

February 11, 2008

A Growing Divide



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The next issue of Capitol Journal will be available on February 18th.

Top Story

New laws in OKLAHOMA and ARIZONA appear to be achieving their goal of driving undocumented workers out of those states. But while the exodus has anti-immigration advocates celebrating, business interests say those measures are also creating a host of unintended consequences.

SNCJ Spotlight

Will immigration crackdown have business backlash?

Just barely a month after taking effect, strict new laws in OKLAHOMA and ARIZONA against hiring illegal immigrants appear to be achieving their goal of driving undocumented workers out of those states. But while the exodus has anti-immigration advocates celebrating, state and national business interests say the measures are also creating a host of unintended consequences.

Although ARIZONA and OKLAHOMA are not the first states to go after employers who hire illegals — COLORADO and GEORGIA have as well, and federal law also bars the practice — the new laws there are generally considered to be the most stringent in the nation. The OKLAHOMA statute denies undocumented aliens public benefits like welfare, allows police to detain illegals and exposes employers to state fines and civil liability for employing undocumented workers instead of legal residents. The ARIZONA law allows authorities to suspend or even revoke a company's business license for knowingly employing illegal workers. Employers in both states are required to use the federal Basic Pilot database to make sure their employees are legally employable.

Those measures have already had a major impact. The Greater Oklahoma City Hispanic Chamber of Commerce, for instance, estimates that as much as 20 percent of the city's construction workforce — 15,000 to 20,000 workers — has left the state. That outward migration, they say, is harming not only industries that use a high percentage of immigrant labor — restaurants, hotels, agriculture — but also the grocery stores and other retail outlets that once counted on the immigrant population

for their customer base. With that base diminishing, Chamber leaders say that some local businesses have simply shut down for lack of employees.

So far, most of the OKLAHOMA reports are strictly anecdotal. But

similar stories also abound in ARIZONA, where media outlets and immigrant advocates say that not only are stores and other small shops feeling the pinch, but apartment buildings that once catered to Hispanics are now dealing with a tremendous spike in vacancy rates.

To date, it appears that the bulk of those leaving OKLAHOMA and ARIZONA are not heading back to any specific country of origin, but to nearby states like TEXAS, ARKANSAS, NEW MEXICO and CALIFORNIA. Whether that is a good thing or not depends on who you ask.

In an interview with *SN CJ*, Rep. Randy Terrill (R), the OKLAHOMA bill's author, said "There is no doubt that [the law] is achieving its intent of getting illegal aliens to leave OKLAHOMA. What was once OKLAHOMA's problem and what was once ARIZONA's problem is now a problem for other states."

It is a problem that many of those states are now looking to fix with similar measures. According to State Net, 32 states currently have employment sanction measures on their legislative agenda, with more states anticipated to introduce such bills this year. That has business interests — and even some lawmakers — very concerned. Lawmakers in ARIZONA, for example, have already introduced several bills this session to mitigate against some of the harsher penalties of their state's new

“What was once OKLAHOMA’s problem and what was once ARIZONA’s problem is now a problem for other states.”

employer-sanction law. Many lawmakers also contend that the federal Basic Pilot and E-Verify systems are riddled with errors, thus making it more likely that employers could be forced to get rid of legal workers. That possibility has led to bills such as SB 1878 in ILLINOIS, which would bar employers from using federal verification databases like Basic Pilot until such systems “able to automatically verify the work-authorization status of 99% of employees.”

Employer-sanction measures are “just a very bad idea,” says Kent Yeager, public policy director for the INDIANA Farm Bureau. The Hoosier State Senate recently passed SB 335, which, like the OKLAHOMA law, would impose economic and legal penalties against employers who knowingly hire illegal immigrants.

“There is a lot of potential here for unintended consequences,” Yeager told *SNCJ*, adding that he believes a similar labor exodus

