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America's Troubled Immigration History



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The next issue of Capitol Journal will be available on June 1st.

Top Story

The restrictive new immigration law in ARIZONA has sparked impending showdowns over similar bills in statehouses across the country. But what states really need is action from Congress.

SNCJ Spotlight

The AZ backlash: history revisited

Immigration is the canary in the coal mine of American politics. Like unseen deadly gases in a mine, fear of foreigners has a capacity to strike without warning or detection. Only a few months ago immigration was a back-burner issue in the 2010 election campaign; a poll in immigration-conscious CALIFORNIA ranked it a distant fourth among issues of concern to Republican voters. Then came

A Cannon Perspective



With Lou Cannon

Modern anti-immigrant campaigns have also produced unintended consequences. In 1994 CALIFORNIA's moderate Republican governor Pete Wilson hitched his re-election campaign to Proposition 187, an initiative that would have denied medical and educational benefits to illegal immigrants. A Wilson television commercial showed Mexicans pouring across the border to the sound of scary music as an announcer declared, "They keep coming!" It's often forgotten that Wilson, an able governor, led in the polls before he endorsed Proposition 187 and could have won without it. But his name has become indelibly linked with this measure, approved by voters but in large part subsequently invalidated by the courts. The principal political legacy of Proposition 187 was alienation of Latinos, whom the Democrats mobilized as they swept to victory in the state elections four years later. Latinos have retained their Democratic affiliations and now constitute more than a fifth of registered voters in CALIFORNIA. Their influence may be tested in this year's U.S. Senate election. Embattled Democratic incumbent Barbara Boxer opposes the law, while all three Republicans who are vying to oppose her support it.

Will there be a broader political backlash? In the month since SB 1070 became law, some Republican candidates have been reluctant to embrace it. One weathervane is Republican TEXAS Gov. Rick Perry, seeking re-election against the Democratic nominee, former Houston Mayor Bill White. Perry, as shrewd as he is conservative, said that duplicating the ARIZONA law "would not be the right direction for TEXAS." Opponents of restrictive immigration laws have also won some statehouse challenges, including rejection by the MASSACHUSETTS House of a bill (SB 69) to bar illegal immigrants from receiving state and federal benefits. Across the country in IDAHO, where a sweeping anti-immigrant bill (SB 1303) was rejected in committee in March, milder legislation (HB 497) requiring employers to verify electronically the legal status of employees has stalled. These

Upcoming elections

5/20/2010 - 6/10/2010

05/22/2010

Hawaii Special Election

US House (HI Congressional District 1)

05/25/2010

Idaho Primary Election

House (All)

Senate (All)

Constitutional Officers:

Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Controller, Superintendent of Public Instruction

US House (All)

US Senate

05/29/2010

Louisiana Special Runoff

House Districts 63 and 93

06/01/2010

Alabama Primary Election

House (All)

Senate (All)

Constitutional Officers:

Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Auditor, Commissioner of Agriculture & Industries

US House (All)

US Senate

Mississippi Primary Election

US House (All)

New Mexico Primary Election

House (All)

Constitutional Officers:

Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Auditor, Commissioner of Public Lands

US House (All)

06/08/2010

Arkansas Primary Runoff

House Districts 5, 10, 27, 31, 34, 51, 69, 73, 76, 82

Senate District 13

Constitutional Officers:

Secretary of State, Commissioner of State Lands

US House (Districts 1, 2 and 3)

US Senate

(continues on next page)

outcomes notwithstanding, supporters of restrictive anti-immigrant legislation have certainly succeeded in pushing the issue to the forefront of this year's political debate. There are perils in this for Democrats in general and for President Obama in particular. The latest Pew Research Poll showed that only a quarter of Americans are satisfied with the president's performance on immigration.

