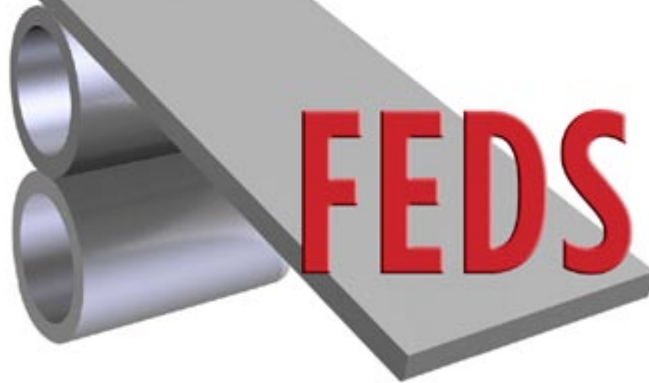


February 18, 2008

STATES

A New Balance?



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The next issue of Capitol Journal will be available on March 3rd.

Top Story

Most observers believe that no matter who wins this year's presidential election, the next administration will have a more expansive concept of federalism than the present one. But tough economic times could still waylay hope for an improved state-federal relationship.

SNCJ Spotlight

Economic woes could waylay hope of improved state-federal relationship

During a detour in the Republican debate at the Ronald Reagan Presidential Library last month, Sen. John McCain of ARIZONA declared himself a "federalist" and former ARKANSAS Gov. Mike Huckabee retrospectively declared Thomas Jefferson the winner

A Cannon Perspective



With Lou Cannon



over Alexander Hamilton in the long struggle between states' rights and a powerful central government. None of the Republican aspirants — there were four at the time — challenged Huckabee on this controversial assertion. In fact, as other aspects of the debate revealed, the Jefferson-Hamilton contention continues unabated today on a broad range of national issues.

McCain, who has since become the presumptive Republican presidential nominee, declared himself a federalist after an exchange in which he was asked if he agreed with CALIFORNIA Gov. Arnold Schwarzenegger that the state should be allowed to impose new regulations that would cut greenhouse gas emissions on cars and trucks by 30 percent over the next eight years. McCain, with a smile, took note of the imposing figure of Schwarzenegger in the front row and said, "I have to agree." So did the other candidates. Because of the lack of argument, the issue predictably received scant attention in media accounts the following day. Nor is it likely to be much of an issue in the general election: both Sens. Hillary Clinton of NEW YORK and Barack Obama of ILLINOIS, one of whom will be the Democratic nominee, have called for bold action to reverse climate change and are presumed to favor the CALIFORNIA law.

Agreement on this one issue in itself suggests there will be genuine change when the next president takes office. For when Schwarzenegger, supported by other states (including ARIZONA, as McCain noted), sought a waiver from the Environmental Protection Agency to implement the CALIFORNIA proposals, he was turned down cold by EPA administrator Stephen L. Johnson. On January 2, CALIFORNIA and 15 other states sued in federal court to overturn Johnson's decision. The lawsuit noted that CALIFORNIA has long led the way in pushing Detroit to reduce pollution through such methods as catalytic converters and unleaded gasoline.

The 2008 presidential election is far more likely to turn on issues of the economy, the Iraq War and national security than on a rarified debate about federalism, which is essentially a discussion of the allocation of responsibilities between the federal government on the one hand and state and local governments on the other. But federalist issues nonetheless pervade the political conversation.

