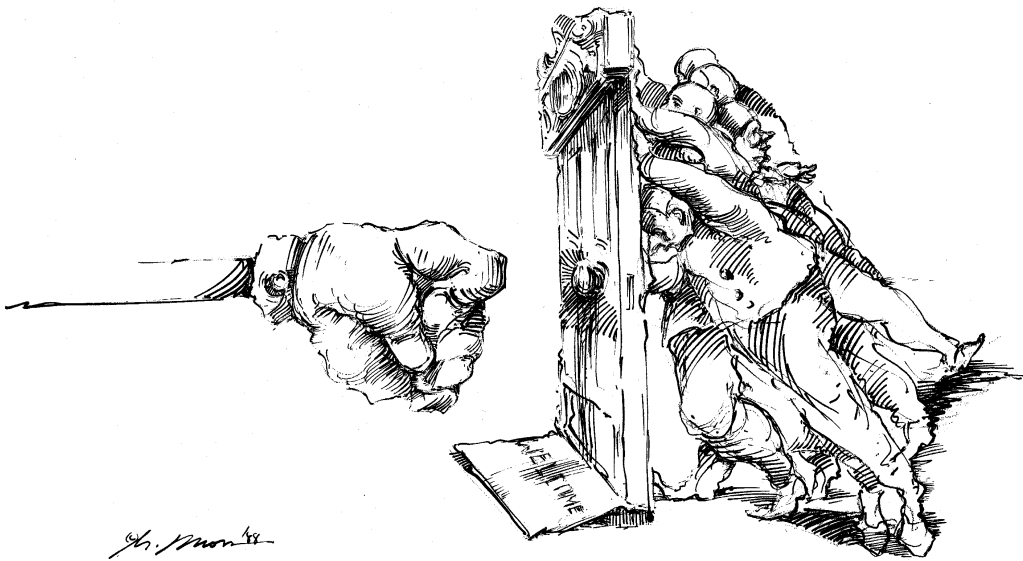


July 17, 2006

Unwelcome mat



Budget & taxes	
NJ budget epilogue	4
Politics & leadership	
Redistricting reform on shaky ground in CA	5
Governors	
Vilsack offers eminent domain alternative	8
Bird's eye view	3
Hot issues	11
Once around the statehouse lightly	14

Top Story

COLORADO lawmakers met last week in an historic special session to tackle illegal immigration. What happened there illustrates how testy the Centennial State — and the nation — has become over this controversial issue.

SNCJ Spotlight

Line hardens on illegal immigration in COLORADO and across the nation

Not long ago, COLORADO's political landscape seemed fairly hospitable for undocumented immigrants. The state's Democrat-controlled Legislature had killed several anti-illegal immigrant bills that party leaders described as extremist. In the spring, tens of thousands of immigrants and their supporters had taken part in the largest political rallies the state had ever seen. And last month, the state Supreme Court had struck down an anti-illegal immigrant measure bound for the

November ballot. But last week, Centennial State lawmakers, assembled in a special session called by Gov. Bill Owens (R) specifically to reverse that high court ruling, passed a package of bills denying state services to illegal immigrants and sanctioning businesses that hire them. While that action marked a fairly significant change of course for the state, it mirrors a national trend.

The key measure approved during the special session (HB 1023) will require people 18 and older to prove legal residency in order to receive state benefits, including Medicaid, Medicare, unemployment insurance and energy assistance. Though modeled after a law adopted by GEORGIA in April, COLORADO legislators — including Democratic leaders — touted it as one of the toughest in the nation. “This is tough, effective, enforceable and practical,” said Assembly Speaker Andrew Romanoff (D), while Senate President Joan Fitz-Gerald (D) declared, “At the end of the day, everybody who serves in this building as senators or representatives knows we’re making COLORADO history.”

Immigrant-rights activists were dejected over the Democratic turnabout. “It’s a sad day for COLORADO when our Democratic majority Legislature brags about new laws that would lead to people being cut off from aid,” said Bill Vandenberg of the COLORADO Progressive Coalition.