Indeed, there has hardly been any administration performance on this issue at all. Overall, the Obama administration has done reasonably well against economic headwinds, winning a major victory on health care and apparently nearing one on financial reform legislation. But the White House wants no part of an immigration fight in a mid-term election year. It's hard to fault the president for ducking this divisive battle — indeed, some of those who urge Obama to undertake it were criticizing him only a few weeks ago for trying to do too much on too many fronts instead of concentrating on economic recovery. But it's also hard to escape the fact that federal inaction on immigration has left a void that states can't fill piecemeal.

SB 1070 may be unconstitutional. In any case, the measure is such a mess that the ARIZONA Legislature changed it after it was signed into law, replacing the requirement that police could inquire into immigration status during any "lawful contact" to a more precise standard that police could do so only if they are stopping or arresting someone for other reasons. Still, it's understandable that ARIZONA felt the need to act. Illegal immigration is down overall but has increased in ARIZONA, in part because a federal crackdown at border crossings in TEXAS and CALIFORNIA funneled the flow of illegals into other states. Kidnapping and gang violence are on the rise in the Phoenix metropolitan area, and it is not surprising that there is public support for restrictive legislation. The ARIZONA bill, however, does nothing to address the most pressing issues of illegal immigration: securing the border and finding a just solution for immigrants who have lived here for many

Upcoming elections (cont.)

5/20/2010 - 6/10/2010

California Primary Election

Assembly (All)
Senate (Even)
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State, Treasurer, Attorney
General, Controller, Insurance
Commissioner, Superintendent of
Public Instruction
US House (All)
US Senate

California Special Election

Assembly District 43
Senate District 37

Georgia Special Runoff

US House (GA Congressional District 9)

Iowa Primary Election

House (All)
Senate (Odd)
Constitutional Officers:
Governor, Secretary of State, Treasurer,
Attorney
General, Auditor, Secretary of Agriculture
US House (All)
US Senate

Maine Primary Election

House (All)
Senate (All)
Constitutional Officers: Governor
US House (All)

Montana Primary Election

House (All)
Senate 1, 4, 5, 8, 11, 12, 13, 14, 15, 17,
20, 23,
25, 28, 29, 30, 31, 32, 35, 39, 40, 42, 43,
44, 48, 49
US House (All)

Nevada Primary Election

Assembly (All)
Senate Clark Co Dist: 2, 5, 7, 8, 9, 10, 12,
Capital Senatorial Dist, Washoe Co Dist:
1, 2, 4
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State,
Treasurer, Attorney General, Controller
US House (All)
US Senate

(continues on page 7)



years and are contributing to American society. Indeed, these solutions are beyond the reach of any state. On most issues your columnist shares the enduring view of Supreme Court Justice Louis Brandeis that states are “laboratories of democracy” that should be allowed wide experimental latitude. Immigration, however, cries out for a national solution. If SB 1070 forces the president and Congress to consider genuine immigration reform, it will have done us all a big favor.

— *By Lou Cannon*

Budget & taxes

A Z VOTERS APPROVE TAX HIKE: While much of the nation was focused on the U.S. Senate primaries last week in ARIZONA, KENTUCKY and PENNSYLVANIA to gauge the electorate’s inclinations regarding their elected representatives, some had their eyes on a special election in ARIZONA to measure voters’ mood about taxes. And judging from the outcome, they are amenable, if the reason is right.

Arizonans approved Proposition 100, increasing the state sales tax one cent, to 6.6 cents per dollar, for the next three years, by a roughly 3-to-2 margin, according to unofficial returns. Few states have passed across-the-board sales tax hikes this year, opting instead to target particular items, like tanning beds in INDIANA and wind energy in WYOMING. A broad sales tax increase seemed particularly unlikely in a state that has been in the spotlight lately for passing one of the toughest immigration enforcement laws in the nation last month.

But a broad coalition that included representatives of the state teachers’ union and Gov. Jan Brewer (R) apparently succeeded in pitching the tax increase as the only way to avoid deep cuts in education and other services.

