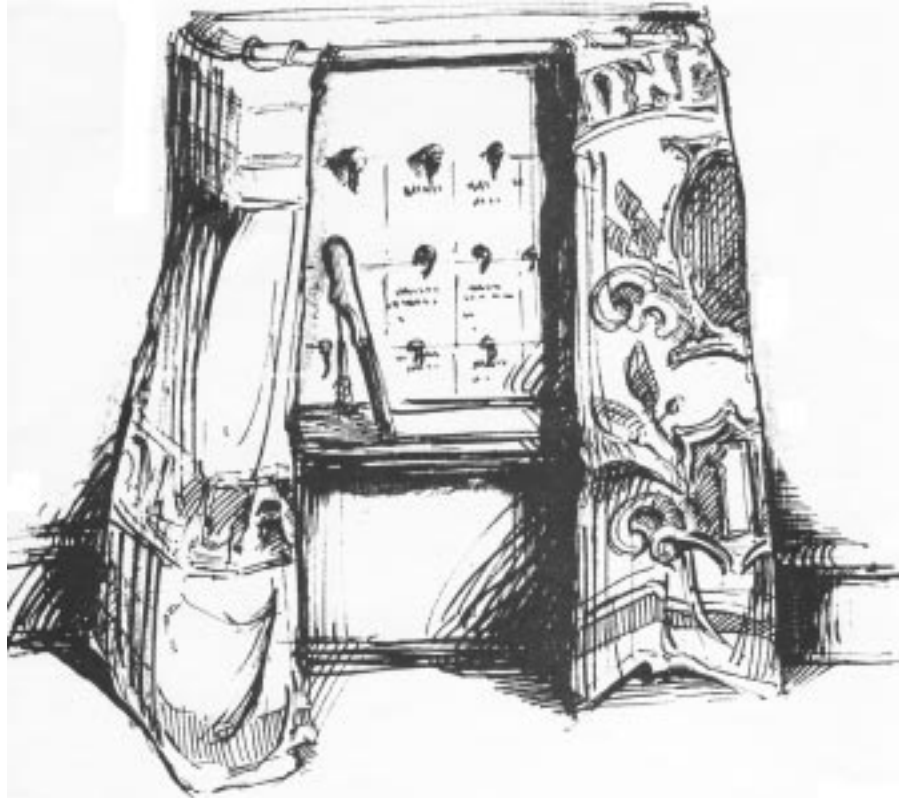


November 7, 2005

## Big issues, big bucks



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### Top Story

*COLORADO voters rocked anti-tax advocates nationwide last week by choosing to place their TABOR law on hiatus. This week, voters in several states go to the polls to be heard on other controversial issues, from redistricting to gay marriage.*

## SNCJ Spotlight

### Voters Settle States' Political Disputes

This year is an off one politically, with only a handful of states holding elections for statewide office. But that doesn't mean political battles haven't still been raging in the states. One of the highest-profile of those conflicts spilled over into the ballot box last Tuesday in COLORADO. And this week, voters will be called upon to resolve similar political feuds in six other states.

In 1992, Colorado enacted a constitutional amendment dubbed the Taxpayer Bill of Rights, or TABOR, which restricted the state's budget from growing faster than the rate of inflation and population growth, and required the state to return any excess revenue to taxpayers. The measure worked painlessly throughout the economic boom of the 90s, during which the state's population grew 30 percent. But when the recession came in 2001, TABOR restrictions helped plunge the state into a fiscal morass from which it has been unable to extricate itself.

Hoping to change that, the state's Republican governor, Bill Owens, teamed up with the Democrats who control the state Legislature in drafting a constitutional amendment to suspend TABOR for five years and allow the state to refill its coffers. Members of Owens' own party were incensed by the move, but last week the governor got his wish: the state's voters approved the TABOR-reform measure, Referendum C, with about 52 percent of the vote.

