

# Which Way to Go?



October 29, 2007

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The next issue of  
 Capitol Journal will be  
 available on November 5th.

## Top Story

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 can only mean it is  
 election season again.*

*Next week, voters in  
 seven states head to the  
 ballot box to tackle a total  
 of 35 major propositions  
 and referendums.*

## SNCJ Spotlight

### Voters set to weigh in on a litany of key ballot measures

**F**all is in the air, which can only mean it is election season again. To wit, voters in seven states head to the ballot box next month to tackle a total of 35 major propositions and referendums. (An eighth state, LOUISIANA, held its vote on Oct.20.) Per usual, tax- and bond-related measures dominate the landscape — there are seven overall tax measures and 10 total bond measures — but voters will also cast ballots on several



Property tax relief is the big issue in NEW JERSEY, which has the highest such assessments in the nation. To address that, voters will get to have their say on Public Question 1, which would amend the Garden State constitution to dedicate 1 percent of sales tax revenue each year for property tax reform. Voters also will determine whether the state will sell \$450 million in bonds to fund stem cell research and another \$200 million to pay for land acquisition and conservation. Public Question 4 would also amend the state constitution to delete the phrase “idiot or insane person” when referring to someone who has been deemed mentally incapable of voting.

In OREGON, Measure 49 would amend 2004’s Measure 37, which forced local governments to either allow property owners to develop their property under the rules that were in place when they bought it or to be paid lost value caused by subsequent rule changes. Beaver State land owners have subsequently filed loss claims in excess of \$19 billion. Measure 49 supporters — including Gov. Ted Kulongoski (D) and environmental groups — say the proposal will relieve cash-strapped local governments and enforce the spirit of Measure 37 by allowing land owners to place additional housing on their property, but curb their ability to develop large subdivisions or commercial projects on land reserved for residential and farm use. Opponents, mostly business and anti-tax groups, say it will erode the rights of property holders. The other measure up for grabs, Measure 50, would enact an 84.5-cents-per-pack tax on cigarettes to fund health care for uninsured kids.

TEXAS has a total of 16 propositions for voters to consider. Bond measures are big in the Lone Star State this year, with Proposition 12 seeking \$5 billion for highway projects and Proposition 15 asking for \$3 billion to fund a cancer research center. Other key measures include Proposition 3, which would amend the state constitution to authorize lawmakers to limit the tax value of homes based on their last appraised value; Prop. 6, which would change the constitution to allow lawmakers to exempt business vehicles from property tax; and Proposition 7, which would amend the constitution to allow a landowner to repurchase property previously acquired by a governmental entity through eminent domain if the public use for which the property was acquired goes astray.

UTAH also has only one ballot measure — Referendum 1 — but it too is a whopper. That proposal would allow voters final say on a law the Legislature passed

## The week in session

**States in Regular Session:** DC, MA, MI, OH, PA, US, WI

**States in Perfunctory Session:** IL  
Special Sessions “a”-“p”

**States in Veto Session:** IL

**States in Special Session:** AK “b”, FL “d”, HI “b”, MD “a”, PA “a”, WI “b”

**States in Recess:** NH, NJ, NY

**Special Sessions in Recess:** CA “a”, CA “b”, DE “a”

**States Currently Prefiling or Drafting for 2008:** AL, CO, DE, FL, IA, KS, KY, ME, NH, OK

**States Adjourned in 2007:** AK, AL, AR, AZ, CA, CO, CT, DE, FL, GA, HI, IA, ID, IN, KS, KY, LA, MD, ME, MN, MS, MT, NC, ND, NE, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WA, WV, WY

**State Special Sessions Adjourned in 2007:** AK “a”, AL “a”, CT “a”, CT “b”, FL “a”, FL “b”, FL “c”, HI “a”, KY “a”, KY “b”, MN “a”, MO “a”, MS “a”, MT “a”, MT “b”, NC “a”, NM “a”, NV “a”, UT “a”, WI “a”, WV “a”, WV “b”

