

March 13, 2006

## The abortion debate



Budget & taxes

High gas prices due to 'wild west' trading?

5

Politics & leadership

Primary free-for-all in PA

7

Governors

Napolitano, lawmakers battle over AZ National Guard

10

Bird's eye view

3

Hot issues

13

Once around the statehouse lightly

16



### Top Story

*Many abortion opponents believe the new SOUTH DAKOTA law banning almost all abortions could be the linchpin for overturning Roe v. Wade. But others say it might end up dealing the anti-abortion movement a devastating defeat.*

## SNCJ Spotlight

### States lining up to copy SOUTH DAKOTA abortion ban

The ink from SOUTH DAKOTA Gov. Mike Rounds' (R) signature on HB 1215 — legislation banning almost all abortions — was barely dry before advocates on both sides of the issue began ruminating on how the measure will fare before the U.S. Supreme Court. But while it is almost certain that the court will ultimately determine HB 1215's constitutionality, at least 10 states are already moving ahead with their own abortion-ban measures.

Many of those bills mirror HB 1215, which makes it a crime for doctors to perform an abortion unless the mother's life is endangered, with violators facing up to five years in jail. There is no caveat if the pregnancy was the result of rape or incest, or if only the mother's long-term health could be damaged by carrying the pregnancy to term.

According to the State Net database, ALABAMA, INDIANA, GEORGIA, KENTUCKY, MISSOURI, MISSISSIPPI, OHIO, OKLAHOMA, TENNESSEE and WEST VIRGINIA are all considering similar bans, a few of which are trigger laws that would automatically go into effect if *Roe v. Wade* is overturned.

According to NARAL Pro Choice America, several other states, including LOUISIANA and MICHIGAN, already have such trigger laws on their books.

Outside of SOUTH DAKOTA, most of this year's measures have yet to see a vote, although one that has, SB 2292 in MISSISSIPPI, passed easily in the Magnolia State House. That measure began life as a proposal to require women to view an ultrasound before they were able to abort a pregnancy, which the Senate approved in February. But once SB 2292 passed into the House, the Health and Human Services Committee amended the bill to outlaw all abortions, with the only exception being when the mother's life is in danger. After some prodding from Gov. Haley Barbour (R), it was later changed again to add exceptions for cases of rape and incest. The bill has now been returned to the Senate, and Barbour has said he will sign it if it gets to his desk.

Two additional measures proposed by MISSOURI Sen. Jason Crowell (R) would ultimately be decided by voters this fall, one (SB 1248) criminalizing abortion — with the “mother's life” exception — and another (SJR 43) that would codify that ban into the Show Me State constitution.

Both abortion rights advocates and opponents acknowledge these proposed laws are currently unconstitutional and will spark legal battles that will most likely reach the Supreme Court. With conservative members John Roberts and Samuel Alito recently added to the court, both sides say that is just the opportunity the pro-life movement has been waiting for.

“Although we've seen a direct response to the SOUTH DAKOTA ban in states like MISSISSIPPI and MISSOURI, most of these states have been working toward this for a while. Much of the language in these bills is being shared

## *The Week in Session*

### States in Regular Session:

AK, AL, AZ, CA, CO, CT, DC, DE, FL, GA, HI, IA, ID, IL, KS, KY, MA, MD, ME, MI, MN, MO, MS, NE, NJ, NY, OH, OK, PA, RI, SC, TN, US, VT, WI

States in Special Session: AZ "a", CA "a", PA "a"

States in Recess: NH

Special Sessions in Recess: OK "a"

States Projected to Adjourn: IN, VA, WV, WY

Letters indicate special/extraordinary sessions

Source: State Net, 03/10/06

[between states],” says Katherine Grainger, legal counsel for the Center for Reproductive Rights (CRR) in NEW YORK City. “Now I think we are seeing a race in the more conservative states, like MISSISSIPPI, to get this legislation into the courts.”

But advocates on both sides also wonder whether these efforts will ultimately help or hurt the anti-abortion cause. In addition to court challenges, abortion rights activists in SOUTH DAKOTA are also mulling an effort to place a referendum that would overturn HB 1215 on the state ballot. A recent Rasmussen Reports poll indicates that Coyote State voters are evenly split on the issue, with 45 percent in favor of the new law and 45 percent against, with 10 percent undecided. That likely means a referendum effort would ensure one of the most high profile — and expensive — campaigns in years, with significant input from advocates on both sides of the issue from across the nation.

