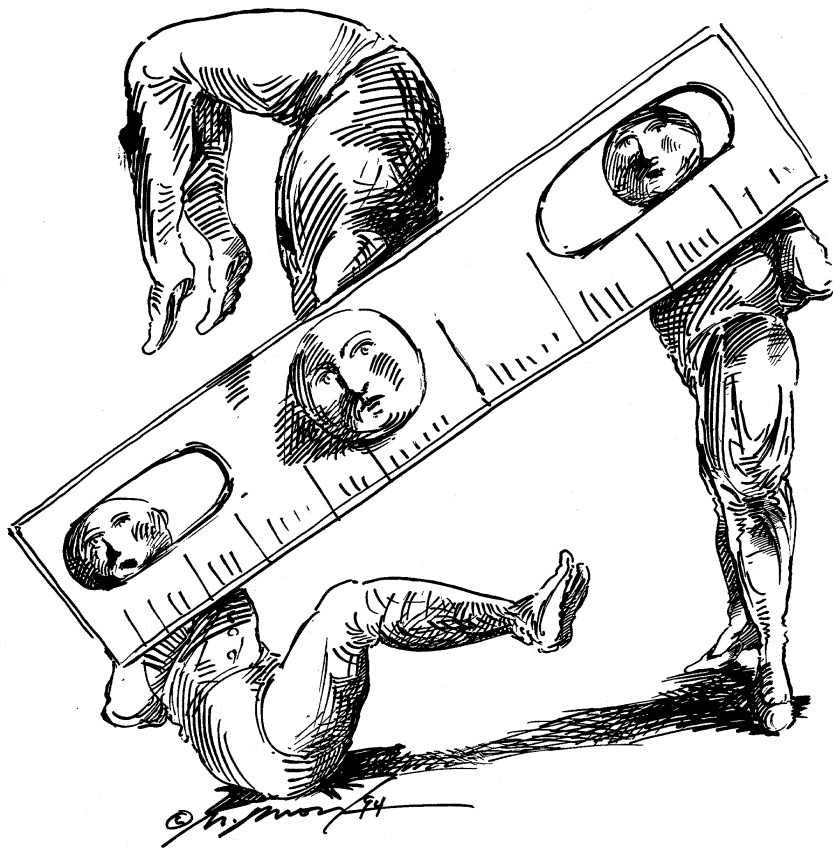


Out of balance?



February 14, 2005

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Top Story

States are taking increasingly harsher measures against motorists who refuse to submit to blood alcohol tests. But while everyone seemingly wants drunks off the road, some worry that Draconian laws are eroding civil rights.

SNCJ Spotlight

States raise stakes for just saying no to sobriety test

All 50 states have implied consent laws that clearly say any person who operates a motor vehicle has implicitly agreed to a chemical test of his or her blood, breath, urine, or saliva for the purpose of determining the driver's blood alcohol content (BAC). But what happens if that driver refuses? In many states the penalty is nothing worse than a suspended license, a punishment far less severe than what awaits someone who takes and fails a BAC test. In recent

years, a number of states have enacted legislation designed to change this, with almost a dozen more this session considering some form of action that would give their implied consent laws some teeth.

Refusing to take a BAC test will not prevent an officer from arresting a suspected drunk driver (failing a field sobriety test is also grounds for arrest), but getting a reliable blood alcohol reading is often the critical factor for prosecutors looking to prove their case. No BAC test often can lead to a suspected drunk driver being charged with lesser offenses, receiving a plea bargain or being acquitted outright. Given the relatively minor repercussions in some states for refusing to take a BAC test, it should come as no surprise that many sus-

pected drunk drivers — some data shows as high as 20 percent, with even greater figures for repeat offenders — refuse to cooperate with authorities who request them. Ron Miller, a spokesperson for CALIFORNIA MADD (Mothers Against Drunk Driving), says license suspension is simply not enough of a deterrent to stop people from refusing to take the BAC test.

“Losing a license doesn’t do anything to stop people from driving,” Miller says. “Between 50 and 75 percent of people with a suspended license still drive. Taking a license only becomes a real penalty when they are caught doing something else.”