Five days after CALIFORNIA and the other states sued the EPA, a federal appeals court in Cincinnati revived a lawsuit filed by school districts in MICHIGAN, TEXAS, and VERMONT that aims to overturn a key provision in the No Child Left Behind Act, one of the major legislative accomplishments of the Bush administration. These school districts and the National Education Association, the nation's largest teachers' union, contend that the law requires them to pay for standardized testing of school children but doesn't give them enough money to do it. When No Child Left Behind was passed in 2001 with the bipartisan support of Sen. Edward Kennedy and other Democrats, a paragraph was inserted which says that no state or district can be forced to spend money on expenses the federal government has not covered. A court in MICHIGAN originally threw out the lawsuit; the 2-1 decision by U.S. Court of



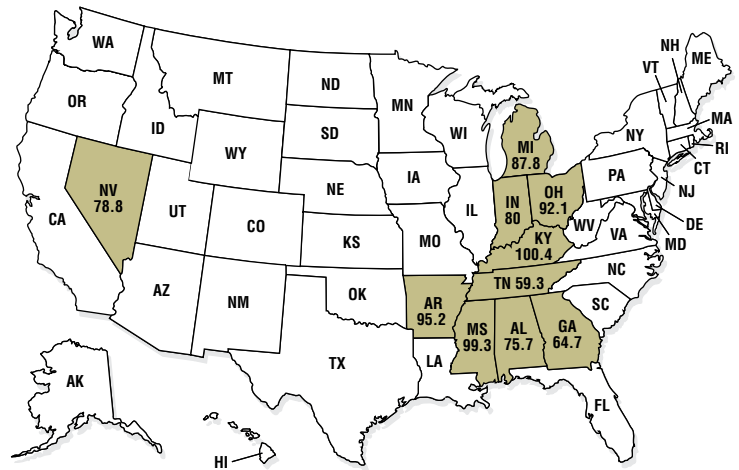
Appeals for the 6th Circuit cited this paragraph in reviving it.

Financial considerations are also at stake in the Bush administration's attempt to force states to require Americans to carry tamper-proof driver's licenses. This has been a bone of contention since 2005, when Congress passed the Real ID Act because of security concerns occasioned by the 2001 terrorist attacks. Some states said this law was beyond their financial capability; others worried that it might be an invasion of privacy. Seventeen states passed laws calling for changes in the law or its repeal.

In January the administration bowed to these concerns by delaying implementation of Real ID for five years. But the federal government didn't completely surrender to the states. The edict that delayed implementation of Real ID also said that residents of states that have not developed tamper-proof licenses will not be able to use these licenses for boarding a plane or entering a federal building after May 11 of this year.

There are other issues on which a showdown between the federal government and the states lurks just around the corner. Some of them have partisan overtones. Clinton and Obama are promoting federal health care plans — hers slightly more ambitious than his — that approach universal health care. McCain has made no such proposal and many Republicans appear to prefer a series of state plans such as those begun in MASSACHUSETTS. But the MASSACHUSETTS plan is \$150 million over budget this year; the costs are expected to escalate further next year. Funding issues helped kill a CALIFORNIA health plan earlier this year; it isn't evident if any state will be able to provide "universal" coverage on its own or, for that matter, if the federal government can afford it.

Bird's eye view

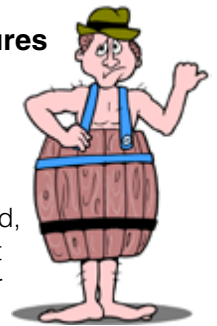


Source: CNNMoney, Atlanta Journal-Constitution, National Bankruptcy Research Center

States with highest bankruptcy rates:

Bankruptcy rates rising with foreclosures

In 2005, Congress passed the Bankruptcy Abuse Prevention and Consumer Protection Act, aimed at making it more difficult for consumers to file for bankruptcy. Although filings shot up just before the law was enacted, they plummeted as soon as it took effect. But they've been on the rise ever since. Last year the number of consumer filings nationwide reached 801,840, a 40 percent increase over 2006, according to the National Bankruptcy Research Center. In TENNESSEE, one in every 59 households filed for bankruptcy, the highest rate in the country. Experts attribute the spike to a combination of the high consumer debt rate and the home mortgage crisis, and they predict the number of filings will rise even higher this year.





