



Capitol Journal

News & Views from the 50 States

Implementing a Vision



January 16, 2012

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● The next issue of
 ● Capitol Journal will be
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Top Story

With legislative sessions beginning in earnest, governors across the country are preparing to goad lawmakers into implementing their vision of where their states should go in 2012.

SNCJ Spotlight

Govs push varied agendas as sessions begin

Former California Gov. Gray Davis (D) once famously said it was the Golden State Legislature's job to "implement my vision." Davis, who later gained more notoriety by being only the second governor in U.S. history to be recalled from office, may have had a slightly skewed vision of the role lawmakers play in the legislative process. But tack notwithstanding, Davis' fervor illustrated the reality that all chief executives bring their own agenda into every legislative session. This year's crop of governors is no exception.

Although the national economy has shown some signs of improvement, several states still have significant unemployment. As such, several governors, including Virginia Gov. Robert McDonnell, Idaho Gov. Butch Otter, Nebraska Gov. Dave Heineman and Iowa Gov. Terry Branstad, all Republicans, and Democrats Andrew Cuomo of New York, Earl Ray Tomblin in West Virginia, Pete Shumlin in Vermont, Christine Gregoire in Washington and Martin O'Malley in Maryland have listed job creation among their top priorities in 2012. Most of their plans include investment in new or upgraded infrastructure, more state-funded job training and offering tax breaks to companies that hire new workers.

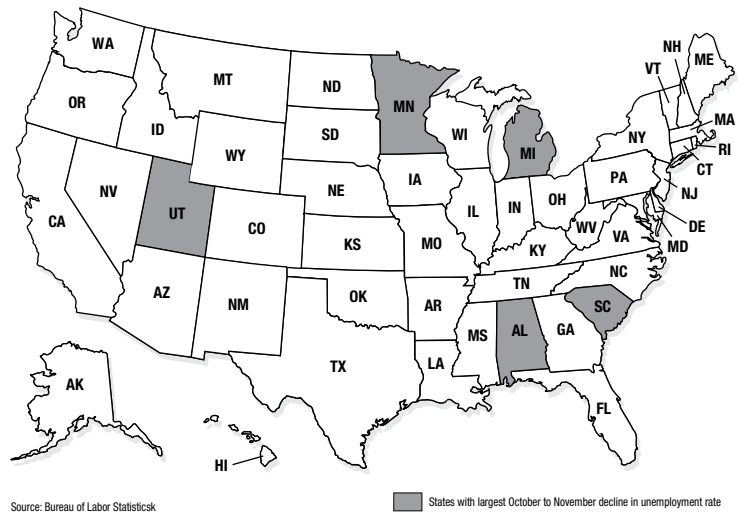
Minnesota Gov. Mark Dayton (D) joined in last Wednesday by unveiling a proposal he said could create tens of thousands of

new Gopher State jobs. Tenets of that plan include a \$35 million proposal to grant \$3,000-per-employee tax breaks to companies that hire workers who are currently unemployed as well as recent college graduates and military veterans. Businesses that make other new hires would receive a \$1,500-per-hire tax credit. The biggest element of the proposal, however, is a \$775 million bonding package aimed at funding job-creating infrastructure projects. Details of that part of the proposal are expected to be revealed this week, though the governor has indicated the funding would also support job training and re-training programs.

“We need to focus on what we know will work: investing in infrastructure, providing incentives to private sector businesses to create more jobs, and training workers for high-demand careers,” Dayton said in a statement. “I hope that this legislation to put Minnesota back to work will be among the first I will sign during the upcoming session.”

Education is also shaping up to be a dominant part of most gubernatorial agendas. Virginia Gov. McDonnell, for instance, has proposed replacing the Old Dominion’s

Bird's eye view



Jobless rate down in most states last month

Thirty states experienced statistically significant month-over-month declines in their unemployment rates in November, according to data released by the Bureau of Labor Statistics last month. The largest drop was in Michigan (0.8 percent), followed by Alabama, Minnesota, South Carolina, and Utah (0.6 percent each). The other 20 states reported jobless rates that were not significantly different from those in October. Nevada again reported the highest unemployment rate, at 13 percent, followed by California, at 11.3 percent. And North Dakota had the lowest rate, at 3.4 percent, followed by Nebraska, 4.1 percent.



open-ended contract process for public school teachers with an annual performance-based contract that allows education officials more leeway in getting rid of bad instructors.

“This is the way the private sector works. This is the way most of state government works,” McDonnell said at a news conference announcing his proposals. “You perform well, you keep your job.”

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He also is pushing for companies to receive tax breaks for sponsoring private-school scholarships for low-income kids and doing away with a state law that bars schools from opening before Labor Day.

