

February 19, 2007

Real ID?



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The next issue of Capitol Journal will be available on March 5th.

Top Story

States' anger over the federal Real ID Act has been building ever since Congress passed the provision in 2005. But that anger has boiled over, with numerous statehouses now rolling out bills to reject the law.

SNCJ Spotlight

High noon for Real ID?

States' anger over the federal Real ID Act — the mandate for states to adopt by 2008 uniform, tamper-proof driver's licenses and ID cards as a hedge against terrorism — has been on a low simmer ever since Congress passed the provision in 2005. But that simmer has turned to a full boil, with numerous statehouses rolling out bills this year to reject the law over concerns about how much it will cost, who will pay for it and whether it will actually make the country even less secure than under the current system.

To date, at least 22 states have filed bills opposing Real ID (see *Bird's eye view* in this issue), starting with a non-binding resolution approved last month by the MAINE Legislature, a measure meant more to catch Congress's attention than to declare an actual intent not to comply with the federal statute. That is definitely not the case in MONTANA, however, where the House this month approved a pair of bills (HB 384 and HB 287) that direct the state to disregard Real ID.

Variations of these proposals — some binding, some not — have also advanced in a handful of other states, including VERMONT, WYOMING, WASHINGTON and NEW MEXICO. That number could grow significantly, according to MISSOURI Rep. Jim Guest (R), who is working with lawmakers across the country to form a coalition opposing the Real ID Act. Guest believes as many as 35 states will ultimately introduce similar bills, a number he feels would give the movement real

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power to resist the federal law. “We are hopeful that if we get enough states that say they will opt out, Congress will have to take a more realistic look at it,” he says.

Based on the number of issues states currently have with Real ID, a more “realistic” look is going to require a lot of heavy lifting. The Act requires states to obtain multiple forms of identification from driver's license applicants, and to verify that those documents are legitimate and that applicants are in the United States legally. States will also have to develop databases to hold this information, and link them all with one another as well as with an overriding federal database. The licenses themselves would also have to significantly change, with new licenses containing digitized “common machine-readable technology” such as a bar code, RFID chip or magnetic strip.

Chief among state concerns is the projected cost to implement such a system, which the Act's supporters in Congress peg at about \$100 million. But according to a recent survey from the American Association of Motor Vehicle Administrators, current licensing requirements and technology vary greatly from state to state, with some systems dating back to the 1960s. And with everyone suddenly required to exchange their current license for the new version, DMV offices could potentially be forced to hire thousands of new employees to handle the increased workload.

The week in session

States in Regular Session: AK, AR, AZ, CA, CO, CT, DC, GA, HI, IA, ID, IL, IN, KS, KY, MA, MD, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NM, NV, NY, OK, OH, OR, SC, SD, TN, TX, US, UT, VA, VT, WA, WI, WV, WY

States in Recess: ME, NY, RI

States in Budget Hearing Recess: DE, PA

States Currently Prefiling or Drafting: AL, FL, LA

State Special Sessions Adjourned in 2007: FL “a”, WI “a”

— Compiled By JAMES ROSS
(session information current as of 02/02/2007)
Source: State Net database



Brian McNicoll, a policy analyst with the Congressional Minority Committee on Oversight and Government Reform (MCOGR), says the majority of states’ concerns are rooted in the fact that a year and a half after Congress approved the law, the federal Dept. of Homeland Security (DHS) still has not given states the actual regulations under which the Real ID Act will be implemented. And while DHS says it plans to release that information soon, no hard date has yet been determined. That leaves states to continue wondering what will be asked of them, and to understandably presume the worst. In response to the host of state measures opposing Real ID, VIRGINIA Rep. Tom Davis (R), the ranking member of the MCGOR and a Real ID co-author, sent DHS Sect. Michael Chertoff a letter in January urging him to speed up the process. To date, McNicoll says DHS has not responded.