Grainger says the potential cost of such a fight could sway some anti-abortion groups in other states from supporting Draconian abortion bans.

“We’ve already seen some backlash from the pro-life community in MISSOURI,” she says. “Those people are saying, ‘This isn’t the time to do this. We don’t have the resources to fight such a ban in court.’”

Other leading abortion opponents also contend that even with Alito and Roberts, the court still holds a 5-4 pro-choice balance. In KENTUCKY, for instance, better than one-third of the House has endorsed HB 489, which criminalizes abor-

## Bird’s eye view



Source: Guttmacher Institute

### *State efforts vary in preventing unwanted pregnancies*

Nearly half of the six million pregnancies in American women each year are unintended, leading to 1.4 million unplanned births and 1.3 million abortions annually, one of the highest rates in the industrialized world. In 2000, the federal government set a goal of reducing unintended pregnancy by 40% by 2010, primarily through emphasizing family planning at the state level. According to a report from the Guttmacher Institute, a Washington D.C.-based nonprofit organization focused on sexual and reproductive health research, some states have fared much better than others in this effort. Based on state laws and the availability of adequate planning assistance and funding, CALIFORNIA, ALASKA and SOUTH CAROLINA have done the most to address unintended pregnancy, while NEBRASKA, NORTH DAKOTA and INDIANA have done the least. The accompanying map shows the top and bottom 10 ranked states in this area. The complete study can be found at <http://www.guttmacher.org/>.

tion. But groups like the Kentucky Right to Life Association are so far withholding their support.

“We don’t have the votes on the Supreme Court right now,” says Margie Montgomery, the state affiliate’s executive director. “We’re busy with these other bills that are very important and do-able.”

Advocates like Montgomery say a test case like HB 1215 shouldn’t go forth until the court includes at least one more justice with a strong opposition to abortion, arguing that if *Roe v. Wade* is upheld again, it could make it even harder to overturn later.

But some pro-life advocates say that is exactly why the time is right, noting that it might take two years or more for the anticipated challenges to HB 1215 to reach the Supreme Court. With Justice John Paul Stevens turning 86 in April and Justices Ruth Bader Ginsburg and Anthony Kennedy in their 70s, it is possible that President George W. Bush will get to name at least one more person to the court before a challenge to HB 1215 would appear on the docket.

Other pro-life advocates say such a strategy is a long-shot at best, noting that the Congressional confirmation process for a candidate known to support overturning *Roe v. Wade* would, in the words of Daniel McConchie, vice president of the ILLINOIS-based Americans United for Life, “be like World War III.”

McConchie says he would rather see state lawmakers continue their efforts to chip away at abortion rights by focusing on laws that restrict how and when women obtain the procedure. According to the State Net database, this year alone there are more than 200 bills across the states that would impose some kind of abortion restriction. Most of them center on peripheral issues, such as requiring parental consent or notification before a minor obtains an abortion or requiring doctors to tell women that fetuses feel pain, a concept still under dispute.

But even without the assurance of another Bush Supreme Court appointee or the strong support of the pro-life community, some abortion opponents want to push forward with challenging *Roe v. Wade*.

“I think this is the right time to do this. We’ve been talking about it for 32 years now,” says MISSOURI Rep. Wayne Henke (D), who counts himself among those who feel the presence of Alito and Roberts will alter the vote their way. “People keep saying they want to overturn *Roe v. Wade*. Well, here’s our chance to do it.”

Henke has authored HB 1786, another trigger law that would make performing all abortions except those to save the mother’s life a Class B felony. He says that while he has received a large amount of mail both for and against his position, he firmly believes that “the majority of my constituents want me to take this stance, so I’m going to stick with it.”

But Grainger warns that if such bans are eventually allowed and the decision is left to individual states, the fallout will definitely affect the poor much more nega-

tively than it will the affluent. She points to a 2004 CRR report on the potential ramifications of *Roe v. Wade* being overturned, which indicates that as many as 21 states would probably abolish abortion, leaving almost 35 million American women without that option in their home state.

