

September 12, 2005

States face Katrina aftermath



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Top Story

The cleanup and restoration from Hurricane Katrina will likely take years to complete. But there's no telling how long it will take to heal the bitter feelings left over from the lackluster federal response to this epic disaster.

SNCJ Spotlight

States struggle with second flood — evacuees

Although Hurricane Katrina itself is now only a very bad memory for residents of LOUISIANA, MISSISSIPPI and ALABAMA, its effects continue to be felt across the country. Barely two weeks after the nation's most devastating storm in over a century, more than a dozen states have declared disaster emergencies as they work to accommodate an anticipated influx of evacuees from the devastated Gulf Coast Region.

PENNSYLVANIA last week became the 16th state to declare an emergency, which makes states eligible to receive federal funds to help pay for the enormous cost of providing food, shelter, education and medical care for the thousands of people displaced by the epic storm. More states may also declare emergency status, pending the actual number of evacuees each receives. For example, in his emergency request, Pennsylvania Gov. Ed Rendell (D) asked for \$50 million to cover Pennsylvania's immediate fiscal output in hurricane relief efforts, including deployment of the Keystone State National Guard, but added he would ask for another \$25 million if the state takes in a significant number of displaced evacuees.

That may not happen anytime soon. Federal Emergency Management Agency (FEMA) officials told governors across the country late last week that most of Katrina's victims prefer to stay in or near shelters in Louisiana and neighboring states "to resolve issues concerning the status of property, employment and the safety of loved ones." So while many evacuees have already spread out across the country — primarily to ARKANSAS, GEORGIA, TEXAS, MISSOURI, SOUTH CAROLINA, KANSAS, FLORIDA and TENNESSEE — further evacuations to CALIFORNIA, COLORADO, IOWA, RHODE ISLAND, OREGON, MAINE, DELAWARE, MASSACHUSETTS, VERMONT, NORTH DAKOTA, WYOMING, MONTANA, WASHINGTON, UTAH and Pennsylvania have been put on hold for now. Rendell called the situation "frustrating," but said he also understands why evacuees would feel that way.

"If for them, their comfort level and their safety zone means staying close to home, we should understand and respect that," he said.

Much of the state response came after Texas Gov. Rick Perry (R) personally called several other governors to say his state was overloaded and could not take in any more storm victims. Perry cited his concern that the ongoing flood of people coming into Texas shelters — the vast majority of whom had absolutely nothing but the clothes on their back — was placing a significant strain on his state's social services programs. The first day that evacuees could

The Week in Session

States in Regular Session: MI, US

States in Informal Session: MA

States in Skeleton Session: OH

States in Special Session:
MO "a", WV "d"

States in Recess:
CA, DC, IL, MI, NH, NJ, NY, PA, WI

Special Sessions in Recess:
CA "a", DE "a", OK "a"

States Adjourned in 2005: AK, AL, AR, AZ, CO, CT, DE, FL, GA, HI, IA, ID, IN, KS, KY, LA, MD, ME, MN, MO, MS, MT, NC, ND, NE, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WA, WV, WY

States in Special Session
Adjourned in 2005: AK "a", AL "a", CT "a", KS "a", ME "a", ME "b", MN "a", MS "a", MS "b", MS "c", MS "d", NV "a", TX "a", TX "b", UT "a", VT "a", WI "a", WV "a", WV "b", WV "c"

Letters indicate special/extraordinary sessions

Source: State Net, 9/9/05

was federal red tape and indecision.

“We wanted soldiers, helicopters, food and water. They wanted to negotiate an organizational chart,” said Denise Bottcher, Blanco’s press secretary.

The situation has been vastly different in Mississippi, where Gov. Haley Barbour (R), a former chairman of the National Republican Committee, made several national television appearances throughout the week in which he persistently praised the federal response and the role of the president, saying at one point on NBC’s *Face the Nation* that “the federal government has been fabulous in our state.”

That apparently came as news to local officials like Hattiesburg Mayor Johnny DuPree (D), who complained that it took him six days to get any federal help.

Some officials hypothesize that while they have taken vastly different courses of action, both Blanco and Barbour’s efforts ultimately could each pay off. Mississippi Sen. Gloria Chisholm Williamson (D), for one, thinks that Blanco’s protestations were instrumental in getting more federal help for her state.

“When they (the federal government) started getting criticized, all of a sudden we got the troops coming in, which is what we needed to begin with,” Chisholm said. “I’m sorry that Governor Barbour is such a loyalist to his Republican president that he appeared to be putting that before the concerns of the people.”