All of these issues involve disagreements over policy as well as dollars. The auto industry is traditionally resistant to CALIFORNIA's aim to curb emissions in ways that the industry contends threaten the viability of U.S. car manufacturers. The National Education Association opposes the very idea of standardized testing, no matter what the cost. Opponents of Real ID, as noted, have articulated a mix of financing and privacy concerns.

It seems likely, no matter who wins this year's presidential election, that the next administration will have a more expansive concept of federalism than the present one. That's the good news. The bad news is that a dawdling economy undermined by the housing crisis and rising energy costs seems likely to squeeze both the federal government, which will have less money to meet the costs of its mandates, and the states, which may need to reduce basic services. It has been famously said that a rising tide lifts all boats. On the other hand, a receding tide could turn a creative discussion of federalism into a scramble for scarce dollars.

— *By Lou Cannon*

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, MI, MN, MO, MS, NE, NH, NJ, OH, OK, SC, SD, TN, US, 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 Recess: ME, NH (House), NY, RI

States in Budget Hearing Recess: DE, PA

Special Sessions in Recess: CA "a", CA "b", PA "a"

States Currently Prefiling or Drafting for 2008: FL

States Adjourned in 2008: NM

State Special Sessions Adjourned in 2008: CT "a"

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS
(session information current as of 02/15/2008)
Source: State Net database

Budget & taxes

CONGRESS CONSIDERING COLLEGE FUNDING MANDATE: States would lose federal funds for not spending enough on higher education, under legislation moving through Congress. The College Opportunity and Affordability Act — which is actually a reauthorization of the Higher Education Act of 1965, last renewed in 1998 — includes a provision requiring each state to fund higher education at or above the average level it spent over the previous five years. States that failed to do so could lose their share of the \$65 million federal Leveraging Educational Assistance Partnership grant program for low-income students.



“One of the biggest factors driving tuition increases at public colleges and universities is states’ cutbacks in higher education funding,” said Rachel Racusen, a spokeswoman for the bill’s key sponsor, House Education and Labor Committee Chairman George Miller (D-CALIFORNIA). “With the federal government putting money in at the top, it’s important that states not take money out at the bottom,” she said.

But some aren’t to keen on the idea.

“Once again the federal government is saying that they’re the ones that have the most expertise to run education in individual states,” said NORTH DAKOTA Rep. Rae Ann Kelsch (R), who also chairs the National Conference of State Legislatures’ (NCSL) education standing committee. “The provision would set a

dangerous precedent for the federal intrusion into state policy and the appropriation authority. That’s an issue that we as legislators pride ourselves in.”

David Shreve, federal affairs counsel for NCSL, said the provision would also make state

lawmakers more hesitant to increase spending in good budget years “because it ratchets up the new baselines for the following years.”

But the act moved a step closer to passage earlier this month when the U.S. House approved it on a 354-58 vote. The Senate unanimously passed its own higher education reauthorization bill in July, but it didn’t include the state-funding provision. (STATELINE.ORG)

“Once again the federal government is saying that they’re the ones that have the most expertise to run education in individual states.”

FEDERAL MEDICAID REDUCTIONS IMMINENT: Motivated by the belief that states have been using legally questionable schemes to collect more federal Medicaid payments than they’re entitled to, the Bush administration is about to issue new rules that would shift billions of dollars in Medicaid costs to the states. And while there’s a chance that cash-strapped states will be able to avert that misfortune, it’s only a slim one.

The first regulation, slated to be issued March 3, will cut back federal reimbursements for ancillary services states provide Medicaid patients, such as help locating housing or paying for utilities. Then, on May 25, would come rules limiting what states could pay health providers, ending reimbursements for hospital staff’s salaries, ending reimbursements for busing Medicaid-eligible children to school and narrowing the scope of services considered to be “rehabilitative.” All told, the regulations would reduce federal Medicaid spending by about \$12 billion over five years.