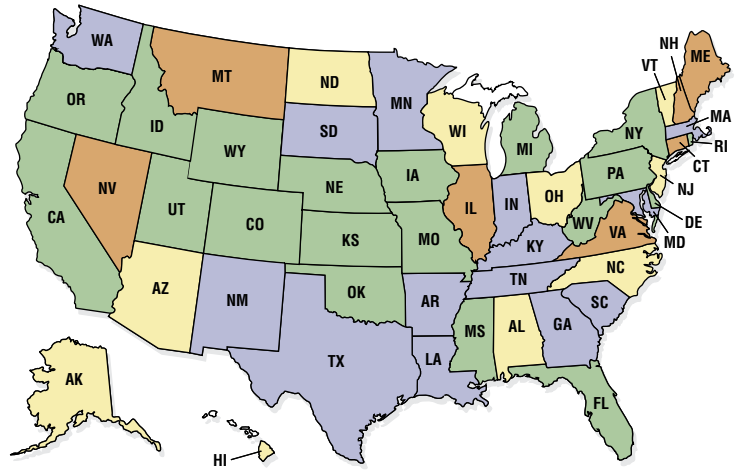
could occur in his state if SB 335 becomes law. Like many pro-business advocates, Yeager also doubts that enough non-immigrant workers will take on some of the low-wage, hard-work jobs that immigrants often perform in this country, “particularly in agriculture.” That, he says, could lead to higher food prices or food production even

being shifted to other states or countries.

Terrill, however, calls that point of view “insulting.”

He says the real problem is that “most Americans don’t want to do that work for the horrible wages and working conditions in which illegals work,” which he calls “modern day slavery.” Terrill also argues that the loss of cheap immigrant labor is already forcing the OKLAHOMA service sector to raise its wages.

Bird’s eye view



Source: USA Today, American Association of Motor Vehicle Administrators

Which states’ drivers are the most vain?

Well over 9 million American motorists proclaim — albeit cryptically — their passions and peeves on vanity license plates, according to a recent survey by the American Association of Motor Vehicle Administrators. State motor vehicle departments are responsible for determining what’s acceptable and what’s not, a job that hasn’t been made any easier by the contributions text-messaging has made to the nation’s vocabulary. In terms of sheer volume, ILLINOIS officials have the fullest hands, having issued 1.3 million vanity plates, topping even CALIFORNIA’s 1.1 million. But on the basis of the percentage of total registered drivers who have the plates, the title of most vain state goes to VIRGINIA (16.2 percent), with NEW HAMPSHIRE a close second (14 percent). The most humble drivers — by the same standard — can be found in TEXAS (0.6 percent) and TENNESSEE (0.3 percent).



“There is a lot of potential here for unintended consequences.”



“The reality is that when this pool of cheap labor is gone, wages will have to rise to where they should be to attract legal workers. In short, we will adjust,” he says.

But that may not be as easy as Terrill contends, regardless of the wage scale, in states like INDIANA and OKLAHOMA where unemployment is already fairly low. That has led some observers to question whether some states will be able to fill those jobs even if employers begin offering higher wages. In that regard, a coalition that includes the U.S., OKLAHOMA and Oklahoma City chambers of commerce filed a lawsuit in federal court on February 1 seeking to overturn the Sooner State law.

In a prepared statement, the Oklahoma City Chamber said the law both imposes “unreasonable burdens” on Sooner State employers and circumvents the federal government’s responsibility for managing immigration. “Piecemeal efforts to regulate the employment of unauthorized workers are unconstitutional and preempted by federal law,” said Robin Conrad, executive vice president of the National Chamber Litigation Center which represents the U.S. Chamber in the case. “The Constitution plainly prohibits state and local governments from undermining well established federal law regulating the employment of immigrants in the United

“Piecemeal efforts to regulate the employment of unauthorized workers are unconstitutional and preempted by federal law.”

States.” The suit also requests an injunction to suspend the law until the case is decided.

The results of similar lawsuits have so far been decidedly in favor of the states’ laws. Last fall, an OKLAHOMA court rejected a constitutional challenge from immigrant groups, saying they could not prove harm from the measure. Then last week, a federal judge in ARIZONA similarly upheld a challenge from business groups to that state’s employer-sanction law, saying that states have the power to regulate who does and does not get a business license. Two weeks ago, yet another federal court, this time in MISSOURI, upheld a city ordinance in Valley Park, a suburb of St. Louis, that fines employers for hiring illegals. In that case, U.S. District Judge E. Richard Webber wrote that the Valley Park law “is not pre-empted by federal law, to the contrary, federal law specifically permits such licensing laws as the one at issue.”