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS  
(session information current as of 10/26/2007)  
Source: State Net database



this year that would create the nation’s broadest tax-funded private school voucher program. This has easily been one of the most controversial issues of the year, with both sides pouring big money — about \$2.6 million so far — into their respective campaigns. The fervor has at times reached hyperbole, with one voucher opponent accusing the pro-voucher folks of being “from Satan.” Gov. Jon Huntsman (R) recently issued a plea to both sides to “maintain a sense of respect and equilibrium as we do the due diligence and determine for ourselves what we think is right for the state,” adding that he hopes advocates will “keep the heat down a little bit.”

In WASHINGTON, the hottest measure before voters is Referendum 67, ostensibly a case of open warfare between the trial lawyers who support it and the insurance companies that oppose it. Under the proposed measure, it would be illegal for insurance companies to “unreasonably deny a claim for coverage or payment of benefits.” Those that do so would in theory be entitled to actual damages plus costs and reasonable attorney fees, and in some cases up to triple damages. Evergreen State lawmakers approved legislation to that effect earlier this year, but a citizen campaign gathered enough signatures to force the issue onto the ballot. Voters also get to weigh in on Initiative 960, which broadens the state’s requirements that tax increases receive a two-thirds approval from the Legislature or direct voter approval and requires legislative approval for all fee hikes by state agencies. Other measures would change the state constitution to allow voters to approve school taxes with a simple majority vote instead of the current 60 percent supermajority, authorize state-operated inmate labor programs, dedicate 1 percent of all state revenue to a budget stabilization fund and amend the state constitution to allow colleges and universities to use their permanent funds to invest in stocks and bonds.

Readers wishing to receive a full State Net report on all of the Nov. 6 ballot measures can request one at <http://www.statenet.com/issuereports/ballot.html>.

(STATE NET, THE INITIATIVE & REFERENDUM INSTITUTE, STATELINE.ORG, INSURANCE JOURNAL, KCPW [SALT LAKE CITY])

— *Compiled by RICH EHISEN*

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## Budget & taxes

**S**TATES PONDER LOTTERY SELL-OFFS: The largest privatization of a government enterprise in U.S. history may be about to begin: At least a dozen states, including both Democratic strongholds, like CALIFORNIA, ILLINOIS and MASSACHUSETTS, and Republican-dominated states, like FLORIDA, INDIANA and TEXAS, are considering plans to sell or lease their lotteries. Even NEW YORK, which experts say has one of the best-run lotteries in the nation, is exploring the idea.



One major reason for all of the interest is the potential payoff for cash-strapped states. Goldman Sachs estimated earlier this year that CALIFORNIA could reap \$14 to \$18 billion from leasing its lottery. Lehman Brothers placed the figure even higher, as much as \$37 billion, prompting Gov. Arnold Schwarzenegger (R) to remark, “I think there is so much potential there...I think the question really is, should we not really start thinking creatively here?” In fact, earlier this month, the governor recommended that the state use the proceeds from privatizing the lottery to fund expanded health care coverage.

Wall Street has much to gain from lottery privatization as well. Investment firms could conservatively make \$250 million in fees off the privatizations under consideration in CALIFORNIA, FLORIDA, ILLINOIS and TEXAS alone. Consequently, they are employing well-connected former public officials to make their pitches to the states. Goldman Sachs, for instance, sent former CALIFORNIA state treasurer Kathleen Brown — who is also the daughter of one famous

CALIFORNIA governor, Pat Brown, and sister of another, Jerry Brown — to the Golden State. And Lehman Brothers’ is relying on William F. Weld, governor of MASSACHUSETTS from 1991 to 1997, to advance its agenda there.

**“The lottery is a regressive tax that pulls money from people. I’m not morally opposed to the lottery or privatization; I just think it’s bad policy.”**

Much of the impetus for lottery privatization has come from the major road privatization deals in recent years: the lease of the Chicago Skyway to an Australian-Spanish consortium for \$1.8 billion in 2005 and of the INDIANA Toll Road to the same group for \$3.8 billion in 2006.

