

February 23, 2009



# A Fractured State

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The next issue of Capitol Journal will be available on March 9th.

## Top Story

*For years, CALIFORNIA has had a deserved reputation as a trend setter. Sadly, the trend it has been setting in recent years is one of fiscal brinkmanship.*

## SNCJ Spotlight

### Reforming California

National needs come first, so CALIFORNIA can forgive President Obama for tapping Leon Panetta as his director of Central Intelligence. But the nation's gain is nonetheless CALIFORNIA's loss, for Panetta was a voice of common sense in a state that has lost its way. He leaves CALIFORNIA on a high note as chairman of California Forward. Last year this fledgling bipartisan

## A Cannon Perspective



With Lou Cannon



reform group played a leading role in a successful ballot campaign to persuade voters to wrest redistricting of an intransigent Legislature from the legislators and turn it over to an independent body. This was an overdue small step toward the goal of producing competitive legislative districts, beginning with the elections of 2012. Unfortunately, the state's political system is now so dysfunctional that those elections seem a light year away.

For years, CALIFORNIA has had a deserved reputation as a trend setter, and the trend it has been setting in recent years is one of fiscal brinkmanship. Unable to

**“For years, CALIFORNIA has had a deserved reputation as a trend setter, and the trend it has been setting in recent years is one of fiscal brinkmanship.”**

sell its bonds or pay its bills, CALIFORNIA is in desperate straits, perhaps foreshadowing the economic circumstances that could confront the nation when the recession ends. At that point the United States and other industrialized nations

will be awash in accumulated deficits, facing protracted belt-tightening and a lowered standard of living.

That moment is at hand in CALIFORNIA, where the unemployment rate is 9.3 percent and Sacramento has endured more than a hundred days of budget gridlock. The state cannot pay the vendors who supply it with goods and services. Governor Arnold Schwarzenegger has furloughed more than 200,000 state workers under his control two Fridays a month, equivalent to a 9 percent pay cut, and more massive layoffs are under way. Facing a \$42 billion state budget shortfall, Schwarzenegger and legislative leaders finally cobbled together an agreement that required both spending cuts and temporary tax increases. It was hard to swallow for the majority Democrats, for it reduced services for education and the needy, drawing denunciations from service and teachers unions. But it was even more indigestible to GOP legislators, who consider Schwarzenegger a Republican in name only and are easily frightened by bullying talk-radio commentators who pretend the state has enough money to pay its bills.

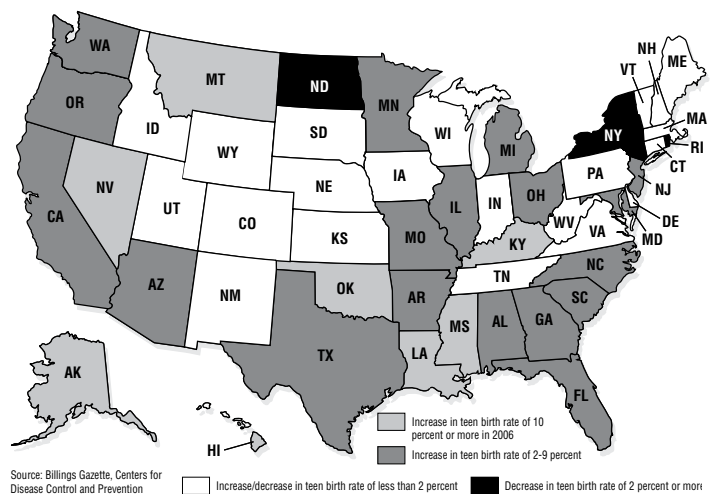
Not that the tax hikes are trivial. Under the original proposed agreement, the state would have imposed a 12-cents-per-gallon surcharge on gasoline, sales taxes would increase a full cent, pushing the rate in the state's most populous counties to 9.75 percent, and vehicle license fees would nearly double. It was too much for tax-resistant Republicans, who held out against the warnings of fiscal calamity as long as they could. Because CALIFORNIA requires a two-thirds vote to pass a budget, the minority Republicans controlled the process. Schwarzenegger and the Democrats required three Republican votes to pass the budget compromise. Getting those votes eventually saw the elimination of the additional gas tax, although a .25 percent hike in the personal income tax remains part of the deal.