Congress imposed moratoriums on three planned Medicaid regulations last year, and an aide to the Senate Finance Committee, which oversees Medicaid, said the committee’s chairman, Sen. Max Baucus (D-MONTANA) would like to extend those moratoriums — set to begin expiring this spring — and block several of the new

regulations. “Chairman Baucus feels confident that an agreement can be reached on the Medicaid regulations again this year,” the aide said.

But an aide for the Finance Committee’s ranking Republican member, Sen. Charles E. Grassley of IOWA said, “Our position is we do not support moratoriums going forward.” And another GOP aide said there was “no chance” Congress would impose a moratorium on the first regulation set to take effect, limiting reimbursements for ancillary services. (CQPOLITICS)

FED TAX PACKAGE NOT GOOD FOR STATES: The economic stimulus package that was signed by President Bush last week might be a good thing for taxpayers’, but not for many states. By allowing taxpayers to cash in on federal tax breaks earlier than usual, the package will reduce the amount of federal taxes paid both this year and next, in turn, lowering the amount of state taxes paid in 36 states with tax systems that are tied to the federal one. The measure is expected to cost COLORADO \$54 million. (DENVER POST)

BUDGETS IN BRIEF: FLORIDA received \$267 million less in federal Medicaid funding than usual in the fiscal year that ends June 30, and is expected to receive \$213 million less next fiscal year, because the flood of money into the state following the hurricanes in 2004 and 2005 significantly raised per-capita income (PALM BEACH POST). • Also in **FLORIDA**, a state panel studying tax reform, recommended a plan that would give voters veto power over local government budgets. The Taxation and Budget Reform Commission’s proposal would also limit how much local governments could collect in taxes (ST PETERSBURG TIMES). • **FLORIDA** is also launching its first national tourism ad campaign, in an effort to counteract the effect of the slowing economy. The roughly \$9 million campaign will include a 30-second TV spot, print advertising and Web-based promotion (ST PETERSBURG TIMES). • **CALIFORNIA**’s Senate Budget Committee approved \$1 billion in emergency cuts to state education and other services last Wednesday. Gov. Arnold Schwarzenegger had declared a fiscal emergency and proposed \$800 million in budget cuts on Jan. 10, giving lawmakers 45 days — until Feb. 23 — to legislate them. The full Senate was expected to take up the recommended cuts on Friday (Feb. 15) (SACRAMENTO BEE). • **ARIZONA**’s House Appropriations Committee voted last week to freeze virtually all state government and university hiring and promotions in an effort to curb the state’s growing deficit (ARIZONA DAILY STAR). • **VIRGINIA** Gov. Timothy M. Kaine (D) announced last week that the state would probably have to lay off employees and further reduce aid to state agencies, local governments, and schools and colleges to help cover an unexpected \$1.4 billion shortfall in the state budget through 2010 (WASHINGTON POST). • The **ALABAMA** House of Representatives voted unanimously last week to let voters decide on Nov. 4 whether to create a \$180 million rainy day fund for the state general fund (BIRMINGHAM NEWS).

— Compiled by KOREY CLARK.

Politics & leadership

INDIAN GAMING BATTLE RAGING ON CAPITOL HILL: A pair of bills that would settle land claims lodged a century ago by two MICHIGAN Indian tribes have touched off a major battle in Congress. The bills, HR 2176 and HR 4115, would effect land swaps granting MICHIGAN's Bay Mills Indian Community and Sault Ste. Marie Tribe properties near Detroit and Port Huron, on the Canadian border. The point of contention is that the bills would also allow the tribes to build casinos on those properties.

At a committee hearing on the measures two weeks ago, their primary House backer, Rep. John D. Dingell (D-MICHIGAN), chairman of the Energy and Commerce Committee, insisted that they were about a legitimate land claim, not off-reservation gambling. But Rep. Shelley Berkley (D-NEVADA) contended, "Make

"Make no mistake — these bills are Indian gaming bills and other tribes will ask for the same."

no mistake — these bills are Indian gaming bills and other tribes will ask for the same."