Vandenberg and his fellow activists won’t find much to be encouraged about in other states either. According to a recent tally by the National Conference of State Legislatures, over 60 bills targeting illegal immigration have been passed by 27 states this year. Along with COLORADO and GEORGIA’s benefit-cutting measures, they include a bill in LOUISIANA toughening the penalties for businesses that hire undocumented workers, a measure in WYOMING denying some scholarships to students in the U.S. illegally and a MISSOURI law terminating unemployment benefits for non-citizen workers.

States have been taking action because of Congressional gridlock on illegal immigration, with the House advocating a border enforcement-only bill and the Senate favoring a measure that includes not only enforcement provisions, but a

The Week in Session

States in Regular Session: DC, MA, MI, NC, NJ, US

States in Skeleton Session: OH

States in Special Session: AK "c"

States in Recess: CA, NY, PA

Special Sessions in Recess: CA "a", CA "b", PA "a", VA "a"

States in Special Session Projected to Adjourn: IA "a"

States Adjourned in 2006: AK, AL, AZ, CT, CO, DE, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MN, MO, MS, NE, NH, NM, OK, RI, SC, SD, TN, UT, VA, VT, WA, WI, WV, WY

States in Special Session Adjourned in 2006: AK "b", AR "a", AZ "a", CO "a", KY "a", LA "a", MD "a", OK "a", OK "b", OR "a", OK "b", TN "a", TX "c", UT "a", WV "a", WI "b", WI "c"

Letters indicate special/extraordinary sessions

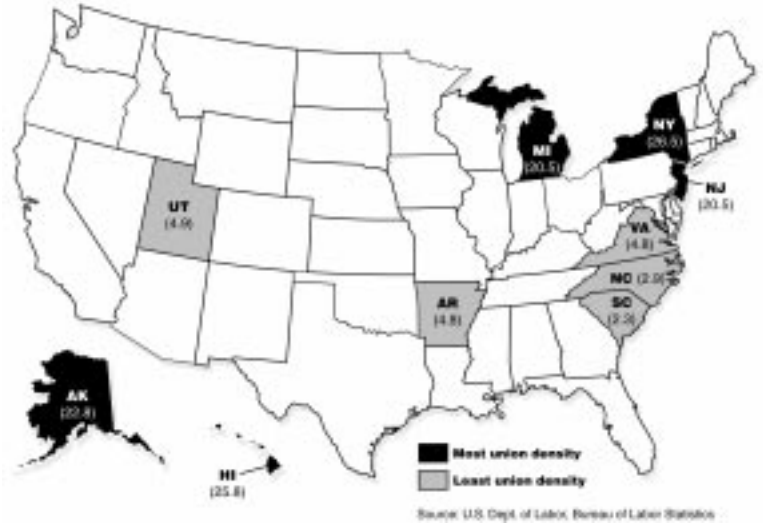
Source: State Net, 07/14/06

guest-worker program providing a path to citizenship for illegal immigrants as well. Polls show that U.S. voters are similarly divided over the issue, but the hard-liners appear to have gained the upper hand.

That certainly seems to be the case in COLORADO, where Democrats have been hammered by Republicans for allegedly being soft on illegal immigration, attacks which had some political analysts warning that the issue could cost the Dems their legislative majority in the fall. (Republican lawmakers had actually hoped to get the benefit cut measure on the November ballot, believing it would bring out voters who were more sympathetic to the GOP.)

Tanya Broder, a CALIFORNIA-based attorney for the National Immigration Law Center, however, points out that the legislative actions in COLORADO and other states are largely symbolic because federal law already restricts public aid to illegal immigrants. The measures allow state lawmakers to send “a message to constituents that they’re doing something about illegal immigration,” Broder said. Vandenburg, the COLORADO immigrant-rights activist, put it a little more cynically. “Every election year needs a scapegoat, and this year...it’s beating up on illegal immigrants,” he said. (LOS ANGELES TIMES, WASHINGTON POST, ROCKY MOUNTAIN NEWS [DENVER], USA TODAY)