What has happened in CALIFORNIA is a cautionary tale. Beginning in the 1940s under the leadership of Gov. Earl Warren (R), the state was for the next half century among the most resourceful and innovative in the nation. After squirreling away wartime revenues in what he called “rainy day” funds, Warren spent them on reconstructing schools, hospitals, roads, and prisons. Subsequent governors followed suit. Gov. Pat Brown (D) built freeways, a gigantic aqueduct to transfer water from the northern part of the state to the arid south, and the most acclaimed university system in the world. Gov. Ronald Reagan (R) was supposed to be a reaction to Brown’s excesses, but he proved a responsible governor who proposed and signed a progressive tax increase that was at the time the largest ever put forth by any governor of any state.

The Legislature played a significant role in this process, particularly after it was equipped with staff and expertise by the colorful Assembly Speaker, Jess Unruh. His successors, Robert Monagan and Bob Moretti, were also able. Working across a partisan divide, Moretti and Reagan achieved a signal welfare reform. Warren, Monagan, and Reagan were Republicans. Brown, Unruh, and Moretti were Democrats. As partisans, they had demagogic moments but in times of crisis proved problem-solvers who cared more about their state than their party.

Leon Panetta was emblematic of the age. In the 1950s he was an aide to the moderate U.S. Senate Republican whip, Thomas Kuchel. Later, after serving in the Nixon administration, Panetta became a Democrat. Elected to the House from a coastal CALIFORNIA district, he served eight terms before becoming budget director for President Bill Clinton and eventually his White House chief of staff. Panetta helped resolve budget deadlocks in the Reagan, George H.W. Bush, and Clinton presidencies. He retained this problem-solving mindset when he returned

## Bird’s eye view



### State teen birth rates up

The number of American teenagers having babies rose for the first time since 1991, according to a report released this month by the Centers for Disease Control and Prevention. The CDC found that in 2006, the most recent year for which statistics are available, the number of 15- to 19-year-old girls who had babies climbed 3 percent nationwide. Eight states saw double-digit increases. ALASKA’s, at 19 percent, was the biggest, although MISSISSIPPI still had the highest rate: 68.4 births per 1,000 teens. Overall, the teen birth rate rose in 26 states, held steady in 21 and declined in three. Some family planning advocates attribute the rise to the glamorization of teen pregnancy in the media — such as the news coverage of celebrity teen-mom Jamie Lynn Spears and the hit film Juno — as well as the inadequate distribution of accurate information about sexuality and contraception to teenagers.



to CALIFORNIA. Reflecting on the budget stalemate last year, Panetta told *State Net Capitol Journal*: “My hope is that people will become so disgusted with what is going on that they will demand good governance.”

Nostalgia casts a powerful spell. To paraphrase Colin Powell, we all have misty memories of a time that never was when all the men were brave and all the women were virtuous. In truth, CALIFORNIA government had its share of charlatans, smear-artists and politicians who lined their pockets. The state became an environmental beacon only after its skies and waterways were polluted; it moved too slowly to deal with urban unrest. Despite these deficiencies, CALIFORNIA’s political system

worked effectively more often than not in the mid-20<sup>th</sup> century. Big things got done.

What went wrong? The explanations of CALIFORNIA’s descent into dysfunction embrace the usual suspects: term limits, the two-thirds rule, abuse of the initiative process, a lack of focus

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on state government by a media that once put Sacramento under a spotlight. William Hauck, who served as an aide to Moretti and Republican Gov. Pete Wilson and is now president of the California Business Roundtable, traces the dysfunction to the late 1990s when the Legislature began to ignore the state constitutional requirement of a balanced budget and spend more on state services than it was receiving in revenues. It did so through a series of gimmicky budgets that relied on transfers of money, overestimation of future revenues, and bond sales. Because of the state’s reliance on the income tax, its revenues are volatile and during the dot-com boom exceeded estimates.

