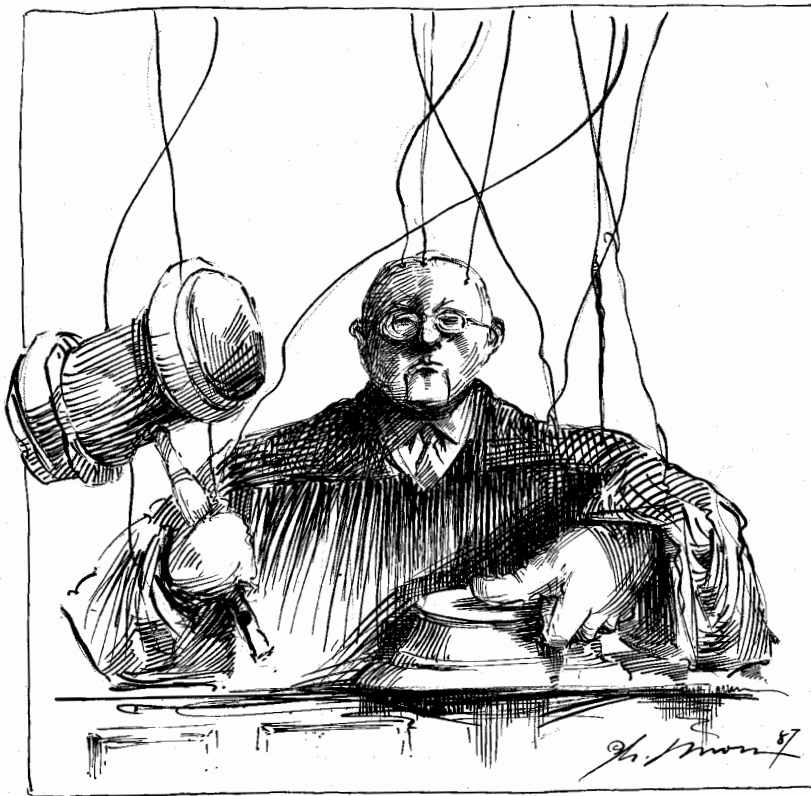


February 23, 2004

Will courts rule reapportionment?



Rival tax plans in VA	2
Can CA be governed?	5
Revision frenzy in FL	9
Bird's-eye view	4
Across state lines	6
Hot issues	11
Once around the statehouse lightly	17

Now on the State Net Web site

2003 State Session Recaps showcasing legislative statistics for each state.

Top Story

Political gerrymandering has been around almost as long as the United States itself. But as partisan rancor increases, so does the role of the courts in deciding where voters eventually reside.

SNCJ Spotlight

High court decision could help, hinder redistricting woes

Partisan redistricting is a long-held political practice, allowing the party in power to draw districts that make it easy for its candidates to win, and to pit its political opponents against each other. Critics of Massachusetts Gov. Elbridge Gerry coined the term “gerrymander” in 1811 after the Republican governor drew a district map that was so contorted it looked like a salamander. They com-



bined Gerry with salamander, and the term gerrymander has stuck ever since.

Gerrymandering has again taken center stage ever since the nationwide redrawing of legislative maps in 2000 caused numerous political rifts in state-houses across the country, even sparking lawsuits in MICHIGAN, TEXAS, COLORADO, FLORIDA, GEORGIA and PENNSYLVANIA. These days, inexpensive computer mapping programs allow legislators to examine their constituents by street block. Once new census data is entered, the party in power can look at voting patterns and design maps to virtually ensure their opponents lose.

“Instead of voters picking the members of Congress the legislators pick them,” says Loyola Law School professor Rick Hasen.

The United States Supreme Court is expected to rule on the Pennsylvania case within the next few months, but while Keystone State political analysts are anxiously awaiting that decision, many are now unsure if it will be the sleeper case they initially had predicted, or if it will spur further legal challenges to legislative maps nationwide.

continued on page 14

Budget & taxes

RIVAL GOP TAX PLANS VIE IN VIRGINIA: Last week, a VIRGINIA Senate panel endorsed a range of tax increases that will total \$3.8 billion over the next two years. The tax plan approved by the Senate Finance Committee — SB 635 and SB 465, drafted by committee chairman John H. Chichester (R) — would generate \$2.2 billion for schools, health care and prisons, and \$1.6 billion for transportation projects by raising taxes on cigarettes, gas, retail sales and personal income. On the same day that the Senate committee made its recommendation, the GOP-controlled House of Delegates pushed through a plan to end tax breaks for some of the state’s biggest industries, a move that stunned business lobbyists, Democratic legislators and Gov. Mark R. Warner (R) alike. The House proposal — HB 1488 — would raise \$520 million to help the Old Dominion State meet its \$1 billion budget shortfall by closing tax loopholes for electric utilities, shipping companies, telephone companies, airlines and other businesses. Proposed just 80 hours before its scheduled vote, the plan sent business lobbyists, Democratic lawmakers and Warner administration officials scurrying behind closed doors to figure out why the GOP had targeted its traditional business allies and how