Bird’s eye view



Tough times for unions

Organized labor has been in steep decline for years. According to the Bureau of Labor Statistics, union membership in this country has fallen from a high of over 30 percent of the overall workforce in the 1950s to just 12.5 percent in 2005. This drop has been particularly steep in private-sector unions, where membership has nosedived to just 7.9 percent. Several factors have contributed to the situation, from globalization and improved conditions for non-union workers to growing employer and political resistance to unionization. The tumble has also been marked by the loss of millions of U.S.-based manufacturing jobs. Some states, however, have resisted this trend, most notably NEW YORK and HAWAII, which have the highest union densities (percentage of workforce that is unionized) in the nation. The accompanying map shows the states with the highest (above 20 percent) and lowest (below 5 percent) union densities.



— Compiled by KOREY CLARK

Budget & taxes

NEW JERSEY BUDGET EPILOGUE: Last Saturday, NEW JERSEY's Legislature passed, and Gov. Jon Corzine (D) then signed, the state budget agreed upon days earlier, officially ending the impasse that had shut down the government for a week (see BUDGET DEAL ENDS 6-DAY SHUTDOWN in July 10 issue of *SNCJ*). Garden State casinos resumed operation hours later, parks and beaches reopened the following day, and government employees returned to work on Monday.

A couple of days after ending their budget standoff, Corzine and legislative leaders wisely agreed to put off a special session on property tax reform until the end of the month, the 28th or later. "This has been grueling for all participants," said Assembly Speaker Joseph Roberts (D). "It will be good to recharge everyone's energy."

Delaying the session will also allow lawmakers to officially pass the constitutional amendment that was part of the budget deal, which, if approved by the state's voters, would dedicate half of the proceeds from the new budget's 1 percent increase in the sales tax towards property tax relief. (Rules bar the full Legislature from taking up a constitutional amendment less than 20 days after it receives committee approval.) "Although it wasn't intended this way, the timing fits very nicely," said Roberts.

In related fiscal news, officials at Princeton University were stunned to discover that the new state budget denies aid to all colleges in the state "with endowments in excess of \$1 billion," a category that currently includes only the Ivy League school, which has an endowment of \$11 billion. Princeton officials had been expecting to receive about \$538,000 in state funding (ASSOCIATED PRESS, STAR-LEDGER).

BUDGETS IN BRIEF: NORTH CAROLINA Gov. Mike Easley (D) signed an \$18.9 billion budget for his state, and as in **NEW JERSEY**, the action came more than a week after the start of the new fiscal year (July 1). But since the spending plan merely adjusted the second year of a two-year budget passed last summer, the Tar Heel State was spared the drama of a government shutdown (ASSOCIATED PRESS, WINSTON-SALEM JOURNAL). • The U.S. Department of Housing and Urban Development (HUD) announced last week that it has released \$4.2 billion to **LOUISIANA** and \$3 billion to **MISSISSIPPI** to help residents of those states recover from Hurricanes Katrina and Rita (USA TODAY, CLARION-LEDGER). • **RHODE ISLAND**'s Supreme Court will return from its summer recess to consider

Gov. Arnold Schwarzenegger (R), however, has offered lawmakers a tasty incentive to get behind redistricting reform: “The Govenator” said he will support the easing of term limits if they’ll agree to change the way CALIFORNIA draws voting districts. Schwarzenegger said last week that he does not believe term limits have improved the state’s political culture. He also reasons that lawmakers may not want to change voting districts, most of which favor incumbents, but they dislike term limits even more.