“The effect on low-income women, which are predominantly communities of color, would be really disproportionate,” Grainger says. “Middle class women could fly to Canada or another state, but that [travel] is a much greater obstacle to poor women.”

Grainger adds that while she is disturbed by the actions in SOUTH DAKOTA, she also believes HB 1215 will serve to get people involved in the process.

“While I am very uncomfortable saying there is any benefit in this kind of ban or in other abortion restrictions, we do think this could be a real wake-up call for mainstream America,” she says. “These bans have passed in the states before, but they have never been signed by a governor. I think people may see now just how much the shift in the Supreme Court will possibly impact our lives in the immediate future.” (STATE NET, LOS ANGELES TIMES, NEWS & OBSERVER [RALEIGH], KATHERINE GRAINGER, CENTER FOR REPRODUCTIVE RIGHTS, NARAL, REP. WAYNE HENKE [MISSOURI], RAPID CITY JOURNAL)

— *Compiled by RICH EHISEN*

---

## Budget & taxes

**H**IGH GAS PRICES DUE TO ‘WILD WEST’ TRADING? Over the last several months, Americans have been assailed with news stories attributing the skyrocketing rise in national energy prices to supply and demand problems in the wake of a devastating hurricane season. But at a news conference last week, the attorneys general of four Midwestern states — ILLINOIS, IOWA, MISSOURI and WISCONSIN — challenged that view.

The four Democratic officials referred to a six-month study conducted by the Consumer Federation of America, which found that while natural gas prices rose 28 percent, usage dropped 5 percent and supply remained steady.

“It’s stunningly annoying to sit here and have to literally say the moon is not made of green cheese,” said MISSOURI Attorney General Jay Nixon. “Supply and demand did not cause the spikes.” IOWA Attorney General Tom Miller added, “How can you have demand down and price up and supply level? It doesn’t make any sense.”





dreds of millions in tax revenue the state’s 10 gambling boats generate each year (INDIANAPOLIS STAR). • **OKLAHOMA** Treasurer Scott Meacham said last week that the state’s Teachers Retirement System has \$7.1 billion in unfunded liabilities, making it the “third worst-funded public pension system in the nation.” All told, the Sooner State’s pension systems are more than \$10 billion underfunded, according to a draft report by the **OKLAHOMA** Pension Oversight Commission (DAILY ARDMOREITE [ARDMORE]). • Despite dire predictions just months ago that Hurricanes Katrina and Rita would necessitate deep spending cuts, **LOUISIANA** Gov. Kathleen Blanco (D) proposed a \$20.3 billion state budget last Monday that avoids major cuts for most agencies and actually calls for hundreds of millions of dollars in additional funding for education. According to Blanco’s chief financial aid, the administration made use of higher-than-expected tax revenue and federal hurricane-relief dollars to create a budget that balances hurricane-recovery needs with the state’s pre-hurricane priorities (TIMES-PICAYUNE [NEW ORLEANS]). • There were more dire predictions at a gathering last week at **NEW JERSEY**’s Rutgers University, where Gov. Jon Corzine (D) said he would have to impose severe cuts and possibly increase taxes to close a projected multibillion dollar gap in the state budget. “**NEW JERSEY** is on the verge of fiscal disaster. And this is our day of reckoning,” the governor said (STAR-LEDGER [NEWARK]).

*Upcoming Stories*

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

- Raising the minimum wage
- Health care workers: The right to say no?
- Public pensions
- Avian flu

— Compiled by *KOREY CLARK*

---

# Politics & Leadership

**P** **PRIMARY FREE-FOR-ALL IN PA:** This election year will not be a typical one in PENNSYLVANIA. As of last week, 587 candidates had filed nominating petitions for the state’s May 16 primary election, nearly 200 more than the number who filed in the last legislative election and the highest number in over a decade.

At least 77 incumbents will face challengers this go around, including Senate Majority Leader David “Chip” Brightbill (R), Senate President Pro Tempore Robert Jubelirer (R) and House Majority Leader Sam Smith (R). In one district alone, a dozen candidates are vying for an open seat.