Gray Davis, the much-maligned Democratic governor elected in 1998, recognized this and proposed spending part of an extra \$12 billion in revenues on one-time expenditures and saving the rest. Instead, the Legislature plowed the money into existing programs and saved nothing at a time the state was strained by an electricity crisis. Davis was re-elected in 2002, but the dot-com collapse left the state in a fiscal hole, which he tried to fill by tripling the vehicle tax. Voters turned against Davis, and in 2003 recalled him and replaced him with Schwarzenegger.

Ever since, CALIFORNIA has been governed by mirrors. Schwarzenegger could have balanced the budget with a tax increase but felt hamstrung by his campaign promises not to raise taxes. The Democrats, who more or less perpetually control the Legislature, could have averted calamity with slight reductions in services but were unwilling to stand up to the education lobby and other powerful state unions that bankroll their party. The Republican minority was even more fearful of its base. A few Republicans privately conceded (to Panetta, among others) that a tax increase was necessary but added that they would face well-financed re-nomination challenges within their party if they supported even a mild tax hike. The lack of leadership has been stunning.



“What’s missing is that there aren’t people up here who came here to do something, like Unruh and Moretti,” observed George Steffes, a lobbyist who was once Gov. Reagan’s legislative liaison. “There’s no one who says, ‘This is the right thing to do and I’m going to do it even though it might cost me my seat in the next election.’”

During the past year, glimmers of light have emerged in the political darkness. The Democrats have new, realistic leaders who are more willing than their predecessors to bite the bullet on budget cuts. Schwarzenegger, using the growing recession as his cover, has at last come to terms with the need for tax increases, even on the signature issue of the vehicle tax that propelled him into office. The budget deal will now include some provision for a spending cap on which voters will have the final say in a subsequent election. In addition, voters in 2010 will also get to decide another proposed constitutional amendment, this one to establish an open primary system. Much like the redistricting measure, it is aimed at breaking the stranglehold of hyper-partisanship that has taken over both parties.

Forty-three of the 50 states are hurting as the recession gathers force, but CALIFORNIA would still be in fiscal crisis even if the downturn ended today. Legislative analyst Mac Taylor, who favors budgetary reforms and a “rainy-

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day” fund, estimates that only half of CALIFORNIA’s \$42 billion shortfall is attributable to the recession. This sort of fiscal realism is slowly pervading Sacramento, where politicians who for the past decade were content to kick the can down the road have begun to acknowledge that the state must come to terms with its insolvency. California Forward, Panetta’s legacy, is doing its bit with a myriad of innovative budget-reform proposals. The state has scores of infrastructure projects ready for construction, and CALIFORNIA will receive \$80 billion over the next two years from the federal stimulus bill. Reform is in the air. Perhaps CALIFORNIA will even regain the ability to govern itself.

— *By Lou Cannon*

## The week in session

**States in Regular Session:** AK, AL, AR, AZ, CA, CO, CT, DC, GA, HI, IA, ID, IL, IN, KS, KY, MA, MD, ME, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NM, NV, NY, OH, OK, OR, PA, RI, SC, SD, TN, TX, US, UT, VA, VT, WA, WI, WV, WY

**States in Recess:** NH, PA

**States in Special Session:** CA “c”

**States in Budget Hearings:** DE

**States Currently Prefiling or Drafting for 2009:** FL, LA

**States Adjourned in 2009:** DC 2007-08, IL 2007-08, MA 2007-08, MI 2007-08, NY 2007-08, OH 2007-08.

**State Special Sessions Adjourned in 2009:** AZ “a”, CA “a”, CA “b”, CT “a”, DE “b”, FL “a” IL 2007-08 Special Sessions “a”-“z”

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS  
(session information current as of 2/13/2009)  
Source: State Net database



The budget deal was also politically costly to Cogdill. Senate Republicans, angered by his willingness to go along with the bill's tax hikes, removed him as the party's leader. The low-key and popular Cogdill, considered to be one of the most pragmatic members of the Senate, was replaced by Sen. Dennis Hollingsworth (R), who tried to get leaders to re-open the budget negotiations. Schwarzenegger and legislative leaders flatly refused, opting instead to give in to Maldonado's demands. (SACRAMENTO BEE, LOS ANGELES TIMES)

## Upcoming elections

2/19/2009 - 3/12/2009

03/03/2009

### **Illinois Special Primary**

US House (Congressional District 05  
(Rahm Emanuel))