His proposal met with support from at least one significant Democrat, Assembly Speaker Fabian Nuñez, who said, “I’m open to anything voters will support that will allow legislators a little more time to focus on policy and less on politics.” (SACRAMENTO BEE, LOS ANGELES TIMES)

RANK AND FILE REVOLT IN PA: Legislative leaders in PENNSYLVANIA have had a rough year, losing two of their highest-ranking members — Senate Majority Leader David J. “Chip” Brightbill (R) and Senate President Pro Tem Robert Jubelirer (R) — this past May as a result of voter outrage over last summer’s pay raise scandal. Now they’re facing another challenge — from within the statehouse. Rank and file members, emboldened by the public’s continuing calls for change in Harrisburg, are trying to institute reforms that would reduce the leaders’ power and make the legislative process more open. A bipartisan group in the House that includes at least 59 of the chamber’s 203 members has suggested mandating that all bills be in final form at least three days before any vote is taken, to give members time to find out what they’re actually voting on, and banning votes between midnight and 8 a.m., the non-prime-time period during which the pay raise was passed. Another group, calling itself the Jefferson Reform Initiative, wants to impose term limits on committee chairmen and shrink the size of the Legislature. Although this isn’t the first time such reforms have been sought in the Keystone State, their chances may be better this time around. As one of the reformers put it, “We have good strength in numbers and we have the public to move this forward.” (PITTSBURGH POST-GAZETTE)

VOTER ID LAW DRAWS COURT CHALLENGES: Last Friday, with less than two weeks to go before GEORGIA’s July 18 primary election, a Superior Court judge issued a restraining order blocking implementation of the state’s new voter ID law.

In his strongly-worded ruling, Fulton County Superior Court Judge Melvin Westmoreland stated that the law initially passed last year by the state’s Republican-controlled Legislature requiring voters to present a valid, government-issued photo

•
•

Governors

VILSACK OFFERS EMINENT DOMAIN ALTERNATIVE: In June, IOWA Gov. Tom Vilsack (D) became one of three governors this year to veto bills that would have made it tougher for state and local governments to use eminent domain power to acquire blighted property. Last week, as Hawkeye State lawmakers were preparing to begin a special session in which they will consider an override of that veto, Vilsack offered his own vision of how eminent domain should work.

Vilsack's plan would allow local governments to seize property for economic development in neighborhoods where at least 50 percent of the area meets standards for "slum and blight," significantly less than the 75 percent threshold lawmakers wanted. He would also allow the seizure of property to make way for

"Our citizens are worried about their rights as property owners, yet do not want to see IOWA at a disadvantage in attracting businesses that will provide new jobs and opportunities."

manmade lakes and airports. The original bill would have required a local county board to approve an airport plan, and manmade lakes were acceptable only if they provided drinking water. The governor said he would also create an ombudsman's office to help citizens who feel their property rights are being violated.

Vilsack also defended his veto, saying that "our citizens are worried about their rights as property owners, yet do not want to see IOWA at a disadvantage in attracting businesses that will provide new jobs and opportunities."

He cited an Iowa Department of Economic Development study he says shows the bill he vetoed would have cost the state at least 1,000 jobs per year. He did not explain how or why that would have occurred. Republican House Speaker Christopher Rants was clearly not impressed with Vilsack's proposal, calling the governor's plan "nothing more than a bait and switch." (QUAD CITY TIMES [DAVENPORT])

ROMNEY GETS LAST WORD ON BIG DIG PROBE: MASSACHUSETTS Gov. Mitt Romney (R) asked for and received control over inspections and any decisions on reopening the troubled \$14.6 billion Big Dig highway



guarantee the Bush administration will approve the state's plan or any other state's plan." To date, NORTH CAROLINA, SOUTH CAROLINA and VIRGINIA have had similar petitions approved by the federal government without major changes. (LOS ANGELES TIMES)

