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The Midterm Elections

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The next issue of Capitol Journal will be available on September 6th.

Top Story

Republicans are heavily favored to win big in this fall's elections. But even if they do, America will remain a country that is politically split just about down the middle.

SNCJ Spotlight

Republicans rising in statehouse and legislative elections

It is a recurrent conceit of Democrats and Republicans alike that a great political realignment that will produce a lasting majority lurks just around the corner. In the more than two decades since Ronald Reagan left the White House, the U.S. electorate has been divided roughly equally. But when President George W. Bush won re-election in 2004, his

A Cannon Perspective



With Lou Cannon

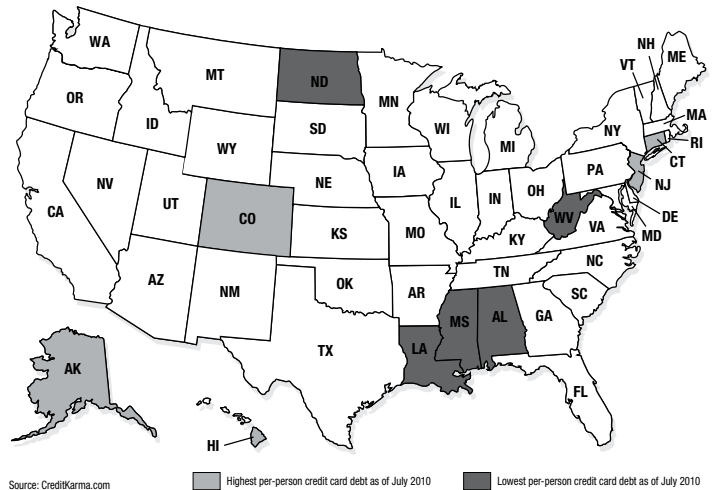
strategist, Karl Rove, interpreted the outcome as a harbinger of long-term Republican control. Rove wasn't alone in this view. With the GOP holding the White House and Congress and a conservative majority on the Supreme Court, some Democrats feared that all three branches of government might be irretrievably lost. Instead, the Democrats in 2006 regained both houses of Congress, a prelude to Barack Obama's victory two years later.

After the "change election" of 2008, the new fad was that the Democrats were the party of the future and Republicans the party of the past. Democrats and their cheerleaders indulged in puffy analysis about how Republicans were demographically doomed because their base was old, white, and male. In this realignment narrative Democrats were

ascendant because they were the choice of women, gays, younger voters, Latinos, and independents. But with economic recovery stalled and independents disenchanted with the Obama administration, this theory looks increasingly half-baked. No one knows what the future holds, but with less than 80 days to go before the 2010 midterms, Democrats are scrambling to hold the House and keep Senate losses to a minimum. Charlie Cook, an independent political analyst, expects Republicans to gain between 35 and 45 House seats in November, probably in the upper range of this forecast. They need 39 to retake the House.

Whether or not the GOP accomplishes this objective, Republicans are poised to make huge gains in statehouses. Democrats now hold 26 of the 50 governorships, with 37 of them on the ballot this year. Stuart Rothenberg, another independent analyst, anticipates that Republicans will pick up eight new governorships, giving them control of 32. Below the radar screens of these elections, Republicans are also optimistic about gaining seats in the 88 legislative chambers (of a total of 99) for which there are elections in 2010. These legislative elections will determine which party holds the upper hand in the 2011 congressional and legislative reapportionments

Bird's eye view



Last Frontier leads nation in credit card debt

Consumers in ALASKA lead the nation in credit card debt, according to data accumulated by Credit Karma, a consumer credit advocacy and credit scoring website based in CALIFORNIA. As of July, Last Frontier State credit card holders were carrying an average of \$9,149 in debt per person, almost \$1,400 more than the national average of \$7,752. COLORADO residents were next in line with an average per-person debt total of \$9,001. In contrast, MISSISSIPPI consumers carried the least amount of credit card debt, averaging \$6,773 per person.



that will be based on the 2010 census. Several legislative bodies are closely balanced, among them the TEXAS House, which Republicans control by a two-seat margin. TEXAS is the largest prize in the redistricting sweepstakes; it will gain four additional House seats (for a total of 36) because of population increases.

Republicans are favored to hold the TEXAS House and are in no apparent danger of losing any other legislative body they now control. Democrats, in contrast, are playing defense in attempting to hold onto at least a dozen chambers.

“It looks dark for the Democrats,” says Tim Storey, a political analyst for the National Conference of State Legislatures (NCSL). “They are the victims of their own success.”

