

December 12, 2005



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Top Story

*WYOMING has successfully lobbied the federal government to remove Yellowstone grizzly bears from federal protection under the Endangered Species Act. But managing the great bear is expensive, which means grizzlies may soon once again be a target for hunters.*

## SNCJ Spotlight

### Issues 2006: Bear of a problem

After years of often contentious back and forth wrangling with some Western states, the U.S. Dept. of Interior has agreed to remove the grizzly bears in Yellowstone National Park from federal protection under the Endangered Species Act (ESA). That decision — which is pending final approval after a 90-day public commentary period ends on February 15, 2006 — would hand over the bulk of grizzly bear management duties to state wildlife officials, primarily in WYO-

MING, but also in MONTANA and IDAHO. But while the question of whether the bears will be de-listed finally appears to be coming to a conclusion, both federal and state lawmakers still have a den full of bear issues to resolve in 2006.

The chief concern for many observers is whether Yellowstone's grizzly population has actually recovered enough from where it was in 1975 to warrant being de-listed. Surprisingly enough, the division is among differing camps within the environmentalist arena. The National Wildlife Federation (NWF), for instance, the nation's largest conservation group, says the answer is an unqualified yes.

"All recovery goals for grizzly bears in Yellowstone have been met or exceeded," says Tom France, director of NWF's Northern Rockies Project Office in Missoula, Montana. France notes that as few as 136 grizzlies were left in Yellowstone — and only 800 total in the U.S. — when they first received ESA protection in 1975, a shocking number when considering that some estimates claim there were once as many as 50,000 grizzlies in the lower 48 states. Today, after several years of 4 to 7 percent annual population growth, the Yellowstone grizzly population has grown to more than 600. (Four other U.S. grizzly populations have not had a similar rebound and are not subject to de-listing at this time.)

"The bear's rebound is a magnificent wildlife recovery story proving that the Endangered Species Act is working as the nation's safety net for rescuing species from extinction," France says.

But groups like the Sierra Club say that the successful grizzly recovery is exactly the reason why they should not be de-listed.

In a statement released after the de-listing announcement in November, Sierra Club Executive Director Carl Pope said that, "Removing federal protections for the grizzly at this point would jeopardize the bears' progress, just as we are just starting to realize a return on our investment."

"The Yellowstone grizzly bear is an irreplaceable part of America's natural heritage, an icon of all that is wild and free," said Pope. "Without strong habitat

## *The Week in Session*

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

States in Informal Session: MA

States in Special Session: CT "c", CT "d", FL "b", PA "a"

States in Recess: CA, IL, IN, NH, NY

Special Sessions in Recess: CA "a", DE "a", DE "b", 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", CT "b", GA "a", KS "a", LA "a", ME "a", ME "b", MN "a", MO "a", MS "a", MS "b", MS "c", MS "d", MS "e", NM "a", NV "a", SD "a", TX "a", TX "b", UT "a", UT "b", VT "a", WI "a", WV "a", WV "b", WV "c", WV "d", WV "e"

Letters indicate special/extraordinary sessions

Source: State Net, 12/09/05

protections in place, the long-term survival of the bear requires the safety net of the Endangered Species Act.”

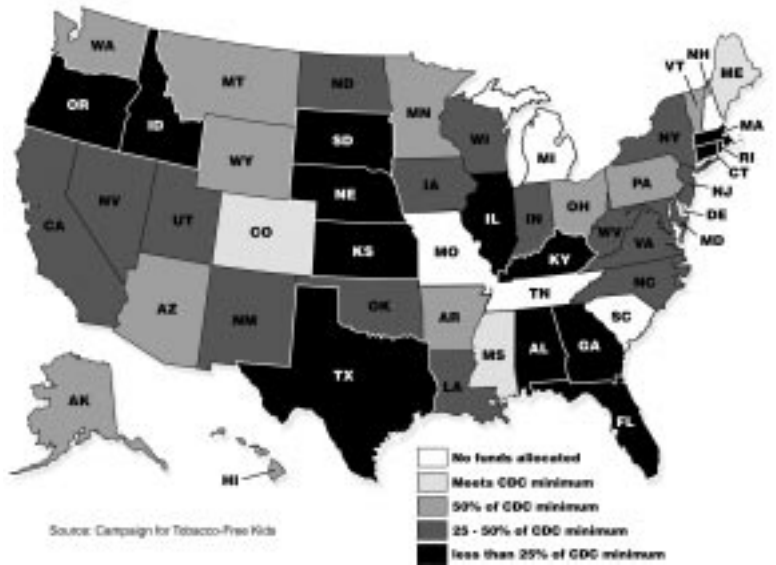
Pope and others also contend that disease and beetle infestations have recently wiped out thousands of the Yellowstone pine trees that produce the nuts that are a staple of the grizzly diet, meaning the bears now need even more habitat to search for food than ever.

