

Short honeymoon?



November 20, 2006

Budget & taxes	6
NJ tax cut plan unveiled	
Politics & leadership	8
States hoping for a more state-friendly Congress	
Governors	11
Murkowski won't give up	
Bird's eye view	3
Hot issues	12
Once around the statehouse lightly	15

• The next issue of
 • Capitol Journal will be
 • available on December 4th.
 •

Top Story

With the election over, a host of new and newly re-elected governors are preparing to face a multitude of problems and challenges in 2007.

SNCJ Spotlight

Now the hard part begins

With the votes counted and the races over, the 36 men and women selected to govern their respective states earlier this month can relax and take a breath before moving on to the next task at hand. But for the 10 new governor-elects and 26 incumbents that won re-election, the rest break will probably be short-lived, as the adrenaline of the campaign trail will soon morph into the everyday grind of turning election-year promises into reality.

From CALIFORNIA to NEW YORK, governors new and old are facing a litany of major issues in 2007, from ongoing concerns over No Child Left Behind and education funding to illegal immigration and the ever-rising cost of Medicaid, always among the states' biggest budget busters. But even with all that, several governors still have their own bailiwicks to address.

In CALIFORNIA, for example, newly re-elected Gov. Arnold Schwarzenegger (R) must now turn his attention to fixing the state's disastrously overcrowded prison system, which is in danger of being taken over by the feds. Schwarzenegger says he also wants to follow MASSACHUSETTS' lead and create a program to provide healthcare to millions of uninsured Golden State residents. But according to a report from the Legislative Analyst's Office, CALIFORNIA is facing a \$5.5 billion budget shortfall next year, a deficit that could terminate Schwarzenegger's plans.

A razor-thin re-election victory has apparently also sparked a dramatic change of heart — and policy — for MINNESOTA Gov. Tim Pawlenty (R), who said last week that he also wants to see his state adopt a universal healthcare plan. Pawlenty has carried on a raucous battle with DFLers over healthcare since he made significant cuts to state-subsidized health care during a budget crisis in 2003, and Dems made it clear that universal healthcare would be their primary issue this year.

With the election bringing the DFL veto-proof majorities in both chambers of the Legislature, Pawlenty has clearly seen the writing on the wall. The governor said last week that his administration is studying the MASSACHUSETTS healthcare program, although Pawlenty said he wants to start slowly, primarily by covering around 90,000 currently uninsured Gopher State kids.

Meanwhile, the man who engineered the innovative healthcare system Schwarzenegger and Pawlenty want to copy, MASSACHUSETTS Republican Mitt Romney, is leaving the governor's office to explore

The week in session

States in Regular Session: DC, MI, NJ, PA, US

States in Informal Session: MA

States in Skeleton Session: OH

States in Veto Session: IL

States in Special Session: PA "a"

States in Special Session in Recess: DE "a"

States Prefiling or Drafting for 2007 Session: AR, CO, FL, GA, KY, MT, ND, NH, NV, TN, TX, VA

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

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

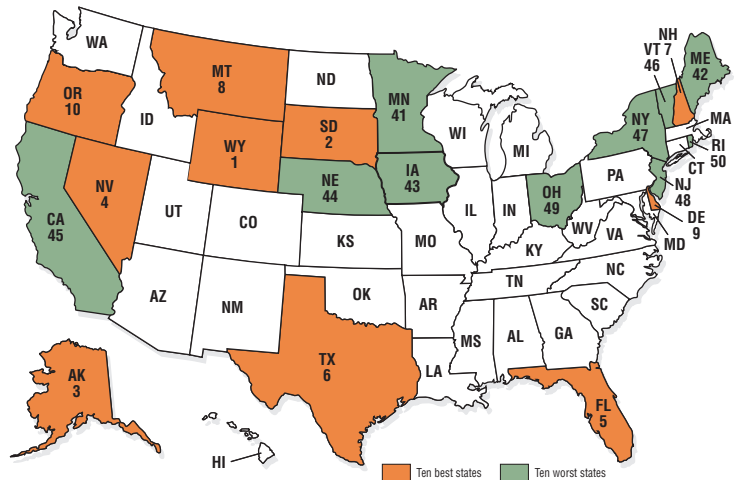
Letters indicate special/extraordinary sessions
Source: State Net, 11/16/06

his chances at the White House in 2008. The man who is set to succeed him, Democrat Deval Patrick, has an ambitious agenda of his own. Patrick, the first African-American governor in Bay State history, said last week that he plans to ask the Legislature for \$120 million to add 1,000 police officers and begin expanding full-day kindergarten statewide.