There is plenty of resistance to the concept in the states, however. Some critics believe privatization will lead to stepped-up marketing and sales efforts directed at minority and low-income residents who play the games most now.

“There’s no doubt in my mind that if it were in private hands, they’d want to market it more aggressively,” said INDIANA Sen. David Ford (R). “The lottery is a regressive tax that pulls money from people. I’m not morally opposed to the lottery or privatization; I just think it’s bad policy.”

Public schools, traditionally the biggest beneficiaries of state lotteries, also worry that privatization will ultimately cut off their funding supply. The fact that states are already earmarking the proceeds from their potential lottery sales for other purposes — health care expansion in CALIFORNIA, a public pension liability in ILLINOIS and cancer research in TEXAS — suggests they have cause for concern.

But supporters of privatization have their reasons too. A spokesman for TEXAS Gov. Rick Perry (R) said the idea “appeals to the governor because the state can get out of the gambling business.” And H.D. Palmer, a spokesman for CALIFORNIA’s

Department of Finance, said, "We have an asset that is underperforming, and what they do is not as effective as the private sector."

Ultimately, fiscal realities may make privatization impossible for states to resist. "The needs of the states and the market opportunities will combine to make something happen," said Kent Hitchcock, an investment banker at Morgan Stanley. (NEW YORK TIMES)

### WAL-MART SOUGHT STATE TAX

**SHELTERS:** Wal-Mart Stores Inc. hired the accounting firm of Ernst & Young LLP to devise aggressive strategies to cut the company's state tax bills, according to documents filed recently in a lawsuit against the company by the state of NORTH CAROLINA.

One of the documents was a letter the retail giant sent to several major accounting firms in 2001 stating, "Wal-Mart is requesting your proposal(s) for professional tax advice and related implementation services in connection with minimization of state income taxes in the following states: ARIZONA, CALIFORNIA, FLORIDA, ILLINOIS, INDIANA, MICHIGAN, MINNESOTA, and PENNSYLVANIA."

Ernst & Young eventually landed the job and came up with numerous strategies for the company, including one that allowed it to claim tax deductions in CALIFORNIA for dividends it didn't actually pay and another that exploited a loophole in TEXAS tax law to exempt the company from the state's corporate franchise tax.

The strategies seemed to have worked. While state income tax rates over the past decade averaged nearly 7 percent, Wal-Mart's rate over the same period was about half that, according to Standard & Poor's Compustat.

In recent years, tax-enforcement authorities have been cracking down on corporate transactions that serve

## Upcoming elections

10/25/2007 - 11/15/2007

10/30/2007

**Florida Special Primary**  
House District 101

**South Carolina Special Primary Runoff**

House District 94

11/06/2007

**Florida Special Election**  
House District 34

**Georgia Special Election**

House District 127

**Kentucky General Election**

Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Auditor of Public Accounts, Commissioner of Agriculture

**Maine Special Election**

House District 72, District 27, District 83, District 93

**Mississippi General Election**

Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Auditor of Public Accounts, Commissioner of Agriculture & Commerce, Commissioner of Insurance

**New Jersey General Election**

Assembly (All)  
Senate (All)

**South Carolina Special Election**

Senate District 25

**Texas Special Election**

House District 97 (Anna Mowery)

**Virginia General Election**

House (All)  
Senate (All)

**Washington General Election**

Senate District 14, District 19

11/13/2007

**Alabama Special Primary**  
House District 12

**Massachusetts Special Primary**

Senate 4th Middlesex District



no other purpose than reducing taxes, considering them to be improper tax shelters. That's the view NORTH CAROLINA's attorney general has taken on a real-estate investment trust scheme that exempted Wal-Mart from the state's corporate income tax.