GOVERNORS IN BRIEF: With the threat of a federal takeover of the state's child welfare system hanging overhead, **NEW JERSEY** Gov. Jon Corzine (D) signed legislation that removes child welfare oversight from the Department of Human Services and places it with a newly-created cabinet-level Department of Child and Family Services. Corzine said making the new department a cabinet-level agency was necessary because "aggressive reform of this system requires a degree of focus that simply is not possible under the current structure" (NEW YORK TIMES). • **OHIO** Gov. Bob Taft (R) has agreed to receive a public reprimand for his conviction last year on misdemeanor ethics violations. The deal was reached between the governor's private attorney and the **OHIO** Supreme Court's disciplinary counsel. The agreement must still be approved by the 28-member state Court's Board of Commissioners on Grievances and Discipline as well as the Buckeye State Supreme Court itself (TOLEDO BLADE). • **ILLINOIS** Gov. Rod Blagojevich (D) issued an executive order that, among other things, will require all Prairie State health care providers to use paperless prescriptions by 2011. The measure is designed to combat drug errors caused by doctors' illegible handwriting on prescription forms (CHICAGO SUN-TIMES). • **MISSOURI** Gov. Matt Blunt (R) said last week that if House and Senate leaders reach agreement on toughening laws against fraud by health care providers, he would call them back into session to pass that legislation and to restore government health care for some disabled workers. Blunt said previously he would not call a special session for any reason, but offered to reconsider provided lawmakers would address the two issues (KANSAS CITY STAR). • **NEW HAMPSHIRE** Gov. John Lynch (D) said **MASSACHUSETTS** Gov. Mitt Romney (R) has agreed to appoint an arbiter to help negotiate and resolve differences with **NEW HAMPSHIRE** over flood-control dams (see "LYNCH TO MASS — SHOW ME THE MONEY" in Governors section of July 10 *SNCJ*). Lynch said the Bay State owes his state \$3.2 million in back payments from the Merrimack River Valley Flood Control Compact of 1957 (FOSTER'S DAILY DEMOCRAT [DOVER]).

— *Compiled by RICH EHISEN*

EDUCATION: Federal education officials rule that **NEW YORK's** method of testing the annual progress of disabled students and students with limited English proficiency does not comply with the No Child Left Behind law. The Empire State was given a year to change the system or risk losing federal education funding (**NEW YORK TIMES**). • The **NORTH CAROLINA** House and Senate approve a measure that requires Tar Heel State school districts to set aside time every day for students to recite the Pledge of Allegiance. It now moves to Gov. Mike Easley (D) (**CHARLOTTE OBSERVER**).

ENVIRONMENT: A NORTH CAROLINA Senate committee unanimously endorses an 18-month moratorium on new landfills in the Tar Heel State. Lawmakers want to study the effect that a proposed quartet of large new landfills will have on the state's environment before allowing construction to begin (**WINSTON-SALEM JOURNAL**).

HEALTH & SCIENCE: MISSOURI Gov. Matt Blunt (R) signs legislation that requires insurance companies to base their medical malpractice rates on their loss-experience within the state, not losses in other states. Insurers must also give a 180-day notice if they plan to stop doing business in the Show Me State (**NEWS TRIBUNE [JEFFERSON CITY]**). • **NEW JERSEY** officials announce the Garden State will resume Medicaid coverage for prescription impotence drugs like Viagra. The state stopped coverage for the medications last year in an effort to cut rising Medicaid costs, a decision that was reinforced when it learned that dozens of convicted sex offenders were legally obtaining the drugs through the taxpayer-funded program (**STAR-LEDGER [NEWARK]**).

HOMELAND SECURITY: The **COLORADO** House and Senate endorse HB 1023, which would require applicants for taxpayer-funded benefits to show they are U.S. citizens or legal permanent residents before receiving those services. The measure moves to Gov. Bill Owens (R), who says he will sign it into

Upcoming Elections (07/13/06 - 08/03/06)

07/18/2006

Georgia Primary Election#

House (All)

Senate (All)

Constitutional Officers:

Governor, Lieutenant Governor, Secretary of State, Attorney General, State School Superintendent, Insurance Commissioner, Agriculture Commissioner, Labor Commissioner

US House (All)

07/25/2006

Oklahoma Primary Election

House (All)

Senate (All)

Constitutional Officers:

Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Superintendent of Public Instruction; Commissioner of Labor; Commissioner of Insurance

US House (All)

08/03/2006

Tennessee Primary Election

House (All)

Senate (Odd)

Constitutional Officers:

Governor

US House (All)