Patrick may also call for additional state aid to help cities and towns eliminate school-activity fees, but some observers believe Patrick's greatest challenge may lie in his ability to manage the enormously troubled Big Dig highway project in Boston. He has said one of his first acts will be to appoint a special inspector general to oversee the project. Apparently mindful of persistent patronage scandals faced by new governors in KENTUCKY and ILLINOIS in recent years, Patrick also fired a preemptive shot across the bow at lawmakers who might be tempted to push their cronies or others for jobs in his administration, warning that such lobbying "is not going to have any impact at all" on his hiring decisions.

SOUTH CAROLINA Gov. Mark Sanford (R) won his re-election bid in a walk — carrying 55 percent of the vote — spurring him to claim that voters gave him a mandate to enact his long-standing plans to restructure state government and to limit state spending. But Sanford's frosty relationship with his own party in the GOP-controlled Palmetto State

Bird's eye view



Source: The Tax Foundation

A taxing climate

When it comes to encouraging business investment by keeping taxes in check, not all states are created equal. At least so says the Tax Foundation, a nonpartisan tax research group based in Washington, D.C. According to the 2007 edition of the State Business Tax Climate Index (SBTCI), which ranks and compares the 50 state tax systems based on their business appeal, WYOMING is the most "business friendly" state in the nation. The SBTCI uses 113 variables across five categories — Corporate Tax Index, Individual Income Tax Index, Sales Tax Index, Unemployment Tax Index and Property Tax Index — to determine each state's score. For 2007, scores were spread out between the Cowboy State's high of 7.64 and 50th place finisher RHODE ISLAND's low of 3.47. The accompanying map shows the Tax Foundation's top and bottom 10 states for tax friendliness. The entire report can be found at www.taxfoundation.org/.





Legislature has kept that from happening to date, prompting some observers to question whether anything will really be different this time around. (One thing that could be different is Sanford’s cabinet. The governor has made it known that he is considering asking all 14 members to resign in order to “reshuffle the cards” for his new term.)

Sanford acknowledged that his dealings with lawmakers have not been fruitful, but also chose to partake in the time-honored tradition of blaming the press for the situation. Sanford claimed that reporters spent too much time in recent years reporting on his difficulties with statehouse denizens and challenged the press to take on “a level of reporting that — I won’t call it enlightened in nature — but it certainly is the road less traveled.”

College of Charleston political scientist Bill Moore called Sanford’s statement “blowing political smoke,” noting that Stanford was in essence asking the press to be his de facto public relations firm. Moore also questioned the governor’s claim of a voter mandate.

“Every elected official tries to interpret election results as mandates,” said Moore. “George Bush tried to do it with 51 percent of the vote in 2004. You’ve got to be real careful with that.”

ARIZONA Gov. Janet Napolitano (D) isn’t claiming a mandate, although her lopsided re-election win might qualify. But she will also face a host of problems, not the least of which is her own testy relationship with the GOP-dominated Legislature. Critics contend that both sides spent far too much time last year jousting rather than governing, something they say cannot happen if the state is to effectively deal with its major issues beyond the constant immigration wars — most notably the ramifications of years of incredible growth that has strained the state’s water supply and overcrowded the education system.

Newly-elected ARKANSAS Gov. Mike Beebe (D) is also not claiming a mandate, but folks are already lining up to hold his hands to the fire on one of the campaign’s most debated issues, the lowering of the state sales tax on food. Rep. Horace Hardwick (R) pre-filed HB 1002 last week, a measure that would remove 4.5 percent of the 6 percent sales tax on food by July 1, 2010. That is less than Beebe’s call to phase out all but the one-eighth-cent conservation tax currently placed on groceries. A spokesperson, however,

“Every elected official tries to interpret election results as mandates... George Bush tried to do it with 51 percent of the vote in 2004. You’ve got to be real careful with that.”



said Beebe would consider all plans.

Incoming ALASKA Gov. Sarah Palin (R) will face her own set of unique challenges. Palin, the Last Frontier's first-ever woman governor, is expected to consider new proposals to build a long-desired pipeline to carry natural gas from the state's North Slope region to the lower 48 U.S. states. Palin is encouraging any interested parties to submit a plan to commercialize the area.