### **Pennsylvania Special Election**

Senate District 029

03/07/2009

### **Louisiana Special Primary**

Senate District 16

### **STATES MAY STRUGGLE IN SPITE OF**

**STIMULUS PACKAGE:** The federal stimulus package signed by President Barack Obama last week provides cash-strapped states with \$150 billion in much needed fiscal relief. But according to a new report from the Nelson A. Rockefeller Institute of Government in NEW YORK, most states are still facing a series of spending cuts and tax hikes to bring their budgets into the black. The report examined two models for how the recession could ultimately play out. Under the most optimistic assumption, based on earlier recessions, states would still face gaps of \$70 billion when the stimulus aid ends. Under a more pessimistic assumption — that there would be record declines in income tax revenues, and steeper declines in sales tax collections — the report found that states could face gaps of more than \$100 billion. Report author Donald Boyd, a senior fellow with the Institute, called the stimulus package a great benefit to the states, but noted that they needed to do more to ensure their long-term economic stability. "It's a chance for them to begin making sensible changes in spending and taxes," he said.

**BUDGETS IN BRIEF:** Faced with an additional \$1.46 billion in budget shortfalls, **NEW JERSEY** Gov. Jon Corzine (D) proposed \$472 million in new spending cuts last week, including two days of unpaid furloughs for state workers. Corzine said the cuts were necessary after state tax revenue fell \$526 million short of expectations in January. The Garden State budget deficit now stands at \$3.6 billion (STAR-LEDGER [NEWARK]). • **MICHIGAN** Gov. Jennifer Granholm (D) proposed a budget last week that includes 1,500 state employee layoffs, \$50 million in wage and benefit concessions, ending tax advantages for certain businesses, doubling liquor annual license fees that now range from \$600 to \$1,200, doubling the 32 percent tax on tobacco products other than cigarettes and raising state park fees from \$24 to \$28 for annual permits. Lawmakers are now debating those proposals (DETROIT NEWS). • **GEORGIA** Gov. Sonny Perdue (R) signed HB 143, legislation funding homeowner tax relief grants worth \$200 to \$300 per household. The



grants, which will be funded in part from the \$787 billion federal stimulus package President Obama signed into law last Tuesday, come as the Peach State faces a \$2.6 billion budget shortfall (ATHENS BANNER-HERALD). • **ARKANSAS** Gov. Mike Beebe (D) signed House Bill 1204, which will raise the tax on a pack of cigarettes by 56 cents and increase the tax on smokeless tobacco products starting March 1 (ARKANSAS NEWS [LITTLE ROCK]). • **FLORIDA** insurance regulators gave State Farm conditional approval to pull out of the Sunshine State’s property insurance market, provided the company first tries to steer discarded policyholders to other private insurers rather than Citizens Property Insurance, the state-run insurer of last resort. State Farm is dropping about 1.2 million policies, 700,000 of them covering homeowners (ST. PETERSBURG TIMES).

– *Compiled by RICH EHISEN*

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# Politics & leadership

**B**URRIS UNDER FIRE IN IL: Roland Burris, the man chosen by impeached ILLINOIS Gov. Rod Blagojevich (D) to fill the U.S. Senate seat vacated by President Barack Obama, is now himself under investigation by both the Senate Ethics Committee and a local prosecutor. At issue is Burris’ continually evolving story in regard to whether he did or did not solicit money on behalf of Blagojevich prior to the ousted governor naming him to the Senate.

Burris originally claimed to have had no contact with Blagojevich or his representatives prior to being chosen, but admitted last week that he indeed had

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conversations with several of Blagojevich’s advisers, including Robert Blagojevich, the former governor’s brother and finance chairman, who Burris said called three times last fall asking for fundraising help. Burris then amended his affidavit again,

conceding that he had also tried to raise money for the governor while seeking the Senate seat. He said he was unable to find anyone willing to give and soon abandoned the effort, concluding that it would be improper.