But de-listing supporters counter that Wyoming’s management plan will require grizzly habitat within a 9,200-square-mile area in and around Yellowstone be maintained at 1998 levels. Any building in that zone means the developing agency must decommission a similarly-sized development somewhere else. Surrounding national forests must also alter their own land-use plans to accommodate grizzly protections. Wildlife officials say neither of those actions would have happened without grizzlies coming off the ESA protected list.

Supporters also note that the federal government will monitor the Yellowstone grizzly for five years after it is de-listed to make sure its population does not again begin to decline.

Other dilemmas remain, however, most notably in how Wyoming and other states will pay for the cost of managing grizzlies, which runs in the millions of dollars annually. Wyoming House Speaker Randall Luthi (R), a strong de-listing advocate, says that a hunting season is one of the most likely ways the state will seek to raise revenue, but notes that it is far too early in the process to say for sure

## Bird’s eye view



### Tobacco funds going up in smoke?

Although states are collecting a record amount of revenue from the multi-state tobacco settlement of 1998, only four — MAINE, COLORADO, DELAWARE and MISSISSIPPI — are currently funding tobacco prevention programs at minimum levels as recommended by the Centers for Disease Control and Prevention. This is according to a new report from Campaign for Tobacco-Free Kids, a Washington D.C.-based nonprofit organization that advocates for limiting children’s exposure to smoking and advertising for the tobacco industry. Although states have allocated \$551 million for such programs in FY 2006, that figure represents only about one-third of the \$1.6 billion that the CDC suggests. The report indicates that 11 states are funding at about 50 percent, while 35 states (and the District of Columbia), are funding prevention programs at less than half the CDC suggested minimum or not at all. The full report can be viewed at <http://tobaccofreekids.org>.





of view, but contends that, contrary to what some might believe, organizations like his “don’t think that states should be kept out of the management process” or that “this is all Disneyland.” On the contrary, he says, the very fact that grizzlies are a large, dangerous predator only enhances his feeling that the fiscal burden of their management should not be left to states that may not be able to afford it. Markarian also says the Humane Society is “certainly going to explore legal action” if the Yellowstone grizzlies are de-listed.

Luthi says he also understands that the decision in February will not end the debate over de-listing grizzlies, but adds that his state has already been under intense scrutiny from both de-listing supporters and opponents for years. Luthi says that now regularly includes the watchful eyes of lawmakers in Montana and Idaho, who are developing their own management plans.

“Our Dept. of Game and Fish people are working closely with them,” Luthi says. “Right now we’re in the phase of, ‘Okay, Wyoming, let’s see how you do, then we’ll see if we have to try something else.’ In that way, the pressure is on. Hopefully, we’ll get it right.”

— By *RICH EHISEN*

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## Budget & taxes

**W**HO’S GOING TO PAY FOR HURRICANE RECONSTRUCTION? It has been three months since Hurricane Katrina slammed into the Gulf Coast, and it is now pretty clear that it will cost billions to rebuild the region. What isn’t clear, however, is where that money is going to come from. Andy Kopplin, executive director of the LOUISIANA Recovery Authority, created by Gov. Kathleen Blanco (D) to lead the state’s reconstruction effort, expressed the prevailing wisdom when he said, “This kind of major public works project has to be a state and federal partnership.” But the Pelican State, which is currently struggling with a \$1 billion budget deficit and a revenue base that has shrunk by about a million residents, is not in a position to contribute substantially to that recovery project. And while Congress has already appropriated \$62 billion for hurricane relief, fiscal conservatives balked at Louisiana’s request for a \$212 billion rebuilding effort. That rejection was a reflection of the growing difference of opinion over just how much the federal government should contribute. Some say only the federal government has the pockets deep enough to cover the enormous cost of



