

May 8, 2006

## Looking back, looking forward



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### Top Story

*States have faced a wide assortment of issues already this year, from eminent domain to political ethics. With the election season still ahead, these and other issues are sure to stay at the top of the headlines.*

## SNCJ Spotlight

*Legislative issues of the year — so far*

**M**ore than a quarter of the 44 state legislatures meeting in regular session this year have now adjourned. And two of the six states that convene biennially have concluded special sessions (ARKANSAS and OREGON). So what do their accomplishments indicate about the issues most on the minds of state lawmakers in 2006 — aside from re-election concerns?





### Congressional pork per capita by state, 2006

State	Rank	Pork (\$)	Pop.	\$ Per Capita	2005 Rank
AK	1	325,106,000	663,661	489.87	1
HI	2	482,399,000	1,275,194	387.29	3
DC	3	100,236,000	550,521	182.07	2
WV	4	239,069,000	1,816,856	131.58	4
ND	5	78,537,000	636,667	123.35	7
MS	6	321,359,000	2,921,088	110.01	9
MT	7	99,563,000	935,670	106.41	5
NV	8	166,989,000	2,414,807	69.15	11
NM	9	129,007,000	1,928,384	66.90	8
SD	10	49,457,000	775,933	63.74	6
NH	11	81,688,000	1,309,940	62.36	15
VT	12	32,099,000	623,050	51.52	10
ID	13	70,270,000	1,429,096	49.17	13
RI	14	52,156,000	1,076,189	48.46	17
AL	15	203,046,000	4,557,808	44.55	12
KY	16	185,445,000	4,173,405	44.43	21
WA	17	253,110,000	6,287,759	40.25	28
UT	18	97,583,000	2,469,585	39.51	24
LA	19	177,745,000	4,523,628	39.29	30
AZ	20	228,076,000	5,939,292	38.40	38
CO	21	177,264,000	4,665,177	38.00	44
MD	22	210,853,000	5,600,388	37.65	29
WY	23	18,574,000	509,294	36.47	14
DE	24	29,915,000	843,524	35.46	22
MO	25	188,131,000	5,800,310	32.43	25
NE	26	53,780,000	1,758,787	30.58	33
NY	27	582,550,000	19,254,630	30.26	43
ME	28	37,762,000	1,321,505	28.57	26
OR	29	103,959,000	3,641,056	28.55	35
NJ	30	240,137,000	8,717,925	27.55	41
IL	31	350,546,000	12,763,371	27.47	40
VA	32	198,218,000	7,567,465	26.19	27
NC	33	226,845,700	8,683,242	26.12	47
TN	34	151,162,000	5,962,959	25.35	20
CT	35	87,247,000	3,510,297	24.85	38
AR	36	68,694,000	2,779,154	24.72	32
IA	37	72,197,000	2,966,334	24.34	19
MN	38	117,652,000	5,132,799	22.92	46
KS	39	62,805,000	2,744,687	22.88	23
PA	40	283,713,000	12,429,616	22.83	34
WI	41	117,819,000	5,536,201	21.28	31
SC	42	88,768,000	4,255,083	20.86	18
CA	43	733,634,000	36,132,147	20.30	50
OH	44	226,541,513	11,464,042	19.76	37
MI	45	196,639,000	10,120,860	19.43	48
MA	46	116,808,459	6,398,743	18.25	39
TX	47	403,516,000	22,859,968	17.65	51
OK	48	58,721,000	3,547,884	16.55	16
IN	49	102,466,000	6,271,973	16.34	45
FL	50	266,912,300	17,789,864	15.00	42
GA	51	109,394,000	9,072,576	12.06	49

Source: Citizens Against Government Waste

# Budget & taxes

**CALIFORNIA SENDS RECORD BOND PACKAGE TO VOTERS:** After four months of often acrimonious negotiations, CALIFORNIA lawmakers last week came to terms on an agreement to borrow a record \$37.3 billion to finance the expansion and repair of crowded roads and schools, prevent flooding, and encourage the construction of housing in urban areas and near public transportation.