Owens didn't get everything he wanted, however; voters narrowly rejected another measure he and the Democrats had crafted, Referendum D, which would have allowed the state to borrow \$2.1 billion for transportation and school construction projects. Still, the governor was elated, telling a crowd of cheering supporters, "Once again, the voters of Colorado showed they're in charge and voted for the future of the state of Colorado."

The disappointment of the TABOR amendment's author, Douglas Bruce, was even more pronounced. "We gave the people of Colorado 13 years of freedom and the ability to hold politicians accountable," he said. "They'll have to accept the consequences of voting themselves back into slavery." Another key opponent of Referendum C, Jon Caldara, said the result of the election wasn't a real shock, given the resources that backers of the measure had at their disposal, including \$7.5 million, nearly four times as much money as the anti-C and D forces had collected. "When you have the entire political machinery and special interests set up against the taxpayers, it's not a surprise they'll win," Caldara said.

## *The Week in Session*

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

States in Veto Session: IL

States in Special Session: DE "b", LA "a", PA "a"

States in Recess: CA, NH

Special Sessions in Recess: CA "a", DE "a", OK "a"

States in Special Session Projected to Adjourn: CT "a", CT "b"

States Adjourned in 2005: AK, AL, AR, AZ, CO, CT, DE, FL, GA, HI, IA, ID, IN, KS, KY, LA, MD, ME, MN, MO, MS, MT, NC, ND, NE, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WA, WV, WY

States in Special Session Adjourned in 2005: AK "a", AL "a", CT "a", CT "b", GA "a", KS "a", ME "a", ME "b", MN "a", MO "a", MS "a", MS "b", MS "c", MS "d", MS "e", NM "a", NV "a", SD "a", TX "a", TX "b", UT "a", VT "a", WI "a", WV "a", WV "b", WV "c", WV "d"

Letters indicate special/extraordinary sessions

Source: State Net, 11/04/05



could receive an abortion — was also trailing, 49 percent to 41 percent. DiCamillo said, “Voters are very emotional on both sides of this issue,” and that the measure will be more affected than any other by voter turnout.

Social issues will be on the ballot in a couple of other states as well. TEXAS voters are expected to approve a proposed constitutional ban on same-sex marriages. Gay marriage is already prohibited by Texas law, but supporters of the amendment want to safeguard that restriction against court challenges. In MAINE, conservatives are hoping to overturn a new law that expanded the state’s human rights act to protect gays and lesbians.

Meanwhile, in OHIO, last year’s wrangling over the 2004 presidential election has set up a partisan showdown that is the reverse of California’s, with the Democratic minority seeking to reform the Republican-dominated political process. Among the more contentious measures are Issue 4, which would turn redistricting over to a nonpartisan commission, and Issue 5, which would take the job of overseeing elections away from the secretary of state and give it to an independent board.

Voters in NEW YORK will go to the polls to settle a spat between Gov. George Pataki (R) and the state Legislature over control of the state budget process. Proposal One would shift the start of the fiscal year from April 1 to May 1 and mandate that if a new budget isn’t in place by that date, the previous year’s budget would remain in effect. The real point of controversy over the measure is that after May 1, the Legislature would be given the authority to write its own budget instead of simply reacting to the governor’s plan. Proponents contend the measure would finally end the state’s decades-old problem of late budgets. But opponents argue that it would take away the Legislature’s incentive to negotiate with the governor and ultimately grant lawmakers total control over the budget process. Pataki’s recent comments on Proposal One have been a bit more alarmist. “It is the most dangerous proposal I believe in almost 50 years to face the ballot,” he said, adding that the measure would be a “financial nightmare for New York state.”

In the state of WASHINGTON, doctors and lawyers are waging an expensive ballot fight over medical malpractice reform. Doctors are backing Measure 330, which would cap jury awards and attorneys’ fees in malpractice lawsuits, while lawyers are supporting Measure 336, which would create a state-run supplemental malpractice insurance program, as well as revoke the licenses of doctors found guilty of malpractice three times in 10 years.