reconstruction, and that, moreover, the government has a responsibility to the Gulf Coast region because much what makes that region so vulnerable to hurricanes is the direct result of things that have been done for the good of the whole country. For example, Gulf Coast oil and natural gas production helps keep prices down by reducing the amount that has to be imported, but drilling rigs, pipelines and refineries damage the coastal wetlands that serve as natural hurri-

cane buffer zones. “Louisiana has sacrificed its coastline so those people in North Dakota can have fuel oil, so they can drive their vehicles,” said Craig Colten, a geographer at Louisiana State University. But others contend that too much federal support will send a message to those living in hurricane-prone areas that there’s no need to purchase flood insurance or hurricane-proof their homes because the federal government will bail them out when disaster strikes. “At some level it makes sense that the federal government should help, but there should be a lesson,” says Veronique de Rugy, a research fellow at the American Enterprise Institute. “People who have behaved in a completely irresponsible way by not taking any insurance should lose something.” (NEW YORK TIMES)

**BUDGETS IN BRIEF:** Richard Scruggs, a MISSISSIPPI trial lawyer representing Magnolia State residents whose homes were destroyed by Hurricane Katrina’s storm surge — who also happens to be the brother-in-law of Republican U.S. Sen. Trent Lott — said his state probably will not get the \$38 billion in federal funding it asked for to help such homeowners. Scruggs said last week that he will instead try to make the federal courts force insurance companies to cover those damages. Insurers have refused to do so, arguing that flooding coverage in the state is handled exclusively by the federal government under the National Flood Insurance Program (CLARION-LEDGER [JACKSON]). •

**FLORIDA** lawmakers assembled in special session finally approved a proposal last week to allow Las-Vegas style slot machines at parimutuels in South Florida. Lawmakers set a 50 percent tax rate on those machines, one of the highest in the nation, while also limiting the number each facility can install to 1,500. That is 500 less than in the original Senate plan. Gov. Jeb Bush (R) says he will sign the legislation into law (SUN-SENTINEL [SOUTH FLORIDA], PALM BEACH POST, MIAMI HERALD). • Federal, state and local spending on road construction rose 12 percent in the first nine months of this year and is on pace to reach a record \$66.3 billion, according to U.S. Census Bureau data (USA TODAY). •

*Upcoming Stories*

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

An exclusive interview with CALIFORNIA Director of Homeland Security Matthew Bettenhausen

In January, an exclusive interview with WASHINGTON Gov. Christine Gregoire

And many more...





**STATE ACTIVISM MAY HERALD NATIONAL POLICY:** For the past half-decade, President Bush and the Republican-controlled Congress have, for the most part, focused on limiting the size and scope of the federal government. In a number of states, however — those governed by Democrats and moderate Republicans — there is a trend in the opposite direction. And according to Richard P. Nathan, director of the Nelson A. Rockefeller Institute of Government at the State University of New York and a former aide to President Nixon, the states’ government activism could lead to a surge of federal activism. That’s been the case in earlier periods when conservatives governed Washington, Nathan reports in a paper that will be released this month. “When conservative coalitions controlled national offices, programs that were incubated, tested and debugged in liberal states become the basis for later national action,” he writes. The Progressive Era policies of presidents Theodore Roosevelt and Woodrow Wilson were inspired by state child labor laws and public health reforms in the late 19th century, for example, and Franklin D. Roosevelt’s New Deal was based on state efforts in the 1920s to establish minimum labor standards and aid for the poor, Nathan says. Issues that are currently getting plenty of attention in liberal-leaning states are stem cell research, universal preschool and children’s healthcare. Global warming and energy independence have gained particular prominence; twenty-one states have approved bills requiring utilities to produce more of their energy from renewable sources, and 10 states are considering adopting a CALIFORNIA mandate requiring cars and trucks to reduce their greenhouse gas emissions by 30 percent by 2016. These “green” initiatives have advanced not only in states that voted Democratic in the 2004 presidential election, but also in swing states like PENNSYLVANIA and WISCONSIN, and even in “red” energy-producing states such as TEXAS, COLORADO and MONTANA. And the initiatives are garnering support not only from Democratic governors, but Republicans such as California’s Arnold Schwarzenegger and NEW YORK’s George E. Pataki. (LOS ANGELES TIMES)