That situation has inspired states like MINNESOTA, NEBRASKA and VERMONT to enact penalties for refusal that are equal to or even harsher than those of a drunken driving conviction. ALASKA is particularly tough, deeming a refusal to take a BAC test to be a criminal offense on the level of driving while intoxicated (DWI), with violators subject to as much as \$5,000 in fines and a year behind bars. Others, like CALIFORNIA, NEW YORK, NEW JERSEY and ARKANSAS, also levy significant fines, although none more than \$1,000 for a first offense. Many states also assign those who refuse the BAC test to community service and impound the driver’s car.

While most of the bills currently waiting in statehouses would not impose penalties quite that stringent, they would make it more risky to refuse the test. (See *Bird’s eye view* on page 3 for a list of all states that have introduced implied consent legislation so far this year.) In KANSAS, for example, the pas-

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 Special Session: CA “a”

States in Recess: DE

Currently Prefiling: FL (Drafts for 2005)

States Adjourned in 2005:

DC “z”, IL “z”, MA “z”, NY “z”

States in Special Session

Adjourned in 2005:

DE “c”, FL “a”, MD “a”, WI “a”, WV “a”

Letters indicate special/extraordinary sessions

Source: State Net, 2/11/05

sage of Senate Bill 180 would mean those resisting the test would face losing their license for up to a year. The same penalty would go into effect in NEW MEXICO (SB 60) and TENNESSEE (HB 36), where both bills are under consideration in their respective chamber's judiciary committee. The Tennessee Senate will also consider SB 60, a companion bill to HB 36. SB 60 is pending a committee assignment.

RHODE ISLAND lawmakers are also considering a pair of bills more in line with some of the tougher legislation already approved in other states. House Bill 5238 could impose up to a \$500 fine, 60 hours of community service and up to a year's suspended license for a first time offender. The fine would increase to a \$1,000 maximum for a repeat offender, with a two year loss of license. Three time offenders could get the maximum fine, forgo their license for three years and do a year in jail. Across the hall in the Senate, Ocean State

lawmakers are considering SB 188, which could send offenders to jail for a year and levy a \$1,000 fine. Both bills are also awaiting judiciary committee review.

Pending legislation like SB 78 in VERMONT is aimed at both increasing refusal penalties and protecting a motorist's civil rights. The Vermont Senate Judiciary Committee is considering the measure, which would allow drivers who have been asked to submit to an evidentiary test to confer first with their attorney. There is one catch — the person has only 30 minutes from the time they are first asked to submit to the testing to decide if they will comply. Refusal can lead to a six-month suspension of driving privileges.

Bird's eye view



An offer they can't refuse

At least 32 states now have implied consent laws that require motorists to submit to a blood, breath or urine test if they are suspected of drunk driving. But in many states, refusing to comply results only in civil penalties that are usually much less severe than those imposed for taking and failing the test. In recent years, some states have imposed penalties for drivers who refuse to take a blood alcohol test, penalties that are often as severe as a drunk driving conviction. The accompanying map shows the 11 states that have introduced legislation this year that would significantly strengthen penalties for refusing a test. Of those, 10 are still active, while five such bills in the MISSISSIPPI Legislature have already died in committee.



The majority of these bills are just getting started in the process. Only MISSISSIPPI has issued a verdict, and it isn't one supporters of harsher penalties are likely to be pleased with. The Mississippi House had no less than five bills that would have enhanced implied consent penalties up for review — three of them from Republican Rep. John Reeves — but all five died in committee.

But civil libertarians point out that some drunk driving statutes come perilously close to crossing the line of “innocent until proven guilty.” Radley Balko, a policy analyst with the Washington D.C.-based Cato Institute, says the desire to get drunks off the road has led to “a lot of hype and hysteria.” Balko points to recently enacted WASHINGTON laws that require juries to consider evidence from breath tests even if it can be proven that the testing machinery was broken, and to further consider the evidence “in a light most favorable to the prosecution.” He says this is an “absurd evidentiary standard at odds with everything the American criminal justice system is supposed to stand for. Courts and lawmakers have stripped DWI defendants of the presumption of innocence — along with several other common criminal justice protections we afford to the likes of accused rapists, murderers and pedophiles.”

MADD's Miller defends the tougher penalties, saying his group's real goal is not really seeing more people arrested and convicted of drunk driving, but to convince people not to drink and drive in the first place.

“This is really a perception problem,” Miller says. “We need to change the public perception of drunken driving, and that only happens when the public sees these tougher penalties and realizes that it is not worth it to get into the car and drive when you are drunk.”