Louisiana Gov. Bobby Jindal (R) has promised major education reforms heavy on expanding access to private schools for low-income kids, though he has yet to release details of how that would be accomplished. Details were not a problem for Iowa’s Gov. Branstad, who issued a multi-point reform plan that would, among several things, require teachers to be state-licensed, task education officials with upgrading core standards, impose mandatory end-of-course testing in core subjects and require all high school juniors to take a college admission exam, which would be paid for by the state.

Branstad and Georgia Gov. Nathan Deal (R) also are pushing initiatives to have all children reading on grade level by third grade, while South Dakota Gov. Dennis Daugaard (R) has proposed doing away with tenure for new teaching hires while offering bonuses to the state’s best teachers as well as those who take hard-to-fill positions in math and science instruction. Almost every governor will also undoubtedly be keeping a sharp eye on efforts to obtain waivers from the most rigid requirements of the federal No Child Left Behind law.

School funding is another major issue for most governors. Arizona Gov. Jan Brewer and Kansas Gov. Sam Brownback both Republicans, are just a few of the governors aiming to overhaul how their states pay for schools. Brownback has proposed, among other things, allowing school districts to exceed a state cap on local property taxes — currently 31 percent of what they get in funding from the state — with that revenue going to schools. Brewer has not revealed details of her plan.

Taxes — either cuts or hikes — will continue to play a major role in many gubernatorial agendas this year. While many, such as Tennessee Gov. Bill Haslam (R), Iowa Gov. Branstad, Vermont Gov. Shumlin and New York Gov. Cuomo, have stated their desire to cut or maintain tax levels at their current rates, others are actively pushing for higher taxes and fees to support ongoing or new projects and programs.

California Gov. Jerry Brown (D), for one, is counting on voters approving almost \$7 billion in tax hikes to avoid cutting about \$4.8 billion from Golden State schools. Brown is hoping to put his plan, which would add a half-cent to the state sales tax and

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increase levies on the state’s wealthiest residents, on the November ballot. Maryland’s O’Malley, meanwhile, has suggested a 1-cent increase in the Old Line State sales tax to help close a projected \$1.1 billion budget gap, noting such a hike would further allow the state greater “flexibility” to pay for ongoing programs and to borrow more money for needed transportation infrastructure projects. He is also hoping for increases in the state gasoline tax to help pay for transportation improvements and the residential “flush fee” to support upgrading water treatment plants.

Washington’s Gov. Gregoire has in recent months strongly advocated for a statewide ballot measure to raise a variety of transportation fees and taxes to fund \$3.6 billion in highway and ferry maintenance. Doing so, she said, will provide desperately needed repairs to many of the state’s highways, roads and bridges while creating over 5,000 jobs. Gregoire also wants Evergreen State lawmakers to support a half-cent sales tax hike that would pump over \$400 million into the state’s education system, supporting a new effort to revamp how the state evaluates teachers and principals.

Same-sex marriage is also at the top of both Gregoire’s and O’Malley’s agendas. After lawmakers narrowly rejected a similar proposal last year — a measure legalizing gay marriage cleared the Senate but failed in the House — O’Malley is eager to take up the battle again. Gregoire, meanwhile, has only recently taken up the cause, but recently told lawmakers “it is time for marriage equality” in Washington.

A plethora of other issues fill gubernatorial agendas this year. Indiana Gov. Mitch Daniels (R) has put steering a right-to-work measure through the Hoosier State legislature at the top of his to-do list, while Colorado Gov. John Hickenlooper (D) is targeting the elimination of hundreds of arcane regulations he says hinder economic growth in the Centennial State. Hickenlooper has called the streamlining process “a giant step toward making state government lean and efficient.” Along those lines, Maine Gov. Paul LePage (R) wants the natural gas and hydroelectric energy industries to have access to the same expedited permitting process as the state’s wind power industry. Freshman Mississippi Gov. Phil Bryant (R) has made combating teen pregnancy one of his four key policy efforts in 2012, while Virginia’s McDonnell and Illinois Gov. Pat Quinn (D) are among many chief executives looking to tackle mounting public employee pension obligations.

While most governors face a multitude of like issues, Wisconsin Gov. Scott Walker (R) is facing one unique to his own circumstances. A coalition of labor groups and the Badger State Democratic Party are expected to turn in approximately 1.5 million signatures this week on petitions seeking a recall election against Walker, Lt. Gov. Rebecca Kleefisch and four Republican state senators. Those signatures must be verified before an election can be set, a process that is expected to take at least two months.