Storey observes that the Democrats won heavily in the legislative elections of 2006 and 2008, putting them in control of many marginal districts. Now, with the pendulum swinging back, Republicans stand to gain some 500 legislative seats, most of which were lost in the two previous elections. Especially crucial in terms of congressional redistricting are the NEW YORK Senate, the OHIO House, and the PENNSYLVANIA House, all of which shifted narrowly to the Democrats in the 2008 election. Republicans also have opportunities to win control of the ALABAMA Senate and House (controlled by Democrats since the 1870s), the INDIANA House, and both the WISCONSIN Senate and Assembly.

In governors’ races the outlook for Republicans appears similarly bright. August surveys give the GOP candidates big leads in races for open Democratic governorships in KANSAS, OKLAHOMA, and WYOMING and also in IOWA, where a Democratic incumbent is running. Republicans hold smaller leads in gubernatorial races in five other presently Democratic states: ILLINOIS, MICHIGAN, PENNSYLVANIA, TENNESSEE, and WISCONSIN. Democrats are expected to pick up governorships in CONNECTICUT and HAWAII, where Republicans are retiring. If the anticipated outcomes occur in all these races, Republicans would gain nine seats and Democrats two for a net GOP gain of seven. But two caveats apply. The first of these is a maxim of Richard Harwood, my late, great editor at *The Washington Post*: “Twenty-four hours is a long time in the life of a politician.” The second is that there are eight open governorships — four Republican and four Democratic — which are too close to call in any of the polls.

The closest of these mystery states is CALIFORNIA, where Republican Meg Whitman and Democrat Jerry Brown are vying to replace moderate Republican Gov. Arnold Schwarzenegger. Democrats have a huge statewide registration edge, which favors Brown. Whitman, who has spent over \$100 million and plans to spend \$50 million more, has the financial advantage, critical in the nation’s most populous state, where political parties are weak and television advertising is often decisive. Polls show the race within the margin of error. Democrats are assured of continued control of the Legislature in a state where congressional and legislative districts are at once lopsidedly Democratic and notoriously gerrymandered. CALIFORNIA’s legislators tend to regard

voters as an inconvenience and carve up the districts to protect themselves.

“The real contests are in the primaries, where turnout is low, and the proportion of liberal voters on the Democratic side and conservative voters on the Republican side is high,” observes Bill Hauck, president of the CALIFORNIA Business Roundtable.

Hauck, who has served as a key aide to a Democratic Assembly speaker and a Republican governor, notes that CALIFORNIA’s persistent gerrymandering discourages moderates from running. The lack of such moderates in either party has contributed to the recurrent dysfunction of the Legislature, particularly on fiscal matters. In 2008, CALIFORNIA voters approved a ballot measure to take legislative redistricting out of the hands of the Legislature and vest this power in an independent commission.

Legislators, outraged by this presumption of the voters, are trying to regain control this year with an initiative that would do away with the commission. Also on the ballot is an initiative that heads in the opposite direction by transferring congressional redistricting, now done by the Legislature, to a non-partisan commission.

The party in power in the White House has lost ground in all but two midterm elections since 1900. Most political analysis, however, tends to focus less on such historical patterns than on the big picture of presidents and their policies. Viewed through this prism, support for the Republican Party collapsed after President George W. Bush’s re-election because of his unpopular attempt to privatize Social Security, perceived federal ineptitude in response to Hurricane Katrina, lingering public anxiety over the Iraq War, and ultimately the financial implosion. Similarly, the Democrats’ current plight is blamed on the sagging job approval ratings of President Obama, which in turn reflect widespread dissatisfaction with the insipid economic recovery, uncertainty about the new health care plan, and concern about the seemingly endless war in Afghanistan. All this is true as far as it goes, but the temporal political fortunes of presidents are not necessarily portents of permanent change.

“If Republicans gain 500 legislative seats, it will be a big victory for them, but they’ll just be back to even,” observes NSCL analyst Storey.

In the words of the French proverb, if it’s once again permissible to quote the French: The more things change, the more they remain the same. For better or for worse, our country is pretty evenly divided.