**SPECIAL SESSIONS NOT ALL THAT SPECIAL:** Three weeks after Hurricane Katrina struck the Gulf Coast on August 28, MISSISSIPPI Gov. Haley Barbour (R) called lawmakers back to the Capitol for a special session on recovery issues. A couple of months later, LOUISIANA Gov. Kathleen Blanco (D) did the same. While those two sessions, motivated by a Category 4 hurricane, were fairly extraordinary, special sessions, in general, are not. According to the National Conference of State Legislatures, thirty-five special sessions have been held so far this year. And NCSL says that’s not even a particularly high volume;





**POLITICS IN BRIEF:** An **ARIZONA** judge has ordered a state lawmaker out of office for violating the state’s campaign finance law. Judge Mark Aceto of the Maricopa County Superior Court ruled last Wednesday that Rep. David Bunnell Smith is holding office illegally because he overspent his public campaign-financing limit to win his 2004 Republican primary. Unless that decision is overturned on appeal, Smith could become the first legislator in the country to be removed from office by a means other than impeachment or recall (**ARIZONA REPUBLIC [PHOENIX]**). • A memo made public last week by a Democratic group in **TEXAS** called the Lone Star Project indicates that analysts and staff attorneys at the U.S. Department of Justice objected to the state’s Republican-drawn 2003 congressional redistricting plan but were overruled by top department officials. The DOJ analysts and staff lawyers wrote in the memo that “the state failed to follow its traditional redistricting principals preserving communities of interest and forbidding fragmentation or packing of minority voters.” But Democratic state lawmakers say the memo is not much help to them now, with the map already having been upheld by a federal court last year (**AUSTIN AMERICAN-STATESMAN**). • **MONTANA** lawmakers will convene in special session this week to address a couple of pressing issues: public employee pensions and school funding. The state’s retirement systems for teachers and public employees together face a deficit of \$1.4 billion, and its school funding formula was declared unconstitutional by the state Supreme Court last month (**BOZEMAN DAILY CHRONICLE, MISSOULIAN**). • According to voter registration figures from the 2004 election, a number of counties in **MISSOURI** have registration rates over 100 percent; in one county, the rate is actually 151 percent. The excessive civic-mindedness has prompted a lawsuit by the U.S. Justice Department. State election officials say the bloated voter rolls are the result of a calculation error in the reporting of registration information to the Secretary of State’s office (**KANSAS CITY STAR**). • **COLORADO** Supreme Court Justice Rebecca Love Kourlis, a Republican who was respected by members of both major parties, announced last week that she will resign next month, when she will have completed 10 years of service on the high court. Kourlis gave no details about the reason for her decision or her future plans, but promised to say more after her resignation becomes effective Jan. 10. Gov. Bill Owens (R) said he won’t necessarily appoint a woman to replace Kourlis, but that he will likely appoint a conservative, one who is a “strict constructionist” rather than an “activist judge” (**ROCKY MOUNTAIN NEWS [DENVER]**).