(WASHINGTON POST, WISCONSIN LAW JOURNAL, NORTHWEST INDIANA TIMES [MUNSTER], SIOUX CITY JOURNAL, DES MOINES REGISTER, TIMES-PICAYUNE [NEW ORLEANS], BANGOR DAILY NEWS, ATLANTA JOURNAL-CONSTITUTION, NEW YORK TIMES, MINNEAPOLIS



STAR-TRIBUNE, CHARLESTON GAZETTE, RICHMOND TIMES-DISPATCH, SEATTLE TIMES, COLUMBIAN, KANSAS CITY STAR, LAWRENCE JOURNAL-WORLD, EAST VALLEY TRIBUNE [MESA], ARIZONA REPUBLIC [PHOENIX], MIAMI HERALD, DENVER POST, PUEBLO CHIEFTAIN , WASHINGTON TIMES, LOS ANGELES TIMES, SACRAMENTO BEE, BALTIMORE SUN, BOSTON HERALD)

— *Compiled by RICH EHISEN*

Budget & taxes

CA BUDGET PROPOSAL INCLUDES ‘RANSOM NOTE’ FOR VOTERS: California Gov. Jerry Brown (D) issued an ultimatum to voters in the \$92.6 billion budget he proposed last week: approve \$7 billion in temporary tax hikes at the polls in November or lose three weeks in the public school year.

“It’s the most expensive ransom note in California political history,” said Dan Schnur, director of the Jesse M. Unruh Institute of Politics at the University of Southern California and a former aide to Republican Gov. Pete Wilson.

Brown wants to raise income taxes on residents making \$250,000 or more per year from 9.3 percent to 10.3 and boost the state sales tax from 7.25 percent to 7.75 percent for five years. The governor tried to get a tax initiative on the ballot legislatively last year but was blocked by GOP lawmakers. So now he’s turning directly to voters with the citizen initiative process. If that also fails, \$4.8 billion in education cuts will automatically be triggered in accordance with the budget approved in June. Brown announced \$1 billion in so-called “trigger cuts” last month.

“There are people who say we shouldn’t scare the voters,” said Senate President Pro Tem Darrell Steinberg (D). “I agree with that. But on the other hand, it is our obligation, the governor’s obligation, to inform the voters. The voters aren’t going to want to lose three weeks of the school year.”

Brown dismissed the idea, however, that he was using the threat of cutting school funding to generate support for his tax initiative.

“That’s where the money is,” he said at a news briefing last week.

And his finance director, Ana Matosantos, pointed out that K-12 education accounted for 40 percent of state spending.

But under his proposed budget — assuming voters approve his tax plan — school spending would increase by \$4 billion, or 11 percent, while \$4.2 billion in cuts would be made elsewhere, including welfare and the state’s health insurance plan for the poor.



“There are lot more Californians who attended public school, or who have kids in school, than who receive health-care or welfare benefits,” said Schnur. “This budget recognizes the vast political difference between cuts in one versus the other.”

Republican Sen. Doug LaMalfa, however, said Brown’s approach could have a boomerang effect on the state’s voters.

“The boomerang could be that it makes voters more angry if they feel they’re being threatened,” he said. “Voters don’t cotton to being threatened.” (BLOOMBERG)

KS GOV PROPOSES TAX OVERHAUL:

Kansas Gov. Sam Brownback (R) has some big plans for the Legislature this year, including an overhaul of the state tax code that would cut income taxes for roughly 1.6 million residents and eliminate nearly two-dozen tax deductions, most notably the one for home mortgage interest. The governor also told state lawmakers last week that he wants to develop a new school funding system, fix the state’s ailing public pension system and reign in the cost of Medicaid.

“That’s a lot to accomplish,” he said. “Can we get it done? Of course we can.”

Lawmakers in the Republican majority found plenty to praise in Brownback’s agenda.

“I am very excited about this,” said House Majority Leader Arlen Siegfried (R). “The tax plan is an integral part of taking us from a high-tax, high-debt state to a low-tax state and will provide great growth for us.”

But Democrats had “real concerns” about the governor’s tax plan, particularly the proposed elimination of the home mortgage interest deduction, according to Senate Minority Leader Anthony Hensley (D).

