

January 14, 2008

# Winds of Change?



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The next issue of Capitol Journal will be available on January 21st.

## Top Story

*The winds of change are blowing from Washington D.C. But what, if anything, will the race to put a new president in the White House mean for statehouses and governors?*

## SNCJ Spotlight

**The times they are a-changin'**

“Time for a change,” an appealing slogan in times of economic anxiety and international uncertainty, has been a recurrent impulse in American politics since Andrew Jackson was elected president in 1828. Change was a mantra of Barack Obama and Mike Huckabee, the winners in the Iowa caucuses, and it quickly became the watchword of the

## A Cannon Perspective



With Lou Cannon

losers as well. Hillary Clinton won the NEW HAMPSHIRE primary after proclaiming she had been “fighting for change for 35 years.” On the Republican side, Mitt Romney gave a speech in which he repeated the word “change” 30 times.

But despite the mind-numbing abuse of the word, the 2008 election is indeed about change and not for president alone. In the statehouses, 2008 marks the beginning of a reapportionment cycle that will shape the partisan alignment of Congress and the legislatures for the next decade. Half of the legislators in 24 states will be elected to four-year terms, which means they will participate in the 2011 redistrictings based on the 2010 census. KANSAS will elect all of its legislators in 2008 for four-year terms.

The media spotlight falls naturally on the presidential election, the first since 1952 in which there will be no incumbent president or vice president on either ticket. By any measure, this will be a “change” election. Neither major party has ever chosen a woman, an African American, a Mormon, or a Baptist minister as its nominee. (John McCain, the GOP winner in NEW HAMPSHIRE would be the first former prisoner of war since the aforementioned Jackson.) Any of the Democrats and most of the Republicans would mark a notable change from the policies and management style of the unpopular incumbent, George W. Bush.

The winds of change appear to be blowing toward the Democrats. When voters are asked a generic question without reference to candidates, they say they want Democrats to control both the White House and on Capitol Hill. In 2006 the Gallup Poll generic number accurately forecast the Democratic takeover of Congress; its latest measurement gives Democrats a 53-40 percent lead.

But even if 2008 is a Democratic year at the top of the ticket, it doesn’t necessarily mean there will be a root-and-branch sweep in the statehouses. Frank Newport of Gallup believes that the reach of a 2008 landslide, if it comes, is an “open question.” History provides contradictory examples. The New Deal landslides of 1932 and 1936 and the Reagan Revolution elections of 1980 and 1984 affected every level of government. The Democratic landslide of 1964 embraced Congress, but every incumbent Republican governor survived. (In MICHIGAN, Gov. George Romney, Mitt Romney’s father, won re-election with 56 percent of the vote while President Lyndon B. Johnson was carrying the state with 67 percent.) In 1972, the Republican landslide scarcely went beyond the presidency.

One potential limiting factor for Democrats in 2008 at both the congressional and state level is that they have already made the easy gains. “The Democrats plucked all the low-hanging fruit in 2006,” observes Tim Storey, election analyst for the National Conference of State Legislatures. Democrats added a net of 322 state legislators in 2006, improving their percentage of seats from 50 to 54. Excluding non-partisan NEBRASKA, Democrats presently control 23 legislatures, Republicans hold 14, and a dozen have divided control. Democrats hold a 28-22 edge in governors after winning five open gubernatorial seats previously held by Republicans in 2006

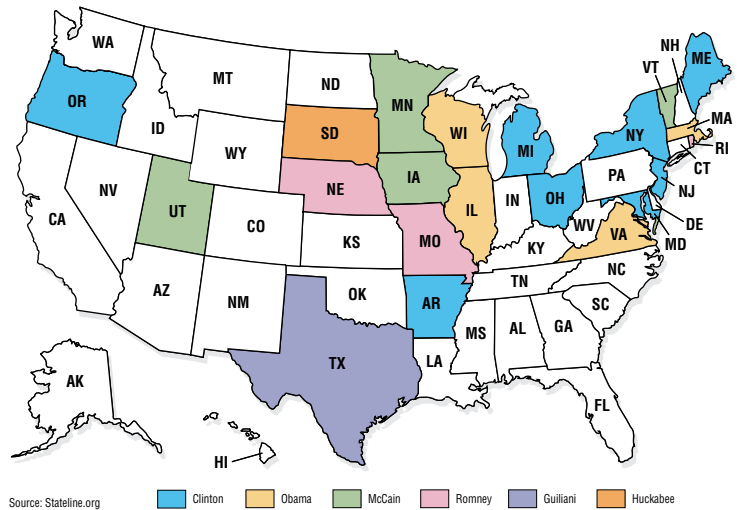
and defeating a Republican incumbent in MARYLAND. (In 2007, Democrats won the KENTUCKY governorship but lost LOUISIANA.)