The other state taking up ballot measures is NEW JERSEY, which will decide whether to create the office of Lieutenant Governor. Although that proposal was spurred by controversy — the resignation of Gov. James McGreevey over a sex scandal and the subsequent installation of Senate President Richard Codey (D) as



### State work environment index

State	Rank	Average Score	Job Opportunities	Job Quality	Workplace Fairness
DE	1	89	85.2	89.6	93.2
NH	2	81	89.8	77.6	74.1
MN	3	80	62.0	100.0	79.4
VT	4	77	85.9	46.0	100.0
IA	5	73	78.5	82.0	57.3
CT	6	72	49.3	87.1	79.3
IN	7	71	61.0	72.0	80.0
NE	8	71	83.3	68.1	61.0
WI	9	71	56.2	76.6	81.7
SD	10	70	94.4	54.2	60.8
ND	11	69	100.0	64.0	42.2
ME	12	68	64.7	49.1	91.7
PA	13	68	56.8	74.3	74.1
RI	14	68	55.4	58.3	90.4
NJ	15	67	61.3	70.5	70.4
KY	16	66	65.5	67.2	66.6
MO	17	66	48.9	85.2	63.8
HI	18	65	80.5	48.2	65.0
MA	19	65	60.7	52.4	82.5
MD	20	63	80.0	40.0	69.7
AK	21	60	37.1	47.8	94.9
WA	22	60	21.6	70.5	88.9
IL	23	58	35.8	64.4	75.0
MI	24	56	3.7	89.5	73.4
OH	25	56	33.3	71.2	63.5
VA	26	54	80.8	62.7	19.8
CO	27	53	57.3	48.9	53.6
KS	28	53	51.3	74.6	32.4
MT	29	53	62.9	27.9	68.1
TN	30	53	67.8	55.9	34.5
ID	31	52	71.3	43.7	40.3
WY	32	52	91.5	37.8	26.0
CA	33	51	27.6	38.9	85.8
DC	34	49	10.0	48.4	88.0
GA	35	49	65.7	54.4	28.0
NY	36	48	38.3	37.3	68.1
OR	37	48	0.0	53.0	90.4
WV	38	45	52.3	40.9	43.3
OK	39	43	58.3	34.1	37.5
FL	40	42	67.2	23.3	36.3
NC	41	42	45.7	50.2	30.4
NV	42	41	78.1	27.5	17.3
AL	43	40	52.9	56.4	9.8
NM	44	39	46.3	0.0	69.5
AZ	45	37	64.4	33.2	14.3
MS	46	36	56.2	46.2	6.2
SC	47	36	35.2	60.4	12.2
UT	48	36	61.5	33.3	12.1
AR	49	34	53.9	21.0	26.6
TX	50	33	44.9	28.4	24.4
LA	51	31	44.1	47.6	0.0

Source: Political Economic Research Institute, University of MASSACHUSETTS

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# Budget & taxes

**M** A HEALTHCARE BILL WOULD TAX EMPLOYERS: The MASSACHUSETTS House overwhelmingly endorsed a sweeping healthcare bill that would use a new payroll tax to help fund health-care coverage for most of the state's 500,000 uninsured residents within three years. The plan, which now heads to the Senate, would also expand the Bay State's Medicaid coverage and require those who can afford it to buy health care coverage on their own. In addition to revenue from the payroll tax, the House plan relies on \$255 million annually from the Bay State's tobacco settlement fund. If approved by the Senate and Gov. Mitt Romney (R), the plan would levy a 5 percent payroll tax on companies with 11 to 100 employees and a 7 percent tax on businesses with 100 or more workers. Part-time workers would count as full-time workers in the calculation, and companies with 10 or fewer workers would be exempt. A business could deduct its healthcare costs from the tax, and that business would be exempt from paying the tax if its health insurance costs exceeded the amount of tax it would owe. House leaders claimed that in most cases, employers who provide health insurance would not have to contribute any money. That was not much of a salve for either Romney or Senate President Robert E. Travaglini (D), both of whom expressed significant concern about taxing employers to pay for the plan. Romney held a statehouse press conference to voice his opinion, saying that "We do not need and should not add an additional burden on businesses in Massachusetts. If we add to that burden an additional cost...we'd be going in the wrong direction, and it would harm job creation in the Commonwealth." He also tossed a few jabs at the House leaders for taking so long to get a plan together, citing that both the Senate and his administration had put together reform packages during the spring. Time is a factor in whatever plan the state adopts, as it is required to make progress in insuring more of its residents in order to be eligible for next year's \$385 million federal Medicaid payment. (BOSTON GLOBE)