—Lou Cannon

The week in session

States in Regular Session: CA, MI, NJ, PR

States in Recess: DC, NY, PA, US

States in Special Session: CA “f”, NY “w”

Special Sessions in Recess: CT “a”, CT “b”, DE “b”, PA “a”

States in Informal Session: MA

States in Skeleton Session: OH

States Currently Prefiling or Drafting for 2011: FL, KY, MT, ND, NV, VA

States Adjourned in 2010: AK, AL, AR, AZ, CO, CT, DE, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MN, MO, MS, NC, NE, NH, NM, OK, RI, SC, SD, TN, UT, VA, VT, WA, WI, WV, WY

State Special Sessions Adjourned in 2010: AZ “a”, AZ “b”, AZ “c”, AZ “d”, CA “e”, CA “h”, FL “a”, KY “a”, MN “a”, MO “a”, MS “a”, NH “a”, NJ “a”, NM “a”, NV “b”, OR “a”, TN “a”, WA “a”, WI “b”, WV “a”, WV “b”

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS
(session information current as of 8/19/2010)
Source: State Net database

Budget & taxes

STATE PARKS SEEK CORPORATE SPONSORS: State parks have always relied on corporate donations to stay afloat. But they've generally acknowledged that generosity only subtly, avoiding any detraction from the outdoor experience. Ever deepening state budget cuts, however, are forcing parks to take more aggressive approaches to their corporate relationships.

In GEORGIA, Verizon Wireless is sponsoring trail maintenance, waterway cleanup, and bridge and bench building projects the Boy Scouts are doing in celebration of their 100th anniversary. In exchange for providing funding for tools and supplies, the state is recognizing Verizon on its Department of Natural Resources website and in publicity materials.

With public funding for GEORGIA's parks having declined more than 40 percent in the past two years, the park system is looking for other sponsorship opportunities as well. And it has contracted with a marketing firm to help it find them.

VIRGINIA is another state actively pursuing corporate sponsorships. The state's Department of Conservation & Recreation has received over \$5 million from corporate

sponsors in the past five years and prominently acknowledges those supporters. And according to the preliminary results of a survey by the National Association of State Park Directors, a number of other states have secured or are considering corporate sponsorship or exclusive distribution deals to help close budget gaps.

Some parks advocates see the sponsorship deals as a positive development, as long as they are done tastefully.

"There is general agreement that people don't want to see a NASCAR approach to branding the parks," said Andy Fleming, executive director of Friends of Georgia State Parks. "Everybody

understands that there's a line that we don't want to cross, in terms of compromising the naturalness of the experience. But the reality is that there's a big gap between the amount of funding and the needs of the system."

One example of how states are attempting to strike a balance between tastefulness and effectiveness is VIRGINIA's deal with outdoor outfitter The North Face. Anyone who makes a purchase of \$50 or more from the retailer receives a free pass to five popular VIRGINIA state parks. At the parks themselves, trailhead signs are adorned with The North Face logo as well as codes visitors can enter on The North Face website for promotional offers.

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Chris Clark, commissioner of GEORGIA's Department of Natural Resources, said there was some initial skepticism among lawmakers in his state about corporate sponsorships, but they have generally been supportive of the concept, especially since he reassured them it wasn't possible for their worst fears about commercialization to be realized.

"I had to tell legislators that it's actually in law that we can't rename a state park," he said. "It can't be 'Budweiser State Park.'"

BUDGETS IN BRIEF: The Obama administration has announced \$46 million in grants under the new federal health care law to help states curb health insurance rate increases. Fifteen states, including **LOUISIANA** and **MONTANA**, intend to use the money to begin regulating rates, while other states plan to expand the types of health policy rate increases they approve. Still others, including **ARIZONA**, **CALIFORNIA** and **MICHIGAN**, intend to hire actuaries to scrutinize rate filings more carefully (USA TODAY). • The executive committee of the National Association of Insurance Commissioners has agreed to develop a model law for the regulation of credit-scoring vendors, which are not currently regulated. The law would "establish a regulatory framework similar to that in place for regulation of advisory organizations," the request for development of the model law stated (INSURANCE NEWS NET). • Last week, Homeland Security Chief Janet Napolitano defended the Obama administration's decision to pay states only a fraction of the money they are owed for incarcerating illegal immigrants, stating that the administration "has chosen to support states in a number of other ways" (ARIZONA DAILY SUN). • **OREGON** Gov. Ted Kulongoski (D) advised legislative leaders, school superintendents and agency directors last week that state economists are predicting tax collections will be down \$200 million to \$500 million more than the \$577 million shortfall projected in May (OREGONIAN [PORTLAND]). • **VIRGINIA** officials have found an additional \$172 million in leftover cash from the 2010 fiscal year, bringing the state's surplus for the budget year that ended June 30 to \$400 million (RICHMOND TIMES-DISPATCH). • The **NEW JERSEY** Lottery raised more money in ticket sales last fiscal year than ever before in its 40-year history — \$2.6 billion. Roughly \$920 million of that total went toward public programs, including community colleges and agencies that serve veterans and the disabled (PRESS OF ATLANTIC CITY).