Other opponents of the measures include not only Berkley's fellow delegate Rep. Dean Heller (R-

NEVADA), but also Judiciary Committee Chairman John Conyers Jr. (D) of MICHIGAN, who believes additional casinos would over-saturate the gambling market in Detroit, where his district is located, and where there are already three commercial casinos in operation.

But other members of MICHIGAN's delegation side with Dingell on the issue, including fellow Democrat and measure sponsor Rep. Bart Stupak, and Republican Rep. Candice S. Miller.

"Much of the opposition is based purely on greed," Miller argued at the committee hearing. "Now that the city of Detroit has theirs, they don't want anyone else to have one."

Backing the two sides are more than a dozen lobbying firms, representing Indian tribes, MICHIGAN developers, like Michael Malik, a business partner of Marian Ilitch, whose family owns the Detroit Red Wings and Detroit Tigers, and the Las Vegas-based gambling company MGM Mirage, which just built an \$800 million casino in Detroit. In the past two election cycles, the Ilitch family has contributed \$393,000 to members of Congress, and the MGM Mirage has donated \$1.4 million.

Rep. Dale E. Kildee (D-MICHIGAN), co-chairman of the Congressional Native American Caucus predicted the lobbying effort would be big on both sides.

"Whenever you combine gaming and money to be made, you find a lot of people interested who were never interested in Indians before."

So far, things have gone supporters' way. The two measures were overwhelmingly approved by the Natural Resources Committee, and an attempt by Rep. Heller to strip the bills of their gambling provisions was soundly rejected.

"Dingell is very powerful," Heller remarked afterward.

But the road could be tougher in the upper chamber. Senate Majority Leader

Harry M. Reid (D-NEVADA) is reportedly strongly opposed to the legislation. (WASHINGTON POST)

"Whenever you combine gaming and money to be made, you find a lot of people interested who were never interested in Indians before."

ELECTION STILL NOT OVER
IN CA: CALIFORNIA was one of 24 states that held primary elections on Feb. 5. But as of late last week

— when the media's focus was on the next round of primaries — 960,000 absentee and provisional ballots cast in the Golden State remained uncounted. "In California, we're sitting on almost a million votes still to be tallied — and meanwhile the pundits are going on and on about states that don't have a million votes, total," said Steve Weir, president of the California Association of Clerks and Election Officials. The backlog was attributed to

the high number of absentee ballots turned in on election day and the large volume of inexperienced voters who cast ballots. However, Robert Stern, head of the nonpartisan Center for Governmental Studies, said the uncounted votes were unlikely to change the results

"In California, we're sitting on almost a million votes still to be tallied — and meanwhile the pundits are going on and on about states that don't have a million votes, total."

for any of the state ballot measures or the Republican presidential primary, and would shift no more than seven of the state's 370 delegates in the Democratic primary. Regardless, election officials hope to have the results of the more than 7.1 million ballots cast to the secretary of state by March 4. (SACRAMENTO BEE)

POLITICS IN BRIEF: The **SOUTH DAKOTA** Senate passed a proposed constitutional amendment last week (SJR 1) that will let voters decide whether to abolish term limits for state lawmakers. Under the state's current term limits law, passed in 1992, legislators can't serve for more than eight years straight in either chamber (ASSOCIATED PRESS, RAPID CITY JOURNAL).

— *Compiled by KOREY CLARK*

Governors

RITTER PUSHES STAGED HEALTH CARE PROPOSAL: COLORADO Gov. Bill Ritter (D) introduced last week what he called “the first step” in his plan to bring universal health care to the Centennial State. The proposal focuses primarily on covering children, including expanding eligibility for the state’s health plan for kids to families earning 225 percent of the federal poverty level, a slight increase from the current 200 percent, and ramping up efforts to enroll the 70,000 COLORADO kids who are eligible for the state health plan or Medicaid but not enrolled.