US Senate ()

law (DENVER POST). • **COLORADO** lawmakers also approve HB 1017, which requires Centennial State business owners to verify that new hires are legal U.S. residents and to keep copies of every employee's documentation. A business found violating the law could be fined \$5,000 for the first offense and \$25,000 for each additional offense. The bill migrates to Gov. Bill Owens (R), who says he will sign it (ROCKY MOUNTAIN NEWS [DENVER]). • The **COLORADO** House and Senate also endorse a measure that would place a proposal on the November ballot to allow the state attorney general to sue the federal government for not enforcing current immigration laws (NEW YORK TIMES). • Meanwhile, a **COLORADO** Senate committee kills HB 1018, which would have forced employers to ask prospective employees for specific **COLORADO** identification. Ski and agricultural businesses opposed the bill because they depend on out-of-state labor to fill seasonal jobs (DENVER POST).

SOCIAL POLICY: The **MASSACHUSETTS** Legislature postpones a vote on a proposed constitutional amendment banning gay marriage in the Bay State. Lawmakers moved the vote to Nov. 9, two days after many lawmakers face re-election. The decision to put off the vote came days after the state Supreme Judicial Court validated the proposed constitutional amendment. Lawmakers must approve the proposal this year and next in order for it to go before voters as a 2008 ballot measure (BOSTON GLOBE, NEW YORK TIMES). • The **TENNESSEE** Supreme Court rules that parents of children being raised by someone besides the other parent still have an obligation to pay child support. The ruling stemmed from the case of a Volunteer State man who claimed he should not have to pay child support after the death of his ex-wife because their kids were being raised by her parents, who had no specific court order compelling him to pay the support to them (TENNESSEAN [NASHVILLE]).

POTPOURRI: **HAWAII** Gov. Linda Lingle (R) signs legislation that requires the state and county governments to develop plans to provide interpretative services and translated documents for people with limited English skills. More than 26 percent of Aloha State residents speak a language other than English in the home (HONOLULU ADVERTISER). • **LOUISIANA** Gov. Kath-

In case you missed it:

Immigration has become a flashpoint issue for the entire nation. States that border Mexico — TEXAS, CALIFORNIA, ARIZONA, and NEW MEXICO — have taken sometime vastly different approaches to dealing with this situation. One of the more controversial has been TEXAS Gov. Rick Perry's decision to spend \$5 million to place cameras along his state's border, with video images they capture being streamed in real time onto a Web site that is open to the public. On June 19, the State Net Capitol Journal examined the ongoing debate over Perry's plan.

In case you missed it, the article can be found on our Web site at http://statenet.com/capitol_journal/06-12-2006.

leen Blanco (D) vetoes HB 1380, which would have guaranteed a child the right to see the body of a deceased parent before it is sent to burial or cremation (ADVOCATE [BATON ROUGE]). • The **NORTH CAROLINA** House approves legislation that would bar drivers under the age of 18 from talking on a cell phone while driving. The measure would exempt conversations with parents, law enforcement and spouses. It roars off to Gov. Mike Easley (D) for review (WINSTON-SALEM JOURNAL). • The **CALIFORNIA** Supreme Court rules that out-of-state parties cannot surreptitiously record telephone conversations with a person in the Golden State, even if doing so is legal in the state they are calling from (LOS ANGELES TIMES).

— Compiled by RICH EHISEN

Once around the statehouse lightly

S CREWBALL TAX OF THE YEAR is applied to drug dealers in TENNESSEE. No, not Eli Lilly & Company or the local pharmacist. The dealers in question peddle cocaine, marijuana and other illegal drugs. According to the *Nashville Tennessean*, dealers are required to buy tax stamps, much like those for tobacco and alcohol. If this sounds like the dumbest tax assessment in human history, don't be so quick to judge. As expected, the state actually sells very few of these tax stamps to dealers. The money rolls in when one of the dealers is nabbed by police or the feds and the state then sues the nabbee for back taxes. That is precisely what happened to Jeremy Robbins not long ago. Arrested on federal charges, Robbins was ordered to pay back taxes on marijuana he wasn't supposed to have. Last week, a TENNESSEE judge tossed the tax law as unconstitutional because the very act of buying the tax stamp was tantamount to a person incriminating himself. Could cost the state as much as \$3 million.