“Faced with the challenges created by a struggling economy and housing market, we believe now is not the time to increase the tax burden on Kansas homeowners,” he said. (KANSAS CITY STAR)

BUDGETS IN BRIEF: Top-ranking **IOWA** legislators from both parties said last week the General Assembly will address the inequities in the state’s property tax system this year. Commercial and industrial property in the state is taxed at 100 percent of its assessed value while homes in recent years have been taxed at less than half of their assessed values (DES MOINES REGISTER). Also in **IOWA**, Gov. Terry Branstad (R) proposed a broad-based tax relief plan, which would lower commercial

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: 1,804

Number of Intros last week: 11,160

Number of Enacted/Adopted last week: 118

Number of 2012 Prefiles to date: 2,288

Number of 2012 Intros to date: 13,805

Number of 2012 Session Enacted/Adopted overall to date: 200

Number of bills currently in State Net Database: 117,223

— Compiled By OWEN JARNIGAN
(measures current as of 1/12/2012)
Source: State Net database



property taxes 5 percent per year for the next eight years, limit local government spending growth to the cost of living and cap annual tax increases for residential and agricultural property at 2 percent (SIOUX CITY JOURNAL). • **IDAHO** Gov. C.L. “Butch” Otter (R) unveiled his budget priorities for the next fiscal year in his State of the State address last week. They include setting aside \$45 million for tax relief, \$60 million to replenish the state’s reserves, and \$41 million to provide revenue-based salary increases for public employees (TIMES-NEWS [TWIN FALLS]). • **ARIZONA** Gov. Jan Brewer (R) said in her State of the State speech last week that she wants more tax cuts to lure businesses to the state. The state enacted \$538 million in business tax cuts last session, which will reduce corporate income taxes by nearly 30 percent and business property taxes by 10 percent when fully phased in (EAST VALLEY TRIBUNE). • **TENNESSEE** Gov. Bill Haslam (R) announced last week that he will seek reductions in the state’s estate tax and the sales tax on groceries this year. Haslam had previously stated he didn’t think the state could afford to offer tax breaks in a tough budget year, but he said improving revenues have now made such cuts possible (COMMERCIAL APPEAL [MEMPHIS]). • **MARYLAND** Gov. Martin O’Malley (D) surprised lawmakers last week by proposing a 1-percent increase in the state sales tax (from 6 percent to 7 percent). The Democrat-controlled General Assembly has been discussing a 15-cent increase in the gas tax to help pay for roads, schools and other infrastructure projects, but many residents oppose that idea (WASHINGTON TIMES).

— *Compiled by KOREY CLARK*

Politics & leadership

GOP TAKES CONTROL OF VA SENATE: Just as they said they would do after the November election split their chamber 20-20 between them and the Democrats, Virginia Senate Republicans used the tiebreaking vote of Lt. Gov. Bill Bolling (R) to assume control of the chamber last week. Over the fervent protests of Senate Democrats, the Republicans used that deciding vote to push through a number of rule changes, as well as appoint a GOP chairman to all 11 of the Senate’s committees and give themselves majority representation on every one of them except the local government committee.

With the House of Delegates and governor’s office already under Republican control, Richmond has effectively become a one-party town.

“It’s a different place now,” said Sen. A. Donald McEachin, the Senate’s Democratic caucus chairman. “They changed the rules purely for partisan reasons....”



They’ve turned the Senate upside down from a procedural standpoint. It was a historic day. Bad history, but historic.”

Sen. Thomas K. Norment Jr. (R), the chamber’s new majority leader — and one his party’s more moderate members — insisted the votes were not a “power grab” but a “rearticulation of Senate rules,” and he hoped Republicans and Democrats could work together.

But Democrats argued the will of the people had been subverted.

“It’s grossly unfair to the citizens of Virginia who voted for a 20-20 Senate,” said Sen. John S. Edwards (D). “I think the citizens of Virginia want the Senate of Virginia to engage in a power-sharing agreement...and not have one party tip the scales to the adverse interest of the other party.”

And with a lawsuit challenging Bolling’s tiebreaking authority on organizational matters still pending, Democrats say the issue isn’t over.

“Stay tuned,” said McEachin. (RICHMOND TIMES-DISPATCH)

IN DEMOCRATS END WALKOUT — FOR NOW: Indiana House Democrats returned to the chamber last week, ending the walkout that had disrupted legislative business since the session began on Jan. 4. The Democrats had left the chamber to slow down action on “right to work” legislation that Gov. Mitch Daniels (R) and Republican legislative leaders have made a top priority this session and which Democrats successfully blocked last session with a lengthier walkout.

Daniels was grateful the Democrats didn’t extend their protest this time.

“I respect their right to make a gesture that indicates the depth of their conviction on the subject,” he said. “I don’t think three or four days, or whatever it was, was excessive. I’m glad they’ve come back to business now.”

House Speaker Brian Bosma (R), likewise, said, “I appreciate them being back here today, and we’ll proceed with business.”