Although Burris denied any wrongdoing, the revelations brought immediate calls for him to resign. “The citizens of Illinois are embarrassed and they’re humiliated because their senator is a liar,” said ILLINOIS state Rep. Jack Franks (D), adding that “it took the citizens of Illinois six years to figure out that Rod Blagojevich was a liar... but it’s taken (only) six weeks” to raise questions about Burris’ integrity.







may eventually be able to give themselves political cover by turning down small portions of the stimulus money that they might not fully use anyway, but will likely take most of the available money because their states need it so badly.

“Ideology usually takes second place for governors,” he said. “And that’s going to mean that most governors are going to go ahead and take the money even though they have misgivings about it.” (ASSOCIATED PRESS, STATE [COLUMBIA])

**GOVERNORS IN BRIEF:** With her state’s budget issues resolved, **KANSAS** Gov. Kathleen Sebelius (D) has once again emerged as President Barack Obama’s prime candidate to head the Department of Health and Human Services. With the stimulus package out of the way for now, Obama is now turning his attention to health care, specifically by creating a fiscal blueprint for covering the nation’s uninsured. Sebelius is considered a top candidate both for her experience in managing her state’s Medicaid system and her record of navigating partisan politics as a Democrat in one of the country’s most Republican states (NEW YORK TIMES). • **ALASKA** officials say Gov. Sarah Palin (R) must pay taxes on nearly \$18,000 in expense money she received while living at her Wasilla home. Officials did not say how much Palin would be required to pay or whether she is still receiving the per diem (ANCHORAGE DAILY NEWS). • **WISCONSIN** Gov. Jim Doyle (D) unveiled sweeping changes to the state’s taxpayer-funded child-care system, including a new rating system that requires providers to meet specific standards to qualify for payments. The proposal would also beef up training of county workers to recognize fraud or signs of other abuse of the program, and create a statewide fraud hotline. Lawmakers must approve the changes (MILWAUKEE JOURNAL SENTINEL).

— *Compiled by RICH EHISEN*

## 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:** 683

**Number of Intros last week:** 8,519

**Number of 2008 Session Enacted/Adopted last week:** 19

**Number of 2009 Session Enacted/Adopted last week:** 742

**Number of Prefiles to date:** 24,891

**Number of Intros to date:** 73,241

**Number of 2008 Session Enacted/Adopted overall to date:** 29,254

**Number of 2009 Session Enacted/Adopted overall to date:** 3,203

— Compiled By JAMES ROSS  
(measures current as of 2/19/2009)  
Source: State Net database





the best technology to remove mercury from their smokestacks. Opponents said scientific data did not support the rule change (IDAHO STATESMAN).

**HEALTH & SCIENCE:** The **INDIANA** House approves HB 1213, which would bar smoking in Hoosier State workplaces. The measure, which exempts bars, casinos, horse tracks and off-track betting parlors, is now in the Senate (INDIANAPOLIS STAR). • The **KANSAS** Senate endorses SB 25, a bill that would apply a statewide prohibition of smoking in bars, restaurants, workplaces and government buildings. The proposal, which is now in the House, also contains several exemptions, including private homes and cars, tobacco shops, state soldiers' homes, hotels where smoking is allowed in no more than 20 percent of the rooms and adult care homes and long-term care facilities with designated smoking areas (KANSAS CITY STAR). • The **VIRGINIA** Senate and House endorse SB 1105, which would bar smoking in Old Dominion bars and restaurants. Exemptions would be granted to those establishments with separate smoking areas with their own ventilation, those with outdoor patios, and private clubs. The bill goes to Gov. Tim Kaine (D), who is expected to sign it into law (VIRGINIAN PILOT [NORFOLK]).

**SOCIAL POLICY:** The **NORTH DAKOTA** House approves HB 1572, a proposal that would give a fertilized human egg the legal rights of a human being. If the measure ultimately becomes law, it would essentially ban abortion in the Flickertail State. The bill moves to the Senate (ASSOCIATED PRESS). • Also in **NORTH DAKOTA**, the Senate approves SB 2265, a measure that would require abortion clinics to post signs to tell women they cannot be forced to have an abortion. It moves to the House (BISMARCK TRIBUNE). • Still in **NORTH DAKOTA**, the Senate endorses SB 2278, a bill that adds gays, lesbians, bisexual and transgender individuals to the protected classes in the state Human Rights Act. It moves to the House (GRAND FORKS HERALD). • The **ALABAMA** House approves HB 33, which would create a statewide missing alert system for missing seniors. It is now in the Senate (STATE NET). • A **UTAH** House committee rejects HB160, which would have allowed same-sex couples to have inheritance rights and medical-decision making power for one another (SALT LAKE TRIBUNE).

