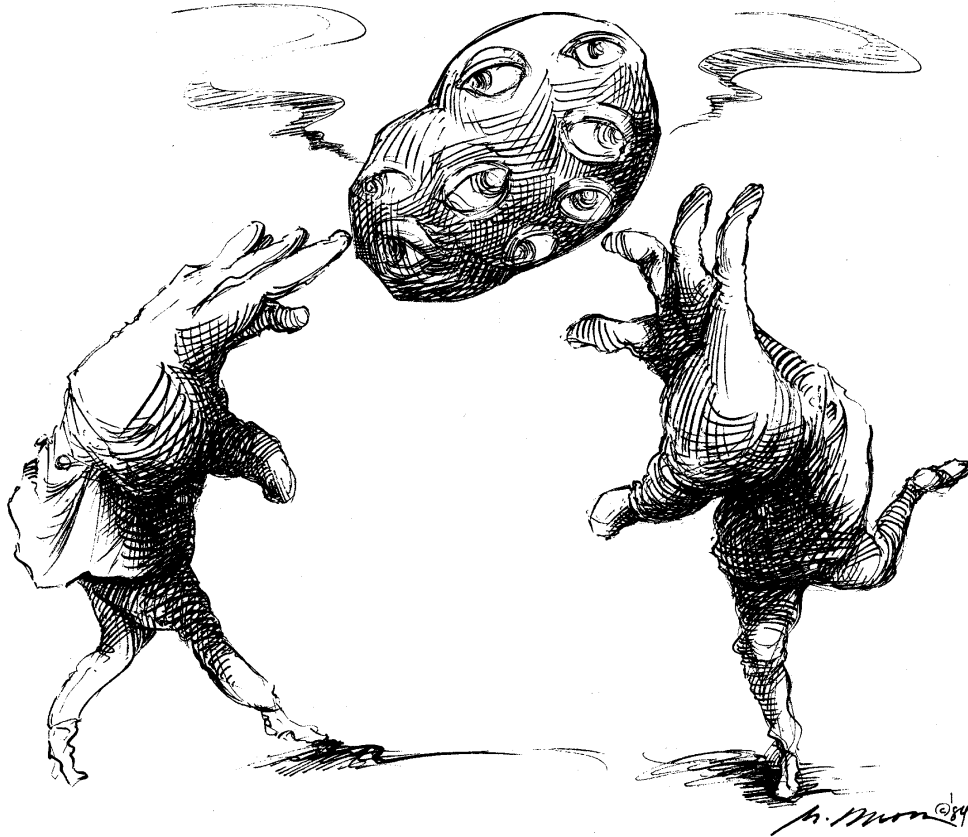


September 5, 2005

## Debating REAL ID



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### Top Story

*State lawmakers are crying foul over the REAL ID Act, which they say is yet another unfunded federal mandate that will cost billions of dollars while creating a "honeypot" for identity thieves.*

## SNCJ Spotlight

### What will REAL ID really cost?

**T**he Bush administration says it is essential to national security. ARKANSAS Gov. Mike Huckabee (R) calls it "outrageous." NEW MEXICO Gov. Bill Richardson (D) vows to challenge it in court, but he may have to hurry if he wants to beat the American Civil Liberties Union (ACLU) to the punch. "It" is the REAL ID Act, the landmark federal bill passed in June that establishes national criteria for obtaining a driver's license, a measure that has so far left state lawmakers,

governors and privacy advocates with far more questions than answers.

For states, REAL ID is primarily a matter of dollars and cents. The new law requires that as of May 11, 2008, driver's license applicants must show four documents — photo identification, birth certificate, social security number (or proof of SS eligibility) and documentation that shows the holder's name and principle address, all of which states must verify as authentic.

With the exception of passports, none of the documents can be of foreign origin and all must be originals or new copies made by the appropriate agencies. States will also have to develop databases to hold all of this information, and link them all with one another.