Upcoming stories

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

- **Time to bag plastics?**
- **Lou Cannon's global perspective**
- **Ballot measure previews**

— Compiled by *KOREY CLARK*

Politics & leadership

ARE REDISTRICTING AND POLITICS INSEPARABLE? In most states, redistricting is a political blood sport, with Democrats and Republicans battling it out for partisan advantage and job security. District lines are drawn by independent commissions in a dozen states, according to the National Conference of State Legislatures. And in another five, independent panels take over the task if the legislature fails to complete it by a certain deadline.

But independent doesn't necessarily mean nonpartisan. Redistricting is done by an independent commission in OHIO, for instance, but its members include elected officials, the governor, the state auditor and the secretary of state, as well as two others hand picked by legislative leaders. What's more, the rules the commission must follow in drawing district maps favor Republicans and make it virtually impossible for Democrats to create a map that is favorable to themselves, according to Michael McDonald, a political scientist and redistricting expert at George Mason University.

"That's the danger," he said. "You can build in a gerrymander into the criteria."

IOWA may be the state that has gone the farthest in its efforts to keep politics out of the redistricting process. The job is mainly in the hands of non-partisan legislative staff, a lawyer with the General Assembly's bill-writing agency and his colleagues. Lawmakers have the authority to reject a plan, but if they invoke it, they run the risk of ending up with something they like less.

"There's the ability to say, 'Let's see what the next one looks like,'" said Ed Cook, Legal Counsel with the Legal Services Division of the Legislative Services Agency. "But they can't guarantee what it looks like. So it's a gamble when they start rejecting a plan, because we're not going back."

The idea of taking politics out of the redistricting process is one that seems to be catching on. In 2008, CALIFORNIA voters approved a ballot measure turning legislative redistricting over to an independent commission charged with ignoring political considerations. A measure on the state's November ballot, Proposition 20, would expand that commission's authority to include congressional districts.

But CALIFORNIA voters will also have the opportunity to move the state in the opposite direction. Prop. 27, also slated for the state's November ballot, would scrap the independent commission before it's ever used and give redistricting authority back to the Legislature.

UCLA law professor Daniel Lowenstein, one of the authors of the initiative, told the *San Diego Union-Tribune* in January that it is "better for redistricting to be done by the Legislature."



“Redistricting is entirely a political matter, and there’s one agency in CALIFORNIA that is set up precisely for the purpose of resolving political matters, which is the Legislature, whose members are accountable to the voters in a political way,” Lowenstein said.

FLORIDA voters will also weigh a couple of redistricting measures this fall. But instead of focusing on redistricting by independent commission, Questions 5 and 6 specify the criteria the Legislature must use when drawing new legislative and congressional districts, respectively. Among other things, the measures prohibit plans “drawn with the intent to favor or disfavor a political party or an incumbent.”

Kelly Penton, a spokeswoman for the group leading the ballot campaigns, Fair Districts Florida, said legislators “do not have any rules to stop them from creating district lines to benefit themselves or their parties. The best interest of the voters is not looked out for.”

Penton said the proof of that is the shape of many of the state’s districts.

“The districts break up many communities, cities and counties,” she said. “Some stretch for hundreds of miles. Some stretch from coast to coast.”

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ARIZONA’s independent redistricting process, used for the first time during the last redistricting in 2001, has often been touted as a model for other states looking to overhaul their own systems.

But the map created by the state’s Independent Redistricting Commission has been tied up for most of the last decade by lawsuits

alleging that the commission failed to observe a rule requiring it to include as many politically competitive districts as possible. The redistricting commission has argued that it created competitive districts wherever they created no “significant detriment” to population equality, minority representation, district compactness, respect for community boundaries and federal law, as required by the state’s constitution.

Not one of the maps drawn in IOWA during its three decades of nonpartisan redistricting has been challenged in court. But other states might have a hard time duplicating that track record. In IOWA, Democrats and Republicans are dispersed pretty evenly geographically. And the state’s population is so overwhelmingly white that the redistricting commission doesn’t have to concern itself with creating districts that favor minority voters, as required by the federal Voting Rights Act.

“One option is to lash the wheel of the ship and then hope you sail in a good direction. That’s the IOWA direction,” said George Mason’s McDonald. “The benefit

for IOWA is that they have clear waters all around them, so it's not going to run into anything." (STATELINE.ORG)

BLAGOJEVICH DECISION MIRRORS IL ETHICS REFORM EFFORT:

When former ILLINOIS Gov. Rod Blagojevich (D) was arrested in December 2008 for, among other things, allegedly attempting to sell the U.S. Senate seat vacated by President Barack Obama for his own political gain, it was generally assumed that an overhaul of the state's ethics system would soon follow. The fact that hundreds of others had been convicted of corruption crimes in the state in the decades preceding

Blagojevich's arrest, including his immediate predecessor as governor, George Ryan, only made such reform seem more of a certainty — and necessity.