Ritter said the state will spend \$25 million on the new health care reforms this year, with possibly another \$40 million coming from federal matching funds. He ruled out seeking tax hikes to pay for the program, noting the money is already in the general fund. Ritter also said that his administration must prove it has cut needless

spending, such as duplicate medical tests and paperwork, before it can turn to voters for more money.

“It looks like the COLORADO Promise has been reduced to Lincoln Logs and Tinker Toys.”

Republicans were quick to point out Ritter’s proposal is fairly modest in comparison with his original plan to provide the state with comprehensive health reform. “It looks like the

COLORADO Promise has been reduced to Lincoln Logs and Tinker Toys,” said Rep. Cory Gardner (R). Ritter, however, said his vision “remains the same,” insisting that his “staged approach” will eventually lead to coverage for all of the state’s estimated 790,000 uninsured residents. (DENVER POST)

HUNTSMAN FACES OFF WITH LAWMAKERS: UTAH Gov. Jon Huntsman Jr. could be facing a showdown with lawmakers over legislation that would restrict his ability to make interstate agreements that currently require only his approval. The measure in question, SB 144, would require lawmaker approval of such agreements. Huntsman had hinted he would veto the bill, but that was before both houses of the Legislature approved it with veto-proof margins last week. Lawmakers came up with the bill after Huntsman entered into an agreement with CALIFORNIA Gov. Arnold Schwarzenegger (R) last year on the Western Regional Climate Action Initiative, an effort to get states to reduce their greenhouse gas emissions. Sen. Scott Jenkins (R), the bill’s author, said his proposal is not necessarily aimed against Huntsman, but is “a question of power, of balance of power” between the legislative and executive branches of Beehive State government. (DESERET MORNING NEWS [SALT LAKE CITY], SALT LAKE TRIBUNE)

SCHWARZENEGGER SAYS HEALTH CARE REFORM NOT DEAD: CALIFORNIA Gov. Arnold Schwarzenegger (R) last week insisted that health care reform is not a dead issue in the Golden State. "I've made it very clear we won't give up. We're going to have comprehensive health care reform, even though we experienced a bump in the road," Schwarzenegger said. That apparently was news to Assembly Speaker Fabian Nuñez (D), Schwarzenegger's strongest ally in his year-long campaign to get a reform package through the Legislature, an effort that died in the Senate last month. During an appearance before the Sacramento Press Club, Nuñez said that "for all intents and purposes, health care reform is not going to happen in 2008." Nuñez, who is termed out this fall, was slightly more optimistic that it might still happen down the road, noting that "Somebody's going to have to pick up the ball where we left off in 2009 and 2010, and my hope is that that happens." (STATE NET, SAN JOSE MERCURY NEWS)

RENDELL BACKTRACKS ON OBAMA RACE COMMENT: PENNSYLVANIA Gov. Ed Rendell (D) found himself squarely on the hot seat last week after he questioned whether voters in his state would support a black candidate for president. Rendell pointed to his own 22-point re-election win in 2006 over Republican candidate Lynne Swann, who is black, as a reason Keystone State voters may not support ILLINOIS Sen. Barack Obama in the upcoming presidential primary. The governor speculated that Swann's race might have cost him as much as five percentage points in the final results. Those comments immediately sparked heated debates on Internet sites and cable news shows, with some people accusing Rendell of invoking race in an effort to help presidential hopeful Hillary Clinton in her campaign to overtake Obama for the Democratic nomination. Rendell denied the claim, saying he was only stating an opinion based on what he saw during his own campaign. The state's highest-ranking black legislator, state Rep. Dwight Evans (D), came to Rendell's defense, saying the governor was "just making a very obvious statement. He's commenting on a reality not just of Pennsylvania, but all of America." (MORNING CALL, PITTSBURGH POST-GAZETTE)