“It goes against almost everything I believe in but the state would have been hurt really bad without it,” said one Republican voter. “I hope it is the one time I do this.”

ARIZONA now joins KANSAS, which also bumped up its sales tax rate by a penny, from 5.3 cents to 6.3 cents, and OREGON which also approved a general tax increase, although that levy targeted corporations and the wealthy. (STATELINE.ORG, NEW YORK TIMES, ARIZONA REPUBLIC [PHOENIX])



SOME MA HOSPITALS SITTING ON CASH STOCKPILES: Massachusetts hospitals amassed \$17.2 billion in reserve funds as of September 2008, according to a report released last week by the Patrick administration.

About a third of the total, \$5.7 billion, was concentrated in the Partners HealthCare system, which includes the major Boston teaching hospitals Brigham and Women’s, and Massachusetts General.

“Having sufficient assets allows us to sustain our mission of patient care, teaching, research, and service to the community during economic downturns like the one we just experienced,” said Partners spokesman Rich Copp.

Copp said that since the time period covered in the report, the hospital system has lost “hundreds of millions” of dollars.

Nancy Kane, a Harvard School of Public Health professor who studies hospital financial performance, said the report was a good first step in determining the financial health of the state’s hospitals, but more needs to be done before any determination can be made about whether there are “excess resources in these institutions.”

“Some of the reason hospitals may have excess is because they have rates above everyone else’s,” she said, “and others may have excess because they manage their money better.” (BOSTON GLOBE)

BUDGETS IN BRIEF: MICHIGAN Gov.

Jennifer Granholm (D) signed school pension reform legislation (SB 1227 and HB 4073) last week that she says will save the state more than \$3 billion over the next decade. The legislation provides slightly enhanced pension benefits for public school employees who opt to retire between July 1 and Sept. 1, and requires workers enrolled in the Michigan Public School Employees’ Retirement System to contribute 3% of

their salary toward a health care trust (DETROIT FREE PRESS). • **CONNECTICUT** Gov. M. Jodi Rell (R) has vetoed SB 1, legislation that would have taxed bonuses given to employees of banks that received federal bailout money through the Troubled Asset Relief Program. In a prepared statement, Rell said she doesn’t support the TARP bonuses, but the bill would have triggered an automatic deficit and a costly, potentially unwinnable legal fight (HARTFORD COURANT). • The **MINNESOTA** Legislature passed HB1a, a budget bill that erases a \$3 billion deficit by cutting health care and delaying aid payments to schools but imposing no new taxes (ST PAUL PIONEER PRESS). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) has called for elimination of the state’s welfare-to-work program and cuts to child care and health services to close a projected \$19.1 billion deficit. The Legislature’s chief budget analyst advised lawmakers to reject the governor’s plan, which he said would cost the state \$3.7

Upcoming elections (cont.)

5/20/2010 - 6/10/2010

New Jersey Primary Election

US House (All)

North Dakota Primary Election

House (Odd)

Senate (Odd)

Constitutional Officers:

Secretary of State, Attorney General, Agriculture

Commissioner, Tax Commissioner, Public Service Commissioner

US House (All)

US Senate

South Carolina Primary Election

House (All)

Constitutional Officers:

Governor, Lieutenant Governor,

Secretary of State, Treasurer, Attorney General, Comptroller General,

Adjutant General, Commissioner of Agriculture, Superintendent of Education

US House (All)

US Senate

South Dakota Primary Election

House (All)

Senate (All)

Constitutional Officers: Governor

US House (All)

US Senate

Virginia Primary Election

US House (All)



billion in federal matching funds and shift costs to county governments, and cut other programs and raise taxes modestly instead (CHRISTIAN SCIENCE MONITOR, LOS ANGELES TIMES). • British Petroleum CEO Tony Hayward announced last week that his company will give \$25 million to **FLORIDA** to help the state promote tourism. That figure brings the total BP has given **FLORIDA** in the wake of last month’s oil rig explosion in the Gulf of Mexico to \$50 million (TALLAHASSEE DEMOCRAT). • **SOUTH CAROLINA** lawmakers overrode Gov. Mark Sanford’s veto of HB 3584, a measure increasing the state’s 7-cents-per-pack tax on cigarettes — the lowest rate in the nation — by 50 cents. The state is the fifth to increase its cigarette tax so far this year (WALL STREET JOURNAL).