**BUDGETS IN BRIEF: LOUISIANA** lawmakers convened in special session (Nov. 6) to address numerous issues related to Hurricanes Katrina and Rita, including the nearly \$1 billion hole the storms opened in the Pelican State budget. The session is scheduled to run until Nov. 22 (TIMES-PICAYUNE [NEW ORLEANS]). • **MISSISSIPPI's** Department of Finance and Administration reported last week that state revenue collections for the month of October were





But ongoing public outcry, including multiple lawsuits that challenged the hikes, convinced lawmakers to give up the ghost. “If you try something for four months and it isn’t working, you try something else,” said Drew Compton, an aide to Senate President Pro tem Robert Jubelirer (R). The Legislature returns to settle the issue for good on Nov. 14 (PITTSBURGH POST-GAZETTE)

## Quoteable

“Don’t let anyone tell you these politicians did this for good government reasons. They did this because they are fearing for their political lives.”

— **Gene Stilp, a PENNSYLVANIA lawyer who filed a lawsuit seeking to stop state lawmakers from giving themselves large pay hikes, after they rescinded those raises. (Pittsburgh Post-Gazette)**

**POLITICS IN BRIEF:** Seeking to avoid a fourth veto of voter ID legislation by Democratic Gov. Jim Doyle, **WISCONSIN’s** GOP-controlled Assembly passed a constitutional amendment (AJR 36) that would take the issue directly to the voters. The bill now heads to the Senate, where Republicans also hold sway. But it must be approved by both houses again next year before it can be placed on the state ballot (MILWAUKEE JOURNAL SENTINEL). • **FLORIDA’s** top election official, Secretary of State Glenda Hood (R), resigned last week. Hood was appointed by Gov. Jeb Bush (R) in 2002 to help restore confidence in the state’s electoral system, which came under fire after the 2000 presidential race (ASSOCIATED PRESS, ABC NEWS). • **MICHIGAN’s** Court of Appeals ruled last week that the state elections board must allow a constitutional amendment that would end affirmative action programs at universities and government agencies to be placed on next year’s state-wide election ballot. The four-person elections board, consisting of two Democrats and two Republicans, had deadlocked over whether to certify petitions submitted to qualify the proposal (ASSOCIATED PRESS, DETROIT FREE PRESS, DETROIT NEWS). • **VERMONT** Republicans adopted a new rule last month barring a candidate who loses a GOP primary but runs in the general election under a different party label from running as a Republican again for three elections. Secretary of State Deborah Markowitz said the "sore losers" rule may run afoul of Green Mountain State election law, which mandates that any candidate who submits a petition signed by 500 voters is eligible to run (RUTLAND HERALD). • **NEW HAMPSHIRE** lawmakers are considering a bill to amend the state’s Right-to-Know Law to address loopholes that allow government officials to conduct business away from the public’s view using electronic means, such as e-mail and teleconferencing. The measure, introduced by Rep. John Thomas (R), will not likely be voted on until next year (ASSOCIATED PRESS, CONCORD MONITOR).