“We had a perfect storm of events which sort of cried out for fundamental reform.”

“We had a perfect storm of events which sort of cried out for fundamental reform,” said Patrick Collins, a former federal prosecutor who was appointed by Blagojevich's successor, Gov. Patrick Quinn (D), to head a commission tasked with finding ways to end the pattern of corruption in the state.

Two years later — after a jury deadlocked on all the charges against Blagojevich except for a single count of making false statements to the FBI — the changes that have been made to the state's political system, in Collins' opinion, don't even amount to “half a loaf,” but merely “some breadcrumbs.”

In 2009, lawmakers purged the state's scandal-plagued pension boards, made it easier to obtain public records and restricted how much individuals and corporations can donate to candidates in state races. But they failed to pass other proposals, including an initiative aimed at taking partisanship out of the state's redistricting process. And some reformers say the campaign finance restrictions, which don't go into effect until next year, are too lax, allowing state party leaders to give large sums to campaigns.

But others contend the reforms shouldn't be underestimated.

“For this state, it is a massive change,” Cindi Canary, director of the ILLINOIS Campaign for Political Reform, said of the campaign finance restrictions. “It's almost an earth shattering change.”

Canary added, however, that the state's political culture has changed less.

“The reaction after Blagojevich was arrested was to just throw lots of quick fixes at the problem,” she said. “While some of those fixes are meaningful in terms of law, I don't think as of yet we've seen that complete culture shift that says, ‘we as a public demand more accountability from elected officials and won't tolerate this type of thing.’”

Republican lawmakers, who are in the minority in both legislative chambers, appear to concur with that assessment.



“It’s kind of business as usual,” said House Minority Leader Tom Cross (R). And Senate minority leader Christine Radogno (R) said she’s still seeing “some very Blagojevich-esque behavior going on.”

One reason for the failure of Blagojevich’s actions to bring about more sweeping reforms may be Blagojevich himself. Since his arrest, Blagojevich has increasingly come to be viewed more as an anomaly than as part of a corrupt larger system. One party official jokingly refers to him as the sole member of the Blagojevich Party.

The state of the economy and ILLINOIS’ \$12 billion deficit have also eclipsed ethics reform as the primary topic of statehouse conversation.

“The economy is the number one issue,” said Pat Brady, chairman of the state’s Republican Party.

But the Blagojevich episode isn’t completely devoid of additional lessons for ILLINOIS lawmakers. As Jeffrey Cramer, a former federal prosecutor, put it, politics may not have changed much in the state, but “People may be more careful talking on the phone.” (NEW YORK TIMES)

MONEY POURING INTO STATE JUDICIAL RACES: A study released last week by the nonpartisan Brennan Center for Justice, Justice at Stake, and the National Institute on Money in State Politics says that so much money is flooding into

state judicial elections that it’s starting to undermine public confidence in the courts.

“Fundraising in judicial races doubled to \$206 million [over the years 2000-2009] from just \$83 million in the ‘90s, from 1990 to 1999,” said Adam Skaggs of the Brennan Center for Justice, who co-wrote the study.

The money is coming from the U.S. Chamber of Commerce, trial lawyers and unions, groups Skaggs calls superspenders.

“The joke is that a Supreme Court is a lot less expensive to try to buy than a state legislature,” said Bert Brandenburg, executive director of Justice at Stake, which advocates for judicial reforms such as public financing of court races. (NATIONAL PUBLIC RADIO)

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In the hopper

At any given time, State Net tracks tens of thousands of bills in all 50 states, the US Congress and the District of Columbia. Here’s a snapshot of what’s in the legislative works:

Number of Prefiles last week: 43

Number of Intros last week: 116

Number of Enacted/Adopted last week: 225

Number of 2010 Session Prefiles to date: 20,553

Number of 2010 Intros to date: 88,160

Number of 2010 Session Enacted/Adopted overall to date: 28,825

Number of 2009-10 bills currently in State Net Database: 187,847

— Compiled By JAMES ROSS
(measures current as of 8/18/2010)
Source: State Net database



POLITICS IN BRIEF: A three-judge panel of the Ninth U.S. Circuit Court of Appeals in San Francisco has suspended U.S. District Judge Vaughn Walker’s Aug 8 ruling striking down CALIFORNIA’s voter-approved ban on same-sex marriage (Proposition 8) until the appeals court considers the merits of Walker’s decision in December. The losing side is likely to appeal that decision to an 11-judge panel of the appeals court or the U.S. Supreme Court (SAN FRANCISCO CHRONICLE).