The proposal, which voters must still approve in November, would easily be California's largest and most significant infrastructure investment since Gov. Pat Brown (D) undertook an equally significant development program 40 years ago. That effort doubled the state's water storage capacity, added thousands of miles of freeways and greatly expanded the state's college and university system. But unlike that program, which was done with an eye toward future growth, this plan is aimed primarily at accommodating the consequences of California's massive population explosion over the last four decades.

The deal is a major victory for Gov. Arnold Schwarzenegger (R), who has made infrastructure improvement his top legislative priority this year. After initially receiving criticism from legislative leaders for the failure of the bond measure to get resolved in time for the June ballot, Schwarzenegger earned kudos for his handling of the new deal from Senate Pro Tempore Don Perata (D), who said, "He played the role he should have played. Weeks from now you'll find out he did things that now are not too obvious." (LOS ANGELES TIMES)

**BOLD MOVE IN CONGRESS TO CUT OUT 'PORK':** Two weeks ago, a freshman Republican U.S. senator, Tom Coburn of OKLAHOMA, anxious about this fall's elections in the wake of the Jack Abramoff and former GOP Rep. Randy "Duke" Cunningham scandals, forced his chamber to vote individually on a series of "pork" projects attached to a \$106.5 billion defense bill. His colleagues may have been a little taken aback by the move, which had been used only once before in the Senate. But they must surely have been stunned when the second item up for a vote — a \$15 million earmark for a seafood ad campaign in the Gulf region — failed to pass. "I guess Senator Coburn is the new Miss Congeniality," said ARIZONA Sen. John McCain (R). "I hope we can pry some more pork out of it." That's just what Coburn intends to do; he's targeted 17 other pork projects, totaling \$2,680,145,000. (CHRISTIAN SCIENCE MONITOR)

**BUDGETS IN BRIEF:** The **TEXAS** Legislature approved a major business tax overhaul last week that is the centerpiece of Gov. Rick Perry's (R) plan to cut school property taxes by a third. Other Perry proposals, including a \$1-per-pack increase in the cigarette tax, were still moving through the legislature with two weeks left in the 30-day special session on school finance (**AUSTIN AMERICAN-STATESMAN**). • The **CONNECTICUT** Legislature approved a \$16.1 billion revision to the \$31 billion two-year budget plan adopted last year. The update was the result of a compromise between Republican Gov. M. Jodi Rell, who sacrificed her plans to eliminate the state's car tax and inheritance tax, and Democratic legislative leaders, who gave up a \$500 tax credit for low-income taxpayers and an earned-income tax credit program (**NEW YORK TIMES**). • **PENNSYLVANIA** Attorney General Tom Corbett has filed suit against R.J. Reynolds Tobacco Co. and Lorillard Tobacco Co., seeking to recover \$47 million he says the state is owed this year under the 1998 tobacco settlement agreement. The Keystone State joins 23 others that have sued the two major tobacco producers for withholding part of their annual payment, following an independent consultant's report in March stating that large tobacco companies have been unfairly hindered by the agreement (**PHILADELPHIA INQUIRER**). • **NEW YORK** convenience stores filed a lawsuit against Gov. George Pataki (R) last Tuesday in an effort to get him to enforce a 2005 state law requiring the collection of taxes on the sale of cigarettes and gasoline by Indian retailers to non-Indian customers. Pataki has resisted forcing the tax collections, favoring the establishment of "tax compacts" with Indian nations instead (**SYRACUSE POST-STANDARD**).