The administration estimates that this process will cost states about \$100 million over five years to implement. State leaders like Huckabee and Richardson, however, scoff at that figure, claiming it is only a fraction of what the actual outlay will be. NEW YORK Sen. Michael Balboni (R), co-chair for the National

Conference of State Legislatures' (NCSL) Executive Task Force on Homeland Security, says the cost to states will actually fall somewhere between \$9 and \$13 billion over the five-year time frame.

"Verification is really going to be the cost driver behind this legislation," says Cheye Calvo, who monitors state-federal issues for NCSL. "The law says DMVs will have to verify not just that an agency issued a document, but that they issued [each] specific document." Calvo says that means a lot of time spent by DMV workers scanning people's documents and sending them back and forth electronically between other public and private agencies — hospitals, government offices, utility companies, etc. — that handed them out.

Larry Dzieza, budget director for the WASHINGTON state Dept. of Licensing, projects that his state alone will spend \$97 million over just the first two years of REAL ID implementation, while states like VIRGINIA and PENNSYLVANIA will dole out \$232 million and \$100 million respectively. Dzieza agrees that the bulk of those costs will be incurred from states having to add the staff and equipment necessary to process the required documentation.

## *The Week in Session*

States in Regular Session: CA, US

States in Informal Session: MA

States in Skeleton Session: OH

States in Special Session: CA "a"

States in Recess: DC, IL, MI, NH, NJ, NY, PA, WI

Special Sessions in Recess:  
DE "a", OK "a"

States Adjourned in 2005: AK, AL, AR, AZ, CO, CT, DE, FL, GA, HI, IA, ID, IN, KS, KY, LA, MD, ME, MN, MO, MS, MT, NC, ND, NE, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WA, WV, WY

States in Special Session  
Adjourned in 2005: AK "a", AL "a", CT "a", KS "a", ME "a", ME "b", MN "a", MS "a", MS "b", MS "c", MS "d", NV "a", TX "a", TX "b", UT "a", VT "a", WI "a", WV "a", WV "b", WV "c"

Letters indicate special/extraordinary sessions

Source: State Net, 9/2/05

While states will bear that fiscal burden up front, it will eventually be passed along to drivers, meaning that getting a driver's license could soon cost each applicant between \$85 and \$150.

ACLU legislative counsel Tim Sparapani says that the increased expense for both states and consumers equates to a "two-way federal tax" administered through the states. He also argues that forcing states to conduct what is essentially a federal task could also be a violation of the 10th Amendment of the U.S. Constitution. Far worse, he says, is that REAL ID will result in an irretrievable loss of citizens' privacy.

"This is a sea change in the way that our culture is evolving," Sparapani says. "Make no mistake, this is the country's first true national ID card, the first time the government will have everyone's personal information in a single database."

He adds that the database will be an irresistible "one-stop shopping" attraction for identity thieves — "the sweetest honeypot ever for hackers" — something which could render the entire system useless if breached.

"I won't deny that there are benefits to law enforcement having biometric [digital] fingerprints and photos for people," Sparapani says, "But if we put that information into the database, and that database is later breached, we will not in the future be able to use any fingerprint as a way of identifying people because we will know that hackers have been able to copy it and use it electronically on high quality forged documents. We will have blown for a generation our ability to use bio-

## Bird's eye view



### *The high cost of being a citizen soldier*

It is never easy for members of the National Guard or military Reserve to drop everything, leave their families and report for active duty, particularly during wartime. That effort becomes even tougher for citizen-soldiers when it also entails taking a significant pay cut, which often leaves those left



behind struggling to make ends meet. According to the Government Accountability Office, about 40 percent of the nearly 140,000 Guard and Reserve members currently on active duty — many of whom are fighting in Iraq or Afghanistan — suffered a pay cut upon being activated. More than half (30) of the states now make up the pay differential for their own state employees who serve, while 20 do not. The accompanying map shows the states that cover the gap between reservists' civilian and military income.

metrics as a security tool.”

Balboni supports REAL ID’s premise, but echoes Sparapani’s security concerns. “We need to get this done,” Balboni says. “At the same time, I realize that if we don’t get this right we may actually create an even less secure system. If we don’t create a foolproof system, and a terrorist gets in there, we have literally given them the keys to the kingdom.”