Balko agrees that stopping drunk driving is a worthy goal, but says it is not worth doing at the cost of our basic constitutional rights.

“Good public policy has to balance the benefits of what it is trying to accomplish with the costs of enacting that policy,” he says. “When it comes to drunk driving laws, no politician has the guts to say we're going too far.”

— *By RICH EHISEN*



Budget & taxes

P RESIDENT'S BUDGET MOSTLY BAD NEWS FOR STATES:

There was some good news for state governments in President Bush's budget proposal for 2006: no drastic reductions in federal Medicaid spending, more freedom to deviate from federal Medicaid coverage guidelines and increased funding for the State Children's Health Insurance Program (SCHIP). But there's little else for states to cheer about in the \$2.6 trillion plan. For starters, while the plan calls for no immediate cuts in the amount of Medicaid money states will receive, it does propose to trim \$45 billion from the program over the next 10 years by reducing prescription drug spending, eliminating loopholes some states have used to draw additional federal dollars and tightening the qualifications for government-funded nursing home care. The proposal also leaves a lot of questions unanswered about the future of the program. As Diane Rowland of the nonpartisan Kaiser Commission on Medicaid and the Uninsured put it, the Bush budget has "opened the door to a lot of potential changes in the way that Medicaid operates...and the way it organizes and delivers long-term care services, but it's not clear what's really envisioned once the states step through the door." But Bush's proposed changes to the Medicaid program aren't the only source of worry for states; other key state programs would also take a hit under the president's plan. Among other things, \$1.3 billion would be cut from federal economic development programs, education spending would be reduced by 1 percent and several job training programs would be consolidated into one. The Center on Budget and Policy Priorities (CBPP), a Washington, D.C.-based organization focusing on policies impacting the poor, estimates that under the president's proposal, federal aid to state and local governments for all programs other than Medicaid would drop by \$10.7 billion, or 4.5 percent. (STATELINE.ORG)

SUPERBUDGET SUNDAY IN VA: Last Sunday, just hours before the kickoff of the Eagles-Patriots NFL title game, the VIRGINIA House and Senate rolled out their rival budget plans for next fiscal year. With the state looking at a \$1.2 billion budget surplus, the proposals were not nearly as contrary as last year's, which tied the two Republican-controlled chambers up in a bitter battle that forced the session two months past its scheduled adjournment date. This time around, the plans are close to agreement on several spending issues, such as teacher raises, a clean-up of Chesapeake Bay and a reduction of the state sales



tax on groceries. But there's still plenty for the two chambers to haggle over. The most substantial difference between the two proposals is the amount of spending set aside for transportation projects: just over \$1 billion in the House's plan versus about \$670 million in the Senate's. But the two chambers are more likely to clash over the comparatively minor variance in the amount of money each has set aside for local community development, so-called pork-barrel spending. With all 100 House delegates up for re-election this year, they were, unsurprisingly, generous in doling out the pork, directing \$45 million into projects back home. Senators proposed a much more conservative \$20 million payout, and appeared to be laying down the battle lines in public statements. Senate Finance Committee Chairman John H. Chichester (R), for example, said "We all know that more jingle in your pocket doesn't mean a 'surplus' if you have unpaid bills that you've stuffed in the drawer," referring to the state's \$250 million in debt for highway projects and the rising costs of health care, among other things. But overall, the outlook for compromise is much better than it was last year. "My gut feeling is we are going to have a much easier time reconciling the proposals than we have had in the past two or three years," said one Senator. "We are thinking the same way." (VIRGINIAN-PILOT [NORFOLK], RICHMOND TIMES-DISPATCH)