That business was set to include a House vote by the end of last week on the bill effectively barring unions from collecting dues from non-union workers at private companies. But House Minority Leader B. Patrick Bauer (D) said the House shouldn’t vote on the measure “until we have another weekend of hearings because the public doesn’t know about this.”

He also suggested the Democrats could bolt from the chamber again.

“We’re not chained to these seats,” he said. (INDIANAPOLIS STAR)

ID HOUSE DEMOCRATS PLOTTING ALLIANCE WITH GOP: The most conservative members of Idaho’s House are likely to vote against fellow Republican Gov. Butch Otter’s plan to use a \$20 million federal grant to establish a state-run health exchange — in accordance with the federal health reform law —

Upcoming stories

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

- **Lou Cannon**
- **Health care**
- **The economy**



on philosophical grounds. And the vote may just go their way thanks to an unlikely ally: the chamber’s Democratic minority.

To get his proposal through the General Assembly, Otter will need at least 36 votes in the 70-member House, which he may not be able to muster without help from the chamber’s 13 Democrats.

“Especially in the House, that 36th vote could be hard to come by,” said House Minority Leader John Rusche (D). “My belief is, we have the numbers to affect passage of that bill. Unless something has changed, there is no way they can pass it without our support.”

Democrats are considering using that reality to leverage support for their own legislative priorities, which include passing a 3 percent wage bonus for state workers and teachers.

Rusche, a doctor and former insurance industry executive, actually supports the idea of using federal money to set up an exchange. But he and other Democrats know if Otter’s plan fails, the federal government will step in and set up an exchange for the state.

“We get an exchange, anyway you look at it,” said Sen. Elliot Werk (D).

Last year when the Democrats were seeking a hearing on raising the state’s cigarette tax to fund Medicaid, they employed delaying tactics — without success — and passed up an opportunity to use a vote on a sales tax rebate for alternative energy development, which was important to Republican leaders like Assistant Majority Leader Scott Bedke, to try to get their way. So Rusche suggested his party try a different approach this session.

It isn’t clear whether all of its members are entirely ready to resort to such hardball tactics, however.

“You might see that someday,” said Rep. Sue Chew (D). (ASSOCIATED PRESS, IDAHO STATESMAN [BOISE])

JUSTICES FACE TWO BAD OPTIONS IN TX VOTING RIGHTS CASE:

With deadlines looming in the Texas redistricting case that could help decide control of the U.S. House, U.S. Supreme Court Justice John G. Roberts Jr. said last week the court is faced with “two wrong decisions.”

The court is weighing two sets of electoral maps, one drawn by the state’s GOP-controlled Legislature that appears to favor Republican candidates and the other drawn by a special three-judge federal court in San Antonio that seems to help Democratic candidates, with as many as four U.S. House seats hanging in the balance.

The week in session

States in Regular Session: AK, AZ, CA, CO, DC, DE, FL, GA, HI, IA, ID, IN, KS, KY, MA, MD, ME, MI, MN, MO, MS, NE, NH, NJ, NM, NY, OH, PA, PR, RI, SC, SD, TN, US, VA, VT, WA, WI, WV

States in Perfunctory Session: IL

States Currently Prefiling or Drafting for 2012: AL, ME, OK, TN

States in Special Session Projected to Adjourn: DE “b”

Letters indicate special/extraordinary sessions

— Compiled By OWEN JARNIGAN
(session information current as of 1/5/2012)
Source: State Net database

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The second set of maps was drawn because the state hadn't — and still hasn't — received federal preclearance for the Legislature's maps as required under Section 5 of the Voting Rights Act of 1965, and its primary was approaching. The date of that contest has already been pushed back to April.

During oral arguments in the case last Monday, Paul D. Clement, a lawyer representing the state, said the San Antonio court should have used the Legislature's maps as a starting point while the preclearance process was pending.

Justice Antonin Scalia seemed inclined to agree with him. But Justice Sonia Sotomayor said that would turn Section 5 on its head.

Chief Justice Roberts, meanwhile, basically said they were both right.

"You cannot assume that the Legislature's plan should be treated as if it were precleared," he said. "But on the other hand...[the San Antonio Court] can't draw its interim plan assuming that there are going to be these Section 5 violations."