## *The Week in Session*

States in Regular Session:  
AK, CA, DC, DE, KS, LA, MA, MI, MN,  
MO, NC, NH, NY, OH, OK, PA, RI, SC,  
TN, US, VT, WI

States in Special Session:  
CA "a", TX "c", VA "a"

States in Recess: ME, PA (Senate)

States in Budget Hearing Recess:  
NJ

Special Sessions in Recess:  
OK "a", PA "a"

States Projected to Adjourn:  
AK, AZ, CO, FL

States Adjourned in 2006:  
AL, CT, GA, HI, IA, ID, IL, IN, KY, MD, MS,  
NE, NM, SD, UT, VA, WA, WV, WY

States in Special Session  
Adjourned in 2006:  
AR "a", AZ "a", LA "a", OR "a", TN "a"

Letters indicate special/extraordinary sessions  
Source: State Net, 05/05/06

— Compiled by **KOREY CLARK**



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# Politics & Leadership

**S**OUTH DAKOTA ABORTION BACKLASH: The controversial new SOUTH DAKOTA law outlawing abortions even in cases of rape and incest appears to have touched off a resistance movement within the state. Republican legislators who supported the ban are attracting challengers for their seats, from other Republicans as well as Democrats. The approval rating of Gov. Mike Rounds (R), who signed the legislation in March, has dropped 20 percent, according to recent polls. Opponents of the law are gathering signatures for a ballot measure to overturn it. And if that initiative fails, not only is Planned Parenthood planning to challenge the law in federal court, but the tribal president of the Oglala Sioux Indian Nation in SOUTH DAKOTA has vowed to construct an abortion clinic on reservation land — which is not subject to state law — that would be open to all women in the state (STATELINE.ORG).

**AT THE POLLS:** OHIO Secretary of State J. Kenneth Blackwell garnered the GOP nomination for governor in last Tuesday’s primary election, setting up a November showdown with Democratic primary winner Rep. Ted Strickland, who’s been leading Blackwell in the polls. Republicans have dominated Buckeye State government for more than a decade (NEW YORK TIMES). • In another primary last Tuesday, the longest-serving leader in INDIANA’s statehouse, Senate President Pro Tempore Robert D. Garton (R), was unseated by newcomer Greg Walker, a Columbus accountant. Garton had drawn criticism from some of the GOP faithful recently for derailing anti-abortion legislation and advocating for lifetime, taxpayer-funded health insurance for lawmakers (INDIANAPOLIS STAR).

**POLITICS IN BRIEF:** The U.S. Justice Department is suing the state of ALABAMA for failing to create a statewide computerized voter database by Jan. 1 in compliance with the federal Help America Vote Act. The Justice Department is seeking a court order requiring the state to develop a plan within 30 days to bring its voter registration into compliance (ASSOCIATED PRESS, MONTGOMERY ADVERTISER). • Last week, a U.S. District Court upheld a redistricting map drawn up in 2006 by the Republican-controlled GEORGIA Legislature. Democrats had alleged the map was designed specifically to allow the GOP to hold on to a state Senate seat (ATLANTA JOURNAL-CONSTITUTION). • Organizers of last Monday’s nationwide “Day Without Immigrants” protests say they will now shift their



efforts into political action by helping legal immigrants become citizens, registering voters and getting out the vote in next month’s primary elections. Only 39 percent of the estimated 41 million Latinos living in the U.S. are currently eligible to vote, according to the Pew Hispanic Center (LOS ANGELES TIMES). • Democratic legislative leaders in **CALIFORNIA** canceled Assembly and Senate floor sessions last Monday to accommodate lawmakers participating in “Day Without Immigrants” rallies. Minority leaders held a news conference at which they accused the Democrats of cheating taxpayers. Senate President Pro Tem Don Perata (D) called that action an election-year “publicity stunt” (SACRAMENTO BEE). • **MINNESOTA**’s 2006 session may end a few days before the state’s May 22 constitutional deadline. Three of the state’s top legislative leaders are of Norwegian descent and want to adjourn on or before Norwegian Constitution Day on May 17 (ST. PAUL PIONEER PRESS).