— *Compiled by RICH EHISEN & KOREY CLARK*



# Governors

**O**WENS' BIG WIN COULD ALSO MEAN BIG LOSS: COLORADO Gov. Bill Owens' (R) big win with Referendum C last week (see *SN CJ Spotlight* in this issue) certainly cemented his Centennial State legacy, but it may have also irreparably damaged any national political ambitions he may hold. Owens, long rumored to be interested in a run at the White House in 2008, campaigned hard in support of Referendum C, which temporarily lifts the state's strict TABOR statute, the nation's toughest limit on state spending. That victory allows state lawmakers to hold on to an anticipated \$3.7 billion in tax revenue they would otherwise have been required to refund to taxpayers. But C also served as a massive wedge between Owens and his fellow Republicans, many of whom took verbal shots at him after the vote. One, House Minority Leader Joe Stengel (R), accused Owens of turning Colorado into "a blue state," adding that, "with the governor standing shoulder to shoulder with his Democratic friends, I think we probably are going to have a tough time regaining the House or the Senate. The performance shows clearly that we have moved towards the left." While some observers opined that Owens' actions might energize the moderate wing of the Colorado GOP, anti-tax advocate Grover Norquist, president of the Washington D.C.-based Americans for Tax Reform, said Owens' support of Referendum C would finish him politically. "There is no moderate Republican who wants higher taxes and spending. This does not exist in the world," Norquist said. But other state Republicans came to Owens' defense. Sean Tonner, a former Owens campaign manager, noted that the governor faced similar criticism during his first term when he supported an initiative requiring background checks at gun shows. Owens, however, won re-election in 2002 by the largest margin in state history. Another Republican, Sen. Norma Anderson, said Owens "did the right thing" by supporting Referendum C and predicted Owens will survive politically "because he has a long record of being a conservative." Anderson added that "the far right does not understand the people of Colorado. The people in this state are very pragmatic." (DENVER POST, ROCKY MOUNTAIN NEWS)

**SCHWARZENEGGER: 'I'LL BE BACK'** The polls look anything but good for CALIFORNIA Gov. Arnold Schwarzenegger (R) heading into the Nov. 8 special election he called to let voters weigh in on his "Year of Reform" agenda, but nobody can ever say he lost his optimism. Although most polls last week showed that all four of his pet ballot measures (Propositions 74, 75, 76 and 77)



were badly lagging in support — and that he is trailing virtually every Democrat that might oppose him in his bid for re-election in 2006 — the “Govenator” said last week while on the campaign trail that he has only begun to take his ideas to the voters. “Everything you see in this reform thing — never look at it like this is all we need,” he said. “I could have put 15 more ideas on the ballot, but people are already saying we are doing too much.” Schwarzenegger aides have also said he will pursue major building plans next year, along with an effort to increase funding for children’s health insurance, campaign finance reform and other programs traditionally advanced more often by Democrats than Republicans. (LOS ANGELES TIMES, SACRAMENTO BEE)

**BLANCO WANTS STATE TO RUN ORLEANS SCHOOLS:**

LOUISIANA Gov. Kathleen Blanco (D) said last week that she supports legislation that would place most New Orleans public schools under state control. Blanco made her comments as she called the Pelican State Legislature in for a 17-day special session to deal with the state’s recovery issues in the aftermath of Hurricane Katrina. The Orleans Parish School Board was facing intense criticism even before Katrina hit as 91 of its 127 schools were performing under the state average. New Orleans Mayor Ray Nagin has publicly advocated for bypassing the board and re-opening those schools as charter schools rather than as public institutions. The board recently approved 20 such charters, but Blanco and lawmakers seem poised to increase that number dramatically. “I’m determined to seize this opportunity to start anew,” Blanco said. “I propose that the state step in and assume responsibility for that city’s failing schools, using, among other things, the charter school model as one of our recovery efforts.” (TIMES-PICAYUNE [NEW ORLEANS])