State leaders are also not thrilled that they were suddenly cut out of the loop on license reform. The original reform agreement passed by Congress in 2004 would have allowed states a seat at the table in devising what standards would be enacted; the REAL ID measure — which was tacked onto a bill dealing with war funding and Asian tsunami relief — pulls the chair out from under that arrangement.

Sparapani says the collection of security risk, privacy loss and expense makes REAL ID more problem than solution. Speaking at the recent NCSL annual meeting, he urged lawmakers to “mimic Nancy Reagan and just say no” to accepting REAL ID’s standards.

But that may not be so easy now, according to Dzieza. “States can reject REAL ID, which would certainly lower verification costs,” he says “But many banks, financial institutions and other retailers may require their customers to have REAL ID licenses before they will accept a check or let that person open a bank account.”

The problem at the moment with all of these scenarios is just that — they are only scenarios. Nothing at either the state or federal level has actually been cast in stone, leaving state leaders to ponder what will or won’t actually end up being written into the system.

Jonathan Frenkel, Director of Law Enforcement Policy for the federal Dept. of Homeland Security, says many of the concerns being expressed by states and groups like the ACLU are much ado about nothing.

“There is no intention right now to develop a single national database,” he says. “Nobody in the federal government or the administration is looking to make this a national ID card.”

Balboni also has problems with how the federal government has handled the REAL ID issue, but says he is urging his colleagues across the country to “tread very lightly” when it comes to rejecting it before the details are worked out.

“[The need to develop] a secure driver’s license was one of the key findings of the 911 Commission, so I think we [lawmakers] will have a very difficult situation at the state level if we say to our populace that we’re not going to comply with the Homeland Security Department.”

Fair enough, say many lawmakers. But with a horde of other underfunded and unfunded mandates already in their lap — No Child Left Behind, Medicaid, etc. — those same lawmakers are also saying, “show me the money.”





cerning such charges. The agency also indicated that it was reviewing another category of questionable cell phone charges: “early termination fees,” which are incurred by users who leave their contracts and which can exceed \$100. A coalition of state officials and consumer advocates sued, claiming that such charges fall under state jurisdiction and that states could do a better job policing them than federal regulators. The FCC counters that it has authority over the cell phone industry and that state regulation would only hinder innovation and increase the cost of cell phone use. That view is shared by the wireless industry, which has joined the feds in the court battle. According to Joe Farren, spokesman for CTIA-The Wireless Association, if states are allowed to regulate the industry, “wireless [companies] will have to set up separate state-by-state operations. It increases costs, and it delays innovative product rollout.” Some observers say no matter which side wins, it will likely be bad for consumers. As Annabel Dodd, author of *The Essential Guide to Telecommunications*, put it, for cell-phone users, “It’s a no-win situation.” (STATE-LINE.ORG)

## In case you missed it: Public Pensions

The August 1 issue of the *State Net Capitol Journal* took a close look at one of today’s hottest issues — the struggle states are having (or will soon have) in meeting their state employee pension obligations. States and local governments are collectively hundreds of billions of dollars short of that goal, with a large percentage of the state workforce ready to retire. Worried leaders say the fallout could include massive teacher and public safety worker layoffs as well as significant tax hikes.

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In case you missed it, the full story can be viewed on our Web site at [www.statenet.com](http://www.statenet.com).  
(See archives under the Resources tab)

**BUDGETS IN BRIEF:** Gaming officials in **MISSISSIPPI** said last week that the hurricane damage sustained by the state’s 12 Gulf Coast casinos could result in a push next year to allow them to be rebuilt on land. Current Magnolia State law requires casinos to be located only on the Mississippi River or along the Gulf Coast, although a new state law allows them to be built on pilings to stabilize them in the event of a hurricane. None of the casinos had taken advantage of that law (CLARION-LEDGER [JACKSON]). • According to a survey of governors attending the Southern Governors Association’s annual meeting in **GEORGIA** last week, rising gas prices are hitting some southern states harder than others. **TENNESSEE** Gov. Phil Bredesen (D), for example, said his state has “fairly strong reserves,” while **WEST VIRGINIA** Gov. Joe Manchin (D), on the other hand, said, “We’re a rural state that depends on mobility for being able to go to work. It’s really impacting us” (MACON TELEGRAPH). • **TEXAS’** Parks and Wildlife Department announced last week that it will close or transfer nine state parks, unless it comes up with another \$2 million per year in state funding. Park officials did not disclose which nine parks would be targeted (ASSOCIATED PRESS, DALLAS MORNING NEWS).