Upcoming stories

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

- **Texting and sexting**
- **More immigration reform**
- **Budget updates**

— *Compiled by KOREY CLARK*

Politics & leadership

SUPER SENATE TUESDAY CONTINUES ANTI-INCUMBENT TREND: Last week’s trio of U.S. Senate primary elections have to be worrisome for anyone running for Congress this year who already has the title “U.S. Sen.” or “U.S. Rep.” in front of their name or possesses some other “establishment” credentials.

In PENNSYLVANIA, Arlen Specter, the longest serving senator in the state’s history, was ousted by Democratic voters, despite having the support of Gov. Ed Rendell (D) and President Barack Obama. In KENTUCKY, the Tea Party movement helped vault a political novice, Rand Paul, over Secretary of State Trey Grayson, the GOP candidate handpicked by U.S. Senate minority leader Mitch McConnell (R-KENTUCKY), to claim the Republican nomination. And in ARKANSAS, U.S. Sen. Blanche Lincoln was forced into a June 8 runoff, after garnering only 45 percent of the vote in the state’s Democratic primary.

The three primary results follow losses this month by two other sitting lawmakers: three-term U.S. Sen. Bob Bennett of UTAH, who failed to advance at the state’s GOP convention, and U.S. Rep. Alan Mollohan of WEST VIRGINIA, who was shown the door by voters in his state’s Democratic primary.

“Distrust of all things Washington seems to be the theme,” said Michael Franc of the conservative Heritage Foundation.

The PENNSYLVANIA primary result certainly appears to be a case of voters rejecting the Washington establishment. Specter spent 30 years in the Senate. And



in thanks for switching from the Republican to the Democratic Party last year, helping to give the Democrats a filibuster-proof 60-vote majority in the Senate, President Obama made an automated telephone call on Specter’s behalf and was featured in his campaign ads. Sestak even suggested that the White House offered him a high-ranking position, perhaps Navy secretary, in exchange for agreeing not to challenge Specter.

“This is what democracy looks like,” Sestak said in his victory speech. “A win for the people, over the establishment, over the status quo, even over Washington, D.C.”

But as much as Specter’s reputation as a career politician may have contributed to his defeat, the fact that he served 30 years in the Senate as a Republican was undoubtedly a factor as well, especially considering the sort of true blue Democrats

“This is what democracy looks like.”

who tend to turn out for primaries. The races’ winner, U.S. Rep. Joe Sestak (D-PA), is also a member of Congress himself, although one with a much lower profile than Specter. And

in an interview before the polls closed last Tuesday, Gov. Ed Rendell (D) said Sestak and Specter had cast similar votes over the past year, including on the health care and economic stimulus bills.

Lincoln, likewise, as ARKANSAS’ senior U.S. senator, has strong party establishment support, according to Hal Bass, a political scientist at Ouachita Baptist University. But her less-than-stellar showing last week was likely due as well to what Bass termed “her deliberate efforts to maintain a centrist posture in an increasingly polarized era.”

“She drew fire from purists on both ends of the ideological spectrum, not only in ARKANSAS, but nationally.”

In fact, Lincoln is considered one of the most vulnerable incumbents in the Senate. Recent polls indicated that she — and, for that matter, her challenger in next month’s Democratic primary runoff, Lt. Gov. Bill Halter — would lose in a November match-up with five different Republican candidates.