to respond to the move. Some observers said the GOP delegates' action was motivated by their anger over the Virginia Chamber of Commerce's support of the Senate tax plan. Business lobbyists acknowledged they were powerless to stop the move, Chamber lobbyist Steve Haner saying, "You don't stop a freight train — you just get out of the way." The House and Senate plans will eventually have to be worked out in committee to come up with a budget acceptable to both chambers, as well as Warner. But lawmakers say despite their differences, they are closer on the budget than they were when they convened last month because now everyone at least recognizes new sources of revenue are needed. (VIRGINIAN-PILOT [HAMPTON ROADS], WASHINGTON POST, TIMES-DISPATCH [RICHMOND])

The Week in Session

States in Regular Session:

AK, AL, AZ, CA, CO, CT, DE, GA, HI, IA, ID, IL, IN, KS, KY, MA, MD, MI, MN, MO, MS, NE, NH, NJ, NM, NY, OK, SC, SD, TN, UT, VA, VT, WA, WI, WV, WY

States in Skeleton Session: OH

States in Special Session:

ME "b", WI "d"

States in Recess:

AR "b", CA "d", CA "e", NY, PA, RI, US

Currently Prefiling:

FL, LA, MT(Drafts for 2005)

States Adjourned:

AZ "b", CA "a", CA "b", CA "c", CT "a", CT "b", DE "a", FL "e", MD "2001 session" z, ME, NC "a", NC "b", NJ "2001 session" z, NM "a", TX, UT "c", WA "a", WA "b", WA "c"

Letters indicate special/extraordinary sessions

Source: State Net, 2/16/04

CALIFORNIA'S OTHER PROPOSITION: With the media spotlight in CALIFORNIA focused on Propositions 57 and 58, the two ballot measures at the center of Gov. Arnold Schwarzenegger's (R) plan to rescue the state from financial crisis, another politically weighty measure scheduled to appear on the March ballot has gone relatively unnoticed. A new TV ad for the measure — Proposition 56 — promotes it as a means to end the state's perennial budget gridlock. The ad depicts California's budget process as a political food fight, with an announcer assailing the partisan bickering that has resulted in late budgets for the last 17 years, the nation's worst credit rating, and cuts to health care and education over images of legislators pelting each other with food. According to the ad, a yes vote on the measure would end the food fight by denying legislators pay until they pass a budget. The ad also states that Prop 56 would change "to 55 percent the vote needed to pass a budget." (Currently, a two-thirds majority is required.) What the ad doesn't mention, however, is that the lower voting threshold would also apply to tax increases, and that it would enable the Democrats — who hold a majority in both houses of the Legislature — to pass a budget or raise taxes without any Republican support, although those actions would still be subject to the approval of a Republican governor. The ad was sponsored by a coalition that includes state employee unions and the League of Women Voters. (SACRAMENTO BEE)