— *Compiled by KOREY CLARK*

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# Governors

**FREUDENTHAL SAYS LAME DUCK NOT ON HIS MENU:** WYOMING Gov. Dave Freudenthal (D) told students in a University of Wyoming political science class last week that he plans to seek re-election next year. The governor said he did not want to go into the lawmaking session as a “lame duck” governor, so “even if I wasn’t planning on running, I would want to act like I was.” Freudenthal also emphasized that he has no interest in running for national office, saying the ongoing partisan rancor of Washington was not for him. “The things in Washington, I think, have degenerated beyond hope,” he said. “It just seems to me we have divided into blue shirts and red shirts, and we have stopped being people who solve problems, and the higher you go up the food chain the worse that gets.” (CASPER STAR TRIBUNE)

**HUCKABEE PRESSURES CONGRESS ON MEDICAID:** ARKANSAS Gov. Mike Huckabee (R) continued lobbying Congress last week in an effort to get lawmakers to adopt several changes in the federal-state health care program for the poor. Those changes, which have been endorsed by virtually every state governor, would allow states greater flexibility in running those programs, including the ability to raise co-pays and premiums for Medicaid users. Huckabee, the chairman of the National Governors Association, downplayed criticism from some opponents who say that adding or raising co-pays would constitute a hardship for Medicaid recipients, asking “Would you rather the state discontinue eyeglasses for the elderly, or ask for a \$ 5 co-pay [per eyeglass prescription]?” The proposed Medicaid changes are part of two larger budget bills passed by both the House and Senate. Each would achieve savings by making it harder for people to hide assets in order to receive benefits and by passing expenses on to pharmacies and drug manufacturers. The House version would generate more savings by requiring drug and service co-payments by some recipients. Huckabee said he did not endorse one version over the other, but noted that the House version “closely mirrors” the governors association’s recommendations. (ARKANSAS DEMOCRAT-GAZETTE [LITTLE ROCK])

**BLAGOJEVICH ORDERS PAY HIKES:** ILLINOIS Gov. Rod Blagojevich (D) took lawmakers by surprise last week when he ordered 4 percent pay raises for about 9,000 “merit compensation,” or management-level, employees. The raises, which took effect immediately, are the first since 2002 for non-union employees working under the governor. The pay hikes angered Republican lawmakers who



**KEMPTHORNE COOKS IN MEXICO: IDAHO** Gov. Dirk Kempthorne (R) spent last week on a trade mission to Mexico, where he met with government officials and local business representatives in an effort to drum up more trade south of the border. Part of that effort came in the form of an appearance on the “Sabrosas Conversaciones con Lulu” — “Tasty Conversations with Lulu” — cooking show, where Kempthorne used some Idaho spuds to whip up a frittata (IDAHO STATESMAN [BOISE]).

**BLANCO ASLEEP AT THE SWITCH? LOUISIANA** Gov. Kathleen Blanco (D) came under criticism last week after the release of an e-mail that suggested she was taking an afternoon nap during a time when U.S. Security Secretary Michael Chertoff was trying to reach her by telephone on the day before Hurricane Katrina hit New Orleans. The e-mail was part of thousands of communications being reviewed by a Congressional committee investigating government performance during Katrina and its aftermath. Blanco spokesperson Denise Bottcher denied that her boss was asleep on the job, saying the reference was a mistake made by a member of her staff who made an incorrect presumption when he could not find Blanco to take Chertoff’s call. Bottcher also called the e-mail very circumspect, saying, “I find it highly suspicious that only Washington reporters got this e-mail.” (TIMES-PICAYUNE [NEW ORLEANS])

**RELL SIGNS OFF ON CAMPAIGN REFORM: CONNECTICUT** Gov. M. Jodi Rell (R) signed legislation last week that authorizes public campaign financing for state campaigns for the 2008 legislative election cycle. Similar taxpayer-financed campaigns for governor and other statewide offices will take effect for the 2010 elections. (NEW HAVEN REGISTER)