The week in session

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

States in Perfunctory Session: IL
Special Sessions “a”-“s”

States in Committee Hearings: FL

States in Special Session: CA “c”, LA “a”, OR “a”, PA “a”, WI “c”

States in Budget Hearing Recess: DE

Special Sessions in Recess: CA “a”, CA “b”

States Currently Prefiling or Drafting for 2008: FL, WY

State Special Sessions Adjourned in 2008: CT “a”

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS
(session information current as of 02/08/2008)
Source: State Net database



Last summer, however, a different federal judge sided with the U.S. Chamber of Commerce in its suit against an employer-sanction law in the town of Hazleton, PENNSYLVANIA. In his decision, U.S. District Judge James Munley made it clear that he believes immigration control is solely the domain of the federal government, writing that “Whatever frustrations officials of the city of Hazleton may feel about the current state of federal immigration enforcement, the nature of the political system in the United States prohibits the city from enacting ordinances that disrupt a carefully drawn federal statutory scheme.”

“The bottom line is that we wouldn’t even be dealing with this if Congress would act in the way it is supposed to.”

In many respects, that differing view of just who’s job it is to manage immigration is at the heart of the entire immigration conundrum. Terrill adamantly believes that, while the federal government does have

immigration responsibilities, states have equal rights to manage immigration matters as they see fit. “States are still sovereigns in this,” he says, adding that he has no interest now in seeing Congress enact comprehensive immigration reform. “Any federal immigration reform will likely include amnesty,” he says. “That is just not acceptable.”

But even some lawmakers who have moved to sanction employers who hire illegal workers still believe the federal government needs to have the final say in determining how the nation as a whole moves forward in dealing with immigration. IOWA Rep. Pat Murphy (D), who recently authored an employer-sanction bill, HB 657, says he wishes the feds would take on that role more vigorously so states would not have to. “The bottom line is that we wouldn’t even be dealing with this if Congress would act in the way it is supposed to,” he says. “If we leave this to the states, we’re going to have 50 different laws to deal with. That creates a lot of problems.”

The INDIANA Farm Bureau’s Yeager agrees. “I’m not optimistic about it, but I really think the solution for this one has to come from Congress,” he says. “This is an incredibly emotional issue, and we need to have a process in place that we can all work through.”

“More than anything,” Yeager adds, “We need as a society to use some reason and have a more open discussion about this issue. We can’t just go on like this forever.”

— By *RICH EHIEN*

Budget & taxes

SUBSIDIZED CARE PROGRAM MUSHROOMING IN MA: When the MASSACHUSETTS Legislature and then-Gov. Mitt Romney (R) authorized Commonwealth Care, the state’s subsidized health insurance program, in

2006, it was estimated that the program would ultimately cover 215,000 people and cost the state \$725 million annually. Later that same year, officials revised the projected number of enrollees downward, to between 140,000 and 160,000.

That upper limit was surpassed last year, and the administration of Gov. Deval Patrick (D) is now estimating that the program could have 342,000 enrollees and cost \$1.35 billion per year by 2011.

“We’re paying the price of our own success,” said Michael Widmer, president of the MASSACHUSETTS Taxpayers Foundation.

The state has asked the federal government to cover about half of the program’s cost between 2009 and 2012. But even if it succeeds (an answer is expected by July 1), Alan Sager, a professor of health services and director of the Health Reform Program at Boston University, says the state may still end up having to scale back the program because the law creating it did nothing to reduce wasteful health-care spending and, in fact, provided for multimillion-dollar payments to hospitals to garner political support.

“It would be tragic to renege on the law’s promises to cover all citizens of the Commonwealth, especially if those promises can be redeemed by...repealing the ill-targeted, unnecessary, and unaffordable Medicaid rate increases to hospitals that are already enormously profitable,” Sager said. (BOSTON GLOBE)

MN RESIGNED TO RECESSION: MINNESOTA state economist Tom Stinson informed lawmakers last week that the international economic research firm, Global Insight, which provides budget forecasts for MINNESOTA and other states, reported that there’s no longer any doubt the United States is in a recession. Stinson, appearing before a House committee, said that, consequently, the state’s projected budget deficit — \$373 million for the two-year period ending June 2009 — would “almost certainly” worsen.

David Iaia, a senior principal for Global Insight, said that although the firm hadn’t completed its updated forecast for MINNESOTA — due Feb. 28 — the likelihood that the nation would be in a recession through at least the first half of 2008 wasn’t good news for the state.

“Minnesota’s economy certainly weakened over the course of 2007 — year-over-year job growth in December was third worst in the country,” Iaia said.