The time factor is also extremely problematic for states. The Act requires states to be ready to go with their systems by May 11, 2008, slightly more than a year from now. But according to NCSL policy analyst Molly Ramsdell, with no set guidelines in place, states have almost no chance of meeting that deadline. “Even if those regulations came out today, states would have a year or less to implement them,” Ramsdell says, noting that 40 states will also have gone out of session for the year by July, and that “some states aren’t even in session next year.”

“[States] don’t want to spend limited resources on a system because they know that when the rules finally do come out, they may call for something completely different.”

The irony, Ramsdell says, is that all of this has actually slowed states’ own efforts to upgrade driver’s license security that were underway before the Real ID Act came into play. “Prior to and right after 9/11, states were already taking steps to improve the integrity of their driver’s licenses,” she says. “Since the passing of the Real ID Act, states have slowed down those efforts. They don’t want to spend limited resources on a system because they know that when the rules finally do come out, they may call for something completely different.”

That is one of the most frustrating aspects of the entire issue, notes NEW YORK Deputy Sect. for Public Safety Michael Balboni, who was a state senator working as co-chair for the NCSL Executive Task Force on Homeland Security when Real ID was approved. “Nobody took the time prior to the Real ID Act to see where everybody was,” Balboni says.

In that regard, McNicoll says he understands lawmakers’ anxiety over Real ID, but also contends that states are unnecessarily risking major inconveniences for their citizens by choosing to legislatively opt out of the program before they know the full story.



“These bills are clearly a sign of frustration,” he says. “I doubt cooler heads in the states really think they are going to defy a federal law. The issue of who is in charge of making laws is sort of settled.”

McNicol also believes the issuance of regulations will go a long way toward resolving states’ concerns, noting that “when DHS issues the regulations, then we go from talking about opting out to discussing what is good and bad about those regulations.”

But Balboni argues that the states’ adherence to the Real ID Act is actually anything but determined. “I

know of no statute more vulnerable to an exercise of civil disobedience than this,” he says. “The one thing nobody focuses on is that Real ID is a voluntary system. You don’t need to comply. And yet, the credibility and effectiveness of the program absolutely depends on how many people do comply.” Balboni also notes that, unlike

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“What is the point of having a supposedly secure national driver’s license system if that many states don’t adhere to it? At that point, the whole system will collapse under its own weight.”

But while states’ frustration may be justified, Real ID’s supporters point out that the Act’s primary author, WISCONSIN Rep. James Sensenbrenner (R), patterned the statute upon the 9/11 Commission’s recommendation that national standards be enacted for both licenses and birth certificates. That suggestion was motivated directly by the fact that several of the 9/11 terrorists used legally acquired driver’s licenses to board the planes they later crashed into the Pentagon and the World Trade Centers. Many supporters also note that the current systems are doing little to stop crimes like identity theft. Balboni says that is why, in spite of his own frustration with the Real ID Act’s vagaries, he is also still a vocal proponent of overhauling how states manage driver’s license security.

“It really comes down to the regulations and the timetable,” he says. “The system itself has tremendous operating difficulties right now. I mean, how can you ask a clerk at a rural DMV to be the front line of your immigration enforcement if they don’t have the system in place to do so? That said, if you fix those issues, if you fund the program properly, and you provide a proper time frame in which to comply, it could all work.”

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many federal mandates on the states, nobody is withholding other federal funds as a hammer to adhere with Real ID.

“What if 15 or 20 states simply don’t comply?” he adds.



Although President Bush’s new budget proposal contains no additional funding for Real ID implementation, there is a growing sense that Congress is becoming more open to altering the statute. Sen. Daniel Akaka

“If you fund the program properly, and you provide a proper time frame in which to comply, it could all work.”

(D-HAWAII) and Sen. John Sununu (R-NEW HAMPSHIRE), for instance, introduced a measure last session that would dramatically alter or eliminate many of the Act’s basic elements. Like the states, the authors are now waiting to see what regulations DHS releases before deciding whether to pursue the matter in this session. Meanwhile, Sen. Susan Collins (R-MAINE) introduced legislation this month to delay Real ID implementation and to give states more say in what it will eventually require.