**GOVERNORS IN BRIEF:** A SurveyUSA poll released last week showed that 53 percent of **ILLINOIS** voters disapprove of the job performance of Gov. Rod Blagojevich (D). The poll came out as federal investigators widened their investigation into alleged hiring improprieties in the state Dept. of Transportation (CHICAGO TRIBUNE, NORTHWEST INDIANA TIMES [MUNSTER]). • Still in **ILLINOIS**, Blagojevich said he will join two other governors, Ed Rendell of **PENNSYLVANIA** (D) and M. Jodi Rell (R) of **CONNECTICUT**, in suing the federal government in an effort to stop military base closures in their states (STATELINE.ORG). • Another SurveyUSA poll, this one in **INDIANA**, showed that 50 percent of Hoosier State voters disapprove of the job Gov. Mitch Daniels (R) is doing. The poll indicated that 44 percent approve of his work while 6 percent are not sure (NORTHWEST INDIANA TIMES [MUNSTER]). • On the flip side, a new survey in **NEW HAMPSHIRE** shows that 71 percent of voters



approve of the job performance of Gov. John Lynch (D). Only 9 percent said they disapprove of Lynch (FOSTER'S DAILY DEMOCRAT [DOVER]). • **VIRGINIA** Democratic gubernatorial candidate Time Kaine pulled an endorsement from **NEW MEXICO** Gov. Bill Richardson (D) off a blog site after the host blogger derided an African-American candidate in another race as a "Sambo." Richardson's endorsement had been placed next to a story critical of **MARYLAND** Lt. Gov. Michael Steele, who is considering running for the Senate (ALBUQUERQUE TRIBUNE). • The **VIRGINIA** governor's race is now officially the most expensive in state history, with Kaine (\$18.7 million), GOP candidate Jerry Kilgore (over \$22 million) and independent candidate Russ Potts (\$1.3 million) combining to top \$42 million in overall spending (USA TODAY) • **WASHINGTON** Gov. Christine Gregoire (D) appealed in a letter to Agriculture Sect. Mike Johanns for greater state control to limit development in national forests. Gregoire asked for states to be granted the power to return to the Clinton-era "roadless rules," which banned development on 58 million acres of national forests. **OREGON, CALIFORNIA** and **NEW MEXICO** have filed suit over the Bush administration's changes to that policy. Gregoire is considering whether to have the Evergreen State join that suit (SEATTLE POST-INTELLIGENCER). • **ARKANSAS** Gov. Mike Huckabee (R) and First Lady Janet Huckabee completed the U.S. Marine Corps Mar-

## Upcoming Elections

(11/3/05 - 11/24/05)

- 11/08/2005 California Special Election  
Ballot Measures
- 11/08/2005 Georgia Special Election  
House 121
- 11/08/2005 Maine Special Election  
Ballot Measures
- 11/08/2005 Mississippi Special Election  
House 096
- 11/08/2005 Missouri Special Election  
House 094, 150  
Senate 029
- 11/08/2005 New Jersey General Election  
Assembly (All)  
Ballot Measures  
Governor
- 11/08/2005 New York Special Election  
Ballot Measures
- 11/08/2005 Ohio Special Election  
Ballot Measures
- 11/08/2005 Oklahoma Special General  
Senate 048
- 11/08/2005 Tennessee Special Election  
House 022
- 11/08/2005 Texas Special Election  
House 143  
Ballot Measures
- 11/08/2005 Washington General Election  
Ballot Measures
- 11/08/2005 Virginia General Election  
House (All)  
Governor
- 11/14/2005 Connecticut Special Election**  
Senate 023
- 11/22/2005 Minnesota Special Election  
Senate 043, 019
- 11/22/2005 Mississippi runoff if needed  
House 96









state law to allow only a custodial parent or legal guardian to give consent for a minor to obtain an abortion. The current law enables any adult family member or foster parent to grant consent. The measure heads to the Senate (JANESVILLE GAZETTE).