## *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: 392

Number of 2006 Intros last week: 18

Number of bills enacted/adopted last week: 72

Number of 2006 prefiles to date: 3,469

Number of 2006 Intros to date: 205

Number of enacted/adopted overall in 2006: 137

— Compiled By JAMES ROSS  
(Measures current as of 12/0805)  
Source: State Net

— *Compiled by RICH EHISEN*

# Hot issues

**B**USINESS: The **PENNSYLVANIA** House unanimously endorses a bill that would prohibit insurance companies from denying coverage to domestic-abuse victims for claims resulting from property damages related to the abuse. It moves to the Senate (**PATRIOT-NEWS [HARRISBURG]**). • The **MICHIGAN** House votes 104-0 in favor of HB 4959, legislation that would allow both in-state and out-of-state wineries to ship up to 1,500 cases of wine a year directly to consumers. The House also votes 103-1 to approve SB 625, a bill that would impose a \$100 fee on those wineries in order to obtain a state license to ship vino to consumers. Both measures now ship directly to Gov. Jennifer Granholm (D), who is expected to sign them into law (**ASSOCIATED PRESS**). • A federal appeals court upholds a **NORTH DAKOTA** law that bars telemarketers from calling residents who are on the state “do not call” list. A lower court had invalidated the law, saying it was overly restrictive (**BISMARCK TRIBUNE**). • Japan officials agree to end a two-year ban on the importation of American beef. The ban was enacted out of fear of U.S. cattle carrying bovine spongiform encephalopathy, or “mad cow” disease. Experts estimate that the U.S. has lost \$300 million per year in sales since the embargo went into effect in December of 2003 (**LINCOLN JOURNALSTAR**).

**CRIME & PUNISHMENT:** The U.S. Supreme Court agrees to hear a challenge to an **ARIZONA** law that restricts what evidence can be used to prove a defendant is insane. It is the first time the high court has agreed to consider a direct constitutional challenge to insanity defense laws in more than two decades. They will hear the case in spring of 2006 (**ARIZONA REPUBLIC [PHOENIX]**). • A **KANSAS** legislative committee Monday endorses a bill that would require citizens to identify themselves to authorities under most circumstances. Current law allows Sunflower State residents to refuse to show identification in many situations. The measure will now be revealed to the full Legislature in 2006 (**LAWRENCE JOURNAL-WORLD**). • **NEW YORK** Gov. George Pataki (R) orders Empire State criminal justice officials to collect DNA samples from all convicted felons. That directive is expected to add as many as 40,000 new samples to the state database. New York becomes the 44th state to require a DNA sample from all felons (**POST & STANDARD [SYRACUSE]**).

**EDUCATION:** A joint **WYOMING** legislative committee approves a bill that would require all private universities and colleges that offer degrees to be accredited by the state. Supporters say it would prevent schools from setting up

shop as “diploma mills.” It now graduates to the full Legislature (TRIBUNE-EAGLE [CHEYENNE]). • The U.S. Supreme Court rules that the federal government can legally withhold Social Security benefits from elderly or disabled borrowers who are in default on their student loans. The court’s decision, which was unanimous, applies to loans that date back more than 10 years and covers both disability and retirement benefits under the Social Security program (ASSOCIATED PRESS). • **GEORGIA** education officials approve a new rule that will allow them to grant a diploma to students who repeatedly fail one portion of the high school graduation exam. Under that new guideline, the board may consider whether the student has good attendance, narrowly missed passing the test and passed the relevant End-of-Course Tests (ATLANTA JOURNAL-CONSTITUTION). • A **NEW JERSEY** court rules that schools have the same responsibility to stop harassment of students as employers have to prevent a hostile workplace. The decision came in the case of a Garden State school district that was sued for failing to adequately prevent the bullying of a student. The district said it will appeal (STAR-LEDGER [NEWARK]).

**ENVIRONMENT:** • A **MICHIGAN** Senate committee approves a measure that would require Wolverine State businesses to get permits if they withdraw more than two million gallons of water per day. It would also prohibit users from extracting more than 100,000 gallons per day if the withdrawal could harm trout streams. It flows now to the full Senate (LANSING STATE JOURNAL).

**HEALTH & SCIENCE: WISCONSIN** Gov. Jim Doyle (D) delivers on his promise to veto legislation that would have capped non-economic damages in malpractice lawsuits at \$450,000 for adults and \$550,000 for minors. The measure’s supporters say they will attempt to override the veto in the Legislature (CAPITAL TIMES [MADISON]). • A **NEW JERSEY** Assembly committee endorses a proposal to require Garden State health insurers to cover alcohol and drug treatment as they would any other illness. It moves to the full Assembly (TIMES [TRENTON]). • **ILLINOIS** Gov. Rod Blagojevich (D) signs legislation that requires medical schools to run a criminal background check on prospective students. The new statute takes effect immediately (QUAD CITY TIMES [DAVENPORT]).