But North Slope development has been under consideration for more than 30 years, including by her predecessor, outgoing Gov. Frank Murkowski (R), who negotiated a deal of his own with BP, ConocoPhillips, and Exxon Mobil. Lawmakers have so far rejected the deal and the courts last week blocked Murkowski from signing it on his own without legislative approval, effectively putting it into limbo and encouraging Palin to begin looking for new proposals.

The challenges don't stop there. FLORIDA Gov.-elect Charlie Crist (R) is stepping into a full-fledged property insurance crisis brought on by years of hurricane-fueled disasters, and he is also inheriting the monstrous headache associated with trying to fulfill the voter-approved mandate to have smaller classroom sizes that his predecessor, outgoing Gov. Jeb Bush, has sought to overturn since it was passed in 2002. In NEW YORK, incoming Gov.-elect Eliot Spitzer (D) was elected on the basis of his very high-profile career fighting corporate malfeasance as the Empire State's attorney general. But Spitzer has vowed to revive the economically moribund upstate area, a vastly different task than single-mindedly chasing white collar criminals.

More problems and more governors abound, but governors of every stripe have one thing in common going into 2007 — although many states have enjoyed vastly fuller coffers over the last two years, there are significant signs that the economy could be slowing down again, making solutions to their many problems even more problematic. The recent, dramatic tilt in power at virtually every level of government has so far spurred much talk of a new, more cooperative and bipartisan attitude among state lawmakers. Whether that feel-good feeling lasts when money gets tight and careers and legacies go on the block remains to be seen. (LOS ANGELES TIMES, FAIRBANKS DAILY NEWS MINER, STATE, SAN DIEGO UNION TRIBUNE, SACRAMENTO BEE, NEW YORK TIMES,

In case you missed it

The angry voter tide that swept Democrats into Congressional power on Election Day also surged over much of the country, giving Democrats control over 23 statehouses and 28 governors' mansions.

For a one-stop rundown of the current 2007 partisan statehouse lineup, visit the State Net Web site at **www.statenet.com/resources/** and mouse-click on the 2007 Partisan Chart icon. Note: Some statehouse races are still being counted, so we will be regularly updating the numbers as they change.



ARKANSAS NEWS BUREAU [LITTLE ROCK], ARIZONA REPUBLIC [PHOENIX], TALLAHASSEE DEMOCRAT, REUTERS, MINNEAPOLIS STAR TRIBUNE, POST & COURIER [CHARLESTON], PALM BEACH POST, BOSTON GLOBE)

— *Compiled by RICH EHISEN*

Budget & Taxes

TAX-CUT PLAN UNVEILED IN NJ: Last week, NEW JERSEY lawmakers released a slew of recommendations — nearly a hundred of them — for how to rein in their state’s highest-in-the-nation property taxes. The reform proposals, which came in the form of four reports totaling well over 500 pages, included a rewrite of the state’s school funding formula that could cost taxpayers about \$1 billion more a year, cuts in public employee benefits, a limit on annual property tax increases and a 20-percent tax credit for property owners.

Although the reports were three months in the making, some were quick to point out that they leave a lot of work to be done. One administration official said they actually leave “all the things that are tough for future delivery.” The official was referring to the fact that some of the reports’ most ambitious proposals were a little vague. The reports stated that the property tax credit, for instance, was to be provided “for as many taxpayers as resources allow,” and that the growth of property taxes should be limited in a way that doesn’t cause “unintended, adverse consequences.” The reports also provided few specifics about where the funding for the various proposals would come from.

Democratic leaders who control the Legislature, however, were full of enthusiasm about the reports. Assembly Speaker Joseph Roberts (D) said they were “a blueprint for reform and relief.” And Senate President Richard Codey (D) said they constituted “the most dramatic undertaking on one single subject that has ever been done in the Legislature” in his thirty-two-year tenure.

Codey said legislative action on some of the reform proposals could come as soon as Dec. 11 or Dec. 14, when lawmakers will meet in full sessions, while final action on the more complex issues, like the school funding formula, would likely be delayed until next year (STAR-LEDGER [NEWARK], RECORD OF BERGEN COUNTY).



ROMNEY GIVES LAWMAKERS PARTING GIFT: Outgoing MASSACHUSETTS Gov. Mitt Romney (R) gave Democratic legislative leaders a goodbye gift last week that was most definitely not something they were hoping for: \$425 million in spending cuts to the budget they crafted, including money for pork projects and human-service programs they championed.

In a press conference, the governor said the reductions — which he was able to make unilaterally by designating them emergency cuts — had been necessitated by the Legislature’s chronic overspending. “This is not a fiscal crisis, but it is a spending crisis, and it’s looming over the commonwealth,” he said. “I have a statutory obligation to take action.”