Eleven governorships are at stake in 2008, six held by Democrats and five by Republicans. Five of these elections are expected to be competitive, according to Storey's analysis. These include open seats in DELAWARE, now held by a Democrat, and NORTH CAROLINA, now Republican. In addition, Republican incumbents face stiff challenges in INDIANA and MISSOURI. A Democratic governor narrowly elected four years ago in WASHINGTON faces a probable rematch. Republicans would be delighted if they held their own in the 2008 gubernatorial elections. Storey believes they could lose as many as three governors.

Overall, the dominance of Democrats in the statehouses, which have produced four of the last five presidents, demonstrates the precarious condition of the Republican Party. Democrats have a 28-22 margin in governorships, including seven of the 10 most populous states. The three Republican governors include Arnold Schwarzenegger of CALIFORNIA, anathema to many GOP conservatives and in any case ineligible for the presidency because he is a naturalized citizen.

But the Republicans are unlikely to go the way of the Whigs. Before doing a victory dance in the end zone, Democrats might reflect on poll findings which show that a majority of Americans are disappointed by the Democratic-controlled Congress. Democrats have been able to deflect this disapproval by blaming Bush for the nation's woes, but voters will expect them to deliver if they control both the White House and Congress in 2008.

## Bird's eye view



### Govs weigh in on presidential hopefuls

Gubernatorial endorsements can be a presidential candidate's best friend, primarily because governors are often critical in helping a candidate to raise money and garner supporters in their state. But the relationship is far from one-sided. Successful presidential candidates usually reward gubernatorial supporters with jobs in the new administration. President George W. Bush, for instance, has named at least seven former governors that supported his 2000 campaign to high-level government positions. With the primary season just now kicking into high gear, 22 governors have given endorsements, with more expected soon. Democrat Hillary Clinton has garnered the most (8) so far, while fellow Democrat Barack Obama and Republican John McCain have collected four each. Republican Mitt Romney is next with three, while Rudy Giuliani and Mike Huckabee each have one endorsement. DELAWARE Gov. Ruth Ann Minner (D) endorsed Democrat Joe Biden, who has since dropped from the race.





Deliver what? Liberal columnist Michael Kinsley and conservative columnist Jonah Goldberg, among others, have suggested that Americans are enchanted with talk of change but wary of the real thing, except perhaps for U.S. withdrawal from Iraq. Some of the change-talk — vastly extending health insurance, for instance, and adequately financing Medicare while simultaneously reducing the budget deficit — is contradictory on its face. Other changes, such as achieving energy independence and reducing carbon gasses, require economic sacrifice. Are Americans ready for this? The jury is out.

In advance of the 2008 elections, political demographer Michael Barone wrote that America has entered a period of “open field politics” in which old verities are questioned and possibilities abound. Such national moods often arise at the end of a period of dominance by one party or the other; in this case it comes after a decade of political parity in which neither party commanded an effective majority. Americans may be uncertain of the policy course they want their leaders to chart but they are tired of the nasty politics that has in part been a byproduct of this parity. They want a new direction.

Hence the reemergence on Democratic lips of the anti-New Deal Republican slogan that arose in the late stages of the long presidency of Franklin D. Roosevelt: “It’s time for a change.” It is a slogan with many variants. Would-be reformers of state and municipal governments at the turn of the 20<sup>th</sup> century favored, “Throw the rascals out.” In 1946, resurgent Republicans captured Congress under the banner of “Had enough?” In 1978, Republicans defeated five Democratic Senate incumbents by linking them with President Jimmy Carter with the slogan: “They had their turn. Now it’s our turn.”