But others have proposed that Barbour is working to keep a positive relationship with the president in hopes that it will eventually lead to more federal aid for his stricken state. Barbour denied such a motive, saying he had not given that any thought.

“You’ve just got to manage this deal and keep trying to wrestle this bear to the ground, and that’s what we’re doing,” he said. (PITTSBURGH POST-GAZETTE, STATELINE.ORG, ASSOCIATED PRESS, MACON TELEGRAPH, NEW YORK TIMES, PATRIOT-NEWS [HARRISBURG], WASHINGTON POST, ADVOCATE [BATON ROUGE], NEW ORLEANS TIMES-PICAYUNE)

Quote of the week:

“If one more person criticizes them (state and local government) or says one more thing — including the president of the United States — he will hear from me. One more word about it after this show airs and I might likely have to punch him. Literally.”

— **LOUISIANA Sen. Mary Landrieu (D) expressing frustration with criticism directed at Pelican State officials from the Bush administration in the aftermath of Hurricane Katrina. (ASSOCIATED PRESS)**

— *By RICH EHISEN*

Budget & taxes

RISING GAS PRICES SPUR TAX CUTS: When Hurricane Katrina slammed into the Gulf Coast two weeks ago, gasoline prices, already soaring across the nation, surged even higher. In some locations, that swell was nearly 100 percent, sending state lawmakers scrambling to ease consumers' pain at the pump. One method they're turning to is suspension of state gas taxes. GEORGIA has already halted both its 7.5 cents-per-gallon gas tax and 4 percent sales tax on gasoline until Oct. 1. OKLAHOMA, CONNECTICUT and MASSACHUSETTS are considering similar actions that could reduce costs at the pump by about 10 to 20 cents per gallon. "I think it is important because we need to recognize that gas has gone up 70 cents to a dollar in just a matter of days," said Massachusetts Rep. Brad Jones (R). The gas-tax holidays won't come without substantial costs to states, however. Georgia, for example, is expected to take a \$75 million hit for its one-month gas-tax moratorium, while the measure pending in Massachusetts would likely cost the Bay State \$175 million. But analysts also say a reduction in gas-tax revenues probably won't hurt states too badly in the long run because their economies are generally doing very well. And, paradoxically, the rise in gas prices could also help states cover their costs by providing more overall gasoline sales tax revenue. Georgia took in enough extra money during the first eight months of the year, for example, to completely offset the cost of its gas tax suspension. Those considerations, however, didn't stop at least one state lawmaker — NEW MEXICO Rep. Steve Pearce (R) — from proposing another way to deal with the crisis: suspending the 18.4 cents-per-gallon federal gas tax. (WALL STREET JOURNAL)

BUDGETS IN BRIEF: Medicare officials in TEXAS have initiated a three-year pilot study to determine whether in-home calls to program recipients will save the state money by reducing the number of hospital visits (SAN ANTONIO EXPRESS-NEWS). • For the second year in a row lottery ticket sales increased in MASSACHUSETTS, reaching a record-breaking \$935 million this year. That achievement bucks the national trend in lottery ticket sales, downward by 20 percent (BOSTON HERALD).

— *Compiled by KOREY CLARK*



Politics & Leadership

IMMIGRATION POLICY LEFT TO STATES: State officials have spent a good deal of time over the last few years criticizing the federal government for butting into issues that have traditionally been handled by the states, particularly education. But lately, they have been chastising the feds for saddling the states with a job that has traditionally been a federal matter: managing illegal immigration. The issue reached a crisis point late last month when the governors of ARIZONA and NEW MEXICO declared states of emergency to deal with problems stemming from the flood of illegal immigrants across their borders from Mexico. But the rise in state-federal tension over the issue actually began last November, when Arizona voters adopted a ballot measure — Proposition 200 — denying some government services to illegal immigrants. In the absence of federal action since then, many other states have taken up the issue. In March, for instance, VIRGINIA Gov. Mark Warner (D) signed legislation barring illegal immigrants from accessing social services and requiring government workers to verify the residency status of applicants for state jobs. This year, ARKANSAS became the third state — after ALABAMA and FLORIDA — to initiate a program to train state troopers to serve as immigration officials. And next year, initiatives similar to Arizona’s Prop. 200 will appear on election ballots in as many as 11 states. Not all of the state activity is directed at clamping down on illegal immigration, however. Several states have actually sought to promote the integration of illegal immigrants into society by, among other things, allowing them to attend public colleges at in-state tuition rates. Somewhat surprisingly, the approach individual states take on the issue is not determined by whether they are red or blue in political bent, or even by how many illegal immigrants reside within their borders; some of the states with the largest illegal immigrant populations, including CALIFORNIA, TEXAS and NEW YORK, have among the most liberal immigration policies. What appears to be driving the current illegal immigration movement in state legislatures is the recent wave of immigration into states that have previously had few legal or illegal foreign-born residents. “Clearly the folks with less experience are trying to grapple with this new influx without the weapons,” said Ann Morse, an immigration policy analyst at the National Conference of State Legislatures. (STATELINE.ORG)