Legislative leaders didn’t hesitate to show just how little they thought of Romney’s parting gesture. “(Romney’s) term in office will be remembered — if at all — as four years when personal ambition ruled over the common good,”

“(Romney’s) term in office will be remembered — if at all — as four years when personal ambition ruled over the common good.”

said House Speaker Salvatore DiMasi (D), alluding to the governor’s planned run for the presidency in 2008. The Legislature’s top budget leaders, Rep. Robert DeLeo (D) and Sen. Therese Murray (D), were more specific, stating in a joint press release, “The use of (emergency) cuts only one-quarter into the fiscal year is nothing more than an attempt by Mitt Romney to play presidential politics with the lives of MASSACHUSETTS residents.”

Lawmakers could vote to repeal the cuts, but not until the session formally resumes next year. Gov.-elect Deval Patrick (D) could also undo Romney’s actions, but he said only that he would review the budget when he takes over in January (BOSTON HERALD).

BUDGETS IN BRIEF: The CALIFORNIA Legislature’s nonpartisan budget analyst, Elizabeth G. Hill, warned lawmakers last week that in spite of the expanding economy, the state still faces a budget deficit of \$5.5 billion for the 2007-08 fiscal year. Hill urged the Legislature to either raise taxes to cover the cost of government programs at their current levels or start cutting programs. “The Legislature should take significant steps now,” she said (LOS ANGELES TIMES). • The state of NEW YORK paid \$3.6 million to medical providers over the past three years to care for thousands of Medicaid patients who were actually



dead, according to an audit released last week by the state comptroller. One nursing home alone received \$15,000 for a patient who'd been dead for two years. One of the main reasons cited by the audit for the improper payments was the state Health Department's lack of a standardized process for local officials to remove patients from an electronic database after they die (TIMES UNION [ALBANY]).

— *Compiled by KOREY CLARK*

Politics & leadership

STATES HOPING FOR MORE STATE-FRIENDLY CONGRESS: Traditionally, the Republican Party has been a strong supporter of states' rights. But in the eyes of many state officials, that's no longer the case, and costly federal mandates like the No Child Left Behind Act and Real ID Act that have been imposed on states over the past few years by the GOP-controlled Congress and White House prove it.

"You know, it's the Republican Party that always talks about states' rights and the federal government having less to say about it. But on so many important issues it hasn't been that way," said PENNSYLVANIA Gov. Ed Rendell (D), who was re-elected on Nov. 7.

Rendell, for one, is hoping for "a better relationship, not so much of a hostile relationship as we've had with the federal government" when the 110th Congress convenes in January under new Democratic leadership.

One of the things states will be pushing for, according to Michael Bird, chief lobbyist for the National Conference of State Legislatures, is more time and money to comply with the Real ID Act, which is aimed at making it harder for illegal immigrants and terrorists to acquire drivers' licenses and other state-issued identification. A survey of state motor vehicle administrators two months ago estimated that states might have to spend as much as \$11 billion over five years to comply with the act. And officials also said it will be virtually impossible to meet the act's May 2008 deadline for beginning to verify applicants' citizenship status and issue licenses that meet its stringent security provisions.

Jack Jennings, president of the nonprofit Center on Education Policy, said congressional Democrats are also likely to seek more federal money for helping states comply with the No Child Left Behind Act, scheduled to be reauthorized in 2007. States have repeatedly challenged the costs of the act's annual testing requirement as well as its model for measuring



school performance, some going as far as considering legislation rejecting the act and the federal education funding tied to it. (None of those measures has passed.)

On the flip side of the coin, pressure from states could help finally produce a comprehensive national policy on immigration. President Bush has pushed Congress for comprehensive immigration reform, including a means for undocumented workers to become citizens, but all federal lawmakers have given him is a measure providing for the construction of a 700-mile fence along a section of the U.S.-Mexico border, which he signed into law last month. Thomas Mann of the Brookings Institute said immigration is one area in which congressional Democrats may be willing to work with the president in order to demonstrate they can reach across the partisan divide.

Additionally, states seeking the authority to tax goods over the Internet may find a more receptive audience in the new Congress. Bill Pound, NCSL's executive director said Democrats have shown greater willingness to address the issue. "There's reason for guarded optimism," he said.