That, says MISSOURI Rep. Guest, is exactly what current state efforts are all about — getting Congress to listen to their point of view and to give them back their seat at the bargaining table.

“There is an election year coming up, and there are probably some people in Congress that will have a hard time explaining why they voted for it [Real ID] and why they did not support looking at it again as a separate issue,” he says.

— By *RICH EHISEN*

Budget & Taxes

TOBACCO TAX REVENUES ON DECLINE: The multitude of cigarette tax hikes and smoking restrictions states have enacted in the past decade, with at least the indirect aim of encouraging smokers to kick the habit, may have been good for the health of the states’ residents, but they haven’t been so good for the states’ fiscal health.

About a quarter of all adults in the U.S. smoked 10 years ago. In 2005, the percentage was down to nearly a fifth. The smaller number of smokers means there’s also a smaller number paying cigarette taxes. In fact, states taxed 2.8 billion fewer packs in 2005 than they did five years before.

MINNESOTA’s Revenue Department has predicted that its tobacco tax collections will drop 1 percent, or \$4-5 million, annually, starting this year, even without taking into account the effect of new smoking restrictions that may be coming this year. The Board of Equalization of CALIFORNIA — the first state to ban smoking in bars and restaurants, in 1998 — was less specific, but no more optimistic. “We’re a tax collection agency — we are not predictors of the habits of people,” said

spokeswoman Anita Gore. “But if smoking continues to decline, then revenues would continue to decline.”

Tobacco taxes aren’t a huge source of revenue for states, but they can be a crucial one when states are strapped for cash. “They’re the most socially acceptable form of taxes you can raise,” said Bob Kurtter, a state budget analyst for Moody’s Investors Service.

But fewer smokers at least holds the promise that states might be able to spend less on treating smoking-related illnesses. The MINNESOTA Department of Human Services estimates that it spends nearly \$300 million a year on such treatment for the roughly 650,000 people enrolled in the state’s public health programs. (ASSOCIATED PRESS, PIONEER PRESS [ST. PAUL])

FLORIDA PUSHES MULTISTATE DISASTER FUND: FLORIDA Insurance Commissioner Kevin McCarty and Chief Financial Officer Alex Sink made the short trip to Atlanta, GEORGIA last week to attend a National Association of Insurance Commissioners’ conference. Their primary order of business was to ask other state officials to join them in creating a multi-state fund to aid regions struck by catastrophic disasters, such as hurricanes, floods, earthquakes and terrorist attacks.

“We hear so much about the hurricanes in FLORIDA, but we know there’s potential for a \$400 billion loss in CALIFORNIA due to an earthquake, and a \$240 billion massacre if an earthquake strikes along the New Madrid fault [in the Midwest],” said McCarty.

One of the primary motivations for the Sunshine State officials’ initiative is their frustration over the lack of action on the issue in Washington. “Hurricanes will not wait for the federal government to get a national catastrophe fund up and running,” Sink said. Bob Lotane, a spokesman for McCarty’s office, expanded on that view. “If another state gets hit with a Katrina-like hurricane, there’s a limit to what the industry can pay, a limit to what any state can handle, and [federal] taxpayers are going to pay the rest,” he said. “We believe pre-funding for a storm is going to be cheaper for everyone.” (SUN-SENTINEL [SOUTH FLORIDA])

JACKPOT JADEDNESS HURTING MULTISTATE LOTTERIES: Over the past several months, winning tickets have been drawn relatively frequently in the nation’s two big multi-state lottery games, Mega Millions and Powerball. The result of the hot streak? Ticket sales have plummeted, 30 percent in TEXAS, one of 13 states where Mega Millions is played. Lottery officials blame the decline on what they call “jackpot fatigue.” They say the frequency of winners has led to smaller jackpots because the pot hasn’t been allowed to grow. And smaller jackpots — even in purely relative terms — aren’t nearly as enticing to lottery players. In the 12-month period that ended June 30, when Mega Millions sales reached a record \$1.5 billion, there were five \$200 million-plus jackpots, including one that topped \$300 million.