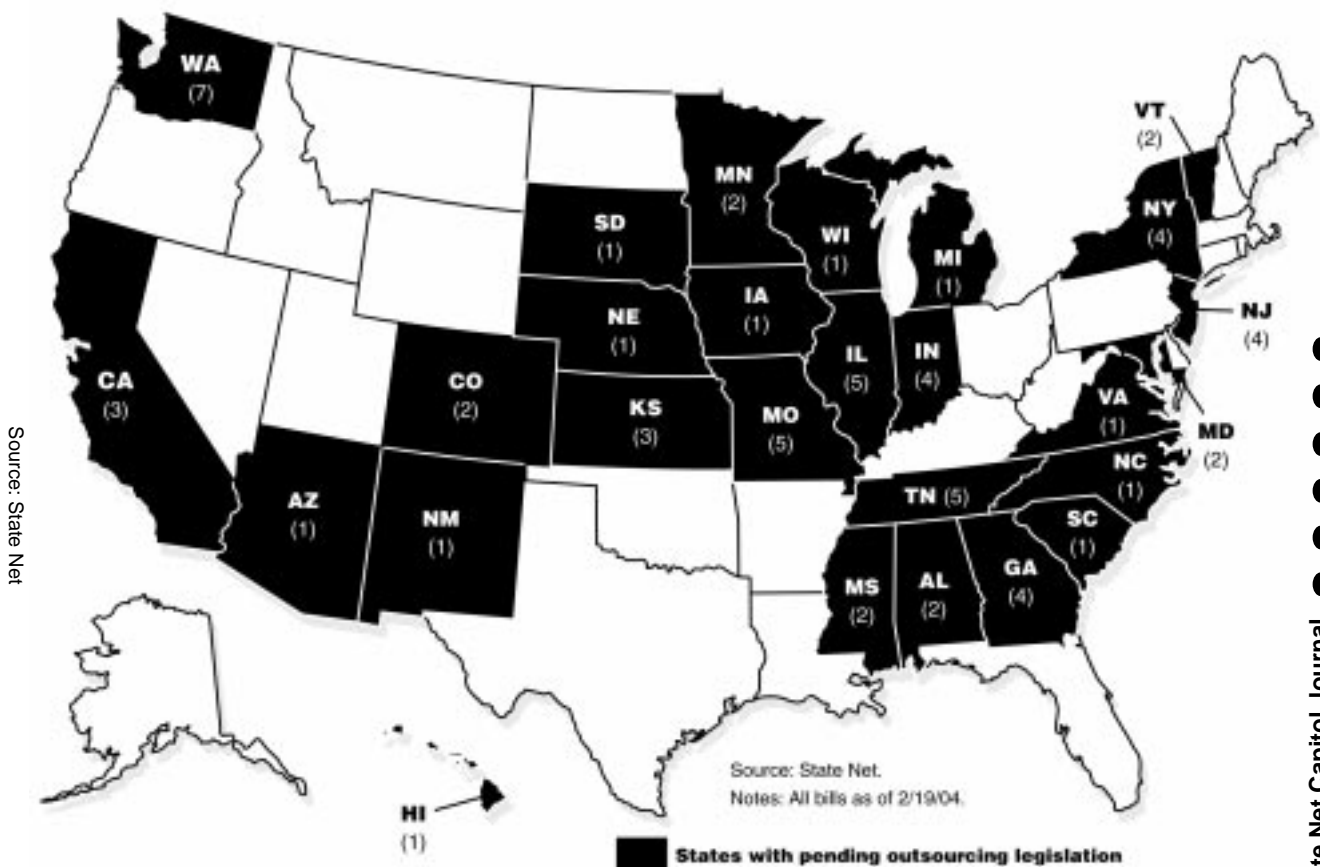
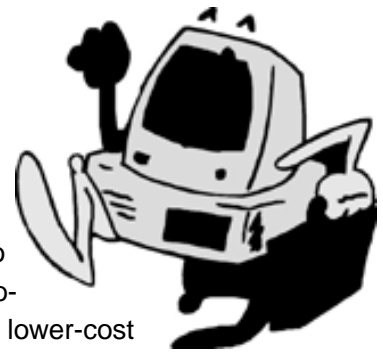
MI GOV PUSHES SIN TAXES: Smokers and drinkers are among those hardest hit by the 2004-05 budget proposed by MICHIGAN Gov. Jennifer Granholm (D). The governor's \$39.7 billion plan includes a 9% increase in the Wolverine State's liquor tax, boosting the state markup on hard liquor to 74%,

continued on page 5

Bird's-eye view

Going, going gone?

Some economic observers estimate that as many as 3.3 million service jobs, 500,000 thousand of them in computer technology, could be shifted to offshore countries by 2015. To counter this growing trend, lawmakers in 26 states have introduced a total of 65 bills aimed at reducing the flow of jobs to lower-cost countries like India and China. WASHINGTON alone has seven such bills pending, while TENNESSEE, MISSOURI and ILLINOIS each have five under consideration. The map below shows each of the 26 states and the number of bills they have under review.



Source: State Net

State Net Capitol Journal



and a 75-cent hike in the cigarette tax, which would raise the price of a pack of cigarettes to \$2. The liquor tax increase is expected to generate about \$30 million, which would be used to help fill the \$1.3 billion hole in the state's budget. The governor wants to use the \$295 million that would come from the cigarette tax hike for Medicaid. The outlook for the liquor tax appears to be good. Senate Appropriations Committee Chair Shirley Johnson (R) said she doesn't think Granholm will have any problem convincing the Legislature to raise the sin tax to close the budget gap. Johnson said the cigarette tax hike could be a tougher sell, however, because the Legislature just raised it by 50 cents in 2002. (DETROIT NEWS)

— *Compiled by KOREY CLARK*

Governors

CAN CA BE GOVERNED?: That was the question facing four former CALIFORNIA governors — Democrats Gray Davis and Jerry Brown and Republicans George Deukmejian and Pete Wilson — who joined forces last week on the public television news program “California Connected” to offer their thoughts on how to solve the multitude of problems facing the state they once managed. Their answers to the question at hand were varied, but all had one basic theme — not without shaping up what has become one of the most polarized Legislature’s in the nation.