But states may actually find the Democrat-controlled Congress a little less accommodating than they're hoping it will be. "The irony is that Democrats have become the party of fiscal probity...and they don't want to abandon this new reputation," said the Brookings Institute's Mann. In fact, U.S. Rep. Nancy Pelosi (D), the newly-elected speaker of the House, has pledged that her majority caucus will exercise greater fiscal restraint than the current one (STATELINE.ORG)

DEMS LOOK TO PICK UP MT LEGISLATURE: By Nov. 8, it was pretty clear that Nov. 7 was a good day for the Democrats, who, among other things, increased the number of state legislatures under their complete control from 19 to 23. A week later, the Dems' Election Day appeared to be getting even better on that particular score.

"I'm not leaving the Republican Party; it has basically left me."

As of Nov. 7, Democrats looked to be heading into next year's legislative session tied with Republicans 25-25 in the MONTANA Senate and down 49-50 to them in that state's House.

Last Monday, however, Republican Sen. Sam Kitzenberg announced that he intends to change parties, which would give the Dems a 26-24 majority in the Senate next year. "I'm a moderate, and there is no room left in the Republican Party for moderates," he said. "I'm not leaving the Republican Party; it has

Upcoming elections

(10/12/2006 - 11/02/2006)

THERE ARE NO ELECTIONS SCHEDULED DURING THE NEXT THREE WEEKS.



basically left me.” Republicans, quite naturally, weren’t too pleased with the news, although some seemed almost to expect it. “It’s very disappointing, but not surprising,” said Sen. Dan McGee (R). “He’s voted Democratic now for quite a few years. It’s just sad for the people of MONTANA that they’re expecting a Republican senator and they haven’t had one.”

In the Treasure State House, meanwhile, Rep. Emelie Eaton (D) erased a 14-vote Election-Day deficit — through the tallying of 20 provisional or otherwise uncounted

ballots — to place her in a tie with her Republican challenger in District 58, Krayton Kerns. The tie will force a recount at the end of the month. If Eaton prevails, or if the tie holds up, in which case the winner would be appointed by the state’s Democratic governor, Brian Schweitzer, the Democrats would gain a 50-49 edge in the chamber — and bump the number of statehouses under their authority to 24. (MISSOULIAN)

DEMS EYE PA HOUSE TOO: Yet another legislative chamber could soon come under Democratic control, if three undecided House races in southeastern PENNSYLVANIA go the Dems’ way, as some believe they might. As of last Monday, Barbara McIlwaine Smith trailed Republican Shannon E. Royer by 19 votes, with 251 absentee ballots yet to be counted, in Chester County’s 156th House District. And in that county’s 167th District, Anne Crowley lagged behind her GOP opponent Duane Milne by 136 votes, with 380 ballots uncounted. In Montgomery County’s 70th District, meanwhile, Democrat Netta Young Hughes trailed her opponent by 41 votes, with several hundred ballots still to be counted. At a press conference, Ms. Smith and Ms. Crowley said they were optimistic they would ultimately prevail in their races, pointing out that several of the precincts where the absentee ballots hadn’t been counted were Democratic leaning. Should the counts prove them right, the partisan composition of the House would swing from 102-101 in favor of the Republicans to either 103-100 or 104-99 in favor of the Democrats, depending on the result in Montgomery County. The winners in all three contests are expected to be determined by the end of the week, barring any court challenges (PITTSBURGH POST-GAZETTE).

— *Compiled by KOREY CLARK*

“He’s voted Democratic now for quite a few years. It’s just sad for the people of MONTANA that they’re expecting a Republican senator and they haven’t had one.”

Governors

MURKOWSKI NOT GIVING UP: ALASKA Gov. Frank Murkowski (R) appealed to the state Supreme Court last week to overturn a lower court ruling that blocks him from being able to sign off on a natural gas pipeline contract without legislative approval. Murkowski’s attorney told the court that, “The injunction, based purely on speculation as to what the governor might do, has effectively taken away his political leverage through the remainder of his term.” Murkowski negotiated the proposed contract with BP, ConocoPhillips, and Exxon Mobil to develop North Slope gas reserves, but lawmakers have so far rejected the deal and have even sued Murkowski to prevent him from signing it without their endorsement. Gov.-elect Sarah Palin (R) has already said she would entertain new proposals after she enters office in December. There was no word on when the high court might rule on Murkowski’s petition. (FAIRBANKS DAILY NEWS-MINER)