Since then, the biggest jackpot has been \$163 million. “There was a time when \$50 million created a stir. Then we needed \$100 million,” said Bobby Heith of the Texas Lottery. “Now even that’s not good enough.” The good news is that individual state lottery revenues are holding steady for the most part, due to the popularity of games like scratch-and-win. (USA TODAY)

Upcoming elections

(02/15/2007 - 03/08/2007):

02/27/2007 Florida Special General Election

House District 3

BUDGETS IN BRIEF: The **ARKANSAS** Legislature emphatically approved the largest tax cut in the state’s history, a halving of the 6 percent sales tax on groceries. The Senate liked the idea so much it voted unanimously in favor of the measure twice, the second time after it had been amended and passed 99-0 in the House. Gov. Mike Beebe (D) quickly signed it into law (PINE BLUFF COMMERCIAL, ARKANSAS NEWS BUREAU [LITTLE ROCK]). • The **INDIANA** Senate passed legislation (SB 1) allowing Gov. Mitch Daniels (R) to recruit private investors to build the Iliana Expressway in Northwestern **INDIANA** and another new tollway outside of Indianapolis. The bill faces an uncertain future in the House, whose speaker, Pat Bauer (D), was a fervent opponent of last year’s Toll Road privatization plan (NORTHWESTERN INDIANA TIMES [MUNSTER]). • Republican lawmakers in the **MONTANA** House killed Gov. Brian Schweitzer’s (D) state budget plan in its first appearance before the Appropriations Committee last week. Now, for the first time in 30 years, instead of handling the budget with a single bill, House GOP leaders say they’ll address the state’s spending needs with six or seven smaller measures (GREAT FALLS TRIBUNE). • New revenue estimates for the remainder of **UTAH**’s current fiscal year and the one coming up raised the state’s expected surplus — already a healthy \$1.6 billion — another \$149 million. The news was expected to help resolve the difference of opinion between the GOP majorities in the House and Senate over how big a tax break to give the state’s residents, the House pushing for \$300 million and the Senate favoring half that amount (DESERET MORNING NEWS [SALT LAKE CITY]). • A report released last week by the Pew Charitable Trusts predicts that the U.S. prison population will increase 13 percent over the next five years, potentially imposing \$27.5 billion in new construction and operating costs on states. The report says the inmate population growth is being driven by tough-on-crime policies enacted by states in recent years, such as mandatory minimum sentences (USA TODAY). • Over \$1 billion has been wagered at **PENNSYLVANIA**’s three racetrack casinos in the first 90 days of their operation. The gambling fever has generated \$54 million in tax revenue for the state (PITTSBURGH POST-GAZETTE).

— Compiled by **KOREY CLARK**

Politics & leadership

STATE LEGISLATORS' SALARY SLUMP: By the dictates of American idealism, a career in public service is not supposed to be sought for monetary reward. When it comes to state legislative office, that may, in fact, be the case, for a purely practical reason: state legislative pay ain't what it used to be.

According to a new study of legislative compensation over the last three decades by the Council of State Governments (CSG), while the median income for Americans overall rose 50 percent during that period, salaries for the country's 7,382 elected state representatives dropped on average by over 6 percent, after being adjusted for inflation. Salaries for rank-and-file members of Congress, in contrast, rose 263 percent (from \$44,600 to \$162,100).

State lawmakers' salaries actually vary widely, depending, among other things, on the length of the legislative session. At the top end of the pay scale are CALIFORNIA's full-time lawmakers, who earn \$110,880 annually. At the bottom are NEW HAMPSHIRE's 424 part-timers, who receive just \$100 for their 45 days of service each year.

But for lawmakers across the entire salary spectrum, raises have been pretty hard to come by. ALABAMA and TEXAS legislators haven't seen one since Gerald Ford was president. And the base pay for INDIANA's representatives has been \$11,600 for the last 22 years.