CA KICKS OFF FALL CAMPAIGN SEA-

SON: The end of the Labor Day holiday last week marked the unofficial start of the campaign season for CALIFORNIA’s November special election. And, based on recent poll results, no one has more work to do than the architect of the fall contest, Gov. Arnold Schwarzenegger (R). According to a new Field Poll, voters favor only one of the governor’s reform agenda ballot measures: Proposition 74, which would lengthen the amount of time required for public school teachers to earn tenure. Voters currently support the measure 46 percent to 37 percent, with 17 percent undecided. Only 19 percent of likely voters favor another Schwarzenegger-backed initiative, Proposition 76, which would tighten controls on state spending. Approximately 65 percent oppose that measure. Similarly, only 32 percent of likely voters are behind the governor’s plan to strip Democratic lawmakers of their power to draw the state’s legislative and Congressional districts, while 46 percent oppose that idea. On top of that, Schwarzenegger’s job approval rating is currently the lowest it’s ever been. Mark DiCamillo, director of the Field Poll, said if the governor serves as the chief spokesman for the measures in the TV advertising blitz that is expected in the coming weeks, it could actually hurt his initiatives’ chances. “With his diminished stature, it could turn voters off,” DiCamillo said. Todd Harris, a spokesman for the Schwarzenegger administration, however, dismissed the poll results, stating, “Anyone who’s putting a lot of stock into these polls is going to be in for a rude awakening on election day.” While the governor’s agenda struggled in the polls, a couple of other significant ballot measures he has not endorsed are faring better. Prop. 75, for instance, a measure backed by business interests that would require unions to obtain permission from their members before using dues for political purposes, was favored by respondents, 55 percent to 32 percent. And Prop. 78, a prescription drug discount measure that pharmaceutical companies have raised \$78 million to support, was favored 49 percent to 31 percent, edging out a competing measure sponsored by consumer advocacy groups — Prop. 79 — which was supported by 42 percent of respondents, with 34 percent opposed. (ASSOCIATED PRESS, SAN DIEGO UNION-TRIBUNE, SACRAMENTO BEE)

**In case you missed it:
REAL ID**

The September 5 issue of the State Net Capitol Journal took a close look at some of the significant problems states will face in meeting new federal driver’s license standards, also known as the REAL ID Act. The Bush administration has suggested implementing the Act will cost states \$100 million over five years; states say that not only will it rob them of the right to set their own standards, it will also cost closer to \$13 billion.

In case you missed it, the full story can be viewed on our Web site at www.statenet.com.
(See archives under the Resources tab)

IL ‘06 SENATE RACES DRAW EARLY INTEREST: The unofficial start of the 2006 political campaign season is still a year away. But next fall’s Senate

races in ILLINOIS are already drawing attention as a result of the recent announcements of 6 Republican incumbents that they will not to seek re-election. The GOP is already the minority party in the chamber; the Democrats took over after winning the authority to redraw the state's legislative districts in 2000, on a vote so close it had to be decided by drawing a name out of a hat. But the GOP departures — combined with the Democrat-friendly political boundaries — could allow the Dems to extend their 31-27 majority in the chamber to a minority-proof margin. The reasons given for the GOP exodus include plans to seek higher office, transition to the private sector, or simply retirement from public life. But a factor that may have contributed to the senator's decisions is the fact that the Prairie State has become a fairly challenging environment for the Republican Party. "It used to be you didn't have to work too hard and Republicans were going to win," said Rep. Paul Froehlich (R). "The only question was by how much." With the Dems now controlling not only the Senate, but the House, the governor's office and every state-wide office but one, and Democratic appointees dominating the state Supreme Court, things definitely appear to have changed. (DAILY HERALD [ARLINGTON], CHICAGO TRIBUNE)

POLITICS IN BRIEF: OHIO Secretary of State J. Kenneth Blackwell (R) announced last week that a series of Democrat-backed election reform measures — including one that would strip Blackwell of his authority to administer elections, and another that would take redistricting power away from the Republican-controlled Legislature — have qualified for the November ballot. However, the measures still face a Republican-led legal challenge in the state's 10th District Court of Appeals (DAYTON DAILY NEWS, NEW YORK TIMES). • Last Tuesday, MISSOURI convened a special session to pass abortion restrictions lawmakers failed to address during the regular session last spring. Republican legislative leaders vowed not to allow lawmakers to delve into the issue of stem