— *Compiled by KOREY CLARK*



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# Politics & Leadership

**B** **ORDER GOVS RAISE URGENCY OF ILLEGAL IMMIGRATION ISSUE:** Illegal immigration has been a hot-button issue in states along the U.S. border with Mexico for years. But the issue heated up a lot more last month when Govs. Bill Richardson (D) of NEW MEXICO and Janet Napolitano (D) of ARIZONA declared states of emergency in border regions of their states, freeing up money to help local governments deal with growing problems associated with illegal immigration. While the governors' actions come after Arizona voters' approval last year of a measure denying some government benefits to illegal immigrants, some say they are politically motivated. Both governors are running for re-election in 2006 and both have been criticized for their stance on immigration. Napolitano, for instance, has vetoed several anti-immigration measures, including one that would have allowed state and local law enforcement to enforce federal immigration laws, prompting Arizona Rep. Russell Pearce (R) to call her "the illegal-alien governor." Richardson has also managed to garner his share of immigration controversy, signing legislation allowing immigrants to get a driver's license and enabling children of illegal immigrants to qualify for in-state college tuition rates. Consequently, his emergency declaration drew fire from some Republicans. "How can he speak out against illegal immigration, yet give illegal immigrants incentives to come to New Mexico?" asked state GOP spokeswoman Roxanne Rivera. "He is absolutely disingenuous in his attempt to win votes." Both governors denied their actions were political. Richardson said he actually had no intention of issuing the order until he took a recent trip to his state's border area. "It was spontaneous, based on what I saw at the time — a very violent criminal situation at my border affecting the lives of my constituents," he said. Still, Richardson — who may run for president in 2008 — certainly seemed to be aware that his action had placed him on the national stage, calling on the federal government to take up the issue. "The fact that two governors out of the four on the border have issued emergency declarations should be a wakeup call for the Congress to pursue serious immigration reform" he said. (USA TODAY)

**GA VOTER ID LAW WINS FEDERAL APPROVAL:** Last month, the U.S. Justice Department granted approval of GEORGIA's controversial new voter ID law. The measure, which requires voters to show photo identification at the polls and disallows other previously valid forms of voter ID, such as birth certifi-



cates, Social Security cards and utility bills, was vigorously opposed by most of the state's black lawmakers. They believe the law was designed to disenfranchise poor and minority voters, a traditional base of opposition to the Republicans who now control the Peach State government. Under the federal Voting Rights Act of 1965, Georgia and other states that have historically suppressed minority voting are required to obtain permission from the Justice Department before making changes to their voting laws. The federal agency's decision to clear the new law came as a shock to some. "I was naive enough to believe that it would not pass muster at the federal level," said Joe Beasley of the Rainbow/PUSH Coalition, the minority rights group headed by Rev. Jesse Jackson. Georgia's U.S. Rep. John Lewis (D), who was beaten during a civil rights march in Selma, ALABAMA, was a little more indignant. "This decision takes us back to the dark past of literacy tests and other insidious devices that were carefully devised to hamper the participation of all of our citizens in the political process," he said. Daniel Levitas of the American Civil Liberties Union's Voting Rights Project in Atlanta added that the decision gives Georgia "the most Draconian voter identification requirement in the nation." According to the National Conference of State Legislatures, while 19 states currently require voters to show identification at the polls, only five request photo ID, and those states — ARIZONA, FLORIDA, LOUISIANA, SOUTH CAROLINA and SOUTH DAKOTA — allow voters to use other forms of identification as well. Republican lawmakers have repeatedly argued that the law is directed at preventing voter fraud and not at excluding legal voters. And when Gov. Sonny Perdue (R) signed the measure in April, he pointed out that IDs would be provided for free to those unable to afford them. The law "will not be a hardship on any voter," he said. But opponents of the law have not given up their fight, vowing to challenge it in federal court. "It's not over yet," said Rep. Tyrone Brooks (D), chairman of the Georgia Association of Black Elected Officials. (MACON TELEGRAPH)