And the news isn’t good for more than just the two states with worse job growth rates than MINNESOTA. Seventeen states have already projected deficits totaling \$31 billion through fiscal year 2009. (STAR TRIBUNE [MINNEAPOLIS-ST.PAUL])

CA VOTERS OK INDIAN GAMING EXPANSION: Although CALIFORNIA voters rejected a proposition last Tuesday aimed at relaxing the state’s term-limits law (see “CA VOTERS SNUB TERM LIMITS REFORM” in the Politics and leadership section of this issue), they approved a series of other ballot measures expanding Indian gaming in the state.



The passage of Propositions 94, 95, 96 and 97, ratifying compacts that allow four tribes to install thousands of additional slot machines at their casinos, mark a reversal of public opinion on the issue from just a few months before.

“Before this campaign, Californians opposed expansion of Indian gaming by a margin of 11 percent...50 percent ‘no’ and 39 ‘yes,’” said Mark DiCamillo, director of the CALIFORNIA Field Poll. “After the ‘yes’ side spent multimillions talking about the virtues of handing more money to the state and giving money back to native American communities, the numbers switched by voting day to 44 percent ‘yes’ and ‘38’ percent ‘no.’”

The ‘no’ side, backed by Las Vegas casinos and race tracks, spent multimillions too, arguing that the state’s cut from the deal was too small and only the state’s four richest tribes would really benefit from it.

But ultimately, the promise of \$9 billion over 20 years for the state carried the day. Voters saw it as “a painless way to reduce the deficit without raising taxes,

“It was Vegas and race tracks versus Indian casinos, and the casinos won.”

although the actual benefit will be quite small in the long run,” said John Pitney, a political scientist at Claremont McKenna College.

“It was Vegas and race tracks versus Indian casinos,” he said, “and the casinos won.” (CHRISTIAN SCIENCE MONITOR, CONTRA COSTA TIMES)

TX LAWMAKERS ACCUSE TXDOT OF PLAYING POLITICS: Back in November, the TEXAS Department of Transportation announced that it was facing a fiscal crisis, due, among other things, to the loss of revenue resulting from legislation passed last year substantially curtailing its authority to enter into agreements with private companies to build and operate tollways.

Soon afterward, TxDOT officials announced huge spending cuts and a freeze on road projects that were about to get underway. The sudden halt — and the fact that the Legislature and voters authorized TxDOT to borrow \$8 billion last year — got lawmakers thinking that the agency might just be manufacturing a financial crisis to try to get lawmakers to ease up on the toll-road restrictions, and they called a Senate hearing to investigate the issue.

Under tough questioning last week, TxDOT officials offered up an alternate explanation for their cash crunch: agency planners had accidentally counted

<p>Upcoming elections 02/07/2008 - 02/28/2008</p> <p>02/09/2008 Louisiana Special Election House District 6</p> <p>02/12/2008 Florida Special Primary House District 103</p> <p>02/19/2008 South Carolina Primary Runoff (if nec) House District 92</p> <p>02/26/2008 Florida Special Election House District 32</p> <p>New York Special Election Senate District 48</p>
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\$1.1 billion in bond revenue twice, leading them to commit the agency to more construction projects than it could actually afford.

The new excuse didn't win them much sympathy from lawmakers.

"So, what you're saying is, it's not a political effort on your part," said Sen. Kirk Watson (D). "It's a lack of competence."

Watson didn't seem entirely convinced of that, however. TEXAS Transportation Commission members, he said, "have an agenda. And that's to privatize the second-largest (highway) system in the world. And you are hell-bent-for-leather to do that." (AUSTIN AMERICAN-STATESMAN)

"So, what you're saying is, it's not a political effort on your part. It's a lack of competence."

BUDGETS IN BRIEF: CONNECTICUT Gov. M. Jodi Rell (R) proposed an \$18.5 billion revised budget for 2009. The spending plan included a renewed call for a cap on annual property tax increases, 4 percent beginning in 2004, dropping to 3 percent by 2011 (HARTFORD COURANT, DAY [NEW LONDON]). • The U.S. Department of Education will ask the 6th U.S. Circuit Court of Appeals to reconsider its ruling last month exempting school districts in **MICHIGAN**, **TEXAS** and **VERMONT** from having to comply with requirements of the No Child Left Behind Act not funded by the federal government (ASSOCIATED PRESS, BOOTH NEWSPAPERS [LANSING])

— *Compiled by KOREY CLARK*

Politics & leadership

C A VOTERS SNUB TERM LIMITS REFORM: Along with choosing their parties' presidential nominees last Tuesday, CALIFORNIA voters also rejected a ballot measure that would have modified the state's tough term limits law.