Clement said that in order for Texas' primaries to proceed in April, the state has to know which maps to use by Feb. 1. (NEW YORK TIMES)

POLITICS IN BRIEF: NEW JERSEY Assembly minority leader Alex DeCroce (R) died last week. The 75-year-old and 22-year assemblyman reportedly collapsed in a bathroom inside the Statehouse shortly after the 214th Legislature held its final voting session (BLOOMBERG BUSINESSWEEK, STAR-LEDGER [NEWARK]). • **FLORIDA** Secretary of State Kurt Browning resigned last week. His last day in office will be Feb. 17, which means he will still preside over the state's presidential primary on Jan. 31 (MIAMI HERALD). • **LOUISIANA** Sen. John Alario (R) was named president of the Senate last week. He is only the fifth state legislator in the nation to have led both chambers and the first to do so under different party affiliations, having twice served as speaker of the Louisiana House of Representatives as a Democrat (STATELINE.ORG). • Former **MASSACHUSETTS** governor Mitt Romney won last week's **NEW HAMPSHIRE** Republican presidential primary, beating his nearest opponent, **TEXAS** Congressman Ron Paul, by 16 points (CONCORD MONITOR).

— Compiled by KOREY CLARK

Governors

MS COURT BLOCKS BARBOUR PARDONS: A Mississippi court has temporarily blocked 21 of over 203 pardons and medical releases issued by outgoing Gov. Haley Barbour (R) before he left office last Tuesday. High County Circuit Judge Tomie Green issued an injunction to block the release of



the prisoners at the request of Democratic Attorney General Jim Hood, who says the pardons violate the Magnolia State constitution.

Under state law, a legal notice must be published in a newspaper within the county of conviction at least 30 days prior to an inmate being pardoned. Hood argued that in several of the cases, Barbour granted the reprieves even though notices had not been published, adding that the releases were “a slap in the face to everyone in law enforcement.”

According to Mississippi corrections officials, only five of the 203 pardoned prisoners, which included 14 convicted murderers, had actually been released before the injunction. All 21 of those blocked by the court were still in custody when the injunction was issued. Even so, the pardons drew strong negative reactions across the state, including from some of Barbour’s staunchest supporters.

“It’s the magnitude of the number and the notoriety of some of the cases. There are some very angry people here,” said Curtis Wilki, a boyhood friend of Barbour’s who now teaches journalism at the University of Mississippi.

Barbour initially tried to ignore the uproar, but his office issued a statement last week that insisted that 90 percent of those he pardoned had been approved for release

by the state parole board, and that 189 had already been released. His main objective, he said, was to restore voting and hunting rights to those who had paid their price to society.

Judge Green, however, agreed with Hood’s claim that “There is a sufficient threat of irreparable injury should the subject individuals be released based upon the purported

gubernatorial pardons.” Green has ordered the five released prisoners to report to the state Department of Corrections and to her courtroom on Jan. 23 for a final ruling. (CLARION-LEDGER [JACKSON], USA TODAY, CHRISTIAN SCIENCE MONITOR, NEW YORK TIMES, BILOXI SUN-HERALD)

“It’s the magnitude of the number and the notoriety of some of the cases. There are some very angry people here.”

SNYDER SAYS TAX INCENTIVES WILL CHANGE: Michigan Gov. Rick Snyder (R) vowed last week to change how the Wolverine State hands out tax incentives to private companies. Snyder said he wants the state to forgo simply giving tax credits to companies that relocate or invest in new infrastructure in the state, saying it creates business winners and losers. He announced a program that will instead allow the state to invest in things like infrastructure without giving direct credits and incentives, while also ensuring it would get paid back for those investments. Funding generated would provide the state with a pool of money to put into other projects.

<p>Upcoming elections 1/12/2012 - 2/2/2012</p> <p>01/31/2012 Oregon Special Election US House District 1</p>
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The announcement was highlighted by the state's first such deal: an agreement for the state to pay for \$2.5 million in infrastructure improvements at automaker Hyundai's large Superior Township technical center. Hyundai will in turn build a \$15-million environmental testing chamber in the township that will comply with new fuel-efficiency standards and employ about 50 people in high-paying, advanced technology jobs. Superior Township will pay back the state's investment via the new taxes the Hyundai facility will generate.

Snyder called the agreement "a collaboration of people working together."

The environmental center is expected to be open in March, 2013. The deal must still be approved by the Michigan Strategic Fund, the state's economic development agency. (DETROIT FREE PRESS, BAY CITY TIMES [SAGINAW])

In case you missed it

Caustic battles over public sector unions were a hallmark of 2011, with more expected this year. But with the economy still moving slowly, lawmakers will also focus on a variety of other issues, from creating jobs to expanded gambling.

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

http://www.statenet.com/capitol_journal/01-09-2012/html.

GOVERNORS IN BRIEF: Still smarting from power outages that lasted up to 13 days in some places after a serious winter storm last October, **CONNECTICUT** Gov. Dannel P. Malloy (D) proposed writing new utility performance standards, including penalties for poor execution, into Constitution State law. Lawmakers would need to approve the new standards (CONNECTICUT MIRROR [HARTFORD]).