Paul’s win in KENTUCKY may be a more straightforward case of anti-incumbent fever. An ophthalmologist and anti-tax activist, and the son of former 2008 Libertarian Presidential candidate Rep. Ron Paul (R-TEXAS), he was embraced by a movement that arose in protest to Washington policies like the federal economic stimulus package and health care reform.

“I have a message, a message from the Tea Party, a message that is loud and clear and does not mince words,” Paul said following his 24-point victory (59 percent to 35 percent) over Trey Grayson. “We have come to take our government back.” (CHRISTIAN SCIENCE MONITOR, NEW YORK TIMES, USA TODAY, CNN.COM, WASHINGTON POST)

In case you missed it

The massive oil spill in the Gulf of Mexico is far from being under control, but forces around the country are already acting to cut off plans to expand future offshore oil drilling.

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

http://www.statenet.com/capitol_journal/05-17-2010/html



PA RACE DAMPENS GOP HOPES FOR US HOUSE TAKEOVER: The seat held for 35 years by Democratic U.S. Rep. John Murtha of PENNSYLVANIA, who died unexpectedly from complications related to gallbladder surgery in February, has gone to one of his former aides, Mark Critz. Critz' victory over wealthy GOP businessman Tim Burns last week in a special election in the state's 12th Congressional District deals a major blow to Republicans' chances of taking over the U.S. House in November.

Although Democratic voters outnumber Republican ones by a 2-to-1 margin in the 12th District, those voters supported Republican Sen. John McCain in the 2008 presidential race, after voting for Democratic Sen. John Kerry for president in 2004.

"If you can't win a seat that is trending Republican in a year like this, then where is the wave?" asked Tom Davis, a former GOP congressman from VIRGINIA.

Critz was helped by his anti-abortion and pro-gun views, which match those of the district's blue-collar conservatives, as well as the high turnout of Democratic voters as a result of the state's hotly-contested Democratic Senate primary. And unlike last week's Senate primary candidates, Critz kept his race local rather than a referendum on Washington by distancing himself from President Obama and House Speaker Nancy Pelosi, and by opposing health care reform. (CHRISTIAN SCIENCE MONITOR, NEW YORK TIMES)

POLITICS IN BRIEF: The CONNECTICUT Supreme Court ruled unanimously last week to reverse a lower court decision that would have allowed Secretary of State Susan Bysiewicz to run for attorney general. The justices were troubled by the minimal standards set by the lower court in its ruling that Bysiewicz, who has rarely set foot in a courtroom, met the statutory eligibility requirement for the office (HARTFORD COURANT). • Only 49 percent of likely voters in CALIFORNIA support legalization of marijuana, according to a poll conducted last week by the nonpartisan Public Policy Institute of California. The Institute's president and pollster, Mark Baldassare, said the result doesn't bode well for the campaign that placed the initiative on the November ballot. "It's always hard to start out when you're not even at 50 percent," he said (LOS ANGELES TIMES).

— *Compiled by KOREY CLARK*

Governors

D OYLE SOURS ON RAW MILK BILL: Saying it posed too big of a risk to consumers, WISCONSIN Gov. Jim Doyle (D) vetoed a measure that would have made the Badger State the 20th to allow dairies to sell raw milk directly to the public. Doyle had initially indicated he would sign the measure, SB

434, but backed off under a barrage of opposition from the dairy industry and public health officials.

Doyle said the decision was difficult but that the opposition, which included the National Milk Producers Federation, the International Dairy Foods Association, cheesemakers and several public health officials, eventually convinced him that the health risks from unpasteurized milk outweighed the potential benefits to small dairy farms that could have profited from the extra sales.

“I listened to people on both sides,” he said. “But when the public health community is almost entirely unanimous on this issue, it seems to me a pretty risky proposition to move forward with it.”