BUDGETS IN BRIEF: **OHIO** Gov. Bob Taft (R) proposed sweeping tax reforms in his State of the State speech last week, including a 21 percent reduction in the personal income tax and a permanent 5.5 sales tax (DAYTON BUSINESS JOURNAL). • **CALIFORNIA**'s Lottery Commission has given the go-ahead for the state to join the multi-state Mega Millions game that is currently played in 11 states and will have the potential for regular jackpots over \$100 million. Mega Millions was selected over the 27-state Powerball lottery, primarily because it will not conflict with California's own Super Lotto game (SAN DIEGO UNION-TRIBUNE). • The **UTAH** House gutted a proposal to phase out the state's corporate income tax — one of new Gov. Jon Huntsman Jr.'s (R) top priorities this session — fearing the rollback would jeopardize education funding. A spokesman for Huntsman said he will try to convince his fellow Republicans who control the chamber to reverse the action (SALT LAKE TRIBUNE, DESERET MORNING NEWS). • **WASHINGTON**'s House passed legislation mandating audits of the state's roughly 500 business tax breaks — which include a sales tax incentive for bull semen passed in 1965 — to determine their efficacy (SEATTLE POST-INTELLIGENCER). Moody's Investors Service has warned that it may downgrade **MAINE**'s bond rating, currently Aa2, because of the state's persistent borrowing to balance the budget and failure to replenish its cash

POWER SHIFT BRINGS IDENTITY CRISIS: Last week, Republicans in the MONTANA House stalled a bill aimed at preserving a popular government loan program — along with the state’s financial reputation — for two days. The unusual thing about the action was that the Republicans undertook it as the minority party, having lost the majority back in November. In fact, the reason they did so was because they didn’t feel they were getting enough consideration from the new Democratic majority. The standoff only ended after Senate President Jon Tester (D) agreed to sit down with Minority Leader Bob Keenan (R). And it seems the dispute could actually have ended a lot sooner, except that while Tester had been waiting for Keenan to come talk to him — as Tester had done last session when he and Keenan’s roles were reversed — Keenan had been waiting for an invitation. Having heard no complaints, Tester “just assumed everything was going OK.” Keenan, however, was miffed at the short shrift he and his fellow Republicans had received during a debate over an education bill and at being left out of the loop on the budget process. But he insisted that he wasn’t having problems adjusting to his loss of power; he just didn’t like being ignored. “They should consider I can be an asset to them,” he said of the Democrats. Although the talk the two men finally had went well, they found themselves at odds again by the end of the week, with Keenan strongly opposing one of Tester’s proposed appointments to the state Board of Regents and threatening to hold up more legislation if the speaker didn’t change his mind. The new disagreement didn’t bode well for the rest of the session. Tester took the position that it was one thing for Keenan to use such tactics to spur dialogue but another thing entirely to use it to try to dictate House policy. “If he wants to cut a deal, I’m not a deal cutter,” Tester said. (ASSOCIATED PRESS, BILLINGS GAZETTE)

MA HOUSE SWINGS FURTHER LEFT: The MASSACHUSETTS House underwent a dramatic shake-up in leadership last week when the new speaker, Salvatore R. DiMasi (D), elevated a number of minor figures to key posts and recalled several dissident members who’d been relegated to the back benches under his predecessor, Thomas M. Finneran (D). His most prominent appointment was the selection of Rep. Robert A. DeLeo, an admitted “lunch-bucket” Democrat who’s a favorite of environmentalists and education activists but not too popular with anti-tax advocates, to head the House Ways and Means Committee, which sets fiscal policy and largely determines the chamber’s agenda. DiMasi said his appointments were intended to bring diversity to the House leadership, but many viewed the selections as an obvious attempt to move it to the left. “I would say the Senate probably as a whole is still the more liberal branch, but the House has

made a Herculean effort to catch up,” said House minority leader Bradley Jones. “There’s definitely a shift to the left. But after Finneran, almost anything is a shift to the left.” (BOSTON GLOBE)

AT THE POLLS: Republican Joe Straus defeated Democrat Rose Spector in last Saturday’s special election for TEXAS House District 121. The contest was held to fill the vacancy left by Rep. Elizabeth Ames Jones, who was appointed to the Texas Railroad Commission (SAN ANTONIO EXPRESS NEWS). • Also in TEXAS, Rep. Talmadge Heflin (R) gave up the fight to retain his seat last week, conceding victory in House District 149 to Democrat Hubert Vo. The result, which came after an investigation into illegal voting in the race, allowed Democrats to secure a moral victory from last year’s elections; for the first time in 30 years, they didn’t lose ground to the Republicans in the House (DALLAS MORNING NEWS). • Nicholas A. Spano (R) was finally declared the victor in NEW YORK’s 35th Senate District last Tuesday, bringing an end to the longest Senate race in the Empire State since the Great Depression. After months of legal wrangling over contested ballots, Spano, a nine-term incumbent and the chamber’s assistant majority leader, was deemed to have edged out his Democratic challenger, Andrea Stewart-Cousins, by just 18 votes out the more than 114,000 cast (NEW YORK TIMES).