But appeals for change do not always resonate. “Time for a change” was the slogan in 1948 of Republican presidential nominee Thomas Dewey, who was supposed to win. CALIFORNIA Gov. Earl Warren, Dewey’s running mate, took the catchphrase a step further, saying in his speeches that the people would turn to the Republicans “not because they wanted a change but because they wanted a chance.”

As it turned out, the people preferred to take a chance with Harry Truman, the president they already had.

— By Lou Cannon

Lou Cannon’s latest book, *Reagan’s Disciple: George W. Bush’s Troubled Quest for a Presidential Legacy*, co-authored with his son Carl M. Cannon, will be released in February. His column appears monthly in the *State Net Capitol Journal*.

## The week in session

**States in Regular Session:** AK, AZ, CA, CO, DE, DC, GA, HI, IA, ID, IL, IN, KS, KY, MA, MD, ME, MI, MO, MS, NE, NH, NJ, NM, NY, OH, PA, RI, SC, SD, TN, UT, VA, VT, WA, WV, WI

**States in Committee Hearings:** FL

**States in Special Session:** CA “c”, IL Special Sessions “a”-“r”, PA “a”

**Special Sessions in Recess:** CA “a”, CA “b”, WI “c”

**States Currently Prefiling or Drafting for 2008:** AL, FL, OK, WY

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS  
(session information current as of 01/11/2008)  
Source: State Net database



with his state's budget woes: a steeply graduated increase in tolls on the state's three existing toll roads and a new toll on a section of a fourth highway.

Under the plan, drivers on the NEW JERSEY Turnpike, the Garden State Parkway and the Atlantic City Expressway would see a 50 percent increase in tolls every four years, beginning in 2010. For the average Turnpike driver, the cost of a typical one-way trip would go from \$1.20 to \$2.05 in five years and \$5.85 in 10. In addition, drivers on a portion of Route 440 would be subject to a new toll.

"It's not something I want to do," Corzine said in his State of the State address last Tuesday before the new Legislature, whose members were sworn in earlier in

the day. "It's something we have to do.

This proposal is a solution — a solution to restore the state's financial integrity, health and capacity."

The governor also warned that given the state's infrastructure demands and \$32 billion in debt, the only viable alternatives to his plan included measures like raising

the gas tax by 12 cents per gallon, hiking the income tax by 20 percent or boosting the sales tax by 30 percent.

"Do the numbers," he said. "I have," adding, "Pigs will fly over the State House before there is a realistic level of new taxes or spending cuts that can fix this mess." (NEW YORK TIMES)

## **"Pigs will fly over the State House before there is a realistic level of new taxes or spending cuts that can fix this mess."**

**BUDGETS IN BRIEF:** A special commission convened by CALIFORNIA Gov. Arnold Schwarzenegger (R) revealed last week that the total cost of providing health care benefits for retired public employees over the next 30 years will top \$118 billion. The Public Employee Post-Employment Benefits Commission also said that state agencies are currently saving enough to cover only 22 percent of that tab (SACRAMENTO BEE).

- A database was launched last week that will help states regulate mortgage lenders. The Nationwide Mortgage Licensing System will include, among other things, information about companies punished for fraud or predatory lending. Seven states are currently participating in the registry, with eight others slated to come online in July and 35 more expected to be participating by the end of 2009 (STATELINE.ORG).

- NEW YORK Gov. Eliot Spitzer (D) proposed creating a commission to study placing a cap on school property taxes and also pitched the idea of leasing the state lottery to private investors to fund an endowment for higher education in his State of the State address last Wednesday (ROCHESTER DEMOCRAT AND CHRONICLE).

- A MISSOURI judge approved a \$180 million settlement between the state and Ameren Corp. over the collapse of a reservoir at a hydroelectric plant owned by the company that injured a family and destroyed a popular state park (USA TODAY).

- LOUISIANA Gov.-elect Bobby Jindal (R) told business leaders last week that he



will push for a business utilities tax break in a special session before the start of the regular session on March 31 (ADVOCATE [BATON ROUGE]). • **FLORIDA**'s state economist told legislators last week that they may have to reduce the current year's budget by as much as \$600 million due to the continued slump in the state's economy. Lawmakers made \$1.1 billion in cuts just last fall to bring the budget in line with the previous estimated shortfall (ST. PETERSBURG TIMES).