**POTPOURRI:** The **ARKANSAS** Senate endorses SB 309, which would bar drivers under 18 from carrying more than one unrelated passenger who is under 18 unless accompanied by a licensed driver who is at least 21 and occupying the front passenger seat. The bill is now in committee in the House (ARKANSAS NEWS [LITTLE ROCK]).

## In case you missed it

As noted in our February 16th issue of SNCJ, the use of credit scoring for things other than setting loan rates continues to be a major issue for lawmakers across the states.

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

[http://www.statenet.com/capitol\\_journal/02-16-2009/html](http://www.statenet.com/capitol_journal/02-16-2009/html)

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# Once around the statehouse lightly

**A** S LONG AS HE DOESN'T DO 'ROIDS: Former ILLINOIS Gov. Rod Blagojevich may have been impeached and booted out of office, but that doesn't mean he is completely unwanted. As the *Chicago Tribune* reports, the minor league Joliet Jackhammers of the independent Northern Baseball League have offered the disgraced Blago a chance to join the team this spring. While the deal comes complete with the standard rookie contract of \$800-per-month in salary and free lodging with a host family, the Jackhammers also have a few tricks planned to take advantage of Blagojevich's infamy. Those include promotions that offer fans "bobblehair dolls" — the hairstyle bobbles instead of the head — and the sale of special "golden" seats, an allusion to charges that Blagojevich considered President Barack Obama's vacant Senate seat "golden," spurring his efforts to sell the position to the highest bidder. Blagojevich is reportedly considering the offer.

**LYRICAL LEEWAY:** State songs are generally benign little ditties meant to convey a sense of pride in the region they have been chosen to represent. But as the *Capital News Service* in Annapolis reports, the MARYLAND state song is quite a bit more, well, in your face than that. Derived from a poem written in 1861, the lyrics convey the rage that author James Ryder Randall felt about the Union Army — or, as he called them, "Union scum" — residing in Baltimore. After fielding complaints about the harsh lyrics from local grade school kids, Delegates Pamela Beidle and Jolene Ivey recently introduced legislation to change the lyrics to something less confrontational. That has subsequently irked Confederate historians, who see such changes as baseless cow-towing to political correctness. That argument doesn't move Ivey, who says "As a state, we've moved on from glorifying the Confederacy, don't you think?"

**HEROES NEEDED:** With the CALIFORNIA Legislature mired in a nasty partisan budget deadlock, lawmakers took a few moments off last week to fete US Airways Capt. Chesley "Sully" Sullenberger III, the pilot who recently brought his jetliner full of passengers safely through a splashdown in the Hudson River after the plane lost both engines. As the *Sacramento Bee* reports, Gov. Arnold Schwarzenegger hosted Sullenberger, saying lawmakers needed "a great hero" to inspire them to quit fussing around and get a budget deal done. With Schwarzenegger apparently out of the "hero" business for good — particularly with his own party — Senate pro Tem Darrell Steinberg agreed. Noting that Golden State lawmakers were one precious vote short of approving a budget deal, Steinberg suggested that Sullenberger "could just come upstairs and say 'Aye,' one time."

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**COWBOY UP:** Other governors are better known, but it is highly unlikely that any are as he-man tough as IDAHO Gov. C.L. “Butch” Otter. As the *Idaho Statesman* reports, Otter, an avid horseman and rodeo participant, recently underwent surgery to repair a shoulder damaged in a calf-roping accident. Otter laughs off the incident, saying, “I hit the ground pretty hard — don’t bounce like I used to.” The gov’s shoulder will be in a sling for another month, but he is already planning to hit the rodeo circuit next summer. That has at least one Gem State lawmaker wishing Otter would slow down a bit. “He’s probably as fit as any 66-year-old in the state,” says House Speaker Lawrence Denney. “On the other hand, I think he needs to try and protect himself — at least during the session, so we can meet regularly.”

— By RICH EHISEN

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