POLITICS IN BRIEF: CALIFORNIA Secretary of State Kevin Shelley (D) resigned Feb. 5th, with pressure mounting over his alleged misuse of federal voting funds. His departure will give Gov. Arnold Schwarzenegger (R) the opportunity to appoint a Republican to the post in time to oversee the special election the governor will call later this year in an effort to wrest power away from the Democrat-controlled Legislature (LOS ANGELES TIMES). • **MARYLAND** Gov. Robert Ehrlich’s (R) administration has paid \$100,000 to settle a lawsuit filed by a former state employee who was fired after only five months on the job. The man, Baltimore County Councilman Vincent J. Gardina (D), had alleged that he was fired solely for political reasons (BALTIMORE SUN). • The **UTAH** Senate swore in its first openly gay member last week. Scott McCoy (D) will replace outgoing Sen. Paula Julander (D), who left office for health reasons. Although the 34-year-old McCoy is a leader of the gay-rights group Equality Utah, he said he does not intend to be a single-issue lawmaker (SALT LAKE TRIBUNE, ASSOCIATED PRESS, DAILY HERALD [PROVO]). • State officials in **NEW HAMPSHIRE** got a wake-up call last week when someone hacked into the state’s main Web site, nh.gov, which is a portal to other state sites. The hacker left the Internet graffiti message “Look what I can do” on several index pages, but no other damage was detected (FOSTER’S

DAILY DEMOCRAT [DOVER]). • **OREGON** lawmakers are taking their show on the road, holding a series of committee hearings at various locations around the state. The 50-venue tour is aimed at getting the public more involved in the governing process. “We want to go to the people for their input, instead of expecting the people to come to Salem all the time,” said Senate President Peter Courtney (D) (STATESMAN JOURNAL [SALEM]).

— *Compiled by KOREY CLARK*

Governors

SCHWARZENEGGER VS. TEACHERS - IT'S ON: The battle between CALIFORNIA Gov. Arnold Schwarzenegger (R) and the Golden State's teachers unions took another step forward last week. The first salvo came as the governor demanded that radio stations stop airing union-sponsored ads he says falsely claimed he cut “school funding by billions.” The ads had already been running for several weeks before Schwarzenegger went on a public relations blitz of his own, including doing a half dozen radio interviews in which he attempted to sell voters his plan to install a merit pay plan for teachers. But the real battle is likely to be fought in the courts, where a business group last week filed a lawsuit against the state's Fair Political Practices Commission (FPPC) that claimed a \$22,300-per-contributor cap on fundraising the agency set last year for “candidate-controlled” organizations is unconstitutional. The group, Citizens to Save California, wants that limit abolished. Schwarzenegger denies controlling the group, but he has been raising money for its causes, which are primarily pushing ballot measures to implement his proposals. Democrats are also getting in on the action, forming their own new group — Seriously, Saving California — to raise money to help push their own ballot initiatives. Stay tuned. (LOS ANGELES TIMES, SAN JOSE MERCURY NEWS, SACRAMENTO BEE)

GOVERNORS IN BRIEF: MASSACHUSETTS Gov. Mitt Romney (R) ordered 91 out-of-state Web sites to stop marketing high-cost payday loans in the Bay State. State officials say they have no evidence that large numbers of residents are using the sites, but they want to act before the loans become a problem. Officials say the loans often carry interest rates as high as 300 percent (BOSTON GLOBE). • **NEW MEXICO** Gov. Bill Richardson (D) denied an Associated Press report that he is planning a presidential run in 2008. Richardson said last week he

is focused only on winning re-election in 2006 (SANTA FE NEW MEXICAN). • **OKLAHOMA** Gov. Brad Henry (D) proposed that the Sooner State create an online database between pharmacies as a way to make it easier for them to track the sale of pseudoephedrine, a standard agent in cold and allergy pills but also a key ingredient in making illegal methamphetamine (See Feb 7 *State Net Capitol Journal*). Henry is also pushing for federal legislation that will mirror his state's law restricting the sale of pseudoephedrine products (ASSOCIATED PRESS). • **GEORGIA** Gov. Sonny Perdue (R) has thrown his support behind a bill in the Peach State Senate that would establish a Georgia Tourism Foundation to market the state's heritage and culture. The proposal would also place the state's Golf, Aviation, Music and Sports halls of fame under the control of the state Economic Development Department (ATLANTA JOURNAL CONSTITUTION).