Proposition 93 would have reduced the total time lawmakers could serve in the Legislature from 14 years to 12 but allowed them to serve those 12 years entirely in one chamber or divided among both, effectively eliminating the current 6-year limit (three two-year terms) in the Assembly and 8-year limit (two four-year terms) in the Senate.

Gov. Arnold Schwarzenegger (R), who had urged passage of the measure, said lawmakers had themselves to blame for its failure.

“I think it is clear that the people felt that the legislators have not performed well enough that they deserve a change there,” he said.

The 54 percent to 46 percent vote in opposition to the measure also made immediate lame ducks of the Legislature’s two top leaders, Assembly Speaker Fabian Nuñez (D) and Senate President Pro Tem Don Perata (D). Because of the way the proposition was written, Nuñez would have been able to serve for another six years in the Assembly, and Perata could have stayed four more years in the Senate.

The Senate wasted no time in choosing Sen. Darrell Steinberg (D) to replace Perata, though the formal vote to confirm him won’t be held until August. But observers said the leadership transition is likely to be more chaotic in the Assembly, where at least eight members are vying for the speakership.

CALIFORNIA State University, Sacramento communications professor Barbara O’Connor said the leadership changes could be a good thing for the governor because, although he’s also in his last term, that term isn’t up for three years.

“It’s not as if he’s leaving in December,” she said.

O’Connor also pointed out that while Schwarzenegger gets along well with Nuñez, his relationship with Perata is a bit less cordial. In fact, last month the Senate killed a proposal to expand health insurance that Schwarzenegger and Nuñez had put together.

Referring to the Schwarzenegger administration, O’Connor said, “My bet is that they would welcome new blood.” (SAN FRANCISCO CHRONICLE, LOS ANGELES TIMES)

IL HOLDS EARLIEST-EVER CONGRESSIONAL PRIMARIES: Another state that held its presidential primaries on Feb. 5, ILLINOIS, staged its congressional primaries on the same day, the earliest they’ve ever taken place anywhere in the nation. Several of the districts in which the primaries were held — including the 10th and 11th, in the suburbs and exurbs of Chicago, and the 18th, in central and western ILLINOIS — will be key battlegrounds in the fight this November for partisan control of the U.S. House.

Voters in the 14th Congressional District, meanwhile, picked candidates for the March 8 special election to fill the seat of former U.S. House Speaker J. Dennis Hastert (R), who resigned in November. Republicans chose Jim Oberweis, a dairy executive, and Democrats selected scientist and businessman Bill Foster. (CQ POLITICS)

POLITICS IN BRIEF: Republican Brandon Smith won the special election last Tuesday in **KENTUCKY**’s 30th Senate District, extending the GOP’s margin in the chamber to 22-15. But two House races did nothing to change the Democrats 61-37 majority in that chamber (COURIER-JOURNAL [LOUISVILLE]). • The **MISSISSIPPI** Supreme Court approved Gov. Haley Barbour’s (R) plan to hold the special election to fill the U.S. Senate seat vacated in December by Trent Lott



on national Election Day, Nov. 4. Democrats had sought to hold the contest in March, hoping to avoid the higher Republican turnout expected in November in the conservative-leaning state (CQ POLITICS). • A U.S. district court took up the task last week of determining whether **MICHIGAN**'s ban on affirmative action approved by voters in 2006 violates federal law. Most of the parties involved in the case believe enough facts are available for the court to decide it without a trial (DETROIT NEWS). Election officials in Santa Clara County, **CALIFORNIA** had to use thousands of photocopied ballots, and some polls in Alameda County stayed open two hours late, to accommodate the turnout for Democratic primaries in the state last Tuesday. The unexpected onslaught was believed to be the result of "crossover" voting by unaffiliated voters, which Democratic Party rules allow (SAN JOSE MERCURY NEWS).

— *Compiled by KOREY CLARK*

Governors

K **AINE URGES CARE WITH IMMIGRATION BILLS:** VIRGINIA Gov. Tim Kaine (D) said last week that he understands why many people in the Old Dominion are frustrated with increased illegal immigration, but warned that many of the "mean-spirited" measures lawmakers are currently considering could ultimately harm the state's economy and national standing.