IVY LEAGUE INSULT: When the NEW JERSEY Legislature finally passed a budget last weekend, it delivered a poke-in-the-eye to one of the state's most prestigious institutions. As the *Star-Ledger* reports, the budget contained a one-sentence footnote that denied state aid to any college or university with an endowment over \$1 billion. How many such institutions lie within the NEW JERSEY borders, you ask? One. Princeton. A private independent university, Princeton sports an endowment in excess of \$11 billion and was scheduled to receive only

\$538,000 from the state — a mere pittance. Still, it was difficult to hold that Tiger, or at least keep its mouth shut. “We always thought of ourselves as a good investment,” sniffed a Princeton official. No other university comes close to the legislative threshold. Drew University’s endowment ranks second, and it is less than one-quarter of Princeton’s.

JUSTICE AT LAST: It’s been quite some time since Grace Sherwood was convicted of being a witch, but justice delayed is justice nonetheless. So, last week, VIRGINIA Gov. Timothy Kaine issued a pardon, restoring her good name. The event took place, reports the Associated Press, at a ceremony re-enacting the 300th anniversary of Sherwood’s “ducking” — a trial of sorts designed to determine whether a person was or was not a witch. An accused was guilty if he or she floated in the river. Sherwood floated.

WHAT’S IN A NAME? Plenty, in TEXAS. Gubernatorial candidate Richard Friedman, it has been decreed, shall be known on the ballot this November as “Richard Kinky Friedman,” reports the *Houston Chronicle*. Friedman had asked Secy. of State Roger Williams for the official designation because, as an entertainer, he is known the world over as “Kinky Friedman.” Unfortunately, the same status was not granted to Friedman’s fellow independent candidate — state Comptroller Carole Keeton Strayhorn. She had wanted her ballot designation to read “Grandma Strayhorn.” The secretary deemed Strayhorn’s moniker a “political slogan” rather than a recognized nickname.

ANNIVERSARY SPECIAL: They’ve been married for 25 years, so something must be going right in the Ippel household. But politics does not seem to be one of those things. According to KCCI.com and the Associated Press, husband Jeff and wife Pam could oppose each other for a seat in the KANSAS Legislature

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: 306

Number of 2006 Intros last week: 240

Number of bills enacted/adopted last week: 745

Number of 2006 prefiles to date: 21,013

Number of 2006 Intros to date: 96,293

Number of enacted/adopted overall in 2006: 28,389

— Compiled By JAMES ROSS
(Measures current as of 07/13/06
Source: State Net)

in this November's election. Pam is on the ballot, having run unopposed for the Democratic nomination in next month's primary. Jeff is in a three-way Republican tussle, and his GOP opponents are crying "sham," accusing the couple of trying to confuse voters. The Ippel's deny it. Republican voters get to decide.

— By A.G. BLOCK

Editor: Rich Ehsen — capj@statenet.com

Associate Editor: Korey Clark — capj@statenet.com

Contributing Editor: A.G. Block — capj@statenet.com

Editorial Advisor: Lou Cannon

Correspondents: Jeff Kinnison (CA), Steve Karas (CA),
Bruce McKeeman (CA), Linda Mendenhall (IL),
Lauren King (MA) and Ben Livingood (PA)

Graphic Design: Richard Hansen

©2006 State Net ISSN: 1521-8449



You've just read State Net Capitol Journal, the insider's source for political and legislative news in the 50 states.

State Net Capitol Journal is published 40 times annually and delivered over the Web or e-mail.

For a FREE subscription, visit our Website at www.statenet.com and click on the "Register Now" icon. Or, call us at 916.444.0840.

A publication of State Net—*the leader in legislative and regulatory intelligence.*

Who relies on State Net?

- Five of the nation's ten largest companies
- Major information services including Lexis-Nexis and WestLaw
- Companies representing every major industry in the U.S.

State Net: the service you can trust when you need to be right.
Learn more about our issue-based reporting solutions today:
info@statenet.com ■ www.statenet.com ■ (800) 726-4566