WHERE THE CHILDREN ARE

States where school-aged children make up the highest percentage of the total population

State	Percentage
UTAH	21.2%
ALASKA	21.1%
TEXAS	19.7%
CALIFORNIA	19.4%
IDAHO	19.3%
ARIZONA	19.1%
NEW MEXICO	18.9%
INDIANA	18.8%
GEORGIA	18.7%

Source: Morgan Quitno Press using data from U.S. Bureau of the Census. Includes 5- to 17-year-olds.

No Work Left Behind

Life sometimes gets in the way of work. The birth or adoption of a child, caring for a sick family member, or recovering from a serious illness requires time off from work. The Federal Family Leave Act, passed in 1993, allows 12 weeks of unpaid leave in a 12-month period for these kinds of family events. Many families, however, simply cannot afford to go without a paycheck for very many weeks, if at all.

California is the first, and so far the only, state to provide paid family leave for all employees, both public and private. Passed in 2002, its law allows workers to deduct a small premium from their paychecks to participate in the State Disability Insurance Program.

Under the program, workers are entitled to a maximum of six weeks leave each year for the birth or adoption of a child or to care for a seriously ill parent, child, spouse or registered domestic partner. They receive 55 percent of their weekly wage, up to a maximum of $840. The program is administered by the state and the benefits are paid for by workers, not by employers. Even so, some employers express concerns about lost time on the job and training costs for replacement workers.

Twelve states and the District of Columbia have adopted their own family and medical leave acts. California, Hawaii, Illinois, New Jersey and Ohio provide paid family leave for state employees. Four states—Connecticut, Hawaii, Washington and Wisconsin—allow private employees to use their regular sick leave for family leave.

Many states have considered legislation in the past several years that would provide for either paid or unpaid family leave. Bills were introduced in 15 states in 2005 and in 19 states during the 2006 legislative sessions. None providing for paid leave have passed. Those that make family leave appealing for both employees and employers are more likely to be supported by businesses.

For more information on California's law, visit http://www.edd.ca.gov/fleclaimpfl.htm.

Energy Efficiency Pays

The Hawaii Legislature recently joined New Hampshire in establishing a Pay-As-You-Save (PAYS ®) pilot project. The program allows building owners and tenants to purchase and install renewable energy products with no up-front payment or debt commitment. A charge is added to utility bills for as long as the owner or tenant occupies the building. When they leave, the charge passes to the next owner or tenant. In Hawaii, all customers at a building with a PAYS ® solar hot water heater will pay less than they would have without the energy saving equipment. The charge is structured to be less than the energy savings over the course of each year.

A customer's electricity distribution company, energy supplier, a third-party capital provider or product vendor provides the up-front capital to purchase the equipment. Whoever supplies the capital is repaid (including financing costs) through the customer's monthly PAYS ® tariff.

Developed by the Energy Efficiency Institute's Paul Cillo and Harlan Lachman, PAYS® requires regulatory approval in most jurisdictions. In some cases, regulators may desire legislative approval to authorize the program. The tariffed charge is treated like any utility charge, meaning that non-payment by the owner results in disconnection, and

a utility can recover bad debt.

From a state perspective, the only costs of implementing PAYS ® are for the design and set-up of the regulations and tariff. States can use any sources of capital to fund the equipment installations.

PAYS ® works in both regulated and deregulated energy markets. Michigan also is considering the system.