— Compiled by *KOREY CLARK*

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# Politics & leadership

**SUPREME COURT WEIGHS VOTER ID:** The U.S. Supreme Court took up a pair of voting rights cases last week that could have a major impact on the way elections are conducted in this country, starting with this year's presidential race.

The cases (*Crawford v. Marion County Election Board* and *Indiana Democratic Party et al. v. Rokita et al.*) stem from the voter ID law enacted in INDIANA in 2005, which helped make the issue the partisan flashpoint it has become.

The law, passed by the state's GOP-controlled General Assembly and signed by Republican Gov. Mitch Daniels, required Hoosier voters to show a government-issued photo ID before casting a ballot, and required those without proper identification to cast a provisional ballot, which would only be counted if the voter presented a valid photo ID at a county election office within 10 days.

The state's Republicans maintained — as have those in other states, as well as at the national level — that the law was necessary to guard against voter fraud.

“Vote fraud is not a victimless crime. It diminishes and marginalizes the vote of every eligible voter who takes the time and effort to vote, and it undermines the legitimacy of the entire election process,” lawyers for the Republican National Committee wrote in a brief to the high court.

INDIANA Democrats challenged the law primarily on the ground that it imposed an undue burden on elderly and minority voters who are less likely to have photo identification and more likely to vote Democratic, which has become the party line on the issue.

The Democrats also pointed out that the type of voter fraud the law was directed at has never occurred in INDIANA, an argument which lawyers for the state's Democratic Party reiterated in their Supreme Court brief.

“No one has ever been prosecuted for in-person voter fraud in INDIANA's history. Nor has anyone ever cited a single episode of such fraud occurring in the state,” the attorneys said.



Still, the law has been upheld at both the trial and appellate levels by judges appointed by Republicans. And in her April, 2006 ruling, U.S. District Judge Sarah Evans Barker made it painfully clear that the Indiana Democratic Party had failed to demonstrate the law would actually infringe on anyone's right to vote.

"Despite apocalyptic assertions of wholesale voter disenfranchisement, plaintiffs have produced not a single piece of evidence of any identifiable registered voter who would be prevented from voting," she wrote in her decision.

The plaintiffs say they now have that proof, election records showing over 30 voters whose ballots were thrown out because they lacked IDs. Whether that's enough to sway the justices, however, won't be known until they issue their decision, probably in late June, in time to impact the November elections.

That impact could be significant. Last year, 27 states considered laws similar to INDIANA's, according to Justin Levitt, a lawyer for the Brennan Center for Justice at the New York University School of Law. And Levitt said there could be legislative and legal battles in at least that many states, depending on how the court rules, with a decision to uphold the INDIANA law likely encouraging other aggressive efforts to deter voter fraud and a vote invalidating the law spurring efforts to rein in such measures.

The impact of the decision could also extend beyond just the voter-ID issue. The Supreme Court established a test in the 1980s and '90s for assessing any election law, which basically requires courts to weigh the value of the law to the state against the burden it imposes on voters. If the court alters the way that test is applied in the INDIANA case, it could spark challenges to a host of other election laws across the country, including those governing voter registration, the purging of voters from registration rolls and the handling of provisional ballots.

"This case is going to have serious ramifications not only for photo-ID laws but for what the right to vote means, and to what extent state and local governments have the ability to infringe that right," said Jon Greenbaum, director of the Voting Rights Project at the Lawyers' Committee for Civil Rights Under Law.

But others say the case has been blown out of proportion.

"There may be much less at stake in this case than meets the eye," said Bradley Smith, former chairman of the Federal Election Commission. "For all the excitement it has generated, the fact is there is very little evidence that there is a lot of voter fraud that these [ID] laws will prevent, and there is very little evidence that people aren't able to vote because of these laws."

## Upcoming elections

01/10/2008 - 01/31/2008

01/22/2008

### **New Hampshire Special Election**

House Rockingham County District 01  
(Candia, Deerfield, Northwood, Nottingham)

01/29/2008

### **Alabama Special Election**

House District 12

### **Florida Special Primary**

House District 32

Smith said the high court should have waited for a better case. And some of the justices seemed inclined to agree when they heard opening arguments last Wednesday.