• News Corporation has donated \$1 million to the Republican Governors Association. The contribution from Rupert Murdoch’s media conglomerate, which owns Fox News, the *Wall Street Journal*, the *New York Post* and other news outlets, is among the biggest ever given by a media organization, according to campaign finance experts (NEW YORK TIMES).

— *Compiled by KOREY CLARK*

Governors

BLAGO VERDICT BREEDS MORE QUESTIONS THAN ANSWERS: Federal prosecutors are vowing to retry former ILLINOIS Gov. Rod Blagojevich (D) after a jury failed to reach a verdict on 23 of the 24 charges in his corruption trial. But while that prospect seems to be a sure thing, what the trial will look like and, most critical, what role it could have in the fall elections, is yet to be determined.

One of the biggest questions is what changes, if any, federal prosecutor Patrick Fitzgerald will make in the next go-round. Observers like former federal prosecutor Dean Polales think Fitzgerald won’t change much at all, noting that jurors were reportedly 11-1 in favor of conviction on several of the key charges against

Blagojevich, including the key allegation that Blagojevich tried to sell Barack Obama’s U.S. Senate seat.

“You’ve got an outlier juror,” Polales said. “That’s hard (for the defense) to duplicate in a future trial.”

But speculation remains high that chastened prosecutors will cobble down the two dozen counts to help simplify the process for jurors, who noted that many of the 24 counts they had to consider were extremely complex and contained multiple interconnected parts. The judge’s jury instructions were also not helpful, coming in at over 100 pages. Most of them were filled with highly technical terms and legal language, leading one frustrated juror to say, “It was like, ‘Here’s a manual, go fly the space shuttle.’”

Many observers think Fitzgerald will also call high profile witnesses like White House Chief of Staff Rahm Emanuel, U.S. Rep. Jesse Jackson Jr. (D-ILLINOIS) or

“It was like, ‘Here’s a manual, go fly the space shuttle.’”

‘convicted Chicago political “fixers” Tony Rezko and Stuart Levine, none of whom testified in the first trial. The defense team would almost certainly put Blagojevich on the witness stand as well, something they also chose not to do previously.

The makeup of Blagojevich’s defense team may also undergo significant changes. Lead attorneys Sam Adam and his son Sam Jr. have hinted they may be ready to move on from the case, though it is not known whether presiding U.S. District Judge James Zagel would allow any of the defense lawyers to leave, since that would almost certainly lead to an extended and costly delay between trials. Most experts say a new legal team would need at least six months to get up to speed before being able to represent Blagojevich in court.

Even if they stay, there is no certainty of how they will be paid. Judge Zagel permitted Blagojevich to access a campaign fund dating back to his time as governor in order to pay his legal fees, but that fund is now dried up. That could mean the former governor’s lawyers would have to work as public defenders at rates vastly below their normal hourly rate. It could also mean Zagel will make an effort to force Blagojevich to reduce his legal team from the current half dozen or more down to just two or three.

With funds tight, Blagojevich is expected to continue the sometimes bizarre money-making behavior he exhibited in the time leading up to the first trial. That included a wealth of media appearances on TV shows like “Celebrity Apprentice” as well as hosting his own radio program...and singing Elvis Presley songs in public. Speculation is rampant that he could wind up doing another reality TV show. Blagojevich spokesperson Glenn Selig said last week that his boss is still in demand.

“We had several projects in limbo (because of the trial) and we are definitely going to pursue them,” Selig said. “He clearly needs to earn a living.” (CHICAGO TRIBUNE, CHICAGO SUN-TIMES, NEW YORK TIMES, ASSOCIATED PRESS, DAILY HERALD [ARLINGTON HEIGHTS])

Upcoming elections

8/19/2010 - 9/9/2010

08/24/2010

Alaska Primary Election

House (All)

Senate B, D, F, H, J, L, N, P, R, S

Constitutional Officers:

Governor, Lieutenant Governor

US House (All)

US Senate

Arizona Primary Election

House (All)

Senate (All)

Constitutional Officers:

Governor, Secretary of State, Treasurer,

Attorney General, Mine Inspector,

Superintendent of

Public Instruction

US House (All)

US Senate

Florida Primary Election

House (All)

Senate (Even)

Constitutional Officers:

Governor, Lieutenant Governor, Attorney

General, Chief Financial Officer,

Commissioner of Agriculture

US House (All)

US Senate

Oklahoma Primary Runoff

House Districts 3, 18, 21, 27, 66, 86 and 100

Senate District 44

Constitutional Officers: Insurance

Commissioner

US House (Districts 2 and 5)