**HOMELAND SECURITY:** Federal officials announce they will send an additional 1,700 new agents to **ARIZONA, CALIFORNIA** and **NEW MEXICO** by next fall. That will bring the total number of agents working in those states to almost 13,000. The increase is part of the Bush administration’s plan for slowing illegal immigration (ARIZONA REPUBLIC [PHOENIX]).



can. He also is the candidate's husband. More significant, the *New York Post* reports that he is among a handful of high-powered Republicans trying to force Jeannie Pirro out of the race. Apparently acting without her sanction or knowledge, Albert Pirro has joined the effort to convince his wife to run for state attorney general and leave the Clinton contest to a Republican gazillionaire who can self-fund the campaign. "I decided to garnish your salad with a little oleander, dear. How does it taste?"

**STICKS AND STONES:** No less a fitness critic than Fidel Castro recently lambasted FLORIDA Gov. Jeb Bush as the president's "fat little brother," then urged the Sunshine State's chief exec to exercise or go on a diet. At first, reports the *Miami Herald*, Bush's office refused to "dignify this with a response." But The Associated Press notes that Bush apparently changed his mind a few days later, saying he was "honored" to be criticized by a man who has "repressed his people for 40 or 50 years."

**RUSE OF THE WEEK:** Back in the 1970s, ILLINOIS State Police were chastised for using an old, unmarked pickup truck to nab speeders along Interstate 80. Now comes word from the *Seattle Times* that WASHINGTON state troopers may have taken a page out of the Illini playbook. Seems that a plainclothes trooper with a cardboard sign around his neck — looking for the world like a panhandler — had ensconced himself at a busy Seattle intersection where he could observe drivers who did not wear seatbelts. In four hours, he and a cohort stopped 41 cars, issuing some 30 seat-belt tickets — an infraction that cost \$101. By the way, they also made seven other arrests: a drug violation and six outstanding warrants. Courts eventually ruled the Illinois practice unfair and thus illegal. No word on whether pinched Washingtonians plan to sue.

**TOO CREATIVE?** Paul Mirecki wanted to make a statement of sorts about his home state of KANSAS, so the University of Kansas religious studies professor ginned up a class for the next term entitled "Special Topics in Religion:

### In case you missed it: Lawmaker to lobbyist?

How long should a former lawmaker be out of office before he or she begins lobbying the governing body they just left? It is a difficult question, one that must balance the rights of former legislators to earn a living with the interests of an often-skeptical voting public that tends to view "government ethics" as an oxymoron.

On November 21, the State Net Capitol Journal examined the widely differing ways in which states approach this complex and controversial issue. In case you missed it, these stories can be found under the archives tab on our Web site at [www.statenet.com/resources/](http://www.statenet.com/resources/)



Intelligent Design, Creationism and other Religious Mythologies.” That last little tag line could have gotten him in trouble, reports The Associated Press. Last week, Mirecki was hauled from his car on a rural road near Lawrence and beaten to the point of hospitalization. Mirecki, who was released after treatment, is adamant that the thrashing was in response to his class. The fact that he also emailed inflammatory remarks about religious conservatives to students might also have contributed to the assault, he concedes. His class was designed as a response to a recent Kansas State Board of Education decision to include criticism of evolution in its science standards.

**ON THE AIR:** Columnists Matier and Ross of the *San Francisco Chronicle* report that former San Francisco Mayor Willie Lewis Brown Jr. has joined forces with comedian Will Durst to launch a new drive-time radio talk show to be beamed over KQKE (960 AM). The glib and ever-entertaining Brown is a political legend in CALIFORNIA, thanks to 15 flamboyant years as speaker of the state Assembly prior to running for mayor in 1996. Durst, whose comedy focuses on politics and who is equally as glib, recently quipped: “The governor tells us to trust the people. Well, these are the same ‘people’ who need a warning label on brake fluid so they won’t drink it.” Their show will replace a syndicated effort from Jerry Springer.

— By A.G. BLOCK