After learning that the number of INDIANA voters lacking the proper ID to vote fell somewhere between 10,000 and 400,000, depending on who was asked, Justice Antonin Scalia mused: “This court is sitting back and looking at the ceiling and saying, oh, we can envision not the case before us, but other cases. Maybe it’s one half of one percent or maybe it’s 45 percent. Who knows?”

Justice Samuel Alito, likewise, questioned how it was possible to rule on the constitutionality of the INDIANA law in the absence of key facts.

“How do we tell whether this is on one side of the line or the other side of the line?” he said. (STATELINE.ORG, NEW YORK TIMES, CHRISTIAN SCIENCE MONITOR, INDIANAPOLIS STAR)

**AT THE POLLS:** A political newcomer beat out a veteran Republican MINNESOTA lawmaker in a special election Jan. 3, giving the Democratic-Farmer-Labor party a veto-proof majority in the state Senate.

Kevin Dahle, a high school teacher who’s never held public office, defeated two-term Rep. Ray Cox (R) by a vote of 55 percent to 42 percent to claim the Senate seat held for 17 years by Sen. Tom Neuville (R), who was appointed to a judgeship.

Cox, a moderate Republican, said the district had been shifting more liberal. Others said Dahle was boosted by the student vote at Carleton and St. Olaf colleges, which went 4 to 1 in his favor, accounting for about two-thirds of his 1,600-vote margin of victory.

Although the win gives the DFL the two-thirds majority required in the 67-member Senate to override vetoes by Gov. Tim Pawlenty (R), the governor’s spokesman, Brian McClung, said the partisan shift wouldn’t change things very much because the DFL is still several seats short of a veto-proof majority in the House.

“If there were veto-proof majorities in both chambers, then it would be different,” McClung said. “Then I think you would see some change in policy, but that hasn’t happened.”

He said the shift, however, would “encourage Pawlenty to work very closely with the House Republican caucus to be sure they’re on the same page with major issues to prevent veto-proof majorities.” (MINNESOTA STAR TRIBUNE)

**POLITICS IN BRIEF:** Census figures released Dec. 26 show that the nation is on track for a realignment in Congressional districts after the 2010 census, with **TEXAS** picking up as many as four seats, **FLORIDA** gaining two, and **NEW YORK** and **OHIO** losing two seats each. **CALIFORNIA**’s delegation will remain the largest, at 53, but, for the first time, may not grow after reapportionment (NEW YORK TIMES). • **NEW JERSEY** moved a step closer to ratifying the national



popular vote compact — which would nullify the Electoral College if enough states endorse it — when the Senate approved the idea Jan. 3. The Assembly did so last month and Gov. Jon Corzine (D) is expected to do the same. **MARYLAND** is the only state that has passed the compact into law, but the proposal has moved through both houses of the **ILLINOIS** Legislature and one chamber in **ARIZONA**, **COLORADO** and **NORTH CAROLINA** (USA TODAY). • The Democratic National Committee officially stripped **MICHIGAN** of all 156 of its delegates to the party’s national nominating convention in August for scheduling its presidential primary for Jan. 15, ahead of the Feb. 5 cutoff mandated by party rules. The DNC imposed the same penalty last year on **FLORIDA**, which is holding its primary on Jan. 29 (CQPOLITICS.COM).

— *Compiled by KOREY CLARK*

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# Governors

**P**AWLENTY ORDERS MN IMMIGRATION CRACKDOWN:  
 MINNESOTA Gov. Tim Pawlenty (R) issued an executive order last week that allows Gopher State law enforcement officers to enforce federal immigration law. The order also requires new state employees and contractors to verify their citizenship and mandates the review of millions of driver’s license photos for possible duplication.

Pawlenty said he also wants lawmakers to reverse state sanctuary laws that prevent local police from inquiring about residents’ immigration status. He suggested that if the law were overturned, the state would cut financial aid to cities that refuse to adhere to the new standard. Pawlenty also reintroduced previously failed measures he

**“These are warmed-over proposals that couldn’t pass the House of Representatives when it was controlled by the Republicans. Perhaps the governor is sharpening his message for the national stage.”**

proposed two years ago, including bills that would increase penalties for identification theft and fines for employers who knowingly hire illegal immigrants.