A spokesman for Ernst & Young said the tax strategies for Wal-Mart were developed "years ago when such tax structures were not uncommon." But the firm also noted in a proposal to Wal-Mart in 2002 that one particular strategy it had come up with would likely draw scrutiny from states and the IRS "in a 'post-Enron' environment and amidst the focus on 'tax haven' operations."

The fact that Ernst & Young was not only Wal-Mart's tax adviser but also its outside auditor is problematic as well, although apparently legal. A spokesman for the accounting firm said the work it did for Wal-Mart "complied fully with the independence rules at the time regarding tax advice provided to audit clients." (WALL STREET JOURNAL)

**Upcoming elections**  
(cont.)

**New Hampshire Special Election**  
House Rockingham District 10

**Rhode Island Special Primary**  
House District 75

**Tennessee Special Election**  
Senate District 10

**GUBERNATORIAL REVOLT IN NV:** NEVADA Gov. Jim Gibbons (R) recently asked state departments to come up with ways to cut their budgets by 5 percent. System of Higher Education Chancellor Jim Rogers, promptly refused to comply with that request. "I think your action is premature," Rogers wrote in a letter to Gibbons last week. "A series of more thoughtful, planned and less drastic means could and should be utilized before resorting to budget reduction plans or even the discussion of such plans..." he said. Rogers isn't the only one turning a deaf ear to the governor either. Clark County Commission Chairman Rory Reid is doing so in a more indirect way by refusing to propose millions in cuts requested by the state's Health and Human Services Department. Observers say part of the reason for such bold defiance is Gibbons' governing style. "He certainly seems to be going out of his way to execute decisions in as antagonistic a way as possible," one Republican lawmaker said of the governor. Gibbons' reaction to the resistance appears to support that view. "In a fairy-tale world, there would be no requirement to cut any budget, reduce any spending," he said. "But we live in a world of reality and when revenues for the state aren't meeting expectations and projections, we have to be realistic." (LAS VEGAS SUN)

**O'MALLEY ISSUES DIRE WARNING:** MARYLAND Gov. Martin O'Malley (D) warned last week that if lawmakers don't pass his plan to close a looming \$1.7 billion budget shortfall by increasing taxes and legalizing slot-machine gambling, the state will have to lay off 10 percent of the public workforce, freeze funding for education and teacher retirement, close eight state parks, slash university and community college budgets, and significantly cut back public health programs. "There



is a price to doing nothing,” he said. Some lawmakers accused him of overdramatizing the situation to generate support for his plan heading into the special session that began today. “I think Halloween’s come early to Annapolis,” said Sen. E.J. Pipkin (R). “All we saw today is scare tactics.” (WASHINGTON POST)

**BUDGETS IN BRIEF:** Over 750,000 **TEXAS** drivers have failed to pay the large fines for traffic violations they incurred under the **TEXAS** Driver Responsibility Program, depriving the state of nearly \$620 million, earmarked primarily for trauma care. The program, approved by the Legislature in 2004, imposes surcharges on drivers for offenses such as failing to have insurance, driving without a valid license and driving while intoxicated, which carries among the highest surcharges: \$1,000 a year for three years for a first conviction and \$1,500 a year for a second offense (DALLAS MORNING NEWS). • Last week, **INDIANA** Gov. Mitch Daniels (R) proposed permanently capping property taxes and cutting the average Hoosier homeowner’s bill by 35 percent. The proposal, which the governor announced in a live television address, came in response to a statewide property tax crisis this year that has seen bills double and, in some cases, even triple (INDIANAPOLIS STAR). • **WISCONSIN** lawmakers passed a \$57.2 billion two-year budget last week, ending the nation’s last budget stalemate. Gov. Jim Doyle (D) is expected to approve the plan (WASHINGTON POST). • **ILLINOIS** Gov. Rod Blagojevich (D) has floated a plan to pay for mass transit by siphoning off \$350 million a year from the gasoline sales tax in Cook and the collar counties. The governor’s office refused to release specifics about the proposal last week, but there were indications that House Speaker Michael Madigan (D) wouldn’t go for it (CHICAGO SUN-TIMES).