The group’s specific suggestions for bringing lawmakers into line and plugging vast budget holes ran the political gamut, from the conservative Deukmejian’s surprising call for the state to legalize all forms of gambling to Brown advocating to allow governors to place initiatives on the ballot without having to collect signatures or to get the approval of the Legislature beforehand. The recently recalled Davis suggested a return to a part-time Legislature, while Wilson called for strict budget spending caps. All four decried the Legislature’s free-spending ways during Davis’ five years in office, with Wilson saying Davis had “maybe the most irresponsible Legislature within memory.”

Quote ...

“In a post-9/11 America, state governments have a responsibility to update their homeland security laws in order to protect their citizens.”

Jeff Neal, spokesman for RHODE ISLAND Gov. Don Carcieri (R), who recently proposed expanding on two 85-year-old state laws that criminalize various forms of civil unrest, including displaying a flag other than that of the United States.

continued on page 8

New Immigrant Arrival Rates for 50 States 1990-2000

State	State Share of U.S. New Arrivals (as a %)		
	1990	2000	change
Alabama	0.2%	0.4%	0.1%
Alaska	0.1	0.1	0.0
Arizona	1.4	2.4	1.1
Arkansas	0.1	0.3	0.2
California	37.6	24.8	-12.8
Colorado	0.7	1.5	0.9
Connecticut	1.0	1.1	0.1
Delaware	0.1	0.2	0.1
Florida	7.6	7.8	0.2
Georgia	1.0	2.6	1.6
Hawaii	0.8	0.5	-0.2
Idaho	0.2	0.2	0.1
Illinois	4.3	5.2	0.9
Indiana	0.4	0.7	0.4
Iowa	0.2	0.4	0.2
Kansas	0.4	0.6	0.2
Kentucky	0.2	0.4	0.2
Louisiana	0.4	0.3	-0.1
Maine	0.1	0.1	0.0
Maryland	1.7	1.7	0.0
Massachusetts	2.6	2.4	-0.2
Michigan	1.1	1.8	0.7
Minnesota	0.6	1.1	0.5
Mississippi	0.1	0.2	0.1
Missouri	0.3	0.6	0.3
Montana	0.0	0.0	0.0
Nebraska	0.1	0.3	0.2
Nevada	0.6	1.1	0.5
New Hampshire	0.1	0.2	0.0
New Jersey	4.4	4.7	0.2
New Mexico	0.4	0.4	0.1
New York	13.7	11.8	-1.9
North Carolina	0.6	2.0	1.4
North Dakota	0.0	0.0	0.0
Ohio	0.8	1.1	0.3
Oklahoma	0.3	0.5	0.2
Oregon	0.7	1.1	0.4
Pennsylvania	1.3	1.6	0.2
Rhode Island	0.4	0.3	-0.1
South Carolina	0.2	0.5	0.3
South Dakota	0.0	0.1	0.0
Tennessee	0.3	0.7	0.4
Texas	8.3	10.1	1.9
Utah	0.3	0.7	0.4
Vermont	0.0	0.1	0.0
Virginia	1.8	2.0	0.2
Washington	1.5	2.2	0.7
W Virginia	0.0	0.1	0.0
Wisconsin	0.5	0.7	0.2
Wyoming	0.0	0.0	0.0

Source: University of Southern California, School of Policy Planning and Development

The group also named term limits and the advent of gerrymandered safe districts that have sheltered incumbents as primary causes for the partisan infighting that has at times crippled the state.

Current Gov. Arnold Schwarzenegger (R) was also on hand, although he did not participate in the roundtable discussion. Schwarzenegger appeared alone, using most of his 15-minute time allotment to push viewers to support his two initiatives facing voters on the March 2 ballot. The first, Proposition 57, would allow the state to sell a one-time \$15 billion bond to refinance old debt while the second, Proposition 58, would place a cap on the state's spending. (SACRAMENTO BEE, LOS ANGELES TIMES)

CARCIERI SPARKS HOMELAND SECURITY BATTLE: RHODE

... unquote

"It is no exaggeration to call this provision a return to McCarthyism, when people had to be careful what they said and what organizations they belonged to."