EXECUTIVE ORDERS: OHIO Gov. Ted Strickland (D) issues 2008-04S, which directs state agencies to adhere to a "Common Sense Business Regulation approach" when regulating Buckeye State businesses. Examples include making rules

Upcoming elections

02/14/2008 - 03/06/2008

02/19/2008

South Carolina Primary Runoff (if nec)

House District 92

02/26/2008

Florida Special Election

House District 32

New York Special Election

Senate District 48

03/04/2008

Florida Special Election

House District 103

Massachusetts Special Election

House 8th Essex District; 32nd Middlesex District; 7th Bristol District; 23rd Middlesex District



that are easy to understand and consistent from region to region (STATE NET).

- NEVADA Gov. issues EO 5, which creates the State Auto Theft and Insurance Fraud Task Force, which will be tasked with developing a statewide strategic plan to fight auto theft and insurance fraud (STATE NET).

GOVERNORS IN BRIEF: ALASKA

Gov. Sarah Palin (R) signed a bill last week that lifts a \$250 limit on compassionate gifts to lawmakers. The measure clears the way for a legislative staffer to donate a kidney to state Rep. Richard Foster (D), who is suffering from genetic kidney disease (ANCHORAGE DAILY NEWS).

- GEORGIA Gov. Sonny Perdue (R) is pushing Peach State lawmakers to approve legislation that would protect landowners who open up their property to hunters and so-called agri-tourists from some lawsuits. Property owners would remain liable for gross negligence deliberately putting people in danger (MACON TELEGRAPH).
- Despite pressure from some lawmakers, ILLINOIS Gov. Rod Blagojevich (D) said last week that he plans to keep the state’s moratorium on death penalties in place until it’s clear reforms imposed by former-Gov. George Ryan in 2000 are adequate and working (ROCKFORD REGISTER-STAR).

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: 431

Number of Intros last week: 6759

Number of bills enacted/adopted last week: 775

Number of prefiles to date: 13,451

Number of Intros to date: 44,135

Number of bills enacted/adopted overall to date: 1,780

— Compiled By JAMES ROSS
(measures current as of 02/14/2008)
Source: State Net database

— *Compiled by RICH EHISEN*

Hot issues

BUSINESS: The PENNSYLVANIA Senate approves legislation that would create a state agency to oversee coal mine safety. The measure, which moves now to the House, would also make coal mine owners and operators primarily responsible for the safety of their mines and establish fines of up to \$200,000 for noncompliance (PITTSBURGH POST-GAZETTE).

- The SOUTH DAKOTA House approves a proposal to create a special class of liquor license for big-city restaurants that ban smoking and video lottery. The measure is aimed at allowing the state’s 14 largest cities to issue additional liquor licenses to draw in national chain restaurants. It moves to the Senate (ARGUS LEADER [SIOUX



FALLS]). • The **VIRGINIA** Senate approves SB 588, which would limit payday loan borrowers to only a single loan at a time. It moves to the House. Meanwhile, still in the Old Dominion, the House approves HB 12, which would limit consumers to just five payday loans per year. It also caps interest on those loans at 36 percent, but allows lenders to charge fees on each transaction. It moves to the Senate (RICHMOND TIMES-DISPATCH).

• And still in **VIRGINIA**, the Senate endorses SB 476, which would allow concealed weapon permit holders to carry concealed firearms into restaurants as long as they do not drink alcohol on the premises. That measure shoots off to the House (RICHMOND TIMES-DISPATCH). • A federal appeals court overturns a **TEXAS** law that makes it a crime to promote or sell sex toys. Three states — **MISSISSIPPI**, **ALABAMA** and **VIRGINIA** — have similar laws still in force, while courts in **LOUISIANA**, **KANSAS**, **COLORADO** and **GEORGIA** have in recent years tossed out such statutes (AUSTIN AMERICAN-STATESMAN).