## In the hopper

At any given time, State Net tracks tens of thousands of bills in all 50 states, the US Congress and the District of Columbia. Here’s a snapshot of what’s in the legislative works:

**Number of prefiles last week: 197**

**Number of Intros last week: 501**

**Number of bills enacted/adopted last week: 128**

**Number of prefiles to date: 41,356**

**Number of Intros to date: 163,032**

**Number of enacted/adopted overall to date: 41,183**

— Compiled By JAMES ROSS  
(measures current as of 10/25/2007)  
Source: State Net database

— *Compiled by KOREY CLARK*

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# Politics & leadership

**A**CTIVISTS FILE REDISTRICTING INITIATIVE IN CA: After years of listening to lawmakers talk about redistricting reform and then take no action, a coalition of activist groups has filed an initiative to strip the Legislature of its power to draw political boundaries.





former political columnist filed a legal challenge last week to **MICHIGAN**'s Jan. 15 presidential primary. The plaintiffs claim that a provision in the state's primary-election law granting the Democratic and Republican parties exclusive access to voter records is unconstitutional and may constitute grounds for halting the election (DETROIT FREE PRESS). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) and other state officials decided last week to postpone filing a lawsuit against the EPA seeking to force the agency to allow the state to regulate emissions of greenhouse gasses from automobiles because of the fires in southern **CALIFORNIA**. Mary Nichols, chair of the state's Air Resources Board, said the suit would be filed this week instead of last as planned "so that all state and federal resources can remain focused on fighting these devastating wildfires." (SAN JOSE MERCURY NEWS)

— *Compiled by KOREY CLARK*

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# Governors

**S**OUTHEAST GOVS WAGE WATER WAR: The ongoing drought in the Southeast spurred Gov. Sonny Perdue (R) to declare a state of emergency last week in the Peach State. Perdue also launched a full court press on President Bush to declare a federal disaster that would result in less water being released from Georgia's Lake Lanier, which provides drinking water to Atlanta.

GEORGIA also filed a federal lawsuit seeking to force the U.S. Army Corps of Engineers to reduce releases from Lanier until March 1. The suit claims the Corps is releasing more water than is necessary to protect three endangered species downstream. "The actions of the Army Corps of Engineers and the Fish and Wildlife Service are not only irresponsible, they are downright dangerous," Perdue claimed, adding that the

agencies are "putting mussels in front of people."

Perdue's plea to Bush brought an immediate negative response from ALABAMA Gov. Bob Riley (R), who wrote the president a letter urging him to deny Perdue's request. Riley said restricting

flow from Lake Lanier would dramatically reduce flows going downstream into the Chattahoochee River and to the Heart of Dixie. FLORIDA Gov. Charlie Crist (R) also decried Perdue's proposal, citing similar concerns over the potential damage such a cutback would have on the Sunshine State fishing industry that operates on both the Chattahoochee and Apalachicola Rivers.

**"The actions of the Army Corps of Engineers and the Fish and Wildlife Service are not only irresponsible, they are downright dangerous."**



Some observers in FLORIDA and ALABAMA also contend that GEORGIA’s lack of water is partly its own fault, primarily for allowing too much development while not practicing sound water conservation habits until the situation hit crisis status. Gil Rogers, a lawyer with the Southern Environmental Law Center, definitely believes that too much growth, coupled with record drought, is the major culprit. “It’s been develop first and ask questions later,” Rogers says. But Carol Couch, Perdue’s director of environmental protection, flatly denies that claim. “We are not here because we consumed our way into this drought, as some would suggest,” Couch says. (ATLANTA JOURNAL-CONSTITUTION, BIRMINGHAM NEWS, TALLAHASSEE DEMOCRAT, NEW YORK TIMES)

## Upcoming stories

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

- **Sanctuary cities**
- **Retail health clinics**
- **Family leave**

**JINDAL VOWS END TO “CLIMATE OF CORRUPTION”** LOUISIANA Gov.-elect Bobby Jindal (R) says he will call a special legislative session in January to focus on

**“I want to have the ‘gold standard’ when it comes to ethics, so we can declare war on corruption.”**

cleaning up the Pelican State’s “climate of corruption.” Jindal also made it clear he will “call out” lawmakers who try to “dilute” or block his efforts.