**AT THE POLLS:** A state House special election in Gwinnett County, GEORGIA last Tuesday has set the stage for a Sept. 20 runoff between two Republican city councilmen, with neither of the top two finishers in the race — Warren Auld and Melvin Everson — having garnered 50 percent of the vote. The election was the first since enactment of Georgia's new voter ID law. There were no reports of voters being turned away at the polls because they lacked proper identification (ATLANTA JOURNAL-CONSTITUTION). • MASSACHUSETTS state Rep. Patricia D. Jehlen (D) coasted to an easy victory in last week's Democratic primary to fill the 2nd Middlesex District Senate seat, vacated by the late Sen. Charles E. Shannon Jr. Jehlen will be favored over her Republican

opponent, William A. White Jr., in the Sept. 27 general election (BOSTON GLOBE).

**POLITICS IN BRIEF:** Republican lawmakers in **TENNESSEE** said last week that they are going to voluntarily end the tradition of holding fundraisers on the eve of the legislative session, and that they'll shift the date of next year's fundraisers to at least a month before the session's Jan. 10 start date. Democrats, who control the state House, said they are weighing a similar move. Under Volunteer State law, lawmakers can receive money from lobbyists up until the start of the session (ASSOCIATED PRESS, TENNESSEAN [NASHVILLE]). • The Democrat-led **OKLAHOMA** Senate returned to the Capitol last week to address staffing and salary issues in the state Corrections Department. But their deliberations may be for naught, as Republicans who control the House refuse to convene to address the issue, contending that it can wait until the start of the regular session in February and that a special session, therefore, is a waste of taxpayer money (OKLAHOMAN [OKLAHOMA CITY]). • Freedom Works, a national conservative group, has launched an initiative campaign to require **OREGON** Supreme Court and Court of Appeals judges to be elected on a district basis instead of statewide as they are currently. According to the director of Freedom Works' Oregon branch, the measure is intended give rural voters better representation (SEATTLE TIMES).

## *Upcoming Elections* (09/01/2005 - 09/22/2005)

09/13/2005  
California Special Election  
Assembly 053

09/13/2005  
Mississippi runoff (if needed)  
House 028, 086, 096

09/13/2005  
Oklahoma Special Election  
Senate 048

09/13/2005  
Oklahoma Special Primary  
Senate 048

09/13/2005  
Pennsylvania Special Election  
House 200

09/15/2005  
Tennessee Special General  
House 087  
Senate 029

09/20/2005  
Georgia Special Election  
House 106  
Senate 022

— *Compiled by KOREY CLARK*

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# Governors

**B**LANCO, BARBOUR DRAW PRAISE: LOUISIANA Gov. Kathleen Blanco (D) and MISSISSIPPI Gov. Haley Barbour (R) drew mostly praise last week for their respective efforts to deal with the devastation of Hurricane Katrina. “They are both doing a fantastic job of dealing with a truly impossible situation,” said ARKANSAS Gov. Mike Huckabee (R), who likened flood-ravaged New Orleans to “the lost city of Atlantis.” That situation is also likely to get worse long before it gets better, with roads, bridges, water systems and other infrastructure either badly damaged or destroyed. Most preliminary estimates say it will likely take months for just the basic cleanup in and around the damaged areas, and perhaps years for a full recovery. The task could be particularly daunting for Blanco, who will be charged with restoring New Orleans, one of the nation’s oldest and most cherished cities. But away from the normally bright lights and revelry of the French Quarter, it is also one of the poorest, which will undoubtedly add to Blanco’s future difficulties. The stress seemed to weigh heavily on Blanco during her many TV news appearances over the last week, as she often searched for her words, sometimes appearing overwhelmed by the enormity of Katrina’s destruction. But national leaders also lauded her for her efforts, with former Louisiana Sen. John Breaux (D) saying, “She’s obviously affected tremendously by the emotional impact of the devastation...I think she was on top of it. Considering the circumstances, it’s hard to be calm, cool and collected.” Barbour’s public demeanor has been somewhat more focused, perhaps reflecting his years on the national stage as a former National Republican Party chairman and high-powered Washington lobbyist. But Ed Rogers, a long-time Barbour associate, said the stress was also clear in his friend’s voice in the hours before the storm, noting that the normally upbeat Barbour was unusually terse and focused. “He said, ‘Pray for us.’ He’s never said that to me before,” Rogers said. (WASHINGTON POST)