Stephen Browne, executive director of the RHODE ISLAND ACLU. (PROVIDENCE JOURNAL)

ISLAND Gov. Donald Carcieri (R) created a firestorm of controversy last week when he introduced a homeland security bill that creates a host of new felony charges for terrorist acts and resurrects World War I-era laws that bar people from speaking out against the government. Carcieri's proposal would make it a felony to, among other things, "speak, utter or print" statements supporting anarchy or government overthrow, or to display "any flag or emblem other than that of the United States." It would also make it a felony to create "loud and unreasonable noise" at an airport or parking lot if that noise "adversely affects public security."

The proposal drew immediate and vociferous response from a host of constitutional scholars and First Amendment advocates, who said such laws would make the Ocean State the only one in the nation to impose such restrictions in the name of fighting terrorism. Many critics also echoed the response of Rhode Island ACLU director Steven Brown, who called the proposed legislation "blatantly unconstitutional." (PROVIDENCE JOURNAL)

GOVERNORS IN BRIEF: The ALABAMA Legislature handed Gov. Bob Riley (R) several setbacks last week, approving two bills he opposes and rejecting nine government accountability bills he supports (BIRMINGHAM NEWS). • WASHINGTON Gov. Gary Locke (D) announced his support for a citizen initiative that would place a \$1 billion tax proposition to fund education on the November ballot. Locke had hoped the Legislature would place it before voters as a referendum, but when they declined he switched his support to the initiative (SEATTLE POST-INTELLIGENCER). • Federal prosecutors subpoenaed a vast array of personal records from CONNECTICUT Gov. John G. Rowland (R) in



connection with their investigation of possible corruption in the rewarding of state contracts. Investigators requested records that dated all the way back to 1995 and related to a total of 15 companies (NEW YORK TIMES).

— *Compiled by RICH EHISEN*

Politics & Leadership

POWER STRUGGLE IN ARIZONA: A major battle over the constitutional separation of judicial and legislative powers is under way in ARIZONA, with lawmakers considering a record number of bills aimed at limiting the authority of the courts. One of the more significant of the 30 bills under consideration would scrap the merit system used to select judges in two counties by requiring Superior Court judges in those counties to be elected by voters. Under the current system, established by constitutional amendment in 1974, judicial candidates are reviewed by a court appointment commission, which submits the resumes of qualified applicants to the governor for appointment. The prime sponsor of the bill to end that process, Rep. Chuck Gray (R), said it was motivated by cases around the country in which, he felt, judges had overstepped their bounds. Gray and other supporters of the bill believe that making judges more accountable to voters would rein in that sort of judicial activism. But critics argue the measure would bring politics into the courtroom, which was the problem the merit system had been designed to address thirty years ago. Former Arizona Attorney General Grant Woods, who experienced the old system first hand as an attorney in the 1960s, said that by returning to elected judges, "you're not going to get the best and the brightest. You're going to get the most adept politicians." (ARIZONA REPUBLIC)

FL RESPONDS TO "REVISION FRENZY": FLORIDA lawmakers took a step last week toward restricting citizen-initiated constitutional reform, with a Senate committee recommending to increase the vote required to approve ballot initiatives from the current simple majority to a 60% majority. The move was motivated by what some lawmakers have called a constitutional revision frenzy by voters and special interests, which has resulted in costly amendments like class size reduction and high-speed rail initiatives passed in the last few years. The Senate Select Committee on Constitutional Reform also voted to allow the state Supreme Court to throw out amendments that don't belong in the constitution, such as the 2002 initiative prohibiting the confinement of pregnant pigs.



Additionally, the committee recommended requiring public hearings on all proposed amendments and setting a Feb. 1 deadline for including initiatives on the general election ballot. The committee's recommendations now go to the Ethics and Elections Committee to be incorporated into legislation. Some of the recommendations will ultimately need voter approval and could appear on the Aug. 31 primary ballot. (ST. PETERSBURG TIMES)

INDEPENDENT INSURGENCE IN MARY-

LAND: One of the big stories in MARYLAND politics has been the rise of the independent voter. And registration figures for 2003 indicate the trend is continuing. Preliminary statistics released by the State Board of Elections show that the number of independents in the state increased by more than 5,000 last year to 368,720, or about 13% of the total number of registered voters. Neither Democrats nor Republicans managed a corresponding increase in their ranks, which was particularly disappointing for the GOP, after capturing the governorship for the first time in 36 years and launching a drive to increase membership in the state. But Keith Haller, president of Maryland-based Potomac Survey Research, said the fact that independents now account for 21% of new voters registering in the state is a "trouble sign" for leaders of both parties. The Old Line State's increase in independent voters is part of a national trend, fueled by a decline in local party organizations and voter dissatisfaction with the two major parties, according to Curtis Gans, director of the Committee for the Study of the American Electorate. (BALTIMORE SUN)