Vermont Primary Election

House (All)

Senate (All)

Constitutional Officers:

Governor, Lieutenant Governor,

Secretary of State,

Treasurer, Attorney General, Auditor of

Accounts

US House (All)

US Senate

08/28/2010

Louisiana Primary Election

US House (All)

US Senate

West Virginia Special Primary

US Senate



PATERSON WANTS MOSQUE MOVED:

NEW YORK Gov. David Paterson (D) said he hopes to have an agreement in place soon on a land swap with developers who want to build an Islamic center and mosque near the “ground zero” site of the 9/11 attacks. Paterson says he is willing to swap state-

owned land in an effort to move the proposed project farther away from its current location, which is approximately two blocks from ground zero. Paterson said support is growing to move the proposed center, which has ignited a national debate over the appropriateness of placing it near the site of the 2001 terrorist attacks. (ASSOCIATED PRESS, NEW YORK TIMES)

At Issue in the States

Want to learn more about State Net, our legislative experts or the Capitol Journal staff? Visit our blog, <http://statenet.typepad.com/at-issue-in-the-states/>. It's a great way to find out in a flash what's going on in statehouses across the country...like yours!

GRANHOLM CRIES BAILOUT FOUL: MICHIGAN Gov. Jennifer Granholm

(D) had angry words for a quartet of national banks — Bank of America, Wells Fargo, Chase and Citibank — she says took huge federal bailouts but are now refusing to participate in a federally-funded program to help Wolverine State residents avoid foreclosure. The governor called the banks’ refusal outrageous, saying “They need to participate unless they want to own all these homes that are going into foreclosure.” The state recently received \$128 million in federal funds to help struggling homeowners, which came on top of \$154 million the MICHIGAN State Housing Development Authority had already received for that purpose. Granholm noted that 150 in-state banks are involved in the program and urged the U.S. Treasury to pressure the large interstate banks to follow suit. (DETROIT FREE PRESS)

GOVERNORS IN BRIEF: CALIFORNIA Gov. Arnold Schwarzenegger (R)

announced the launch of the country’s largest “telehealth” system. The governor and program organizers said The California Telehealth Network will eventually connect patients in currently underserved areas to hundreds of hospitals and clinics statewide using broadband technology (LOS ANGELES TIMES). • The ongoing East Coast heat wave sparked **CONNECTICUT** Gov. M. Jodi Rell (R) to issue a drought advisory last week that urges Constitution State residents and businesses to limit water usage and be aware of this year’s high fire danger. She did not declare an emergency but did ask residents to avoid “unnecessary water usage such as watering lawns, washing cars at home or running ornamental fountains” (HARTFORD COURANT). • **ARIZONA** lawmakers said they are shelving Gov. Jan Brewer’s (R) request to “tweak” SB 1070, the Grand Canyon State’s controversial new immigration measure. Brewer asked lawmakers to consider changes to the bill after a federal judge blocked several parts of it from going into effect. That ruling has been appealed to the U.S. 9th Circuit Court of Appeals (ASSOCIATED PRESS).

— *Compiled by RICH EHISEN*



ENVIRONMENT: NEW YORK Gov. David Paterson (D) vetoes AB 3421, which would have required the state Department of Environmental Conservation to establish and post on the agency Web site a method for people and businesses to calculate their greenhouse gas emissions (NEW YORK GOVERNOR’S OFFICE). • Still in **NEW YORK**, Paterson also vetoes AB 3419, which would have required state agencies to report the greenhouse gas emissions produced through their operation (NEW YORK GOVERNOR’S OFFICE).

In case you missed it

Long after most Americans thought the slave trade had vanished, state and federal lawmakers say the global trade in human beings is alive and well on our soil.

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

http://www.statenet.com/capitol_journal/08-16-2010/html

HEALTH & SCIENCE: NEW YORK Gov. David Paterson (D) signs AB 3103, which adds registered and practical nurses to the list of emergency medical personnel who it is illegal to interfere with while in the performance of their job. The law also makes it a class C or D felony to attack or injure a nurse (NEW YORK GOVERNOR’S OFFICE).