The reason for the upheaval? Last year's legislative and judicial pay raise scandal certainly has something to do with it. But there appears to be more to the matter than that. "The pay raise is the catalyst," said Michael Young Ph.D., managing partner of Michael Young Strategic Research. "More informally, it's the straw that broke the camel's back."

Many of the primary challengers themselves seem concerned about more than just the pay raise issue. "We're here because we see there's a real need for a change here in Pennsylvania," said one. "We need more new people in politics," said another, a sentiment yet another hopeful put a little more bluntly: "Most legislators get carried out on a stretcher." Which speaks to the fact that, historically, incumbents in the Keystone State are re-elected about 98 percent of the time. So, challengers may not sweep all of the contested seats.

But regardless of their success in the primaries, there will definitely be some new faces in the PENNSYLVANIA Legislature; twenty-seven current members are not seeking re-election, the most since 1992. And some of them aren't too optimistic about the future of the statehouse. "New blood may not be an improvement," said retiring two-term Rep. Jacqueline Crahalla (R). "We may lose some very dedicated public servants and many of those running don't have a clue what this job is about." (INQUIRER [PHILADELPHIA], PATRIOT-NEWS [HARRISBURG])

**PA CHIEF JUSTICE KEEPING UP THE FIGHT:** In spite of last year's pay raise fiasco, PENNSYLVANIA's top judge remains committed to the cause of increasing the judiciary's pay. In an interview two weeks ago, Chief Justice Ralph Cappy said, "the fact remains we've got to do something about the compensation of our judges in PENNSYLVANIA...or we're just going to lose people left and right." More important than that, Cappy said, is the issue of "judicial independence, severing the need to come hat in hand every five to 10 years to the Legislature begging for more money" so judges can decide cases based on the rule of law, free from political pressure. But the chief justice may have a tough time finding someone to champion his cause in the Legislature. A top aid to Senate President Pro Tempore Robert Jubelirer (R), one of the top legislative leaders facing a primary challenge this year due in large part to the pay raise debacle, said "I cannot believe [the pay raise] issue will be considered anytime this year." And a spokesman for House Majority Leader Sam Smith (R), who is also facing a primary challenge, certainly wasn't any more encouraging. "The majority leader cannot foresee that happening for at least 10 years after he is no longer serving the Legislature," he said. (PATRIOT-NEWS [HARRISBURG])



state's office said it has no record of a state legislator ever being recalled (WICHITA EAGLE). The federal judge who struck down **NEW YORK's** convention system for qualifying trial judges for the ballot two months ago stayed that ruling last week until after the November election to allow the state more time to shift to a primary system (ASSOCIATED PRESS, NEWSDAY). • Ninety-nine percent of **NEW YORK** residents do not contribute money to political campaigns, according to a new report by Common Cause. Instead, the report claims, the state's multi-million-dollar political campaigns are funded by "a small elite" of special interest groups and major corporations that may be attempting to buy influence. The report also notes that one of the biggest expense categories on campaign filings in 2003 and 2004 was "other," which included such personal items as pool covers and cars (TIMES UNION [ALBANY]). • The U.S. Supreme Court refused to hear the appeal of a case involving an **ILLINOIS** Supreme Court judge who cast the deciding vote to throw out a \$1 billion lawsuit against State Farm Insurance Co. after accepting campaign donations from the company (ST LOUIS POST-DISPATCH). • Four prominent members of **ILLINOIS'** Jewish community resigned from Gov. Rod Blagojevich's (D) Commission on Discrimination and Hate Crimes last week in protest of another member's affiliation with the Nation of Islam. The departures came after the commission attended a speech by Nation of Islam leader Louis Farrakhan in which he stated that "the Hollywood Jews" promoted homosexuality and the other "filth of Hollywood" (CHICAGO TRIBUNE). • Spurred by a story that appeared last month in the *Baltimore Sun*, several **MARYLAND** elected officials promised last week to refund the money churches have donated to their political campaigns in recent years, in violation of federal tax law. Of the roughly 190 contributions made since 2000, officials had pledged to give back about 130 of them, as of last Tuesday (BALTIMORE SUN).