WA LAWMAKERS SPINNING THEIR WHEELS: Lawmakers are hard at work in WASHINGTON, laboring long hours and passing plenty of interesting bills. But some believe their efforts will amount to nothing. Rep. Hans Dunshee (D), for instance, said outside the House of Representatives last week, "Ninety percent of this stuff that we're passing out of here is dead." The reason for his overwhelming optimism is a political stalemate between the Democrat-controlled House and the GOP-held Senate, with Republicans focusing on business-friendly legislation not likely to find much favor among the pro-labor Democrats and vice versa. Knowing the ultimate fate of their proposals hasn't stopped lawmakers from calling attention to their efforts. For example, Senate Republicans recently made a big to-do over the passage of a bill to help small businesses by freezing the state's minimum wage during economic downturns, a proposal which had no chance of making it through the House. Accord-

ing to Rep. Alex Wood (D), the reason for such behavior is that it's an election year. "A lot of this is message bills to our friends and helpers back home, showing where our heart is and what we're trying to do," Wood said. The session is a far cry from last year, when Democrats and Republicans came together to pass some significant legislation, including a huge tax break for Boeing and a major overhaul of the state's unemployment insurance program. "We did some major lifting last session, and I think everyone's sort of retreated to their corners this year," said Rep. Cathy McMoris (R). (SPOKESMAN REVIEW)

— Compiled by KOREY CLARK

In the Hopper

State Net's database tracks tens of thousands of bills in all 50 states at any given time. Here's a snapshot of what's in the legislative works:

- Number of prefiles/intros this week: **7,120**
- Number of prefiles/intros overall in 2003: **235,701**
- Number of bills enacted/adopted this week: **554**
- Number enacted/adopted overall in 2003: **44,877**

— Compiled By GINA HUMMELL
(2003 data current as of 2/16/04
Source:State Net

Hot Issues

ABORTION: The **KENTUCKY** Assembly approves HB 108, legislation that makes it a crime to kill a woman's fetus or embryo. The bill moves to Gov. Ernie Fletcher (R), who has voiced support for it. HB 108 exempts legal abortions (COURIER-JOURNAL [LEXINGTON]). • The **OKLAHOMA** Senate rejects SB 710, legislation that would have required doctors to provide women seeking abortions with information about the development of fetuses less than 20 weeks old (THE OKLAHOMAN [OKLAHOMA CITY]). • The **UTAH** House approves SB 69, a bill that removes preserving a woman's health as a legal reason for performing a late-term abortion in the Gem State. It now returns to the Senate, but critics say that, if passed, the bill will likely be challenged in court (SALT LAKE TRIBUNE).

BUSINESS: The **IDAHO** House passes more than a dozen bills designed to reduce medical malpractice costs. Key in the package was a statute limiting pain-and-suffering damages that can be levied against any one party to their percentage of fault. The package moves to the Senate (IDAHO SPOKESMAN-REVIEW). • A **KENTUCKY** House panel also tackles medical malpractice by issuing support for a plan to establish a state-run insurance company and review panel that would screen potential malpractice cases even before a lawsuit is filed. It moves to the full House (COURIER-JOURNAL [LOUISVILLE]). • A **MINNESOTA** House panel gets into the malpractice fray as well, approving HF 1681, a bill that would limit damages in mal-

practice suits. It moves to another committee (ST. PAUL PIONEER PRESS). • A **COLORADO** House committee approves legislation requiring Centennial State telecommunications regulators to search for ways to boost local phone service competition. Supporters say Colorado ranks 36th in the nation in the amount of competition in the small-business and residential telephone service markets (DENVER POST). • Back in **IDAHO**, the House approves HB 502, which would allow local phone-service providers to opt out of state-set price regulation. Critics say the move could lead to across the board rate hikes for Gem State residents. It now moves to the Senate (IDAHO SPOKESMAN-REVIEW).

CRIME & PUNISHMENT: Three states — **NEW HAMPSHIRE**, **UTAH**, and **MINNESOTA** — pass legislation aimed at reducing drunk driving. In New Hampshire a Senate committee approves SB 478, which would criminalize a first-offense drunken driving conviction. It moves to the full Senate. Meanwhile, the Utah House gives the nod to HB 128, legislation that would lower the legal blood alcohol level for a second drunken driving stop to 0.05 for those drivers with children in the car. It moves to the Senate. Finally, the Minnesota Senate agrees to lower the blood alcohol standard for drunk driving from .10% to .08%. It moves to the House (DULUTH NEWS TRIBUNE, SALT LAKE TRIBUNE, MANCHESTER UNION LEADER).