*Upcoming Stories*

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

- Minimum wage
- “Fair share” health care
- The changing face of disaster insurance

— Compiled by *KOREY CLARK*

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# Governors

**K** AINE WORKING TO AVOID VA GOVERNMENT SHUT-DOWN: The ongoing rancor over the state budget has VIRGINIA Gov. Timothy Kaine (D) preparing for the worst case scenario — an impasse that would shut down the Old Dominion government. To avoid that, Kaine is reportedly prepared to issue executive orders declaring the police, prisons and hospitals, among other state agencies, to be necessities of government, forcing those entities to continue normal operations regardless of whether lawmakers reach a budget deal by the July 1 deadline.

The major dividing point to date has been disagreement between the House and Senate over how to fund several proposed transportation projects — the Senate wants to pay for them with tax hikes, which the House vehemently opposes. Kaine budget spokeswoman Delacey Skinner has so far refused to confirm or deny Kaine’s possible plan, opting instead to express the administration’s faith that the Legislature will work out the budget impasse before it comes to a shutdown.



federal oversight of a court-mandated Everglades cleanup (see April 17 *SNCJ*), Bush received a stinging defeat on his pet education voucher proposal when the Senate rejected the idea last week. Bush wanted legislative approval to ask voters to protect and expand his voucher program that allows people to use public money to send their kids to private schools. Instead, The Republican-controlled Senate killed the proposed constitutional amendment by a single vote. Adding insult to injury, four Republicans — including Majority Leader Alex Villalobos (R) — voted against the measure, rejecting a hard sell from the governor that the measure was necessary to reverse a recent state Supreme Court decision that ruled his 1999 voucher program unconstitutional. It was a costly vote for Villalobos, as a clearly angered Senate President Tom Lee (R) stripped him of his post as majority leader minutes after the vote, saying he no longer viewed the Miami senator as a team player. The Senate vowed to immediately take up an alternative voucher bill. (MIAMI HERALD)

**SCHWEITZER PARDONS WWI SEDITONISTS:** MONTANA Gov. Brian Schweitzer (D) posthumously pardoned 75 men and three women convicted of sedition in the Treasure State for being critical of the United States during World War I. Forty-one of these, including one woman, were sent to prison, some for as long as 20 years. MONTANA was one of 26 states during that time with sedition laws that made it a crime to say or publish anything “disloyal, profane, violent, scurrilous, contemptuous or abusive” about the government, U.S. soldiers or the American flag. In one instance, a traveling wine and brandy salesman was sentenced to 7 to 20 years in prison for calling wartime food

## Upcoming Elections

(05/04/06 - 05/25/06)

05/09/2006 Nebraska Primary Election  
US House (All)  
US Senate (Nelson)

05/09/2006 Oklahoma Special Election  
Senate 038

05/16/2006 Kentucky Primary Election  
House (All)  
Senate (Even)  
US House (All)

05/16/2006 Oregon Primary Election  
House (All)  
Senate 3, 4, 6, 7, 8, 10, 11, 13, 15, 16, 17, 19, 20, 24, 26  
Constitutional Officers:  
Governor  
US House (All)

05/16/2006 Pennsylvania Primary Election  
House (All)  
Senate (Even)  
Constitutional Officers:  
Governor, Lieutenant Governor  
US House (All)  
US Senate (Santorum)

05/23/2006 Arkansas Primary Election  
House (All)  
Senate (All)  
Constitutional Officers:  
Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, State Land Commissioner  
US House (All)

05/23/2006 Idaho Primary Election  
House (All)  
Senate (All)  
Constitutional Officers:  
Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Superintendent of Public Instruction, State Controller



regulations a “big joke.” It was also illegal to speak German or publish books in that language. Schweitzer, himself a descendant of ethnic Germans who immigrated to this country in 1909, said “I’m going to say what Gov. Sam Stewart should have said,” referring to the man who signed the sedition law into effect in 1918. “I’m sorry, forgive me, and God bless America, because we can criticize our government.” (NEW YORK TIMES)