• **MARYLAND** Gov. Martin O'Malley (D) issued Executive Order 1 2012 (01.01.2012.01), which formally recognizes the Piscataway Conoy Native American tribe as a distinct people. O'Malley also issued a second order, EO 2 2012 (01.01.2012.02), which recognizes the Piscataway Indian Nation. The two tribes are the first formally recognized Indian tribes in Old Line State history (BALTIMORE SUN, MARYLAND GOVERNOR'S OFFICE). • **KANSAS** Gov. Sam Brownback (R) announced a plan to give Sunflower State high schools a \$1,000 credit for each student who receives a technical education certificate. His full proposal would give \$20.5 million to the Kansas Department of Education and the Kansas Board of Regents to pay for student tuition, transportation, marketing of technical education opportunities and the \$1,000-per-certificate incentives to high schools. Lawmakers must first approve the plan (WICHITA EAGLE). • The office of **MICHIGAN** Gov. Rick Snyder (R) announced the governor had returned all but \$1 of his 2011 salary to the state. Snyder had promised to work for only a single dollar last year as part of the "shared sacrifice" he said the Wolverine State needed to undertake to balance its budget (DETROIT FREE PRESS). • **NORTH CAROLINA** Gov. Bev Perdue (D) signed Executive Order No. 113, which will grant about 25,000 Tar Heel State residents that receive extended unemployment benefits an additional four weeks of payments. The federal government will pay 100 percent of the additional benefits (WINSTON-SALEM JOURNAL).

— Compiled by RICH EHISEN

Hot issues

BUSINESS: The **NEW JERSEY** Assembly endorses SB 3172, a bill that would allow in-state wineries that produce no more than 250,000 gallons per year to sell directly to consumers and retailers. The measure, which is now with Gov. Chris Christie (R), also allows out-of-state wineries within similar production limits to obtain a license to ship their product to the Garden State (STAR-LEDGER [NEWARK]). • Still in **NEW JERSEY**, lawmakers pass two gambling measures: AB 4285, which would allow bars and restaurants to feature off-track betting on horse races, and AB 4285, which would allow betting on professional and college sports should a federal ban on such gambling be lifted. Both bills move to Gov. Christie for review (STAR-LEDGER [NEWARK]). • Also in **NEW JERSEY**, the Senate and Assembly approve SB 2316, which bars attorneys from contacting accident victims until 30 days after their accident or disaster. It moves to Gov. Christie for review (STAR-LEDGER [NEWARK]). • Staying in **NEW JERSEY**, Gov. Christie signs SB 1301, which allows people working in shared work programs to be eligible for unemployment insurance benefits (NEWJERSEYNEWSROOM.COM).

CRIME & PUNISHMENT: Lawmakers in **MAINE** reject SB 328, legislation that would have facilitated the building of a privately run prison in the Pine Tree State. The bill's supporters said there was no private interest in running the facility (BANGOR DAILY NEWS). • **NEW JERSEY** Gov. Chris Christie (R) signs AB 4297, so-called "Caylee's Law" legislation that makes failing to report the disappearance of a child age 13 or younger within 24 hours a fourth-degree crime punishable by as much as 18 months in prison and a fine of up to \$10,000 (STAR-LEDGER [NEWARK]). • The **INDIANA** Senate unanimously approves SB 4, which clarifies state law to ban the use of force or fraud to compel participation in sexual conduct and prohibits a parent or guardian from selling or transferring custody of their child for prostitution. It moves to the Senate (NORTHWEST INDIANA TIMES [MUNSTER]). • The 10th U.S. Circuit Court of Appeals rules that a voter-approved ban on the consideration of Islamic Shariah law in the **OKLAHOMA** court system is likely unconstitutional. The ruling allowed a preliminary injunction against the law to remain in place. The case is scheduled for another hearing in U.S. District Court, which issued the injunction (TULSA WORLD). • The **DELAWARE** Senate endorses SB 160, legislation that would bar the sale and possession of a cocaine-like synthetic drug sold as "bath salts." The measure, which bans the 17 chemicals currently known to be used in making the drug, moves to the House (NEWS JOURNAL [NEW CASTLE-WILMINGTON]).



where evidence is not sufficient to prove abuse. The measure moves to Gov. Chris Christie (R) for review (STAR-LEDGER [NEWARK]). • The 5th U.S. Circuit Court of Appeals upholds a **TEXAS** law that requires women to have a sonogram before having an abortion. The court rejected a claim that the law puts an undue burden on women. The ruling vacates an injunction that had prevented the law from taking effect. The suit’s supporters are considering an appeal (AUSTIN AMERICAN-STATESMAN).