Upcoming Elections

(09/08/2005 - 09/29/2005)

09/13/2005

California Special Election
Assembly 053

09/13/2005

Mississippi runoff
House 028

09/13/2005

Oklahoma Special Election
Senate 048

09/13/2005

Oklahoma Special Primary
Senate 048

09/13/2005

Pennsylvania Special Election
House 200

09/15/2005

Tennessee Special General
House 087
Senate 029

09/20/2005

Georgia Special Election
House 106
Senate 022

09/27/2005

Massachusetts Special Election
Senate 2nd Middlesex

cell research during the special session, which derailed the anti-abortion effort last year (JEFFERSON CITY NEWS TRIBUNE, KANSAS CITY STAR). • **WEST VIRGINIA** lawmakers also met in special session last week to address an ambitious agenda set by Gov. Joe Manchin (D). The governor's 14-point to-do list includes pay raises for teachers and other state employees, a 1-cent cut in the state sales tax on food, and restrictions on political advertising by so-called 527 groups (CHARLESTON GAZETTE). • Opponents of Referendum C, the initiative set for **COLORADO's** Nov. 1 ballot that would suspend the state's Taxpayer's Bill of Rights (TABOR), have filed a lawsuit demanding a change in the measure's wording. The litigants object to the use of language claiming that the measure will not raise taxes, which they contend would mislead voters (ROCKY MOUNTAIN NEWS).

— *Compiled by KOREY CLARK*

Governors

DISMAYED GOVS REVIEW THEIR OWN DISASTER PLANS: Governors from both parties expressed extreme frustration last week over what many viewed as bureaucratic incompetence in handling relief efforts for Hurricane Katrina, pledging to review disaster planning in their own states in an effort to avoid another Katrina-like debacle. Most — but not all — governors avoided laying the blame on any single person or level of government. “Every one of those government levels could have done better,” said **COLORADO** Gov. Bill Owens (R). **WISCONSIN** Gov. Jim Doyle (D) shared Owens’ view, saying that, “This certainly gives me great pause. We have to look at emergency response in a new light with the response down there.” **NEW MEXICO** Gov. Bill Richardson (D) said it is “unfair” to place all of the blame for relief effort failings on President Bush, noting that the real culprit was “the bureaucratic red tape throughout the system that is out of control with little credibility and way too turf conscious.” **KANSAS** Gov. Kathleen Sebelius (D) decried that potential long-term fallout from the governmental lapse, saying, “What is potentially harmful about this situation is that people lose faith in the fact that the government can be a protector. I’m hopeful that we can use this as an opportunity to demand more from government.” Sebelius has also ordered Sunflower State emergency planners to identify within the state’s major cities which residents would be unable to evacuate in the case of a terrorist attack or natural disaster. **MISSOURI** Gov. Matt Blunt (R) added that the Katrina situation makes it imperative that state and federal leaders immediately review how they will coordinate emergency efforts should there be a major

Hot issues

B **USINESS:** The **CALIFORNIA** Senate endorses AB 48, which would raise the Golden State's minimum wage by \$1 an hour over the next two years. It is the second straight year that lawmakers have passed such a bill. Gov. Arnold Schwarzenegger (R) vetoed last year's measure and has said he will likely do the same this time (LOS ANGELES TIMES).

CRIME & PUNISHMENT: The **MICHIGAN** Legislature approves a bill that allows juries to consider a defendant's prior conduct — even if it did not lead to a conviction — in cases involving sexual crimes committed against a minor. Gov. Jennifer Granholm (D) says she will sign the measure into law (DETROIT NEWS).

• **CALIFORNIA** Gov. Arnold Schwarzenegger (R) signs AB 665, which requires cities and counties that license massage business owners or massage therapists to deny a license to any applicant who is required to register as a sex offender (STATENET DATABASE).

EDUCATION: The **CALIFORNIA** Senate endorses SB 12, which would require Golden State public schools to replace high-fat snacks in school vending machines with healthier food. The Senate also endorses SB 965, which would ban the sale of soft drinks at public schools. Both measures move to Gov. Arnold Schwarzenegger (R), who has said he will sign them into law (SACRAMENTO BEE).