— *Compiled by KOREY CLARK*

---

# Governors

**N**APOLITANO, LAWMAKERS BATTLE OVER NATIONAL GUARD: ARIZONA Gov. Janet Napolitano (D) ordered additional National Guard troops to be stationed along the Grand Canyon State's southern border, but made her directive conditional upon state lawmakers agreeing to fund it solely on her terms.

In her order, Napolitano said U.S. Defense Secretary Donald Rumsfeld has yet to respond to her request for federal aid, but added that the state "can no longer wait for such federal assistance and must begin doing what it can with existing state



resources.” The GOP-controlled Legislature agreed, giving their final approval last week to an additional \$10 million in state funding to pay for the extra troops. But that funding came with a caveat — that Napolitano only spend the money on the Guard deployments.

That clearly irked Napolitano, who viewed the mandate as an unconstitutional usurping of her authority. She vetoed the measure when it got to her because, in essence, she doesn’t want lawmakers telling her what to do.

“I think anybody who is in the military or who is in the Guard knows that there is one commander in chief in this case. One, not 90,” she said. “All they want to do is score points, which I think are empty and hollow.”

As might be imagined, lawmakers disagreed. Rep. John Allen (R), who wrote the funding bill, chastised Napolitano for declaring a state emergency over illegal immigration last year and insisting she wants Guard troops on the border, only to veto a bill that requires her to use Guard troops in an emergency.

“This is a time for the governor to step up and do what she asked,” he said. “If she wants to blame the problems of the border on me because I didn't send her some perfect bill, well, I’m sorry, that is not appropriate.”

Funding is only one of the contentions between Napolitano and Republican lawmakers. The governor wants National Guard troops to serve only in a support role, such as helping to staff border checkpoints and conducting cargo, vehicle and electronic identification checks. Lawmakers, however, insist that the Guard should be physically stopping people from crossing over the border illegally, saying that the peripheral role Napolitano wants has failed to slow the flow of illegals. (ARIZONA DAILY STAR [TUCSON])

**GULF COAST GOVS URGE CONGRESS TO ACT:** Governors of ALABAMA, TEXAS, LOUISIANA and MISSISSIPPI — states ravaged by Hurricanes Katrina and Rita — urged Congress last week to quickly pass President Bush’s request for an additional \$19.8 billion in hurricane relief aid. The governors said they needed the new funding for everything from rebuilding homes to repairing damaged levies, and several voiced concerns that partisan bickering would lead to some of the money being siphoned off to other states. TEXAS Gov. Rick Perry (R)

## Upcoming Elections

(03/09/06 - 03/30/06)

03/14/2006 Michigan Special Election  
Senate 023

03/14/2006  
Pennsylvania Special Election  
House 174

03/21/2006 Alabama Special Election  
House 001

03/21/2006 Illinois Primary Election  
Senate 3, 6, 9, 12, 15, 18, 21, 24, 27, 30,  
33,36, 39, 42, 45, 48, 51, 54, 57  
Constitutional Officers: Governor, Lieutenant  
Governor, Secretary of State, Treasurer,  
Attorney General, Comptroller  
US House (All)



also reminded lawmakers that his state took in thousands of Katrina victims from LOUISIANA, but said many promises of federal aid have not been honored and others have been inadequate. He warned lawmakers that his state and others would not be as likely to offer that help in future situations if the federal government does not offset some of the costs states incur in that process. One major impediment to a quick resolution was eliminated last week when Dubai Ports World, a company owned by the United Arab Emirates, backed off of its attempt to take control of six U.S. ports. John Boehner, an Ohio Republican, said earlier in the week that lawmakers might try attaching a port amendment to the spending bill when the House Appropriations Committee met late in the week to consider the funding bill, but the pullout took that possibility off the table. (REUTERS)

**ROMNEY WANTS CHURCH EXEMPTION FROM GAY ADOPTION:**

Gov. Mitt Romney (R) said last week that he is trying to find a way for Catholic adoption agencies in MASSACHUSETTS to be exempted from a Bay State law requiring them to consider same-sex couples as adoptive parents. The governor does not have the unilateral authority to grant such an exemption. Romney did not offer any specifics on how he might accomplish his goal, although he said that “Ultimately, legislation may need to be filed to provide an exemption based on religious principles.” (BOSTON HERALD)