POTPOURRI: The **NEW JERSEY** Senate and Assembly approve 3166, which would bar political fundraising on all public property. It moves to Gov. Chris Christie (R) for review (STAR-LEDGER [NEWARK]). • Still in **NEW JERSEY**, Gov. Christie signs AB 4267, which allows cities, towns and counties to use money designated to purchase open space properties — those meant for recreation or conservation purposes — to buy homes in flood-prone areas, and then use that land for conservation or recreation. The law is intended to make it easier for residents in areas that often flood to sell their homes (TIMES [TRENTON]).

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

CREDIT WHERE CREDIT IS DUE: Most folks are well aware of the ongoing hysteria over Denver Broncos quarterback Tim Tebow. The southpaw QB, whom his fans love and his detractors love to hate, sparked another unlikely victory in the NFL playoffs a week or so ago, ramping up the media-fueled hype machine to something resembling Beatlemania. But Colorado Gov. John Hickenlooper knows where the credit for the team’s upset win over Pittsburgh really lies — with him. As the *Pueblo Chieftain* reports, Hickenlooper had attended a few games in the regular season, all Broncos losses. Fearing he was bad luck, the gov vowed not to attend the Jan. 8 game against the heavily favored Steelers. Afterward, Hickenlooper proved the ball was the not the only thing full of hot air, saying he knew the team would win “as long as I stayed away from Sports Authority Field at Mile High.”

A ROSE BY ANY OTHER NAME: With the economy still stumbling along, fiscal know-how is at the top of most political candidates’ list of things to brag about. That is certainly the case for Missouri gubernatorial candidate Dave Spence, whose

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website touts both his two decades of business success and a degree in economics from the University of Missouri-Columbia. Sounds good, eh? Only, as the *St. Louis Post-Dispatch* reports, it isn't quite the whole truth and nothing but the truth. As it turns out, Spence does have a degree in economics...but not *that* economics. Rather, it is in home economics. A sheepish Spence acknowledged his grades were not good enough to get into the business school, so he chose the path he thought would let him get out of school the fastest. He owned up last week to how the reference on his website might be misleading...but as we went to print, nothing had been changed.

AND I'D LIKE TO SEE A UNICORN TOO: Things could be testy around the Virginia Capitol this year. For only the second time in almost 150 years, Republicans will control both the General Assembly and the governor's office. Or they might not, pending what is sure to be a season filled with litigation over who is in charge of the Senate, which last fall's elections left in a dead-even partisan tie. That, in theory, would allow Lt. Gov. Bill Bolling, a Republican, to cast tie-breaking votes, which has prompted litigation and threats of litigation from Dems. As the *Washington Post* reports, Gov. Robert McDonnell, anticipating, ouchy feelings all around, urged lawmakers in both parties last week to take it down a notch this session, pleading with his GOP colleagues to not be "arrogant" or to "overreach," while urging Dems to not be "angry, petty and political." It says here nobody is holding their breath on his request being honored.

CAN'T WE ALL JUST GET ALONG? And as if McDonnell doesn't already have his hands full keeping the peace among lawmakers, he is also brokering a truce between his aforementioned Lt. Gov., Bill Bolling, and Attorney General Ken Cuccinelli, both of whom are anxious to follow McDonnell into the governor's office. As the *Washington Post* reports, the two men did not speak for a month after Cuccinelli said he would challenge Bolling for the GOP gubernatorial bid next year. McDonnell and Bolling had a gentleman's agreement that allowed McDonnell to run unopposed in the GOP primary a few years back in exchange for the gov supporting Bolling's bid in 2013. Alas, that left the equally ambitious Cuccinelli the odd man out, and well, he isn't having it. McDonnell has publicly urged them to settle their differences, and last week the two chatted briefly at one of the gov's pressers. Stay tuned.

MEDICAL MYSTERY: It has already been a great year for political excuse making. This week's best justification for questionable behavior comes from California, where Assemblywoman Mary Hayashi plead no-contest on misdemeanor shoplifting charges, something her lawyer says was caused by a benign brain tumor that impaired the Assemblywoman's judgment. This is of course nothing to make light of, though observers question why, if her condition was bad enough to cause such behavior, Hayashi never told Assembly leaders or colleagues about it? Or



why it impaired her ability to know she was walking out of a store with \$2,500 in unpaid clothing but didn't cause her any issues in voting on hundreds of bills in the Assembly? Shockingly, Hayashi's lawyer says the tumor is being treated with medication and she is now suddenly just fine. Oh, and she is also exploring a Senate run after she terms out of the Assembly in 2014.

— By RICH EHISEN

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