CRIME & PUNISHMENT: The **NEBRASKA** Supreme Court rules that using the electric chair as a means of carrying out a death sentence is unconstitutional. The ruling puts capital punishment on hold in the Cornhusker State until it can adopt a constitutionally acceptable execution method (LINCOLN JOURNAL STAR). • Still in **NEBRASKA**, the Legislature’s Judiciary Committee approves KB 1063, which would make life without parole the only possible sentence for first-degree murder. It moves to the full Legislature (OMAHA WORLD-HERALD). • The **VIRGINIA** House approves HB 656, which makes all forms of animal fighting illegal. It moves to the Senate (WASHINGTON POST). • The **VERMONT** Senate approves legislation that would remove jail time as a penalty for people caught for the first or second time with two ounces or less of marijuana. Offenders would have the choice of paying a fine or successfully completing a drug diversion program. It moves to the House (RUTLAND HERALD).

EDUCATION: The **UTAH** Senate approves SB 37, which would allow private and home-schooled students to participate in public school sports and extracurricular activities. Students would need to show sufficient academic performance and meet certain other conditions. It heads to the House (SALT LAKE TRIBUNE). • A **SOUTH DAKOTA** Senate committee rejects a House-approved measure that would have barred Coyote State colleges from prohibiting guns on campus. Bill supporters say they will attempt to gather support to bring the bill to the Senate floor anyway (ARGUS LEADER [SIOUX FALLS]).

Upcoming stories

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

- **Physician GIFT**
- **Spine Life**
- **Energy Corridors**



49th state to adopt a “safe haven” law (KTUU.COM [ANCHORAGE]). • Safe haven is also the issue in **NEBRASKA**, where Gov. Dave Heineman (R) signs legislation that makes the Cornhusker State the 50th to allow parents to surrender a newborn child without fear of prosecution (LINCOLN JOURNAL STAR).

POTPOURRI: The **VIRGINIA** Senate approves a bill that would allow Old Dominion drivers to store guns in a locked glove box or other interior compartment of a vehicle or boat even if they lack a concealed-weapons permit. It moves to the House (WASHINGTON TIMES). • An **IDAHO** Senate committee rejects a proposal to allow local municipalities to erect toll roads (IDAHO STATESMAN [BOISE]). • The **PENNSYLVANIA** Legislature approves a bill that would make all state and local government records public unless specifically exempted. It moves to Gov. Ed Rendell (D), who is expected to sign it into law (PHILADELPHIA INQUIRER). • The **SOUTH DAKOTA** House approves HB 1263, a measure that allows kids age 10 through 15 to hunt big or small game without a hunting license, as long as they are accompanied by a parent or approved guardian. It moves to the Senate (RAPID CITY JOURNAL).

— Compiled by *RICH EHISEN*

In case you missed it

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. The State Net Capitol Journal took an in-depth look at this controversial issue in our Feb. 11 issue.

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

http://www.statenet.com/capitol_journal/02-11-2008/html

Once around the statehouse lightly

HE FEELS HILLARY’S PAIN: A scene, as observed by yours truly, from the recent WASHINGTON state Democratic caucus. After the precinct leader separated folks along candidate lines — Hillary people that way, Obama supporters this way and the undecided in the middle — a 40-something couple went off in opposite directions, with dad moving to the Hillary camp and mom and a pre-teen daughter siding with Obama. An initial vote was taken, with Obama holding a large edge. During the ensuing 30-minute debate, mom pleaded with dad to switch sides. Dad refused. Mom cajoled. Dad wouldn’t budge. Frustrated, mom went for the big guns. Just prior to the final vote, the young ‘un marched up to pops and, in phraseology that sounded eerily adult for someone so young, told him “you’ve made your bed, Mister, and now you’re going to have to lie in it!” Sufficiently cowed, dad dutifully followed her to the Obama camp. Score one for the persuasive powers of daddy’s little girl.



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