GRAPE EXPECTATIONS

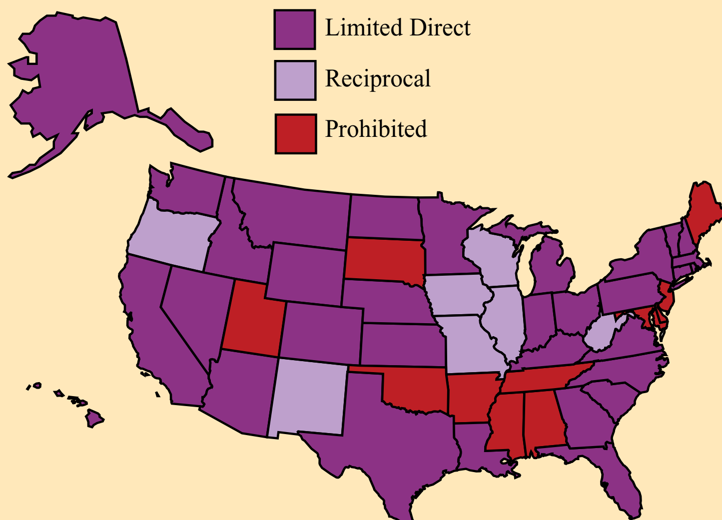
Fine wines delivered to your doorstep—that's the idea of direct-to-consumer shipping. But it's an issue that has been actively litigated and legislated in recent years. The U.S. Supreme Court weighed in on the direct shipping of wine in the May 2005 *Granholm v. Heald* ruling. The case involved challenges to Michigan and New York laws that prohibited or severely restricted out-of-state wineries from shipping their product directly to consumers in those states. In-state wineries were allowed to ship directly.

The Court ruled that a state cannot treat in-state and out-of-state wineries differently and therefore the two laws were unconstitutional. States either had to allow both to send their product to consumers or prohibit it.

At the time of the decision, about half the states allowed out-of-state wineries to ship directly to customers. It was done through a permit process that regulated limited shipments or through reciprocal agreements with other states. Since the *Granholm* ruling, many states have re-examined their laws. Michigan and New York opened their borders to shipping. Courts in Florida, Ohio and Pennsylvania struck down the state wine shipping laws based upon the Supreme Court decision. Now at least 37 states allow some degree of direct shipping, although the methods and regulations vary.

From the Winery to the Connoisseur

THIRTY-SEVEN STATES NOW ALLOW OUT-OF-STATE WINERIES TO SHIP DIRECTLY TO CONSUMERS, BUT THE METHODS AND REGULATIONS VARY.



Source: Wine Institute and NCSL

Local Governments Wary of New Eminent Domain Laws

State eminent domain laws passed in the wake of the controversial *Kelo* decision have made it harder for local governments to approach redevelopment. And the fallout isn't over yet, legislators were told in a crowded session at the National Conference of State Legislatures' 2006 Annual Meeting.

When the U.S. Supreme Court decided on June 23, 2005, that it would not over-rule the Connecticut Supreme Court in *Kelo v. City of New London*, it set off a firestorm of public criticism. "It went from being a non-issue in Georgia to a snowball rolling down a hill," said Georgia's House Speaker Glenn Richardson.

The Supreme Court's decision essentially allowed private development to occur over the objections of local landowners if it was deemed to be for a "public purpose." That caused a huge legislative response. Forty-six states have had legislative sessions since *Kelo* and 31 of them—two-thirds—passed legislation to limit eminent domain powers. Six states proposed constitutional changes.

Laws passed fall into seven categories:

- ◆ Prohibit eminent domain use for economic development.
- ◆ Bar such use to increase tax revenues.
- ◆ Ban a transfer of private property to another private owner.
- ◆ Define the term "public use" more narrowly to reduce such takings.
- ◆ Restrict the use of eminent domain to blighted property and redefine what constitutes blight.
- ◆ Change the process to require public hearings, more open transactions and more public input.
- ◆ Require compensation at greater than market value.

Pace Law School Professor John Nolon views the new laws as trouble for cities. State legislators have so tightened the rules that "cities that have no other opportunity … except for redevelopment" have lost the ability to pursue a viable future, he says.

Many new restrictions bar the use of eminent domain to improve the tax base, he noted. Cities challenged by under-employment, population loss and "lulus," or "locally unwanted land uses" like hospitals and nonprofit landowners, may so bog down some cities that the only possible development is redevelopment, he said.

Other summaries from sessions at the 2006 NCSL Annual Meeting are available at www.ncsl.org/programs/press/2006/notesfromnashville_summaries.htm