**PRESIDENT BUSH DRAWS CRITICISM:** While Blanco and Barbour earned kudos, some lawmakers criticized President Bush for what they say was his delayed reaction to Hurricane Katrina. Democrats were quick to note that the president stayed on vacation for two days after Katrina hit, prompting ILLINOIS Rep. Rahm Emanuel, chairman of the Democratic Congressional Campaign Committee, to say that Bush “has to get off his mountain bike and back to work.” NEW JERSEY Sen. Frank Lautenberg (D) also chimed in, saying, “President Bush’s



wake-up call came awfully late. We are watching this devastation unfold on our televisions for days, and you have to ask: Where is the federal government? The National Guard’s first priority must always be to protect people at home.” Bush defended his response in an interview with the national media, saying he understood the “frustration” of people waiting for help, but that the situation was unique. Pressed to explain how that could be, given the anticipation days before Katrina hit that it would be a class 5 hurricane, the president said “I don’t think anybody anticipated the breach of the levees. They did anticipate a serious storm. But these levees got breached and, as a result, much of New Orleans is flooded and now we’re having to deal with it and will.” (WASHINGTON POST)

**FLETCHER TAKES FIFTH, ISSUES PARDONS:** KENTUCKY Gov. Ernie

Fletcher (R) issued pardons to nine current or former members of his administration indicted on charges of illegally hiring and firing merit system employees for political reasons. Fletcher — who also granted pardons to anyone who might yet be charged with breaking merit laws — accused Attorney General Greg Stumbo (D) of playing a “game of political ‘gotcha’” with the investigation into the hiring allegations, saying his pardons were an effort to “stand up to this misguided display of prosecutorial misconduct.” The

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## Quote...

“Some of the indictments are the equivalent of conspiring to commit noodling out of season.”

**KENTUCKY Gov. Ernie Fletcher (R) comparing charges against nine members of his administration for engaging in illegal hiring practices to the sport of catching fish by hand.**

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## ... unquote

“If, in fact, the governor has done nothing wrong, what harm could result from going before the grand jury and providing the unvarnished truth?”

**Douglas W. Doerting, whose complaints instigated the grand jury investigation, on Fletcher’s refusal to testify before that panel. (COURIER-JOURNAL [LOUISVILLE])**

governor followed up by invoking his Fifth Amendment rights against self incrimination by refusing to testify before the grand jury investigating those hiring practices. Stumbo conceded that granting pardons is within Fletcher’s gubernatorial powers, but said he might still challenge their legality in court. Stumbo specifically questioned Fletcher’s right to pardon people not even charged yet. He said he is also considering turning over the evidence already accumulated in the case to federal investigators to determine whether any federal laws have been broken. (COURIER JOURNAL [LOUISVILLE])

**GOVERNORS IN BRIEF: VIRGINIA** Gov. Mark Warner (D) officially removed himself from consideration as a challenger to Sen. George Allen (R) in



next year's elections. Warner pledged instead to find a suitable Democrat to run against the popular Allen (DAILY PRESS [HAMPTON]). • **INDIANA** Gov. Mitch Daniels (R) changed gears and announced he is ruling out the use of toll roads on Hoosier State highways. Daniels had previously said he would consider them, but changed his mind after reviewing the new federal highway funding bill, which did not give him the legal flexibility to add the tolls. Federal law bars states from turning interstates into toll roads (INDIANAPOLIS STAR).