Keon Chi, the author of the CSG report, suggested that state of affairs was detrimental to good government. "If legislators are not paid adequately, then candidates are drawn from a smaller pool.... You can't expect to attract good candidates with pay that is lower when compared to other jobs and professions."

The problem is that raising legislative pay is tough politically. That was made abundantly clear two years ago when PENNSYLVANIA lawmakers passed a pay increase for judges, top members of the executive branch and themselves at two o'clock one morning without public discussion, ultimately resulting in the ouster of a Supreme Court justice and 17 legislators by the state's voters, as well as the repeal of the raise.

Legislative pay increases have also been rejected recently by voters in ARIZONA and NEBRASKA. But legislators in those states and others are continuing to champion the cause. In the meantime, lawmakers who desire more lucrative pay but want to stay involved with the Legislature will just have to settle for taking jobs in the private sector lobbying their former colleagues. (STATELINE.ORG)

NJ DEMS ON DEFENSIVE: A federal corruption probe of a Democratic lawmaker in NEW JERSEY has placed the state's majority party leadership on the political hot seat.

The trouble actually began last year, when Sen. Wayne Bryant (D) was accused of channeling over \$12 million in public funds to the University of Medicine and Dentistry of NEW JERSEY in exchange for a no-show job at that institution. But things heated up considerably last week when it was reported that the Office of Legislative Services was challenging a subpoena from the U.S. attorney heading the Bryant investigation demanding lawmakers' e-mail and other records pertaining to the state budget on the ground that it was a violation of attorney-client privilege. Although the OLS is nonpartisan, it is overseen by a panel of legislators, including Assembly Speaker Joseph Roberts (D) and Senate President Richard Codey (D).

Unsurprisingly, Republicans condemned the action. "This is an investigation into the potential abuse of the people's money, and the Office of Legislative Services and Democrat legislative leaders should not stand in the way," said Assemblyman Kevin O'Toole (R).

But even Gov. Jon Corzine (D) sided against his fellow Democrats. "I think we need to do as much as we can to clean up the challenges we have to the ethical environment we have in this state," he said. "I think that's what the U.S. attorney is trying to do, and I support it.... My reading of history is that those records should be made available."

A U.S. district court took up the matter last Wednesday. (STAR-LEDGER [NEWARK])

— *Compiled by KOREY CLARK*

Governors

CORZINE ORDERS NJ TO CUT EMISSIONS: NEW JERSEY Governor Jon Corzine (D) signed an executive order last week calling for the Garden State to drastically reduce its output of greenhouse gas emissions. Under Corzine's order, NEW JERSEY will be required to reduce its emissions to 1990 levels by 2020, a reduction of 20 percent. The directive further mandates that the state reduce emissions a total of 80 percent by 2050. Corzine said his order was a direct response to a lack of federal action to combat global climate change. "In the absence of leadership on the federal level, the burden has now fallen upon state executives and legislatures to lead the way on this issue, and I'm proud that NEW JERSEY is helping to blaze that trail," Corzine said. Governors in CALIFORNIA, ILLINOIS and WASHINGTON have also issued directives for their states to make drastic reductions in greenhouse gas emissions. (STAR-LEDGER [NEWARK], PHILADELPHIA INQUIRER)



CRIST SAYS TO LAY OFF GAY MARRIAGE FIGHT: FLORIDA Gov. Charlie Crist (R) said last week that he wants the Sunshine State GOP to stop spending money on its efforts to constitutionally ban gay marriage. Crist, who stated his support for just such a constitutional amendment while running for office in 2006, said he now believes that people are far more concerned about other issues, and that the GOP's dollars should go toward seeking solutions in those areas. "I just think that their money can be better spent on other things that may be more pressing, like elections," Crist said. "The people care about issues like insurance premiums. They care about property taxes. They care about public safety." The state Republican Party gave \$300,000 in 2006 to the Florida Coalition to Protect Marriage, a group seeking to put a possible constitutional ban before voters in 2008, but Crist contends the Party should "prioritize what we put our energy into." (ST. PETERSBURG TIMES)