“I will not take ‘no’ for an answer,” Jindal said. “I want to have the ‘gold standard’ when it comes to ethics, so

we can declare war on corruption.” Jindal listed several ethics priorities during his campaign, including requiring all legislators and statewide elected officials to disclose their personal finances. State lawmakers considered similar legislation this year, but killed the proposal in a dispute over whether to also require local government officials to disclose their personal finances.

Jindal is so far concerning himself only with state lawmakers. In that regard, he is proposing measures that would prohibit contracts between government and businesses in which legislators have a financial interest, bar elected officials from lobbying before state agencies, require comprehensive lobbyist disclosure and bring criminal charges against anyone who violates the new code.

Some political observers believe Jindal’s lopsided victory — he captured 54 percent of the vote in the 12-person field, carrying 60 of 64 parishes — is a sign of growing GOP strength in the Democrat-dominated Pelican State. Wayne Parent, a political science professor specializing in Southern politics at LOUISIANA State University, called the victory “sort of an earth-shattering landslide.” Parent also credited the emphatic nature of Jindal’s win to other factors, including regrets by voters who sided with Democratic Gov. Kathleen Blanco over Jindal in 2003. Blanco received ample criticism for her performance during Hurricane Katrina. “He really played on this buyer’s remorse,” Parent said.



At just 36, Jindal is the nation’s youngest governor, and the first of Indian-American descent. (ADVOCATE [BATON ROUGE], NEW YORK TIMES)

**EXECUTIVE ORDERS:** OKLAHOMA Gov. Brad Henry (D) issues EO 47, which directs state Homeland Security officials to develop a State Information Fusion Center to coordinate efforts to combat terrorism and share information (STATE NET). • OREGON Gov. Ted Kulongoski (D) issues EO 18, which directs state officials to develop statewide guidelines for “employees and management in addressing incidents of domestic violence, sexual assault and stalking and their effects in the workplace” (STATE NET). • MARYLAND Gov. Martin O’Malley (D) issues EO 23, which creates the Governor’s Commission on Middle Eastern American Affairs to deal with issues important to the Old Line State’s Middle Eastern community (STATE NET).

**GOVERNORS IN BRIEF:** In more drought news, NORTH CAROLINA Gov. Mike Easley (D) ordered a statewide ban on outdoor burning and urged local officials to place limits on lawn watering, car washing and other optional water uses in every community in the Tar Heel State (STATE NEWS [WILMINGTON]). • OHIO lawmakers approved a measure to ban cash-paying electronic “games of skill” that Gov. Ted Strickland (D) says are slot machines in disguise. Strickland had tried to ban the games via executive order last year, but the courts overruled him, saying it was a matter for lawmakers to decide. He is expected to sign the measure immediately (TOLEDO BLADE).

— Compiled by RICH EHISEN

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## Hot issues

**B**USINESS: A federal court rules that a WISCONSIN law mandating a 9 percent profit for gas stations violates federal anti-trust laws. The 68-year-old law was intended to prevent predatory pricing that would allow large sellers from forcing smaller operations out of business (MILWAUKEE JOURNAL SENTINEL). • CALIFORNIA Gov. Arnold Schwarzenegger (R) vetoes SB 120, which would have required restaurants with at least 14 locations in the state to display nutrition information on menus and menu boards (SAN FRANCISCO CHRONICLE). • Still in CALIFORNIA, Schwarzenegger vetoes SB 63, which would have required special labeling for food produced from cloned animals (SAN FRANCISCO CHRONICLE). • Schwarzenegger also vetoes a proposal to allow CALIFORNIA unions to organize farm workers by collecting signed membership cards instead of holding an election with secret ballots (CONTRA COSTA TIMES). • Again in CALIFORNIA, Schwarzenegger vetoes SB 836, a proposal to prohibit





in K-12 public schools outside of reduced-fee meal programs (SAN FRANCISCO CHRONICLE). • Also in **CALIFORNIA**, Schwarzenegger vetoes SB 1, which would have made some financial aid available to illegal immigrants who graduate from Golden State high schools (SAN FRANCISCO CHRONICLE).