EDUCATION: The **UTAH** House passes HB 22, legislation that mandates Beehive State schools to teach “honesty, morality and good values.” The bill moves to the Senate (SALT LAKE TRIBUNE). • A Senate committee in **ARIZONA** grants approval to a proposal from Gov. Janet Napolitano (D) to implement all-day kindergarten classes throughout the Grand Canyon State. The matter will now be reviewed by the full Senate (ARIZONA DAILY STAR). • The **NEW MEXICO** House buys into House Bill 109, which would allow high school graduates to wait a year before going to college and still receive a lottery-funded scholarship. The bill, which passed unanimously, moves to the Senate (ALBUQUERQUE JOURNAL). • The **GEORGIA** House overwhelmingly passes legislation that expands tougher anti-bullying statutes into elementary schools. It also redefines the definition of what constitutes bullying to include verbal as well as physical acts of aggression (ATLANTA JOURNAL-CONSTITUTION). • The **MINNESOTA** Senate Education Committee gives preliminary approval to a bill that would cancel all state contracts that are tied to federal No Child Left Behind mandates, and prohibit new ones unless they are approved by the Gopher State Legislature. It heads to the full Senate (DULUTH NEWS-TRIBUNE).

ready to face the governor. Utah Gov. Olene Walker (R) has not indicated if she will sign it. On the flip side, a **WYOMING** legislative committee rejects a bill that would have voided same-sex marriages granted in other states, while the **MAINE** House pushes back a bill that would have amended the Pine Tree State constitution to define marriage as strictly between a man and a woman (BANGOR DAILY NEWS, BILLINGS GAZETTE, SALT LAKE TRIBUNE, IDAHO SPOKESMAN-TRIBUNE, KANSAS CITY STAR, VIRGINIAN-PILOT, ATLANTA JOURNAL-CONSTITUTION).

POTPOURRI: The **IOWA** Senate passes SF 2070, which would ensure that disabled residents can operate their wheelchairs on city streets if they so choose. It moves to the House. Gov. Tom Vilsack (D) has said he will sign the bill if it gets to him (DES MOINES REGISTER).

— Compiled by *RICH EHISEN*

SNCJ spotlight

Continued from page 2

The primary issue in PENNSYLVANIA is the possibility that the case, *Vieth v. Jubelirer*, will stamp out future challenges over gerrymandered legislative maps designed to preserve the party in power. Hasen says it is likely the Court will rule that it cannot objectively determine whether state Sen. Robert Jubelirer and other Republican leaders went too far when they redrew Pennsylvania's congressional districts, lumping six Democratic incumbents into three districts and placing another in a Republican-dominated district.

It is expected the justices will either reverse the court's 1986 *Davis v. Bandemer* ruling that such partisan gerrymandering cases can be settled in court, or it could preserve what Hasen calls an impossibly high standard to declare a map unconstitutional. The *Bandemer* standard requires that plaintiffs prove that a political party has been eliminated from the political process.

Despite the gloomy predictions, analysts still are puzzled why the court would even take the case if it did not want to relax the standard. If it did allow more wiggle room, they say, challenges could be launched in every state against redistricting maps drawn after the last census.

"It would send an 8.0 earthquake through the redistricting world," says Tim Storey, a redistricting expert at the National Conference of State Legislatures.

Based on oral arguments in *Vieth v. Jubelirer*, the majority of justices seem reluctant to allow judges to spur that earthquake, Storey says. Even if they did,

several have said they do not know what guidelines they would give them.

The Pennsylvania case also shows the difficulty in proving a party has been completely disenfranchised. In 2001, Democratic Reps. Tim Holden and Joe Hoeffel suddenly were thrown into a new district dominated by Republican incumbents. Holden and Hoeffel were destined to lose — set up by the Republican-controlled Legislature determined to send more Republicans to Congress.

But Holden and Hoeffel stunned pundits with their wins in the November 2002 election, although Democrats still lost ground as the Pennsylvania Congressional delegation went from 11 Republicans and 10 Democrats to 12 Republicans and seven Democrats. Pennsylvania lost two seats because of slow population growth, but Hoeffel and Holden proved the Republican argument that voters still can beat a partisan gerrymander without court intervention.

John Krill Jr., who represents the Republican leadership in Pennsylvania, argues that voters are capable of correcting overzealous political leaders. He points to Holden's defeat of incumbent Republican George Gekas, who held the seat for 20 years.

"If we're living in a computer-controlled matrix, why did Gekas lose?" Krill asks. "Voters still count."

Holden says his unexpected win still does not change the unfairness of the Pennsylvania map.

"It's gone too far," he says. "I think you disenfranchise voters."