GOVERNORS IN BRIEF:
Delegates to the CALIFORNIA GOP convention refused to consider a pair of resolutions in opposition to Gov. Arnold Schwarzenegger's (R) universal health care plan. One resolution would have condemned the governor's proposal as a tax increase, while the other would have committed the Party to participate in a proposed ballot measure to overturn the plan should it eventually be approved (SAN JOSE MERCURY NEWS). • **ALABAMA** Gov. Bob Riley (R) is considering calling the Heart of Dixie Legislature into a special session to get approval for the state to borrow millions of dollars to recruit new industry. Riley specifically wants to hike the state's bond-issuing capability by \$400 million. He is expected to make a final decision this week (MONTGOMERY ADVERTISER). • The **TEXAS** House introduced legislation to overturn Gov. Rick Perry's (R) executive order that all Lone Star State schoolgirls be vaccinated against a sexually transmitted virus linked to cervical cancer. The House Public Health Committee is expected to hold a public hearing this week

In the hopper

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

Number of prefiles last week: 746

Number of Intros last week: 9,618

Number of 2006 Session bills enacted/adopted last week: 6

Number of 2007 Session bills enacted/adopted last week: 876

Number of prefiles to date: 24,435

Number of Intros to date: 72,828

Number of enacted/adopted overall in 2006: 33,326

Number of enacted/adopted overall in 2007: 2,879

— Compiled By JAMES ROSS
(measures current as of 02/15/2007)
Source: State Net database

"I just think that their money can be better spent on other things that may be more pressing, like elections."

(HOUSTON CHRONICLE). • **MISSISSIPPI** Gov. Haley Barbour (R) officially announced his intention to seek a second term. Barbour said that if elected, his top priority would be changing the Magnolia State's tax structure (HATTIESBURG AMERICAN). • Former **MASSACHUSETTS** Gov. Mitt Romney (R) officially announced his candidacy for the 2008 GOP nomination for president (DETROIT FREE PRESS). • **PENNSYLVANIA** Gov. Ed Rendell (D) proposed a plan that would require school boards in poorly performing districts to evaluate student performance before renewing or extending the contracts of superintendents, assistant superintendents, principals and assistant principals. Lawmakers must eventually decide on the proposal (MORNING CALL [ALLENTOWN]). • Federal authorities are investigating **NEVADA** Gov. Jim Gibbons (R) for allegedly accepting unreported gifts or payments from a company that was awarded secret military contracts while he was serving in Congress (WALL STREET JOURNAL).

— *Compiled by RICH EHISEN*

Hot issues

B **BUSINESS:** The **NORTH DAKOTA** Legislature signs off on a proposal to raise the state minimum wage to \$7.25-per-hour by 2009. The measure goes to Gov. John Hoeven (R), who says he will sign it (BISMARCK TRIBUNE). • **COLORADO** Gov. Bill Ritter (D) vetoes HB 10721, a measure that would have repealed a Centennial State law that requires a second secret-ballot supermajority election for a workplace to form as an all-union shop. Workers in such shops are required to pay dues even if they do not belong to the union (ROCKY MOUNTAIN NEWS [DENVER]). • The **OREGON** House okay's legislation that would restrict fees charged by check-cashing companies to 2 percent of the check value for state, federal and city checks, 3 percent of the value for paychecks and 10 percent of the value for personal checks. The measure moves to the Senate (STATESMAN JOURNAL [SALEM]).