**ENVIRONMENT: CALIFORNIA** Gov. Arnold Schwarzenegger (R) signs AB 821, a measure that bars hunters from using lead-based bullets within the range of the federally endangered **CALIFORNIA** condor. Supporters claim the scavenger birds are being poisoned by lead imbedded in the animal carcasses left by hunters (SAN FRANCISCO CHRONICLE).

**HEALTH & SCIENCE:** The **MICHIGAN** House endorses a package of bills that include measures to limit the amount that health insurers can raise individual rates at renewal. The proposal would also allow the state accident fund to offer lines other than workers compensation. The bills, HB 5282-5285, move to the Wolverine State Senate (CRAIN'S DETROIT BUSINESS). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) signs AB 1108, which bans toxic chemicals known as phthalates in toys and products intended for children 3 and younger. Toy manufacturers use phthalates as plastic softeners (SAN FRANCISCO CHRONICLE). • As expected, Schwarzenegger also vetoes AB 8, legislation that would have required **CALIFORNIA** employers to spend a minimum of 7.5 percent of their payroll on employee healthcare or to pay that amount into a state insurance fund (LOS ANGELES TIMES).

**HOMELAND SECURITY:** Federal Dept. of Homeland Security Sect. Michael Chertoff waves several environmental laws so that construction can continue on a border fence through a national conservation area in **ARIZONA**. Chertoff's waiver, which is allowed under the federal law that mandated the building of the fence, bypasses a federal court ruling that suspended the fence construction, contending the government had failed to carry out the required environmental assessment (NEW YORK TIMES).

**IMMIGRATION:** The **NEW YORK** Senate approves legislation that would overturn Gov. Eliot Spitzer's (D) recent decision to allow illegal immigrants to obtain an Empire State driver's license. It now motors into the Assembly (NEW YORK TIMES). • A federal judge throws out a lawsuit seeking to block implementation of a new **OKLAHOMA** law that bars illegal immigrants from receiving public benefits. The measure, HB 1804, also imposes strict penalties on Sooner State employers that knowingly hire undocumented workers. The court said that since none of the

## In case you missed it

Metals are a hot commodity these days for both investors and thieves. As we note in our Oct. 15 issue, a growing wave of stolen train tracks, roadside guard rails, public plumbing fixtures and even beer kegs has lawmakers across the nation searching for ways to ease the metal mania.

In case you missed it, you can the article can be found on our Web site at

[http://www.statenet.com/capitol\\_journal/10-15-2007/html](http://www.statenet.com/capitol_journal/10-15-2007/html).



plaintiffs in the case has yet been injured by the law, they have no standing to sue (DAILY ARDMOREITE). • Citing excessive costs, **MAINE** officials scrap plans to translate state driver’s license manuals and testing materials into French and Spanish (KENNEBEC JOURNAL).

**SOCIAL POLICY:** The **MASSACHUSETTS** Senate endorses a proposal to establish a 35-foot “no-protest zone” around clinics where abortions are performed. The Bay State currently enforces an 18-foot buffer zone for such protests. The measure moves to the House (BOSTON GLOBE). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) vetoes AB 43, which would have allowed same-sex couples to legally marry in the Golden State. However, Schwarzenegger signs SB 777, which adds sexual orientation and gender identity to the state’s list of prohibited bases of discrimination (SACRAMENTO BEE). • Still in **CALIFORNIA**, Schwarzenegger also vetoes a pair of measures — AB 537 and SB 727 — that would have expanded the state’s unpaid and paid leave programs to include care for a sibling, mother- or father-in-law, grandparent or grandchild (SAN FRANCISCO CHRONICLE).