The proposals drew an immediate negative reaction from immigration advocates and Democrats, who accused Pawlenty of trying to bolster his conservative

bona fides in order to be more attractive as a potential vice-presidential running mate should Republican presidential candidate John McCain — whom Pawlenty has officially endorsed — win the GOP nomination.

“These are warmed-over proposals that couldn’t pass the House of Representatives when it was controlled by the Republicans,” said Senate Majority Leader Larry Pogemiller (DFL), who noted McCain’s win in the NEW HAMPSHIRE primary. “Perhaps the governor is sharpening his message for the national stage.”

Pawlenty spokesman Brian McClung denied that the governor is currying presidential favor, calling such claims “silly and refuted by the obvious facts,” adding that “Gov. Pawlenty has been a longtime proponent of cracking down on illegal immigration, dating back to his time in the Legislature.” (MINNEAPOLIS STAR TRIBUNE)

**RELL WANTS CRIMINAL JUSTICE REFORM:** CONNECTICUT Gov. M. Jodi Rell (R) issued a long-awaited criminal justice reform proposal last week. Rell’s package is very similar to one already issued by Democratic legislative leaders, although the two sides differ substantially on how to best deal with persistent violent criminals.

Rell and legislative Republicans want a strict “three-strikes-and-you’re-out” measure that mandates life sentences without parole for anyone convicted of three major crimes involving violence. Democrats, however, prefer to give judges and prosecutors more flexibility and discretion when dealing with persistent offenders. Leaders from both parties said they are confident they will reach a compromise to ensure the bill gets through successfully.

“I think we will have a good bipartisan bill,” said state House Speaker James A. Amann, (D).

Key components in Rell’s proposal include imposing stricter sentences for nighttime burglaries and those involving a firearm, making home invasion a serious crime and creating a new computerized information sharing system for all law enforcement agencies.

Rell said she will wait to introduce more costly reforms until the new legislative session begins on Feb. 6. At that time, Rell is expected to propose replacing the current part-time state board of pardons and paroles with a full professional board, to increase funding for community-based programs to help reintegrate newly released

## 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 2008 Session prefiles last week: 2675**

**Number of 2007 Session Intros last week: 13**

**Number of 2008 Session Intros last week: 9940**

**Number of 2008 Session bills enacted/adopted last week: 230**

**Number of 2008 prefiles to date: 8,648**

**Number of 2007 Intros to date: 167,566**

**Number of 2008 Intros to date: 10,932**

**Number of 2007 Session bills enacted/adopted overall to date: 42,251**

**Number of 2008 Session bills enacted/adopted overall to date: 242**

— Compiled By JAMES ROSS  
(measures current as of 01/10/2008)  
Source: State Net database



inmates into society and to provide more electronic supervision of parolees. Legislative leaders said they are planning a special session within the next two weeks to deal with the current proposals. (NEW HAVEN REGISTER, WNBC.COM)

**EXECUTIVE ORDERS: KANSAS** Gov.

Kathleen Sebelius (D) issues EO 08-01, which forms the KANSAS Wind Working Group, a 33-member group charged with attracting more wind power projects to the state. It will be supported by the Energy Programs Division of the KANSAS Corporation Commission and the lieutenant governor’s office (STATE NET). • NEVADA Gov. Jim Gibbons (R) issues EO 08-01, which revokes a 1994 executive order regarding the use of project labor agreements in state contracts that ensures open and fair competition for state construction projects (STATE NET).