GREGOIRE LAYS OUT EDUCATION PLAN: WASHINGTON Gov. Christine Gregoire (D) released a sweeping education proposal last week that includes, among many things, full-day kindergarten offered at all public schools, an upgraded and standardized math and science curriculum and capping annual tuition increases at public colleges and universities at 7 percent, with increased state support. Educators generally lauded the proposal, but critics complained that Gregoire’s plan lists no way to fund all of the suggested new programs and initiatives. Gregoire admitted the plan has shortcomings. “I admit to you I didn’t appreciate the enormity and challenge of the task,” she said. “I thought we’d start with how much money would it take and where do we want to spend the money.” (SEATTLE TIMES)

TAFT URGES BIG PENALTY FOR NOE: OHIO Gov. Bob Taft (R) said he hopes a Buckeye State judge throws the book at convicted coin dealer and GOP fundraiser Thomas Noe, who was found guilty last week of 29 felony counts related to charges that he stole more than \$2 million from the rare-coin funds he managed for the OHIO Bureau of Workers’ Compensation. The investigation into Noe’s dealings also spread to Taft, who was later convicted of not reporting golf outings and other perks as required by law. That earned Taft a fine and a court order to apologize to the

Upcoming stories

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

- **Funding transportation**
- **Motorcycle helmet laws**
- **Statehouse ethical perils**



public. More importantly, it left a hideous stain on Taft’s political legacy — effectively ending his career — and the ensuing scandal helped sweep Republicans out of state power. Taft hailed the conviction and urged the court to mete out a stiff penalty, saying “Now justice should be served and should be done, and he should be punished to the fullest extent of the law.” Taft also made it clear that he will not pardon Noe or anyone involved in the scandal. (TOLEDO BLADE)

GOVERNORS IN BRIEF: Former **WISCONSIN** Gov. Tommy Thompson, a Republican, announced he was creating an exploratory committee to gauge his chances for a possible White House bid in 2008. From 1987 to 2001, Thompson served four terms as the Badger State governor (WASHINGTON POST). • Meanwhile, outgoing **NEW YORK** Gov. George Pataki (R) delayed announcing his own long-anticipated presidential plans, saying he wasn’t ready to do so “yet.” He said he will make a formal announcement after his term expires (ASSOCIATED PRESS). • **NEW MEXICO** Gov. Bill Richardson (D), another potential presidential candidate, proposed overhauling how his state provides affordable housing by scrapping regional authorities and turning over the job to the New Mexico Mortgage Finance Authority. Richardson said the regional authority has “outlived its usefulness” (ALBUQUERQUE TRIBUNE). • **MARYLAND** Gov. Robert Ehrlich Jr. (R), the only incumbent to lose a re-election bid this year, said he is unlikely to run for public office again. Answering questions on a Baltimore radio show, Ehrlich deflected a caller’s suggestion that he run for president, saying, “Obviously, losing a gubernatorial race is not necessarily a great predicate for a run for anything else, particularly nationally.” Ah, but the governor may not have been considering the careers of Richard Nixon and Bill Clinton, two men who lost gubernatorial elections only to later be elected president (BALTIMORE SUN).

— *Compiled by RICH EHISEN*

Hot issues

BUSINESS: The **MISSOURI** Supreme Court upholds a Show Me State law that allows alcohol liability lawsuits to be filed against bars and restaurants that knowingly sell booze to minors, but blocks similar suits against convenience and grocery stores. The court rejected a claim that the distinction was unconstitutional (NEWS TRIBUNE)

[JEFFERSON CITY]). The **MICHIGAN** House approves HB 6456, a measure that would allow telecommunication and cable companies to obtain a single statewide franchise license, freeing them from having to negotiate deals with each community they serve. It moves to the Senate (DETROIT NEWS). • The **ILLINOIS** Senate approves a bill that would raise the Prairie State minimum wage from \$6.50 to \$7.50 per-hour. It moves to the House (CHICAGO TRIBUNE).

CRIME & PUNISHMENT: A

federal judge blocks **CALIFORNIA** from enforcing voter-approved Proposition 83, a 2006 ballot measure that prohibits registered sex offenders from living within 2,000 feet of a school or park. The judge said the measure, known widely around the country as “Jessica’s law,” is likely unconstitutional. A full hearing is set for later this month (SAN DIEGO UNION TRIBUNE). • A federal court orders **MICHIGAN** prison officials to cease using non-medical, punitive restraints on inmates, which the judge said “constitutes torture.” The judge also ordered the state to submit a plan within 45 days for how to improve mental health care for Wolverine State prisoners. The case stemmed from the recent death of a mentally ill inmate who died after four days spent naked and shackled in an isolated cell (DETROIT NEWS). • The **PENNSYLVANIA** House approves SB 1054, legislation that makes employers and supervisors criminally liable if they facilitate child sexual abuse or fail to provide adequate protection for children in their care. It would also allow abuse victims to bring suit against their attackers until age 50. The current cut-off age is 30. The measure returns to the Senate (PHILADELPHIA INQUIRER).