**GOVERNORS IN BRIEF: NEW YORK** Gov. George E. Pataki (R) was released from the hospital last week. Pataki was hospitalized for more than two weeks after suffering from a ruptured appendix. He underwent two surgeries, one for the appendix and another to remove an intestinal blockage (NEW YORK POST). • **COLORADO** Gov. Bill Owens (R) praised a Centennial State high school student who taped and then made public a teacher’s classroom criticism of President Bush’s foreign policy, saying that the teenager has been unfairly targeted for ridicule. The teacher was suspended and the student, who has come under extreme criticism from other students angry over his clandestine recording, has not returned to school (DENVER POST). • Reacting to criticism from Republicans and others, **NEW JERSEY** Gov. Jon Corzine (D) said last week it was a mistake

# Quoteable

“If Washington gives short shrift to a good Samaritan state like TEXAS, it will send chills down the spine of any governor asked to be a good neighbor in the future.”

— **TEXAS Gov. Rick Perry (R) appealing to Congress to approve \$2 billion to help his state recover from the devastation caused by Hurricane Rita, which hit TEXAS shortly after Katrina struck much of the rest of the Gulf Coast last year. (REUTERS)**

for him to bail a former aide of his out of jail last month. Corzine paid \$5,000 to get Karen Golding, now a lobbyist, released from jail after she was charged with stalking. Corzine said he was unaware at the time that the alleged victim was Assemblyman Joseph Cryan (D), the Democratic State Committee chairman, and that he was only trying to be helpful to someone in need (STAR-LEDGER [TRENTON]).

— *Compiled by RICH EHISEN*

---

## Hot issues

**B**USINESS: The **INDIANA** House endorses HB 1113, a measure that would prohibit overweight consumers from suing food manufacturers and restaurants for causing their obesity. It moves to Gov. Mitch Daniels (R) for review (NORTHWEST INDIANA TIMES [MUNSTER]). • A **KENTUCKY** House committee rejects a proposal from Gov. Ernie Fletcher (R) that would have allowed people in the Bluegrass State to work in union-represented workplaces without becoming union members. There are currently 22 states with such “right-to-work” laws (CINCINNATI ENQUIRER). • **NEW MEXICO** Gov. Bill Richardson (D) vetoes HB 746, which would have prohibited state and local governments from using eminent domain powers to take property and turn it over to a private entity within five years of the property’s condemnation (SANTA FE NEW MEXICAN). • The **MAINE** Senate approves a bill that would raise the Pine Tree State’s minimum wage by 50 cents. It faces another Senate vote before it can return to the House for final review (KENNEBEC JOURNAL). • A **NORTH CAROLINA** court rules that bars have no legal obligation to stop drunken patrons from driving. A lower court had previously ruled that bars do have such a legal responsibility (NEWS & OBSERVER [RALEIGH]).

**CRIME & PUNISHMENT:** The **INDIANA** Senate approves HB 1028, a measure that allows Hoosier State citizens to use deadly force when defending their home or vehicle. It takes aim now at Gov. Mitch Daniels (R) (NORTHWEST INDIANA TIMES [MUNSTER]). • **NEW MEXICO** Gov. Bill Richardson (D) signs legislation that requires anyone 18 or older to provide a DNA sample when arrested on most felony charges (SANTA FE NEW MEXICAN). • The **IOWA** Senate unanimously endorses legislation that requires funeral protesters to stay at least 500 feet away from a military funeral and the route of a funeral procession or face fines and jail time. It returns to the House to address

revisions made in the Senate (QUAD CITY TIMES [DAVENPORT]). • The **WISCONSIN** Senate endorses SJR-5, a proposal to put a death penalty advisory referendum on the state ballot in November. It must still be approved in the Assembly before it can go before voters. The Badger State abolished capital punishment in 1853 (WISCONSIN STATE JOURNAL [MADISON]). • The **VIRGINIA** Senate approves a pair of measures that would make dog attacks that result in serious injury a felony, punishable by up to five years in prison and a \$2,500 fine. The bills face another vote in the House before they can go to Gov. Tim Kaine (D) (WASHINGTON POST).