CRIME & PUNISHMENT: The **NORTH DAKOTA** House approves legislation that would presume Flickertail State residents to be justified — and grant them immunity from civil liability — if they shoot a burglar or carjacker in their home, workplace or vehicle. It fires off to the Senate (GRAND FORKS HERALD). • The **COLORADO** House endorses HB 1011, which similarly would shield from prosecution people who shoot intruders in their homes or businesses. It goes to the Senate (ROCKY MOUNTAIN NEWS [DENVER]). • The **NEW MEXICO** House approves HB 190, a proposal to abolish capital punishment and replace it with a sentence of life in prison without parole. The measure moves to the Senate (SANTA



FE NEW MEXICAN). • The **UTAH** House approves HB 342, a measure that extends protective orders in domestic violence cases to include pets. It moves to the Senate (DESERET NEWS [SALT LAKE CITY]).

EDUCATION: The **SOUTH DAKOTA** Senate approves legislation that would require students to stay in school until age 18. It graduates to the House (ARGUS LEADER [SIOUX FALLS]). • **UTAH** Gov. Jon Huntsman Jr. (R) signs HB 148, a measure that allows Beehive State parents to spend up to \$3,000 per child in public dollars on private school tuition. The program is open to all students, regardless of economic conditions (SALT LAKE TRIBUNE). • The **KANSAS** Board of Education adopts new science standards that delete language suggesting that key evolutionary concepts are controversial and being challenged by new research. Officials also defined science specifically as the search for natural explanations of what’s observed in the universe. The new regulations eliminate previous standards that advocated teaching the concept of intelligent design and de-emphasized evolution (WICHITA EAGLE).

ENVIRONMENT: The U.S. Navy rejects a request from **CALIFORNIA** officials to enact additional safeguards to protect whales from high-power sonar during war games conducted in waters off the Golden State coastline. The Navy contends that the state has no authority to regulate those sonic blasts, which have been linked to previous whale deaths (LOS ANGELES TIMES). • **NEW JERSEY** Gov. Jon Corzine (D) issues an executive order calling for the Garden State to cut its greenhouse gas emissions 20 percent by 2020 and 80 percent by 2050. Governors in **CALIFORNIA**, **WASHINGTON** and **ILLINOIS** have issued similar directives (PHILADELPHIA INQUIRER).

HEALTH & SCIENCE: The **IOWA** Senate endorses SF 115, which would allow Hawkeye State researchers to create embryonic stem cells through cloning. The measure now goes to the House for debate (QUAD-CITY TIMES [DAVENPORT]).

HOMELAND SECURITY: An **ARIZONA** House committee approves HB 2766, a measure that would authorize the governor to send National Guard troops to arrest people illegally crossing the state’s border with Mexico. It goes to the full House (ARIZONA DAILY STAR [TUCSON]). • A **UTAH** House panel unanimously endorses a resolution calling upon Congress to repeal the federal Real ID Act, which requires states to issue tamper-proof driver’s licenses beginning in 2008 (See *SNCJ Spotlight* in this issue). The measure now goes before the full House (DESERET NEWS [SALT LAKE CITY]).

Upcoming stories

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

- **Moving the primary**
- **Security breach protection**
- **Credit scoring**



SOCIAL POLICY: The **SOUTH DAKOTA** House approves a proposal to ban all abortions in the Coyote State. Exceptions would be made for cases of rape, incest or to preserve the woman’s life or health. It moves to the Senate (**RAPID CITY JOURNAL**). • A **COLORADO** Senate panel rejects SB 143, which would have barred abortion in the Centennial State (**DENVER POST**). • Still in **COLORADO**, a House committee approves SB 60, which would require hospitals to inform rape victims of the availability of so-called “morning after” emergency contraception. The measure, which has already passed the Senate, goes before the full House (**DENVER POST**). • The **INDIANA** Senate endorses SJR 7, a proposal to amend the Hoosier State constitution to bar gay marriage. The resolution now moves to the House. If eventually approved, it would go before voters next year (**NORTHWEST INDIANA TIMES [MUNSTER]**). • A **KENTUCKY** Senate panel approves SB 152, a measure that would bar public agencies and universities from offering benefits to the unmarried domestic partners of their employees. It goes to the full Senate (**LEXINGTON HERALD-LEADER**). • A **MONTANA** Senate committee kills legislation that would have added “gender identity or expression” and “sexual orientation” as categories under the laws prohibiting discrimination. Opponents said the measure discriminated against religious denominations that believe homosexuality is immoral (**BILLINGS GAZETTE**).