Raw milk advocates argued that fresh, unprocessed milk contains nutrients that are destroyed by pasteurization. Others also saw the potential for profit, noting that legalizing raw milk’s sale would provide a new revenue source for many small WISCONSIN dairies that would be most likely to sell it, particularly if it spurred the federal government to allow interstate sales of the product. Federal law currently bans the sale of raw milk, but allows states to legalize it as long as the milk does not cross state lines.

“This is sort of a unique opportunity the governor has to improve public health by vetoing a bill.”

“The (wholesale) milk price isn’t enough to keep us going,” said Janet Brunner, a dairy farmer from Pepin County.

But opponents countered that unpasteurized milk may also carry pathogens that cause food-borne illnesses like E. coli or salmonella. According to the U.S. Food and Drug Administration, over 1,600 reported illnesses were linked to raw milk consumption between 1998 and 2008. Those cases include 187 hospitalizations and two deaths.

The potential negative impact that a widespread outbreak of such illnesses could have on the \$26 billion WISCONSIN dairy industry led many dairy farmers and officials to oppose the bill.

Dr. Paul Wertsch, the past president of the Wisconsin Medical Society, said he was “flabbergasted” that the Legislature would even consider the bill.

“This is sort of a unique opportunity the governor has to improve public health by vetoing a bill,” Wertsch said.

The bill’s supporters say there is virtually no chance that lawmakers will attempt to override Doyle’s veto, noting the bill did not pass with veto-proof majorities in either chamber. (MILWAUKEE JOURNAL-SENTINEL, ASSOCIATED PRESS, CHICAGO TRIBUNE)

JINDAL CALLS FOR IMMEDIATE DREDGING: A visibly frustrated LOUISIANA Gov. Bobby Jindal (R) called for quick federal approval of an emergency dredging plan that could keep the massive ongoing oil spill in the Gulf of



CRIST HOLDS OFF ON SPECIAL SESSION: FLORIDA Gov. Charlie Crist (I) said he has ruled out calling the Legislature into an anti-oil drilling special session as early as next week, calling the timetable “too optimistic.” Crist said lawmakers are still not in agreement on his call for a constitutional amendment banning oil drilling in state coastal waters, though he expects to reach consensus with them “sooner rather than later.” Meanwhile, the governor said he is prepared to veto millions of dollars in budget projects as well as HB 1143, a bill that would require a woman seeking an abortion in the first trimester to submit to and pay for an ultrasound, even if it wasn’t considered medically necessary. It also requires that woman either look at the image or listen to a description of it by her doctor. Crist called the bill “mean-spirited” and said it requires doctors to give women “a lecture.” (MIAMI HERALD)

GOVERNORS IN BRIEF: KANSAS Gov. Mark Parkinson (D) marked the anniversary of the historic *Brown v. Board of Education* ruling by signing SB 54, a bill to put a mural about it in the Statehouse. The measure sets up a 12-member commission to draft a plan for a mural, which will be financed with private funds (LAWRENCE JOURNAL-WORLD). • **COLORADO** Gov. Bill Ritter (D) signed a trio of bills designed to create jobs in the state’s creative industries. The bills are HB 1180, which reduces the amount that out-of-state filmmakers must spend in the Centennial State to receive special tax incentives; SB 94, which clarifies that 1 percent of all state-funded projects must be set aside for public art; and SB 158, which sets up a special state agency to help create and retain jobs in theatre, film and art (DENVER POST).

— Compiled by RICH EHISEN

Hot issues

BUSINESS: The CALIFORNIA Assembly endorses AB 1942, which would allow companies to have video recorders installed on their vehicles’ dashboards. Supporters say the cameras would allow businesses to ensure their employees are driving safely. It moves to the Senate (VENTURA COUNTY STAR [CAMARILLO]). • Still in CALIFORNIA, Gov. Arnold Schwarzenegger (R) signs AB 585, which bars the sale of merchandise bearing the name or likeness of soldiers killed in the line of duty (RIVERSIDE PRESS ENTERPRISE). • PENNSYLVANIA Gov. Ed Rendell (D) vetoes SB 81, which would have barred state liquor stores from having an interior connection to another business that allows alcohol consumption. Rendell said the bill would have inhibited the state liquor store system’s attempts to modernize its operations (PITTSBURGH POST-GAZETTE). •