SOCIAL POLICY: A panel of the 9th U.S. Circuit Court of Appeals grants an emergency motion to stay another **CALIFORNIA** court’s recent decision that a voter-approved law barring same-sex marriage is unconstitutional. The court set a December date to hear a full appeal to the marriage ruling (SAN FRANCISCO CHRONICLE). • **NEW YORK** Gov. David Paterson (D) signs SB 3890, which makes the Empire State the last to enact no-fault divorce. The measure will now allow couples to split based on irreconcilable differences rather than one party being forced to claim cruelty, adultery, abandonment, or imprisonment. The law also lowers the waiting period for a divorce to become final from one year to six months (NEW YORK TIMES). • **NEW JERSEY** Gov. Chris Christie (R) signs SB 1982, which bars state laws or rules from identifying anyone with a developmental or intellectual disability as “mentally retarded” (NEWARK STAR-LEDGER). • **NEBRASKA** Attorney General Jon Bruning (R) agrees to a permanent federal injunction against enforcement of a Cornhusker State law requiring health screenings for women seeking abortions. Bruning said he did not want to commit resources to pursuing a court challenge he felt the state would likely lose (ASSOCIATED PRESS).

POTPOURRI: The **CALIFORNIA** Assembly approves SJR 22, which urges Congress to approve US HB 503/SB 727, pending legislation to prohibit the long-distance transport and slaughter of American horses for human consumption. The measure returns to the Senate for concurrence on changes made in the Assembly (STATE NET). • A federal court rules that a **MISSOURI** law barring protests at funerals an hour before and after the ceremony is unconstitutional. The law also requires protesters to remain at least 300 feet away from the procession and



ceremony. Show Me State officials plan to appeal the ruling (COLUMBIA DAILY TRIBUNE). • The **HAWAII** Supreme Court rules that Native Hawaiians have the right to challenge construction plans that would disturb Hawaiian burial sites. Under the ruling, native Hawaiians may now appeal a developer’s plan and any related burial relocation or removal plans to the state Board of Land and Natural Resources (HONOLULU STAR ADVERTISER).

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

HIGH SCHOOL CONFIDENTIAL: Here’s guessing that back in high school most of us would have just loved to have told our worst teachers just what we thought of them. Well, legislation on its way to the governor could give Golden State students their chance. As the *Sacramento Bee* reports, lawmakers recently approved a bill that would authorize student governments to put together surveys to give their classmates a chance to say what they think of their classes and the folks who teach them. The idea being, according to the bill’s author, Sen. Gloria Romero, to foster better communication between students and teachers and, in theory, help students learn better by weeding out poor teachers. Okay...Except the bill would make distribution of the surveys entirely voluntary. And all the results would be confidential. And nothing becomes part of the teacher’s official record. We’re sure teachers will jump right on that one, eh?

A FAIR CRITICISM: Tough budget times always bring calls to cut out every bit of non-essential spending. Such is certainly the case these days in ILLINOIS, where Prairie State lawmakers are facing a budget hole of approximately \$13 billion. With such a deficit to stare down, more than a few folks have noted that the state fair is a perpetual money loser, often to the tune of millions of dollars. But as Carbondale’s *Southern* reports, Gov. Pat Quinn will brook no talk of closing down the state’s annual fest of fried food, carnival rides and prized pigs. Quinn went so far as to say fair critics are “pinheads” who are “all wet.” A representative of the ILLINOIS Policy Institute said the gov is overreacting, noting they only suggested the fair should be self-funded, not closed down. A state audit showed the fair lost \$2.7 million in 2009.



THAT’S LUDWIG VON BEETHOVEN, SON: Any state lawmaker can tell you that educating young people is a Herculean task. Of course, they often come at the problem from a fiscal perspective, thinking of how much said education costs. But as the recent “Mindset” survey produced by Beloit College in WISCONSIN shows, other elements are also in play. As the *Christian Science Monitor* reports, the Mindset list — which chronicles key cultural and political events that have shaped a particular generation — reveals that most young Americans entering college this year do not know how to write in cursive, think that Beethoven is a dog and know Michelangelo only as a computer virus. To the Class of 2014, Czechoslovakia has never existed, NAFTA always has and rock bands have always played presidential inauguration galas. Perhaps most important, they understand that “It’s the economy, stupid” and always has been...especially when you start repaying student loans.

MAYBE HE HAD CAT SCRATCH FEVER: Legendary rock guitarist Ted Nugent’s music career long ago gave way to other pursuits, most notably the “Motor City Madman’s” love of hunting. But Terrible Ted ran afoul last week of CALIFORNIA wildlife officials when they saw a film clip from the rocker’s cable hunting program that showed Nugent killing an immature buck, which happens to be illegal in the Golden State. Worse, as the *Los Angeles Times* reports, Nugent attracted the juvenile deer by using synthetic deer bait, another major no-no. Just for fun, he was also hunting with an improper tag. The trio of infractions earned him a \$1,750 fine. In retrospect, he probably should have earned that just for the name of the deer bait he was using, something called “C’Mere Deer.” Seriously.

— By *RICH EHISEN*

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