**GOVERNORS IN BRIEF:** Faced with minimal support, **NEW MEXICO** Gov.

Bill Richardson (D) dropped out of the race for the 2008 Democratic presidential nomination. He did not endorse any of the other candidates still in the running (NEW YORK TIMES). • ALABAMA Gov. Bob Riley (R) said he does not want to be Vice-President. Riley has been rumored to be among several possible candidates to fill out the GOP ticket once the Party’s presidential candidate is decided (MOBILE REGISTER). • VERMONT Gov. Jim Douglas (R) said he is open to discussing the decriminalization of marijuana, but stopped short of saying he would support it. Douglas said his main focus is stepping up enforcement against trafficking in major narcotics like heroin and cocaine and cracking down on abuse of prescription drugs (BURLINGTON FREE PRESS). • MICHIGAN Gov. Jennifer Granholm (D) announced her support for a proposed ballot measure to force the state to come up with a plan for universal health care. Supporters need to gather signatures from more than 380,000 registered voters to qualify for the November 2008 ballot (DETROIT FREE PRESS). • VIRGINIA Gov. Tim Kaine (D) has proposed making all sales at gun shows subject to instant background checks. Current Old Dominion law allows people to buy firearms from a private seller at a gun show without going through a background check. Kaine’s request came during his annual message to lawmakers opening the new legislative session. He also called for ending the state’s unpopular “bad driver fees” (RICHMOND TIMES-DISPATCH). • MISSOURI Gov. Matt Blunt (R) has proposed an \$11.6 million state anti-smoking program. The program calls for at least \$2 million to be directed toward youth anti-smoking efforts (NEWS TRIBUNE [JEFFERSON CITY]). • WASHINGTON Gov. Christine Gregoire (D) said she wants Evergreen State lawmakers to authorize police to set up sobriety spot checks, which the state Supreme Court declared unconstitutional in 1988. Gregoire called the checkpoints “literally a partnership with every single citizen to make sure our roadways are safe” (SEATTLE

Upcoming stories

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

- **The national drinking age**
- **Retail health clinics**
- **Pharmaceutical gifts to doctors**





**EDUCATION:** A federal court revives a 2005 legal challenge to the federal No Child Left Behind law filed by the National Education Association and school districts in **MICHIGAN, TEXAS** and **VERMONT**. The suit claims the law violates the U.S. Constitution by requiring states and school districts to spend local money to administer standardized tests and to meet other federal requirements. Another federal judge in **MICHIGAN** had earlier dismissed the suit. The new ruling sends the case back to that court. Should they lose there, federal education officials say they will consider appealing to the U.S. Supreme Court (**NEW YORK TIMES**). • **A FLORIDA** Senate panel endorses SB 242, legislation that would allow school districts to have schools or classrooms segregated by gender. The bill does not require separating the sexes. It moves to another committee (**ST. PETERSBURG TIMES**).

**ENVIRONMENT:** A federal judge issues specific rules the U.S. Navy must follow to avoid a court-imposed ban on training missions which use a type of sonar that has been linked to the death and panicked behavior of whales and dolphins off the **CALIFORNIA** coast. The order bars submarines from using the sonar within 12 miles of the coast and requires the Navy to spend an hour searching for marine mammals in a prospective training area before starting any training mission. Subs are required to stop using the sonar if any marine mammals are spotted before or during the exercise (**LOS ANGELES TIMES**).

**HEALTH & SCIENCE:** Federal health officials say employers may legally reduce or eliminate health benefits for retirees when they turn 65 and become eligible for Medicare. The new regulation allows employers to establish two classes of retirees, with more comprehensive benefits for those under 65 and limited or no benefits for their older workers (**NEW YORK TIMES**).

**IMMIGRATION:** The **MICHIGAN** Attorney General rules that illegal immigrants may no longer obtain a state driver's license. The Wolverine State had been one of seven to allow undocumented immigrants to legally acquire the license. The AG did not indicate when the new rule takes effect (**LANSING STATE JOURNAL**). • The **INDIANA** Supreme Court unanimously rules that state courts are not required to pay for translators to assist defendants who do not understand English if they can afford to pay for them on their own. Courts are required, however, to pay for translators if non-English testimony is given so everyone involved in the proceedings can understand what is being said (**INDIANAPOLIS STAR**).

## In case you missed it

State legislatures in 2008 will face an ever widening spectrum of difficult problems, from healthcare woes to illegal immigration. In our Dec. 17 & 24, 2007 issues, we featured a two-part look at some of the key issues we see lawmakers considering in the coming year.