— *Compiled by RICH EHISEN*

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## Hot issues

**B** **USINESS:** The **CALIFORNIA** Senate endorses SB 513, a measure that would allow the families of National Guard soldiers killed in the line of duty to receive a six-month suspension of any outstanding loan payments. The bill heads now to Gov. Arnold Schwarzenegger (R) for consideration (SAN DIEGO UNION TRIBUNE). • Still in **CALIFORNIA**, Gov. Schwarzenegger (R) signs SB 1018, legislation that will require bank and credit union employees to report any suspected financial abuse being committed against elderly account holders. The bill does not take effect for one year in order to allow financial institutions to train tellers and to establish a reporting procedure (SAN FRANCISCO CHRONICLE). • A **MISSOURI** court rules that the Show Me State's new law banning lap dances in strip clubs is unconstitutional. The judge said that the "Can't Show Me" law violates the First Amendment. State officials are pondering an appeal (ASSOCIATED PRESS).

**CRIME & PUNISHMENT:** The **CALIFORNIA** Senate approves AB 1625, which would make it a misdemeanor punishable by up to six months in jail and a \$5,000 fine for any governor-appointed, Senate-confirmed official to knowingly submit a false report to the Legislature. It heads to Gov. Arnold Schwarzenegger (R), who is expected to sign it into law (OAKLAND TRIBUNE). • Also in **CALIFORNIA**, the Senate adopts SB 355, a measure that would allow Web site owners, e-mail users and public prosecutors to sue people who go "phishing," the practice of sending fraudulent but legitimate-looking e-mails that solicit personal financial information. That information is often used to commit fraud and identity theft. It moves to the governor for consideration (SACRAMENTO BEE). • Still in the Golden State, the **CALIFORNIA** Highway Patrol announces it will no longer



arrest legitimate medical marijuana users or confiscate their marijuana supply. The new rules are a response to the recent U.S. Supreme Court ruling that allows federal prosecution of medical pot patients even in states that allow it. California is one of 12 such states (NEW YORK TIMES). • **NORTH CAROLINA** Gov. Mike Easley (D) signs HB 1311, legislation that allows sheriffs to issue domestic violence victims temporary concealed handgun permits. Easley almost vetoed the measure over a provision that requires court clerks to inform abuse victims how to apply for a permit, but signed it after assurances from House leaders that separate legislation removing that requirement would be on his desk within the week (NEWS & OBSERVER [RALEIGH]).

*Upcoming Stories*

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

Intelligent design: how will states evolve?

Bear of a problem: de-listing the grizzly

TEXAS telcos get free pass into cable; will other states follow suit?

And many more...

**EDUCATION:** A group representing more than 800 religious schools files suit against the University of **CALIFORNIA** for refusing to certify high school science courses that use textbooks challenging evolution. The suit alleges the UC system is practicing religious discrimination, but the university contends it has the right to set its own course requirements (ASSOCIATED PRESS).

**ENVIRONMENT:** **OREGON** Gov. Ted Kulongoski (D) vetoes a legislative provision that bars the Beaver State from adopting **CALIFORNIA**'s strict new auto emissions standards. The veto clears the path for both Oregon and **WASHINGTON** to adopt the more stringent standards. Earlier this year, the Evergreen State made its adoption of the California law contingent upon Oregon following suit (OREGONIAN [PORTLAND]).

**HEALTH & SCIENCE:** **ARIZONA** Gov. Janet Napolitano (D) signs an executive order creating a statewide healthcare committee charged with making electronic medical records common in the Grand Canyon State by 2010. Doing so would put the state four years ahead of the schedule for going electronic put forth by the federal government. Federal officials say that changing from paper to entirely electronic records would save the nation \$140 billion a year in healthcare costs. The committee has six months to develop the plan (ARIZONA REPUBLIC [PHOENIX]).

**SOCIAL POLICY:** Prompted by a recent series of fatal dog attacks, the **CALIFORNIA** Senate approves SB 861, a measure that would allow local governments



to require owners of certain dog breeds to spay or neuter their pets. It goes to Gov. Arnold Schwarzenegger (R) (LOS ANGELES TIMES). • Also in CALIFORNIA, the Senate endorses AB 19, which would legalize same-sex marriage in the Golden State. The vote marks the first time a state legislative body has granted approval to gay marriage. It now must go to the Assembly, which narrowly rejected a similar measure earlier this year (ASSOCIATED PRESS).