— Compiled by RICH EHISEN

Hot issues

B **BUSINESS:** Senate and House committees in **ALABAMA** approve legislation that would curb state oversight of telephone companies in the Heart of Dixie. The bills would eliminate the state's regulation of most land-line phone service. Each measure heads to the full chamber for review (MOBILE REGISTER). • A **KENTUCKY** House committee endorses HB 105, which would raise the Bluegrass State minimum hourly wage from \$5.15 to a maximum of \$7.15. It heads to the full House (BUSINESS FIRST [LOUISVILLE]). • The **MISSISSIPPI** Senate overwhelmingly approves SB 2787, a measure that would allow restaurants and liquor stores to purchase small amounts of specialty wines directly from wineries without first going through state alcohol control officials. It now pours into the House (SUN HERALD [BILOXI]).

CRIME & PUNISHMENT: A **KANSAS** Senate committee endorses a bill that would eliminate capital punishment in the Sunflower State. That measure heads to the full Senate (WICHITA EAGLE). • A **KENTUCKY** Senate panel okay's SB 63, legislation that would restrict the sale of cold and allergy pills that can also be used to make the illegal drug methamphetamine, also known as meth, crank and speed (See Feb 7 *Capitol Journal*). It goes to the full Senate (COURIER-JOURNAL [LEXINGTON]). • Meth was also the issue in **INDIANA**, where a House committee unanimously endorses HB 1223. The measure would require that products containing ephedrine and pseudoephedrine — two ingredi-

ents in meth — be sold only at pharmacies and be placed behind the counter. It heads to the full House (INDIANAPOLIS STAR). • A **FLORIDA** Senate committee approves SB 436, which would allow Sunshine State residents to use deadly force against intruders in their home or car, and to presume that anyone who breaks into an occupied house or car has deadly intent. Another committee gets a shot at it before it can go to the full Senate (ST. PETERSBURG TIMES).

EDUCATION: The **INDIANA** Senate gives a passing grade to SB 285, a measure that would require schools to officially define bullying and to take measures to stop it. It heads to the House (FORT WAYNE JOURNAL GAZETTE). • The **MISSISSIPPI** Senate endorses a proposal from Gov. Haley Barbour (R) that would exempt well-performing Magnolia State schools from many state paperwork requirements and reward them financially for high student test scores on standardized tests. It moves to the House (SUN HERALD [BILOXI]).

ENVIRONMENT: The **WYOMING** Senate approves legislation that would establish a \$30 million trust fund that would be used to acquire habitat for preserving wildlife. The measure now goes to the House (BILLINGS GAZETTE). • An **ARIZONA** House panel endorses HB 2173, which would allow small communities to block new housing subdivisions that can't show a 100-year water supply. It now flows to the full House. The same committee rejects HB 2169, which would have required communities to include water-supply information in their long-term growth plans and to share that information with other communities in the same groundwater basin (ARIZONA REPUBLIC).

HEALTH & SCIENCE: The **WYOMING** House approves HB 83, which creates a panel to review lawsuits against doctors as a way to weed out frivolous cases before trial. It moves to the Senate (BILLINGS GAZETTE). • Still in **WYOMING**, the Senate endorses SB 203, which would force insurance companies to include prescription birth control in any policies that provide prescription drug coverage (BILLINGS GAZETTE). • The **VIRGINIA** Senate rejects a measure that would have banned smoking inside almost all Old Dominion public buildings. It had previously cleared a Senate committee, but is now dead for the session (RICHMOND TIMES-DISPATCH). • An anti-smoking bill also gets snuffed out in the **SOUTH DAKOTA** House, which rejects a bill that would have banned all indoor smoking (ARGUS LEADER [SIOUX FALLS]). • Smoking opponents do better with a **MINNESOTA** Senate committee, which okay's a measure that would ban lighting up in Gopher State restaurants and bars. More committees await before it can move to the full Senate (ST. PAUL PIONEER PRESS).