ENVIRONMENT: Fifteen states — **NEW YORK, CALIFORNIA, CONNECTICUT, ILLINOIS, IOWA, MAINE, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW MEXICO, NORTH CAROLINA, PENNSYLVANIA, RHODE ISLAND, VERMONT** and **WISCONSIN** — band together to sue the U.S. Department of Energy for failing to comply with a federal law requiring tougher efficiency standards for 22 home appliances. The suit claims the DOE is six to 13 years behind the schedules outlined in the National Appliance Energy Conservation Act of 1987, which Congress passed in order to increase the efficiency of furnaces, dishwashers and other household products (NEW YORK TIMES).

HEALTH & SCIENCE: State officials in **CALIFORNIA** put off by one year moving 554,000 elderly, blind, and disabled Medi-Cal recipients into the state's managed care program. The delay will cost the state \$90 million in federal incen-

tives. Patient advocacy groups, however, said moving those people now would have led to significant financial losses for hospitals. Supporters counter that failing to make the move to managed care could make the state ineligible for any federal funding under new Bush administration mandates (LOS ANGELES TIMES).

HOMELAND SECURITY: A federal court rules that a Muslim woman in **FLORIDA** must obey a 2003 state law that requires drivers to have a picture of their entire face on their license. The court rejected the plaintiff's claim that the First Amendment gives her the right to be photographed with a veil over most of her face. The woman is considering an appeal (SOUTH FLORIDA SUN-SENTINEL). • The **CALIFORNIA** Assembly approves SB 60, which would allow illegal immigrants to obtain driver's licenses. It motors off to Gov. Arnold Schwarzenegger (R), who has said repeatedly that he will veto any license legislation that comes across his desk prior to the federal government releasing its standards for REAL ID (LOS ANGELES TIMES).

SOCIAL POLICY: MASSACHUSETTS Attorney General Thomas F. Reilly (D) approves a proposed 2008 ballot question on banning gay marriage. That clears the way for backers of an initiative to collect signatures in an effort to place the matter before the Bay State Legislature next year (BOSTON GLOBE). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) vetoes AB 849, which would have legalized same-sex marriage. The governor cited the public's previous support for Proposition 22, the 2000 ballot initiative banning gay marriage that passed with 61 percent of the vote. California is the only state to have a legislative body endorse a bill approving same-sex marriage (LOS ANGELES TIMES). • A **MISSOURI** Assembly committee approves special session legislation that would allow parents to sue anyone who helps their minor daughters to obtain an abortion without their consent. It moves to the full Assembly (JEFFERSON CITY NEWS TRIBUNE).

POTPOURRI: The **CALIFORNIA** Assembly endorses a measure that would establish a state fund to pay reparations to the survivors of the forced deportation of more than 2 million Hispanics during the 1930's. The bill moves back to the Senate for further debate (CONTRA COSTA TIMES).

Upcoming Stories

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

The evolution of Intelligent Design

Bear of a problem: de-listing the grizzly

TEXAS telcos get free pass into cable; will other states follow suit?

And many more...

Migden recently created a new standard when she “voted” for Guy Houston. The problem, notes *Capitol Weekly*, exists on several levels. First, the bill in question was Migden’s own. Second, Migden, a senator, doesn’t serve in the same house as Houston, a member of the Assembly. And finally, the two don’t dwell in the same political galaxy; Migden is an ardent liberal Democrat from San Francisco while Houston is a conservative Republican from nearby Livermore. Ethics committees are looking into the matter. Migden’s “vote” was subsequently erased after Republicans complained.

THAT STUFF CAN KILL: School authorities in Lansing, MICHIGAN, were hard pressed recently to explain to a parent why his son could not get bottled water when buying lunch at the school cafeteria. Apparently, reports the *Lansing State Journal*, the boy could get milk or juice but not water. He could, of course, go to the water fountain and fill an empty plastic bottle with water — but he could not buy it from the cafeteria. For that, school authorities insisted, he needed a note from his doctor.

OUT ON THEIR OWN: If you are poor in MINNESOTA, you no longer can count on state help for three treatments. According to the *Minneapolis Star Tribune*, the state no longer will pay for routine circumcisions, Viagra or sex-change procedures. (You can still get a circumcision if it’s a “religious practice,” however.) The cost-cutting decision affects some 670,000 low-income Minnesotans and is expected to save more than \$1 million a year.

— 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: 40

Number of 2005 Intros last week: 340

Number of bills enacted/adopted last week: 151

Number of 2005 prefiles to date: 34,021

Number of 2005 Intros to date: 157,160

Number of enacted/adopted overall in 2005: 37,640

— Compiled By JAMES ROSS
(Measures current as of 9/8/05)
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