The lack of clarity in the Bandemer standard, Hasen says, emboldened Democrats and Republicans alike to gerrymander themselves into power, to the consternation of many less than casual observers. Supreme Court Justices Stephen Breyer and John Paul Stevens recently wanted to take up a case in Michigan where Democrats argued that a Republican redistricting plan violated 1999 rules that require the least amount of breaks in county, city and municipal lines. Democrats argued that their plan was better and should be adopted. The Michigan Supreme Court ruled in March 2002 that the redistricting guidelines were not binding and let the Republican plan stand. By November, the state's congressional delegation had switched from a Democratic majority of 9-7 to a Republican majority of 9-6. Michigan also lost a seat because of slow population growth.

Although Breyer and Stevens could not get the two other votes needed to get the high court to take the Michigan case, a similar case in Texas did eventually draw their attention.

When Republicans took control of the Lone Star State Legislature in 2002, they redrew the legislative map to their advantage. This came after a 2001 redrawing by a federal panel when the Democratic-controlled House and Republican Senate could not agree. The Democrats staged two high profile walkouts in



Persily says that the Supreme Court opting for more judicial intervention could create havoc, allowing courts to decide elections all the way down to the local level.

“That makes the judge’s job more overtly political and that’s pretty dangerous,” Persily says. “It depends on what you’re afraid of.”

— *By State Net correspondent SUSAN GVOZDAS*

Once around the statehouse lightly

POLICE STATE. When the folks who preside over the NEW MEXICO Legislature issue a “call of the House,” beware — especially if you are a lawmaker who may want to linger over supper or finish an episode of a favorite sitcom. That’s because the State Police is sent out and about to fetch lawmakers and return them to the Capitol. How it performs that duty, however, is now the subject of some controversy. According to the *Albuquerque Tribune*, police officers recently were dispatched to find, among others, Democratic Rep. Bengie Regensberg, who was located at his hotel. Regensberg, however, wasn’t ready to tag along. Police insisted; Regensberg resisted. Regensberg now complains that his wrist and thumb were fractured. The State Police has asked that its role be clarified in such cases. Regensberg has asked for pain pills.

HUGE LOSS. Mike Huckabee is one politician who is proud of losing. Wherever he goes these days, the ARKANSAS governor is boasting about having lost 90 pounds since last spring. As the *Arkansas Democrat-Gazette* notes, Huckabee shed the weight under the supervision of a university medical program. To demonstrate how much weight it means, Huckabee visited a middle school last week and carried a 90-pound seventh grader on his back — then, touting a school fitness program, he told students that the seventh grader represented how much extra pounds he had to tote around before his diet. No word on whether Huckabee will support a ban on selling junk food in Razorback schools.

HAM IT UP. When it comes to mugging for cameras, few chief executives can top GEORGIA Gov. Sonny Perdue. In just over a year in office, explains *The Atlanta Journal-Constitution*, Purdue has squeezed himself into an Arena football uniform, worn a huge white Stetson to tout a cutting-horse contest, modeled Spandex bicycle



togs and donned a motorcycle helmet. His willingness to dress up for cameras comes in stark contrast to the demeanor of his predecessor, Roy Barnes, who was never caught in public wearing anything but a button-down shirt and a suit. Says Perdue’s communications director: “I try to discourage it, but it’s useless.”

NO FREE LUNCH. The ride is over for IOWA lawmakers. The state Chamber of Commerce will no longer provide a free lunch to legislators as part of the organization’s legislative day in Des Moines. It’s not a snub, as the *Sioux City Journal* reports. The Chamber was having trouble catering a lunch for lawmakers that cost less than \$2.99 each — the per-legislator limits prescribed in state conflict-of-interest laws. From now on, legislators will be invited to the lunch but will have to attend Dutch treat. The only exception: guest speakers.

DOVE AND RUN. A carload of bills cross the desks of lawmakers during the course of a legislative session, and more than a few cause angst and hand-wringing. But in MICHIGAN these days, the bill that has officials of every stripe running for cover will soon be heard in the Senate Judiciary Committee. A bill with major legal consequences? Guess again. As the *Detroit Free Press* reports, the bill would allow dove hunting and pits animal-rights activists against gun and hunting enthusiasts — generating a crossfire between bird-loving grandmas and bird-blasting hunters. The House approved the bill last fall, but Gov. Jennifer Granholm has so far ducked taking a position on it. And why is it in Judiciary? Because the Appropriations Committee chair refused to schedule a hearing on it. A \$350,000 appropriation for “education” will be stripped in committee and Judiciary will, it is said, quickly move the bill to the floor.

— By A.G. Block



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