"We have to be so careful about this," Kaine said. "We can't let these immigrant bills go overboard and paint this picture that we are hostile to new Americans. . . . We can't afford to go over the top on the rhetoric here." He noted that we would consider bills to deny bail to illegal immigrants and penalize employers for knowingly hiring undocumented workers (see *SNCJ Spotlight* in this issue), but not measures that would deny immigrants access to education and social services, adding that he would not sign into law any "goofy," harsh or punitive bills. (WASHINGTON POST)

EXECUTIVE ORDERS: MICHIGAN Gov. Jennifer Granholm (D) issues EO 2008-1, which creates the state Task Force on Employee Misclassification. The group will be responsible for, among other things, examining and evaluating the state's existing employee misclassification enforcement mechanisms (STATE NET). • TEXAS Gov. Rick Perry (R) issues EO RP 67, an order that creates the Task Force on Higher Education Incentive Funding to develop recommendations for an incentive funding program for all public institutions of higher education (STATE NET).

GOVERNORS IN BRIEF: In an effort to satisfy tourists accustomed to more spirited spirits, UTAH Gov. Jon Huntsman Jr. (R) and GOP legislative leaders have



proposed legislation that would prohibit Beehive State bars from selling “sidecars,” separate shots of liquor that patrons may now order and pour into their mixed drinks. The proposed law would also allow more alcohol to be placed into cocktails, although patrons would be limited to having only one drink in front of them at a time (DESERET MORNING NEWS [SALT LAKE CITY]). • **COLORADO** Gov. Bill Ritter (D) has created a cabinet-level state Office of Homeland Security to oversee the Centennial State’s anti-terror planning. The new office will coordinate homeland security planning across multiple agencies and oversee administration of all federal homeland security grants (ROCKY MOUNTAIN NEWS [DENVER]). • **GEORGIA** Gov. Sonny Perdue (R) said he will soon ease the Peach State’s ban on outdoor water use. Perdue’s announcement came one day after a federal appellate court in Washington threw out a 2003 agreement that would have guaranteed metro Atlanta about 65 percent more water out of Lake Lanier for up to 20 years (ATLANTA JOURNAL CONSTITUTION).

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: 503

Number of Intros last week: 9,239

Number of bills enacted/adopted last week: 537

Number of prefiles to date: 13,020

Number of Intros to date: 41,466

Number of 2008 Session bills en-acted/adopted overall to date: 1,005

— Compiled By JAMES ROSS
(measures current as of 02/07/2008)
Source: State Net database

— *Compiled by RICH EHISEN*

Hot issues

BUSINESS: A **SOUTH DAKOTA** House committee endorses HB 1210, which would make it illegal for junkyards and metal dealers to buy beer kegs from anyone other than representatives of brewing companies. It moves to the full House (RAPID CITY JOURNAL). • Also in **SOUTH DAKOTA**, a House panel kills a proposal to limit the annual interest on payday and title loans to 36 percent (ARGUS LEADER [SIOUX FALLS]). • An **OKLAHOMA** House committee approves HB 3380, legislation that would bar uninsured drivers from collecting damages for pain and suffering in the event of an accident. Those drivers would, however, be able to receive payments for medical costs, property costs and lost income. It moves to the full House (DAILY ARDMOREITE). • A **TENNESSEE** House committee okay’s a measure that would force analog cable companies to make sure viewers can’t see or hear cable channels they don’t pay for. It moves to

the full House (SPARTANBURG HERALD-JOURNAL). • An **ARIZONA** Senate panel okay's SB 1132, which would allow people to carry handguns in restaurants as long as restaurant owners post signs specifically permitting diners to be armed. The bill, which would exclude rifles and shotguns, moves to the full Senate (ARIZONA DAILY STAR [TUCSON]). • An **OREGON** House committee approves HB 3631, a bill that would make the sale of a recalled children's product a violation of the state's Unfair Trade Practices Act. The measure now goes to the full House (OREGONIAN [PORTLAND]).

CRIME & PUNISHMENT: The **NEW MEXICO** Senate approves legislation that would make a third conviction of battery on a household member a felony punishable by up to 18 months in prison, with a fourth conviction leading to up to four years in prison. The measure moves to the House (SANTA FE NEW MEXICAN). • The **COLORADO** House approves legislation that would allow Centennial State judges to issue unlimited extensions to previous wiretap authorizations. The measure moves to the Senate (DENVER POST). • The **WEST VIRGINIA** House overwhelmingly approves HB 4344, legislation that would make it a felony to torture or kill domesticated animals. The proposal moves to the Senate (CHARLESTON GAZETTE).