EDUCATION: After months of meetings around the state, a **PENNSYLVANIA** House committee says the Legislature does not need to craft a statewide policy governing college students’ academic freedom. The bipartisan panel said there was no evidence that Keystone State students were suffering from professor-inflicted political bias, but did suggest that schools

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:
126

Number of 2007 prefiles last week:
551

Number of 2006 Intros last week:
406

Number of bills enacted/adopted last week: 264

Number of 2006 prefiles to date:
21,584

Number of 2007 prefiles to date:
2,534

Number of 2006 Intros to date:
101,251

Number of enacted/adopted overall in 2006: 31,834

— Compiled By JAMES ROSS
(Measures current as of 11/15/06)
Source: State Net



review their specific academic-freedom policies (PHILADELPHIA INQUIRER).

• An **ARIZONA** appeals court rules that college students are allowed to sue the state over what they contend are illegal hikes in tuition. The decision revives a case that was originally blocked by a lower court. State regents are considering an appeal to the state Supreme Court (ARIZONA DAILY STAR [TUCSON]). • Education officials in **TEXAS** give approval to a new high school graduation plan that requires college-bound students to take four years each of math, science, social studies and English. Students who receive parental permission will be allowed to opt out of taking the most difficult math and science courses during their senior year, although they will still be required to take alternate courses to graduate (HOUSTON CHRONICLE).

Upcoming elections

(11/16/2006 - 12/07/2006)

THERE ARE NO ELECTIONS SCHEDULED DURING THE NEXT THREE WEEKS.

ENVIRONMENT: A federal judge rejects a challenge to the federal designation of nearly 860,000 acres in **CALIFORNIA** and **OREGON** as critical habitat for 15 imperiled plants and animals that depend on seasonal wetlands to survive. The home building industry challenged the designation, saying that, among other things, it was done without an adequate economic impact analysis (SACRAMENTO BEE). • **MICHIGAN** officials give hunters permission to shoot feral pigs at will. The voracious swine have caused significant damage to both forest and farmland in several states and are also thought to be the source of a recent E. coli outbreak in **CALIFORNIA**-grown spinach that killed several people and sickened hundreds nationwide (ASSOCIATED PRESS). • **FLORIDA** Gov. Jeb Bush (R) endorses a management plan banning fishing in a 61-square-mile section of Dry Tortugas National Park in the Gulf of Mexico. The plan, which is intended to help several species of fish recover from years of overfishing, creates the largest marine reserve in North America (ST. PETERSBURGH TIMES). • With the support of Gov. Jon Corzine (D), **NEW JERSEY** wildlife officials shoot down previously-given approval for the Garden State to hold a black bear hunt this winter. Environmental overseers say the state has not yet utilized enough non-lethal methods for controlling the rising bruin population (STAR LEDGER [NEWARK]).

HEALTH & SCIENCE: Health officials in **MASSACHUSETTS** announce that in January they will begin requiring the names of anyone testing positive for HIV to be reported to the state public health agency. More than 40 other states also use name-based reporting, which allows them to



receive federal AIDS funds that are contingent upon recording names as part of the national effort to track the epidemic and its treatment (LOS ANGELES TIMES).

SOCIAL POLICY: A federal court reverses an **OHIO** law that gave minors only one chance per pregnancy to ask a judge to let them bypass a requirement that they receive parental consent before an abortion. The three-judge panel said the law creates an undue burden on girls seeking an abortion. The same court, however, upholds another Buckeye State law that requires women seeking an abortion to have face-to-face counseling with a doctor 24 hours prior to the procedure (AKRON BEACON JOURNAL).

POTPOURRI: A **UTAH** legislative committee adopts new rules that allow demonstrators to hand out leaflets and engage in other protests at the Beehive State Capitol, as long as those demonstrations remain in public places. They are prohibited in the House and Senate chambers, adjoining public galleries and in lawmakers' and government offices. Lawmakers earlier this year passed rules barring activists from handing out leaflets they found offensive, but a court tossed those rules out (SALT LAKE TRIBUNE).