**POTPOURRI:** The **ILLINOIS** Senate overrides a veto from Gov. Rod Blagojevich (D) of a law that lowers the legal age to get a tattoo in the Prairie State to 18. That leaves **SOUTH CAROLINA** as the only state to require a person under the age of 21 who is seeking a tattoo to have parental consent beforehand. The law goes into effect on Jan. 1 (CHICAGO TRIBUNE). • The **MASSACHUSETTS** Legislature approves a bill that would extend death benefits to the families of volunteer firefighters that die in the line of duty. The measure now moves to Gov. Mitt Romney (R) for review (BOSTON GLOBE).

— Compiled by RICH EHISEN

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# Once around the statehouse lightly

**BAD CALLS:** The folks in **TEXAS** were ecstatic (for a week or so), while their brethren in **MISSOURI** were frustrated. The event: baseball’s National League Playoffs, where the Houston Astros defeated the St. Louis Cardinals to advance to the World Series. Now, reports the *Jefferson City News Tribune*, at least one Show Me state lawmaker wants to stick it to major league umpires but denies that he is motivated by bad calls during the playoffs. Democrat Jeff Roorda, a Barnhart representative, wants to tax umpires (and referees) for what they earn in Missouri. Currently, athletes and entertainers are taxed, Roorda reasons, so why not umps — especially when they, as much as players, determine the outcome of games? He’ll introduce a bill in December: The Sour Grapes Act of 2006.

**MITCHELL THE LIONHEART:** When kids rang the bell at this particular **INDIANA** home on Halloween, the door was answered by the resident nightmare — dressed in an orange jumpsuit, painted-on whiskers, a furry orange wig and bearing a slightly askew potbelly. He was supposed to be gussied up as the Cowardly Lion from “The Wizard of Oz,” but kids didn’t care. They were more inter-

ested in the candy that Gov. Mitchell Daniels was shoveling into their trick-or-treat bags. As the *Indianapolis Star* notes, the governor also passed out less-than-popular jump ropes.

**JOB SEARCH:** Need a new employee to fill a sudden vacancy? Careful who you approach for the job, especially in WYOMING. As The Associated Press reports, it could be illegal to offer that position to a shepherd if a bill sponsored by the Wyoming Woolgrowers Association becomes law. A minimum \$10,000 fine would be the penalty. Do woolgrowers have something against their employees getting higher-paying jobs? No, an association spokesman says. But an entire herd could be lost if its caretaker suddenly walks off the job. So, the proposed law only applies to those who lure shepherders away on the open range.

**ALICE IN POLITICSLAND:** If Lewis Carroll were still alive, he likely could have been credited with writing Proposition 77 — the redistricting initiative on the ballot this week in CALIFORNIA'S special election. According to the *Sacramento Bee*, the measure requires voters to approve new districts in a subsequent ballot. But because of the timing of the initiative, new districts would be drawn — and in use — before voters had the chance to approve them. That, say critics, creates a scenario whereby voters would elect lawmakers to represent districts that are simultaneously rejected. Hoo boy.

**BAD DAY AT THE OFFICE:** No other way to explain the vigilante justice recently visited on a 29-year-old WISCONSIN man. As noted in the *Milwaukee Journal Sentinel*, the man tried to rob a pedestrian. But before he could flee with the cash, he was accidentally run over by an accomplice driving the getaway car. After his buddy sped off without him, the robber tried to limp away only to be run over by a second car police believe was driven by a friend of the victim. The felon then pulled a pistol to defend himself, but accidentally shot himself in the leg. The robber was in a local hospital but expected to survive. Question: Has he already paid the penalty for his attempted robbery?

**WHY DO THEY KEEP WRITING THIS WAY?** Voters in TEXAS this week must decide the fate of Proposition 2, which was designed to ban same-sex marriage. But as the *Austin American-Statesman* points out, the measure's clumsy wording could outlaw all marriages. Prop. 2's second sentence reads: "This state...may not create or recognize any legal status identical or similar to marriage." At least one critic thinks anything "identical" to marriage could mean marriage