EDUCATION: The **NEBRASKA** Legislature endorses LB 205, a measure that requires all Cornhusker State public school districts to establish anti-bullying policies. The bill moves to Gov. Dave Heineman (R) for review (LINCOLN JOURNAL STAR). • The **SOUTH DAKOTA** House approves HB 1261, a proposal to prohibit Coyote State schools from banning firearms on campus. The bill moves to the Senate (ARGUS LEADER [SIOUX FALLS]). • Still in **SOUTH DAKOTA**, a Senate committee rejects SB 194, legislation that would have allowed for the creation of charter schools statewide (RAPID CITY JOURNAL). • The **UTAH** Senate endorses SB 36, which would allow home-schooled students in the Beehive State to participate in extracurricular activities at their home boundary schools. The measure moves to the House (DESERET MORNING NEWS [SALT LAKE CITY]).

ENVIRONMENT: A federal judge rejects an attempt by the Bush administration to exempt U.S. Navy sonar training from an injunction forbidding the use of powerful submarine-detecting sonar within 12 nautical miles of the **CALIFORNIA** coast. President Bush claimed the Navy's sonar use was a matter of national security (LOS ANGELES TIMES). • The **NEW MEXICO** House unanimously approves HB 305, legislation that would provide utility companies with financial incentives to implement energy efficiency programs. It moves to the Senate (SANTA FE NEW MEXICAN). • A federal appeals court tosses out an agreement between **GEORGIA** and the U.S. Army Corps of Engineers that allowed the Peach State access to a



quarter of the water in Lake Lanier, a hotly contested federal reservoir near Atlanta. **ALABAMA** and **FLORIDA** had protested the deal, claiming that it would significantly harm both the environment and industry in their states (NEW YORK TIMES).

HEALTH & SCIENCE: The **VIRGINIA** Senate endorses SB 298, a measure that would ban smoking in restaurants and most other public places. It moves to the House (WASHINGTON POST). • Still in the Old Dominion, the **VIRGINIA** House endorses SB501, a measure that would bar smoking in restaurants and bars, but allow exceptions for facilities with outdoor areas that aren't enclosed. The house also approves SB 202 and SB 347, bills that would allow local municipalities to set their own smoking laws. All three bills head to the Senate (VIRGINIAN-PILOT [HAMPTON ROADS]). • An **IOWA** House committee approves HB 537, legislation that would prohibit smoking inside and within 50 feet of almost all of the Hawkeye State's public places. It moves to the House floor (DES MOINES REGISTER). • The **NEW MEXICO** House approves HB 147, a bill that would create a state working group to devise a plan by January 2009 for "accessible and affordable" health care for all state residents. It moves to the Senate (SANTA FE NEW MEXICAN).

IMMIGRATION: The **IDAHO** House endorses a bill to require foreign-born people seeking a Gem State driver's license to first provide proof that they are legally in the United States. It moves to the Senate (IDAHO STATESMAN [BOISE]). • The **MICHIGAN** Senate approves a measure that would allow illegal immigrants to obtain a Wolverine State driver's license. It moves to the House (BOOTH NEWSPAPERS [LANSING]).

SOCIAL POLICY: A federal judge lifts an injunction against an **OREGON** law that allows same-sex couples to register as domestic partners. The judge rejected arguments that county elections clerks had improperly disqualified voter signatures collected during a drive to refer the measure to the 2007 ballot (STATESMAN JOURNAL [SALEM]). • A **NEW YORK** appellate court rules that the Empire State must legally recognize the valid out-of-state marriages of same-sex couples. The court's ruling ensures that public and private employers may not use those couples' sexual orientation to deny health or other benefits (NEW YORK TIMES). • The **SOUTH DAKOTA** Senate rejects SB 164, a measure that would have required pharmacists to dispense valid prescriptions for birth control pills and other contraceptives. Current state law allows druggists to refuse to hand out medications if they believe those drugs would be used to cause an abortion or assist in a suicide (RAPID CITY JOURNAL).