• A **MINNESOTA** court rules that Gopher State churches may continue to bar firearms from most of their property, including space leased to tenants. The court ruled that churches' constitutional right of freedom of conscience and association trumps state law even though the state's weapons permit law does not specifically exempt houses of worship (MINNEAPOLIS STAR TRIBUNE).

— *Compiled by RICH EHISEN*

Once Around the Statehouse Lightly

WOULDN'T WANT THIS CONFLICT: The Associated Press reports that new OHIO governor Ted Strickland, a Democrat, has decided to delay his inaugural party nearly a week — from Monday, January 8, to Saturday, January 13 — even though he will take the oath of office as scheduled on the eighth. Could it be that Strickland doesn't want his bash overshadowed by another kind of celebration? The NCAA

national championship football game will be played on January 8, and one of the top contenders is Ohio State.

STUNTED GROWTH: Maybe Tom Connolly thought it was funny to dress up like Osama bin Laden and stand on a highway overpass on Halloween. But his antic, notes the Associated Press, got him in hot water in his home state of MAINE. A Democratic activist, Connolly has been cited for “terrorizing and reckless conduct.” Says a prosecutor, “Halloween or not, in this day and age, you do not get to dress as an international terrorist and wave what appears to be an [assault weapon] at rush hour traffic.”

BAD WEEK FOR CALIFORNIA CITIES: First, Sacramento dribbled out of bounds. A local initiative meant to finance a new basketball arena for the NBA Kings failed to muster 30 percent of the vote, prompting fears that the team would move. Then, San Francisco fumbled on the two-yard line. When the city could not reach an agreement with the NFL 49ers over renovations to their football stadium, the team announced it was moving to Santa Clara, some 45 miles to the south. That, reports the *San Francisco Chronicle*, had serious repercussions because it effectively destroyed the city’s effort to host the 2016 Olympics. Without a stadium deal, San Francisco officials were forced to withdraw their bid for the games. Finally, Oakland struck out. Stymied in efforts to get a new baseball stadium, the Oakland Athletics decided to flee to suburban Fremont, where the A’s and software giant Cisco Systems will partner to build a new field. All this activity prompted a flurry of harumphs from various lawmakers, chief among them U.S. Senator Dianne Feinstein, who threatened to introduce a bill to prevent the Niners from using the name “San Francisco” or “49ers.” By contrast, Berkeley scored early and often. A squabble with the city has caused the University of California to temporarily shelve plans to upgrade its football stadium. Berkeley doesn’t have to worry about that team moving elsewhere.

TODAY, IT’S TRASH: The election finally is over, but campaign flotsam and jetsam still litter the countryside. Now, reports the *New York Times*, states are trying to get tough with candidates who leave their signs on public property. More than 20 million such signs were posted in 2006. DELAWARE gives candidates 30 days to remove signs, or it’s \$25 for each sign. VIRGINIA deputized volunteers to haul off signs posted along highways. OHIO is a bit nicer — a traffic administrator writes a letter to candidates, asking that they remove their signs. No penalty for not



responding — yet. A TENNESSEE environmental court, which can levy \$50 fines, has heard cases against both major party candidates for the U.S. Senate, as well as Gov. Phil Bredesen. Some FLORIDA counties give candidates 10 days to get rid of signs, although the regs usually are ignored.

THE LOGIC OF IT ALL: A report from a legislative committee in MISSOURI recently linked illegal immigration with abortion. According to the *Jefferson City News Tribune*, the report claims that abortion has caused a shortage of American workers and is therefore partly to blame for the fact that so many illegal aliens come to do that work. The report was endorsed by 10 Republican members of the House Special Committee on Immigration Reform. Six Democratic members refused to sign on. The GOP author, abortion foe Ed Emery of Lamar, defended the link, saying, “If you kill 44 million of your potential workers [via abortion], it’s not too surprising that we would be desperate for workers.” Democrat Trent Skaggs of Kansas City said of the report: “It’s a little delusional.” Ya think?

PERFECT RECORD: That would be Delta Airline’s Flight 5283 from NEW YORK to WASHINGTON, D.C. As noted in the *Washington Post*, Flight 5283 arrived late 100 percent of the time during the month of September. Not just late, mind you, but late by an average of 1 hour and 19 minutes. The flight itself takes all of 53 minutes.

— By A.G. BLOCK

Editor: Rich Ehisen — capj@statenet.com

Associate Editor: Korey Clark — capj@statenet.com

Contributing Editor: A.G. Block — 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: Suzanne Raney

©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 n www.statenet.com • (800) 726-4566