**GOVERNORS IN BRIEF: CONNECTICUT** Gov. M. Jodi Rell (R) stripped one of her administration’s top fraud investigators of her duties after she learned the woman, Kristine Ragaglia, had testified to receiving many of the same gifts given to former Gov. John G. Rowland’s administration. Ragaglia was reassigned to administrative duties pending further investigation (WASHINGTON POST). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) attended a National Football League owners meeting in Dallas last week to lobby the league “to bring another team or two” to the Los Angeles area. LA, the nation’s second largest television market, has been without an NFL franchise since both the Raiders and Rams left town in the early 1990s (SACRAMENTO BEE). • **OKLAHOMA** Gov. Brad Henry (D) called on lawmakers to put an extra \$100 million toward establishing a state endowment fund that would support research projects across the Sooner State. Legislators have already agreed to place \$100 million of the state’s anticipated \$400 million in excess funds into such an endowment (OKLAHOMAN [OKLAHOMA CITY]).

— *Compiled by RICH EHISEN*

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## Hot issues

**B** **USINESS:** The **LOUISIANA** Senate endorses a measure that would force insurers to clear any rate hikes through the Pelican State Insurance Commission. It moves to the House (ADVOCATE [BATON ROUGE]). • **MICHIGAN** Gov. Jennifer Granholm (D) signs legislation that enacts fines up to \$25,000 for gas station owners who intentionally cheat consumers by delivering less fuel to customers than indicated on pump meters (DETROIT FREE PRESS). • The **ILLINOIS** House and Senate endorse legislation that would force mine operators to build rescue chambers inside mines that will protect employees during an emergency. The chambers would contain first aid materials, oxygen tanks and other necessary materials. It heads to Gov. Rod Blagojevich (D), who is expected to sign it (DAILY



HERLAD [ARLINGTON HEIGHTS]). • The **OKLAHOMA** Senate approves SB 806, which would legalize and regulate tattoo parlors in the Sooner State. The measure would also bar anyone under 18 from getting inked. It moves to Gov. Brad Henry (D) for review (OKLAHOMAN [OKLAHOMA CITY]).

**CRIME & PUNISHMENT:** The **ALASKA** House endorses SB 200, which would allow residents to use deadly force outside the home in the case of a carjacking or in a situation where a child is in danger of being kidnapped, sexually assaulted, injured or killed. It also expands the places where citizens can “stand their ground” to include a workplace, hotel or home where the person is a guest, and grants the shooter immunity from civil lawsuits. It fires off to the Senate (ANCHORAGE DAILY NEWS). • **MINNESOTA** lawmakers send to Gov. Tim Pawlenty (R) legislation that would require demonstrators to stay back at least 500 feet from funerals and graveside ceremonies. Pawlenty is expected to sign the bill into law (ST. PAUL PIONEER PRESS). • The **MICHIGAN** Senate unanimously approves its own ban on funeral demonstrations. The bill, which would also require protesters to stay at least 500 feet away from a funeral, goes to Gov. Jennifer Granholm (D). She is expected to sign it (LANSING STATE JOURNAL). • The **ARIZONA** House approves legislation making it a crime for people to use fraud or deceit to get someone else’s cellular phone records. It moves to Gov. Janet Napolitano (D) (ARIZONA DAILY STAR [TUCSON]). • The **KANSAS** House and Senate approve a measure requiring anyone arrested on felony charges to submit a DNA sample to authorities. It goes to Gov. Kathleen Sebelius (D) for review (LAWRENCE JOURNAL-WORLD).

**EDUCATION:** A host of the country’s largest beverage distributors, including Cadbury Schweppes PLC, Coca-Cola Co. and PepsiCo Inc., agree to halt nearly all sales of sodas to public schools, starting with the 2008-09 school year. The participating companies, which currently reach 87 percent of the school beverage market, say they will sell only water, unsweetened juice and low-fat milks to elementary and

## *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: 120

Number of 2006 Intros last week: 1,711

Number of bills enacted/adopted last week: 1,435

Number of 2006 prefiles to date: 17,422

Number of 2006 Intros to date: 84,632

Number of enacted/adopted overall in 2006: 18,432

— Compiled By JAMES ROSS  
(Measures current as of 05/04/06  
Source:State Net)