Upcoming stories

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

- **National energy corridors**
- **The state of federalism**
- **Pharmaceutical gifts to doctors**



POTPOURRI: A **KENTUCKY** House panel endorses HB 55, a measure that would require children under 8 years old to ride in booster seats when in an automobile. It moves to the full House (LEXINGTON HERALD-LEADER). • The **OKLAHOMA** Senate unanimously approves a resolution denouncing the Sooner State’s Jim Crow laws passed in the early years of statehood that promoted racial segregation (TULSA WORLD).

— Compiled by RICH EHISEN

Once around the statehouse lightly

ONE GOOD SLAPDOWN DESERVES ANOTHER: For the ALABAMA Legislature, it was the punch felt around the world. The blow in question came last year when Sen. Charles Bishop, a Republican, took umbrage with fellow Sen. Lowell Barron, a Democrat. Bishop, apparently harkening back to those golden days of the schoolyard, decided to punctuate his displeasure with Barron by slugging him in the head. Much to the consternation of legislative leaders, the one-sided pugilism was captured on video, sparking headlines around the world and eventually becoming a staple on the YouTube Web site. Now, as reported by the *Birmingham News*, the Heart of Dixie Senate has fired a counterpunch by removing Bishop from most of his committee assignments. Senate Dems also approved a resolution that would bar throwers of future haymakers from leaving their seat without an escort from statehouse security. Bishop has vowed to sue to regain his committee seats.

NO, WE MEAN FOR GORE: Like it or not, FLORIDA election officials have become used to odd things happening when Sunshine State voters go to the polls. It was no different this year for hordes of Floridians who came out on Super Duper Tuesday to cast ballots for their favorite presidential candidate. This was, of course, a problem because FLORIDA had held its primary the week before. As the *Orlando Sentinel* reports, that didn’t stop election offices statewide from receiving hundreds of calls from people wanting to vote, some of whom got quite angry when told it was too late. One official may have cracked the case, however. He theorizes that many of the calls were really from confused *Californians* who were “going online and looking for the Orange County [CALIFORNIA] election office and calling us instead.” Oh, those wacky Left Coasters!



WE'RE HERE FROM FLORIDA: It wasn't only Floridians (and possibly Californians) who got their Super Duper Tuesday signals crossed. As the Associated Press notes, at least 10 people showed up at a Milwaukee polling place last week, ready to make their voices heard. Unfortunately, the WISCONSIN primary doesn't take place for a few weeks yet. They vowed to return on Feb. 19 for the real deal. Godspeed we say.

In case you missed it

The medical clinics that have been materializing in retail chain stores across the country are being hailed by some as a possible cure for the country's ailing health care system. But some doctors and state regulators don't approve of the remedy. The State Net Capitol Journal took an in-depth look at this controversial issue in our Feb. 4 issue.

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

http://www.statenet.com/capitol_journal/02-04-2008/html

OKAY, NOW IT'S GETTING SILLY: Maybe it was mass hysteria. According to the *Washington Post*, hundreds of folks in VIRGINIA, MARYLAND and TEXAS also deluged election offices and polling places. While you can't say much for their political awareness, you have to applaud their enthusiasm for democracy.

DEAD DEADLINE: Its unsightly, unsafe and altogether a danged nuisance. It's roadkill, and SOUTH DAKOTA lawmakers are sick of seeing it left lying all over the highways for weeks on end. So, as the *Rapid City Journal* reports, Coyote State pols are pushing House Bill 1293, a measure that would require state officials responsible for removing mused critters from the highways to clear out dead varmints — big and small — within four days of being notified of their presence. Rep. Dale Hargens, who authored the bill, says gripes about plentiful roadkill are among the most frequent his office receives. Clearly, there is not a lot else going on in his district.

AND HERE'S YOUR SOLUTION: Still in SOUTH DAKOTA, lawmakers also recently weighed in on HB 1208, a proposal to require the state to pay motorists \$200 if they hit a deer or other wild animal along the road. The bill failed in committee on a 12-0 vote, primarily because lawmakers weren't thrilled with the potential \$5 million a year it would cost the state to compensate those drivers. Let's think about that. If that figure is accurate, it means that 25,000 animals get snuffed out by cars in SOUTH DAKOTA every year, an average of almost 70 a day. No wonder they have problems clearing all of them off the roads in a timely manner. Maybe they should give drivers that hit a deer the \$200 just to carry it away with them.

— By RICH EHISEN



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