**POTPOURRI:** **NEW JERSEY** Gov. Jon Corzine signs SB 2053, legislation that will allow counties and municipalities the ability to build and operate publicly accessible wireless Internet networks in the Garden State. The law goes into effect right away (POLITICSNJ.COM).

— Compiled by *RICH EHISEN*

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# Once around the statehouse lightly

**T**HAT’S THE TICKET: Hell apparently hath no fury like that of a Hannah Montana fan scorned. According to the *Lincoln Journal Star*, **NEBRASKA** State Sen. Gwen Howard felt that wrath recently when fans of the teen popster, a.k.a. Miley Cyrus, couldn’t get tickets to see her show at the Qwest Center in Omaha before the professional ticket sellers gobbled them all up. After those tickets started showing up online for as high as \$1,500 each, Howard says angry fans deluged her with complaints. So now she wants to make tickets available only at the box office the first 48 hours after they go on sale, with each buyer limited to just six tickets. The prospect of forcing folks to camp out for days to get their concert ducats has the venue operator and ticket brokers going crazy, but Howard is so far unmoved. Howard fondly recalls doing so herself years ago in order to get John Denver tickets,

saying, “That’s just what you did.” Not sure about the bill, but you have to give her credit for admitting to waiting in line for hours to see John Denver.

**WHO’S ON FIRST?** It probably would be best not to ask that of MASSACHUSETTS Gov. Deval Patrick. While Red Sox Nation has worked itself into a visible froth these days over the Old Towne team playing for its second World Series championship in four years, Patrick seems a little, err, out of touch with all things Bosox. According to the *Boston Globe*, Patrick recently made a point of telling reporters that he had placed a friendly wager on the Series with COLORADO Gov. Bill Ritter. Unfortunately for Patrick, knowing that the Sox were in the Series was about the extent of his team expertise. Upon further questioning, Patrick struggled to name Sox players or to even say how long he has been a fan. He did offer a prediction, saying “We will win.” We’ll presume his “we” means the Red Sox.

**WICKED WIKI WONDERS:** Wikipedia, the user-created and edited online encyclopedia, draws about 7 billion hits a month, including many who want to edit the information found there. According to a recent *Sacramento Bee* study, thousands of recent edits have also come from CALIFORNIA government workers using state computers during work hours. Most are harmless enough, intended only to make their bosses or agencies look better in the eyes of the global community. For instance, state computers have been used to delete a reference to state Sen. Leland Yee’s 1992 booking in HAWAII on suspicion of shoplifting and to pump up the accomplishments of House Speaker Fabian Nuñez. But while most self-styled Wiki editors are content to just go apple polishing, some have been busy with other pursuits. Among the other numerous entries coming from state workers were often crude entries on specific porn stars, more than 1,100 entries on WWI fighter planes, long lists of Chinese dissidents, an accounting of the modules in the game Dungeons and Dragons, and lists of record albums with hidden tracks.

**THE ROADKILL STATE:** WEST VIRGINIA’s official nickname is the Mountain State, but you could also easily identify it as the home of the nation’s roadkill. According to the *Charleston Daily Mail*, insurer State Farm has issued a new study that reveals WEST VIRGINIA drivers have a 1-in-57 chance of hitting a deer on the highway, significantly higher than the national average of 1-in-216. To put that in perspective, the company says, you have only a 1-in-150 shot at getting audited by the IRS, and just a 1-in-280,000 chance of being hit by lightning. And the safest state for such matters? That would be HAWAII, where drivers face just a 1-in-16,624 chance of clobbering Bambi.

— By RICH EHISEN



**Editor:** Rich Ehisen — capj@statenet.com

**Associate Editor:** Korey Clark — capj@statenet.com

**Editorial Advisor:** Lou Cannon

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

**Graphic Design:** Vanessa Perez

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