POTPOURRI: The **CALIFORNIA** Senate approves SB 113, which would move the Golden State’s presidential primary up to Feb 5. Supporters hope to make the nation’s largest state more of a player in influencing presidential elections (**LOS ANGELES TIMES**). • The **SOUTH DAKOTA** House rejects a proposal to lower the state hunting age to 10. Current Coyote State law requires hunters to be at least 12 (**RAPID CITY JOURNAL**).

— *Compiled by RICH EHISEN*

Once Around the Statehouse Lightly

THE FIRST OFFICIAL STATE LULLABY: There are songs galore, and ballads, too. But no official ditty for the bedtime crew. So **MONTANA** will offer a song about cows to help little cowpokes curl up and drowse. “Montana Lullaby” will be sung under dome, a song of the range in the Capitol’s home. To the *Billings Gazette* it’s a first in the land, if the governor agrees and gives it his hand.

THIS OUGHT TO ENHANCE bipartisan cooperation: The *Deseret Morning News* reports that 40 percent of the current UTAH Legislature has taken a class associated with obtaining a concealed weapons permit. Moreover, at least six members already pack. Rep. Craig Frank, a Pleasant Grove Republican, posted photos of the six concealed handguns on his blog (UndertheDome.org), although the guns' owners are not identified. Gives new meaning to the phrase "heated debate."

OH, THESE PRISON WALLS: When one thinks of a prison, one thinks of granite blocks and barbed wire. But in IDAHO, a Boise-area prison annex — a medical facility — is housed in a large tent. Made from an insulation-filled membrane stretched over an aluminum frame, the annex costs only half as much to build as a traditional prison. That's why Gov. Butch Otter wants to build another prison tent, this time to house regular inmates rather than those who might need a hospital. One warden familiar with the tents issued a cautionary note, however. "We are going to have to be very careful who we put in there," the warden told the *Idaho Statesman*. "You can easily take a pencil and punch a hole in [the tent]."

JUST SPEAK INTO THE...UH: Devices about to be unleashed on NEW MEXICO could give new meaning to the motto, "Land of Enchantment." According to the Associated Press, the state will soon take possession of 500 talking urinal cakes, each outfitted with a recorded message aimed at potential drunk drivers. The cakes will be placed in restaurant and bar urinals, where motion sensors activate them when a patron...uh...approaches. The devices are designed only for men, since men drunk drive at a far greater rate than women (almost three-to-one). The recorded voice, however, is female and announces herself with, "Hey there, big guy. Having a few drinks?" No word on whether the \$21 cake comes with a kit to help bar owners wash down walls.

THE AGE OF REASON? He wrote "Common Sense" and may have coined the phrase "The United States of America." But that doesn't mean he ought to have a day set aside to commemorate his birth. At least, not in ARKANSAS. As the *Arkansas News Bureau* reports, lawmakers in the Land of Opportunity last week defeated an attempt to make January 29 "Thomas Paine Day." A bill to that effect fell five votes short of the 51 needed for approval after debate focused on Paine's religious beliefs. One lawmaker claimed that Paine was critical of the Bible.

FEE FOR SERVICE: The "service" in this case: bomb squads and other anti-terrorist activity by law-enforcement agencies. The fee, reports the *Boston Herald*, could run as high as \$800,000. The city of Boston claims it had to spend that much in the wake of a recent publicity stunt by the Turner Broadcasting System. The stunt, reported here previously, involved black boxes placed under bridges and near transit



stations. The boxes flashed electronic advertisements for a Turner cartoon show called "Aqua Teen Hunger Force." Unfortunately, the devices were so crude in nature that passers-by took them for homemade bombs, and it cost the city a bundle to discover that they were harmless. Now, Boston wants Turner to pay up. A settlement is said to be at hand.

— By A.G. Block

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