**POTPOURRI:** A CALIFORNIA Senate panel endorses AB 1162, which would place a two-year moratorium on the use of eminent domain to seize homes for private use. The committee simultaneously rejected SCA 15, a proposed constitutional amendment that would have barred all seizure of private property unless it was for public use projects such as schools or roads. It moves to another Senate committee for further review (SAN DIEGO UNION TRIBUNE, ORANGE COUNTY REGISTER).

— Compiled by RICH EHISEN

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# Once around the statehouse lightly

**B AD IDEA OF THE YEAR:** Reality shows are Hollywood’s latest grease fire — high intensity and spreading faster than anyone can figure out how to stamp them out. Now, the *Las Vegas Review-Journal* reports that the bright bulbs in charge of a production studio have decided to marry a reality show with another of the entertainment industry’s fascinations — bad guys. The result: a series focused on inmates at a NEVADA state prison. The state Dept. of Corrections has entered into negotiations with Rebel Entertainment Partners to develop the show but, so far, no takers among networks. Court TV is said to be nosing around the effort. Fire extinguisher, anyone?

**COOL IS AS COOL DOES:** At least, that was the sentiment for some in MONTANA last week as the band Pearl Jam staged a fund-raising concert in Missoula to benefit a political candidate — Democratic U.S. Senate hopeful Jon Tester. According to the *Missoulian*, the concert came off because Pearl Jam bassist Jeff Ament is both a Tester supporter and a Missoula resident. And because Ament is considered “cool” by 20-somethings, Tester must be — by association — cool.

That can't hurt, the candidate said while greeting concertgoers. Even if the event didn't raise any money, Tester gushed, it helped fire up young voters. Tester is in an uphill battle to unseat GOP incumbent Conrad Burns in 2006.

**PENNIES FROM THE TROUGH:** So much criticism has been heaped on the \$286 billion federal transportation bill that any more comment might seem like gratuitous piling on. But as the *Anchorage Daily News* notes, a new round of grumpiness has surfaced over pork for ALASKA, whose only congressman — Republican Don Young — just happens to chair the Transportation Committee. And although \$3 million might seem like less than chump change in the overall package, that pittance has become a symbol for the money lardered into The Last Frontier. The appropriation is designed to fund a documentary film extolling the exploits of — what else? — building roads and bridges in Alaska. And one of the bridges so extolled: a \$19 million structure, also funded in the current bill, that connects Ketchikan with the island of Gravina. Fewer people dwell on Gravina than live in a typical NEW YORK tenement, hence an earlier round of grumpiness focused on the need for what has become known as the “bridge to nowhere.”

**A GAMER:** In sports, a “gamer” is the player who perseveres despite injury, illness or competitive setbacks. In politics, however, the “gamer” is the one who never commits to anything — so he or she can always be “in the game.” In CALIFORNIA, Assm. Jerome Horton is a self-professed “gamer.” “I’m Mr. 41,” the Los Angeles Democrat told the *Los Angeles Times* — a reference to the fact that 41 votes are required to get a bill out of the Assembly. “When you vote ‘yes’ or ‘no,’” he added, “it takes you out of the negotiations, and I don’t ever want to be out of the game.” Legislative responsibility, on the other hand ...

**CHATCHKA OF THE WEEK:** Arnold Schwarzenegger may have his bobblehead dolls, but the CALIFORNIA gov has nothing on MASSACHUSETTS’ chief executive and fellow Republican Mitt Romney. According to the *Boston*

## 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 2005 prefiles last week: 65

Number of 2005 Intros last week: 162

Number of bills enacted/adopted last week: 199

Number of 2005 prefiles to date: 33,981

Number of 2005 Intros to date: 156,820

Number of enacted/adopted overall in 2005: 37,489

— Compiled By JAMES ROSS  
(Measures current as of 9/1/05)  
Source: State Net