The **LOUISIANA** House unanimously approves HB 1410, a bill to let two or more cities or parishes establish rail compacts as a way to help launch intrastate railway or rapid transit systems. It moves to the Senate (**NEW ORLEANS TIMES-PICAYUNE**). • **TENNESSEE** Gov. Phil Bredesen (D) vetoes SB 3012, legislation that would have allowed Volunteer State residents with concealed carry permits to bring guns into bars and restaurants that serve alcohol. Supporters have vowed to seek an override (**COMMERCIAL APPEAL**). • **WISCONSIN** Gov. Jim Doyle (D) signs SB 530, which will bar payday lenders from locating 1,500 feet from one another and 150 feet of residential areas. Loans will be limited to \$1,500 or 35 percent of monthly income, whichever is less. The bill also prevents borrowers from renewing their loan more than once. Doyle also vetoes a portion of the bill that would have allowed auto title loans (**MILWAUKEE JOURNAL SENTINEL**). • Still in **WISCONSIN**, Doyle vetoes SB 434, which would have legalized the sale of raw milk to consumers. Doyle said the bill raised multiple safety issues, because unpasteurized milk may carry pathogens that cause food-borne illnesses (**MILWAUKEE JOURNAL SENTINEL**).

CRIME & PUNISHMENT: The U.S. Supreme Court rules that juvenile offenders cannot be sentenced to life in jail without parole unless they have committed murder. The court's ruling overturns the life sentence of a **FLORIDA** teen sent to jail for life in 2005 for a probation violation. The decision also invalidates similar laws in 36 other states, the District of Columbia and the federal court system (**NEW YORK TIMES**). • **VIRGINIA** Gov. Robert McDonnell (R) signs SB 259, legislation requiring a juvenile awaiting trial as an adult to be held in a juvenile facility unless a judge determines that adult jail is necessary. Supporters say the measure will help judges keep youths with rehabilitative potential away from more hard core criminals (**RICHMOND TIMES-DISPATCH**). • **MINNESOTA** Gov. Tim Pawlenty (R) signs HB 3106, legislation that requires first-time DWI offenders who registered high blood-alcohol readings when arrested to use a breath-activated ignition interlock system to drive as part of their sentences. All repeat offenders will also be required to use the interlocks (**MINNEAPOLIS STAR-TRIBUNE**).

EDUCATION: A **CALIFORNIA** Senate committee endorses SB 1451, which would require the state Board of Education to examine new textbooks for curriculum revisions approved in March by the **TEXAS** school board before those books could be used in Golden State schools. Critics, who argue that large states often have undue influence over what ends up in other states' textbooks, say the proposed changes are historically inaccurate and dismissive of the contributions of minorities. The bill is now in the full Senate (**SAN JOSE MERCURY NEWS**). • The **LOUISIANA** House approves HB 1170, which would bar school bus drivers who get cited for drunk driving from operating a bus for up to 10 years. It moves to the Senate (**NEW ORLEANS TIMES-PICAYUNE**).



ENVIRONMENT: WISCONSIN Gov. Jim Doyle (D) signs AB 139, which will impose fines up to \$1,000 for dumping large items such as furniture or cars along Badger State roadways. The fine was previously capped at \$500 (WISCONSIN STATE JOURNAL [MADISON]). • Still in **WISCONSIN**, Doyle signs SB 273, which would allow energy generation produced from burning garbage to be classified as renewable, thereby helping companies meet the state’s renewable energy mandate (WISCONSIN STATE JOURNAL [MADISON]). • Again in **WISCONSIN**, Doyle vetoes SB 616, a bill that would have required all state building funds be made available to meet certain green building requirements. Doyle said it would have created “chaos” in the building industry (WISCONSIN STATE JOURNAL [MADISON]).