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

[http://www.statenet.com/capitol\\_journal/](http://www.statenet.com/capitol_journal/)



**SOCIAL POLICY:** A federal judge blocks implementation of an **OREGON** law that would allow same-sex couples to register as domestic partners and acquire the same rights and responsibilities as married couples. The judge, who ruled that opponents of the new law should have a chance to make their case for a statewide election on civil unions, has set a Feb 1 date to review the matter (**OREGONIAN [PORTLAND]**). • An **INDIANA** Senate committee endorses SB 3, a proposal that would allow Hoosier State pharmacists to refuse to dispense any drug or medical device they believe will be used to cause an abortion, destroy an unborn child or assist in a suicide. The measure does not define, however, what constitutes an unborn life. It goes to the full Senate (**JOURNAL GAZETTE [FORT WAYNE]**).

**POTPOURRI:** The **NEW JERSEY** Legislature approves ACR 270, a resolution expressing “profound regret” for the state’s role in slavery from Colonial times to the Civil War. **VIRGINIA, NORTH CAROLINA, ALABAMA** and **MARYLAND** have also issued official state apologies for their part in the U.S. slave trade (**STAR-LEDGER [NEWARK]**). • The **MASSACHUSETTS** Supreme Judicial Court rules that local communities have the authority to limit the size of homes built in their jurisdiction. The court said communities have a vested interest in preserving affordable housing (**BOSTON GLOBE**).

— Compiled by *RICH EHISEN*

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# Once around the statehouse lightly

**N**O POVERTY HERE: CALIFORNIA Assemblywoman Fiona Ma wants to be sure the Golden State’s poor are receiving all the help their state government can provide. According to the *Sacramento Bee*, Ma has thus authored AB 56, which would create the cabinet-level position of Sect. to End Poverty to keep tabs on agencies charged with administering the state’s anti-poverty programs. The bill has yet to gain much traction, but if it ever does become law, you can bet the new poverty czar won’t need to utilize any of those programs. The job would pay \$175,000 annually.

**DON’T QUIT YOUR DAY JOB:** ALABAMA Attorney General Troy King is a big Johnny Cash fan, so he was understandably thrilled when he obtained one of the late country music legend’s unreleased albums. King also fancies himself a singer, so he was giddy to learn it contained an unfinished version of a song meant to be sung



as a duet, but which had only Cash's vocals. As the *Mobile Press-Register* reports, an inspired King rewrote the song's lyrics, transforming it from a love song to a "ballad of brotherhood and friendship," then scampered off to a studio to record a "duet" with the Man in Black. King sent one to the *Press-Register*, which placed the recording on its Web site. Based on the lone review posted there by a listener, King should hold on to his day job...something about his vocals sounding worse than "mating howler monkeys." Ouch.

**QUIT DOING SO MUCH OF YOUR DAY JOB:** ARIZONA Rep. Chad Campbell thinks most lawmakers go way overboard when it comes to proposing new laws. The Phoenix Democrat notes that the Grand Canyon State Legislature introduced more than 1,400 bills last year, including almost 800 in his chamber alone. Now, as the *Arizona Daily Star* reports, Campbell wants to curb that number by limiting each legislator to no more than 10 new bills each session. He has even lined up fellow a Democrat, Rep. Steve Farley, to co-author the measure. That isn't setting well with some of their colleagues, particularly Rep. Marian McClure, a Tucson Republican who led all lawmakers with 50 introduced bills in 2007. McClure has her own suggestion for reducing the legislative clutter: barring freshmen lawmakers from introducing any bills at all "until they have some actual experience." Yep, Campbell and Farley are both freshman.

**LOVING THE SINNER:** The NEW JERSEY Legislature wrapped up its session last week, and as is usual in statehouses, lawmakers publicly lavished copious amounts of praise upon many of their colleagues who will not be returning to their current chamber next go around. More unusual, however, is the reason several of those pols are not returning. As the *New York Times* reports, two Garden State senators are leaving because they have been indicted by the U. S. attorney, while a third has been notified that he is likely to be similarly charged. They join the ranks of two Assembly members already indicted on corruption charges last year who have already bailed out. At least one other Assembly member also chose not to seek re-election after several media reports detailed he had used public funds for a lavish personal vacation. Lawmakers cleverly failed to mention their beleaguered colleagues' ongoing troubles during their speechifying.

— By RICH EHISEN



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