• The **ARKANSAS** Senate endorses SB 43, which would allow Razorback State residents to choose their own doctors and require health care management plans to pay those physicians at the plan’s regular rates. It moves to the House (ARKANSAS NEW BUREAU). • The **VERMONT** House overwhelmingly approves a bill that would allow Green Mountain State residents to purchase cheaper prescription medications from pharmacies in Canada and the United Kingdom. It still needs approval from the Senate (BURLINGTON FREE PRESS).

SOCIAL POLICY: The **VIRGINIA** House and Senate okay a proposed constitutional amendment that would define marriage only as the union of one man and one woman. The proposal must still be approved again by both houses and voters before it would go into effect (RICHMOND TIMES-DISPATCH). • An **INDIANA** Senate committee endorses SJ 7, a similar proposal to change the Hoosier State constitution to limit marriage to being between one man and one woman. It moves to the full Senate (INDIANAPOLIS STAR). • The **ALABAMA** House and Senate also get in on the marriage definition issue, as each endorse proposals to amend the Heart of Dixie constitution to ban recognition of gay marriage. Each chamber must now approve the other’s bills, which, if passed, would then go before voters (BIRMINGHAM NEWS).

POTPOURRI: A **VIRGINIA** Senate committee kills a bill that would have barred people from wearing their pants low enough to expose their underwear. It would have also imposed a \$50 fine for doing so. The House approved the mea-

sure, but Senators dropped the bill after a wave of negative media reports. Senators called the bill “a distraction” (WASHINGTON POST, ASSOCIATED PRESS). • An **ARIZONA** Senate committee votes unanimously in support of SB 1420, which would require the immediate impounding of the vehicle of anyone involved in an accident who does not have insurance or a driver’s license. It would also impose a \$500 mandatory fine. The bill heads to the full Senate (ARIZONA REPUBLIC).

— *Compiled by RICH EHISEN*

Quote...

“This is about trying to protect Alabama from activist judges. We’re trying to play a little defense.”

— **ALABAMA House minority leader Mike Hubbard (R) stating why he supports a constitutional amendment defining marriage as only being between one man and one woman.**

... unquote

“Why are we arguing about something that is already illegal? ...Lay it on the line. Say what it’s about. It boils down to who can turn out votes for Republicans and Democrats.”

— **Rep. John Rogers (D) decrying the amendment proposal during debate on the House floor. (BIRMINGHAM NEWS)**

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Once around the statehouse lightly

DATING SERVICE. The State of CALIFORNIA had to issue a warning last week: The Megan’s Law Web site, a public database listing all of the state’s registered sex offenders, is not an online dating service.

Seems a Cupertino resident, who is on the list, used the site to set up get-togethers with other registered offenders. As the *San Jose Mercury News* reports, Romeo was nabbed when he tried to arrange a tryst from a computer located in a public library. Penalty if convicted: six months in jail and a \$1,000 fine.

EMPLOYMENT SERVICE seems to be working fine. Now, for some tinkering over at public relations. Both would be in the office of ILLINOIS Gov. Rod Blagojevich. According to the *Chicago Sun-Times*, the Democratic chief executive hired the 23-year-old daughter of a prominent state Senate Democrat for a \$40,000-a-year job with the state park system — the same state agency that has pink-slipped some 120 workers since last October. Many of those laid off had 25 or 30 years’ experience with the department. “Just a coincidence,” says the Dept. of Natural Resources, which hired the young woman as a lobbyist. “Baloney,” says a preservationist group that deals with the department. By the way, the governor currently is reviewing DNR’s layoff policy because three of those booted onto the street were disabled.

COUNSELING SERVICE needed for a NORTH CAROLINA Republican. As noted in the *Charlotte Observer*, freshman Doug Vinson was thrown into a raging fire on his first day — in fact, his first vote — in the Legislature. It wasn’t a confrontation with Democrats, who narrowly control the House. No, this squabble was Republican civil war — two factions squabbling over how the House would be organized. One side wanted to cooperate (for another year) with Democrats, while another faction wanted no part of the compromise. Vinson was asked to choose between factions. Vinson is no stranger to high-pressure situations; the West Point graduate was an artillery commander in Iraq. He also apparently knows when to confront and when to appease. He voted to cooperate.

NO GOOD DEED. You’re taking the fall, kid — but first, could you loan me \$45,000? A scene from *The Maltese Falcon*? No, just bureaucratic politics in MASSACHUSETTS. The brew-up began when Gov. Mitt Romney spent \$45,000 on a



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