At Issue in the States

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

HEALTH & SCIENCE: The **OHIO** House approves HB 206, which would allow advanced-practice nurses in the Buckeye State to authorize refills of medications previously prescribed by a doctor. It moves to the Senate (COLUMBUS DISPATCH). • **COLORADO** Gov. Bill Ritter (D) signs SB 76, which prohibits health insurers from offering financial incentives for employees to deny benefit claims (DENVER BUSINESS JOURNAL). • Still in **COLORADO**, Ritter also signs HB 1252, which mandates that health insurers cover mammograms for women at risk of breast cancer (DENVER BUSINESS JOURNAL). • **WISCONSIN** Gov. Jim Doyle (D) signs AB 227, a bill that requires the state Pharmacy Examining Board to create a system to track prescription drug movements by requiring pharmacists and other drug prescribers to document each prescription (WISCONSIN STATE JOURNAL [MADISON]).

IMMIGRATION: **ARIZONA** Gov. Jan Brewer (R) signs SB 1183, legislation which affirms that Grand Canyon State law does not require businesses to provide “trained and competent” interpreters when a customer comes in speaking a language other than English (ARIZONA DAILY STAR [TUCSON]).

SOCIAL POLICY: The **LOUISIANA** Senate approves SB 528, a bill that would require Pelican State women seeking an abortion to obtain an obstetric ultrasound before having the procedure. It moves to the House (NEW ORLEANS TIMES-PICAYUNE). • **COLORADO** Gov. Bill Ritter (D) signs SB 171, a measure that creates a youth ombudsman office to oversee the state’s child welfare system. The new office will be charged with fielding and investigating complaints and concerns filed by individuals, child welfare agencies and children in the system. It will also make annual reports and recommendations to lawmakers (DENVER POST). • **MARYLAND** officials announce the Old Line State will now allow



state employees to add same-sex spouses as dependents, making them eligible to receive the same health care and other benefits afforded to husbands and wives of heterosexual state employees. The couples must show a valid marriage certificate from a state that legally sanctions same-sex marriage, which **MARYLAND** currently does not (BALITMORE SUN).

POTPOURRI: The **LOUISIANA** House rejects HB 863, which would have barred truckers and other commercial drivers from using hand-held cell phones while using Pelican State roads. Opponents said the bill was a first step in banning cell phone use by all drivers (NEW ORLEANS TIMES-PICAYUNE). • **WISCONSIN** Gov. Jim Doyle (D) signs AB 842, which will require automotive engine coolants and antifreeze to contain a bittering agent to discourage animals and children from consuming it. The liquid is highly poisonous to both animals and humans (WISCONSIN GOVERNOR’S OFFICE). • Still in **WISCONSIN**, Doyle signs AB 333, legislation making the Badger State the 39th with a reporters “shield law,” which keeps journalists from having to reveal their confidential sources. Under the measure, judges can order reporters to testify, produce information or reveal a source’s identity only when it is “highly relevant” to the case or critical to at least one party’s argument. Attorneys would have to show they couldn’t get the information any other way and there was an overriding public interest in disclosing it (BLOOMBERG BUSINESS WEEK).

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

BUT WHO DOES HEIDI KLUM LIKE? Every candidate for public office revels in endorsements from other public figures. Hopefully that nod comes from a political heavyweight with the power to sway a large chunk of the electorate, but anyone with some positive celebrity status is more than welcome. In that regard, CALIFORNIA attorney general candidate Kamala Harris may have just found the sweet spot. As *San Francisco Weekly* reports, Harris has been endorsed by former supermodel-turned-TV chatterbox Tyra Banks. And how did Harris, the current San Francisco District Attorney, manage to score the much sought after support? As Tyra tells it, they had a nice talk over lunch, in which Banks learned that the AG represents that state “in all law matters.” Well, there you go.

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