### In case you missed it:

Hospitals pass on infections to millions of patients each year, leading to thousands of deaths. Many of these infections are not reported, primarily because most of the nation's hospitals are not required to do so. But as State Net Capitol Journal associate editor Korey Clark reported on February 20, more than 30 states are this year considering legislation that would bring hospital-acquired infections (HAI) out into the open.

In case you missed it, the article can be found on our Web site at [http://statenet.com/capitol\\_journal/02-20-2006](http://statenet.com/capitol_journal/02-20-2006)

**EDUCATION:** A **COLORADO** House committee rejects HB 1284, which would have required professors who have earned tenure to be evaluated at least once every five years. Opponents say the measure would have made it too difficult to attract top faculty to Centennial State universities (ROCKY MOUNTAIN NEWS [DENVER]). • A Golden State court rules that fee hikes imposed by the University of **CALIFORNIA** since 2002 constitute a breach of contract with more than 9,000 UC students. The court ordered the university to pay those students \$34 million in damages. School officials say they will appeal (SAN DIEGO UNION TRIBUNE). • A **GEORGIA** House committee approves SB 79, which would allow public high schools to offer state-funded courses on the Bible. The measure now goes to the full House (ATLANTA JOURNAL-CONSTITUTION). • The **KANSAS** House flunks a measure that would have repealed the Sunflower State law that allows the children of illegal immigrants to pay in-state tuition fees at state universities and colleges (KANSAS CITY STAR). • The **VIRGINIA** House and Senate approve HB 1478, which requires Old Dominion public universities to adopt new guidelines encouraging professors and bookstores to lower the cost of textbooks for students. The measure graduates to Gov. Tim Kaine (D) for review (WASHINGTON POST). • The **SOUTH CAROLINA** Board of Education rejects a proposal to require students to use data from “a variety of scientific sources” to “critically analyze aspects of evolutionary theory” (CHARLOTTE OBSERVER).





with local writers sneering at his hometown when reviewing various restaurants, malls, bars and real-estate developments. Ron Rajecki objects to things in Cleveland being touted because they have “a NEW YORK feel,” as though “little tiny pieces of Cleveland could pretend to be hip — or at least give the impression of not being embarrassingly worthless — if we make them feel like New York.” Yeah, those of us who dwell inland in CALIFORNIA have to live with the same inferiority complex — in our case, we never quite measure up to Los Angeles.

**STATE-FEDERAL RELATIONS:** One of the bigger congressional fights these days centers on a federal attempt to trump state food-safety and warning laws. According to the *Sacramento Bee*, the National Uniformity for Food Act is expected to pass the U.S. House even though it has drawn fire from 39 state attorneys general. The debate was “elevated” last week when CALIFORNIA’s top law enforcement official, Atty. Gen. Bill Lockyer, referred to the bill’s chief sponsor, Republican Mike Rogers of MICHIGAN, as a “dumbs--t” during a news conference. Lockyer’s counterpart from UTAH took a shot at Rogers as well. A spokesperson for Rogers criticized Lockyer’s “limited vocabulary.”

**MYSPACE.OOPS:** It’s become one of the most popular Internet sites in the world, a fact that some MASSACHUSETTS politicians now lament. As the *Boston Herald* notes, some of those pols — Sen. Edward Kenney and Gov. Mitt Romney, for instance — have become the subject of fake sites on MySpace.com, the Rupert Murdoch-owned Web site that serves as a personal portal for millions of Internet devotees. Romney’s site, created by an imposter, includes a ginned-up photo of the governor in a Batman costume. Kennedy’s makes some cruel references to his weight.

**A LOT TO BEAR:** “The Richmond Report,” a *Washington Post*- sponsored blog on VIRGINIA politics, reports that the “Wild Game Dinner,” held each year for members of the state legislature, has created some controversy this year because the menu features such delicacies as roast pheasant, rabbit, venison and — uh — “Pot Roast of Black Bear.” That last dish created a frenzy of bad publicity, given that the city of Richmond last week buried two popular black bears that had been put to death because one of them bit a small boy in a public park. A dinner sponsor, Democratic state Sen. Creigh Deeds, tried to put the best face on it by saying he knew plenty of people who hunt black bear. Deeds elaborated on a recipe for the roast. He also missed the point.

