

June 13, 2005

Force fed?



Budget & taxes	
Court ruling sparks controversy in KS	5
Politics & leadership	
GOP casts out caucus member in AK	7
Governors	
What now in WA?	8
Birds eye view	4
Hot issues	11
Once around the statehouse lightly	14

Top Story

Few federal laws have incited as much controversy as the No Child Left Behind Act. Three years into the program, many states say they are mad as hell and aren't going to take it anymore.

SNCJ Spotlight

States rebel against No Child Left Behind

State politicians and education officials have been complaining about the federal No Child Left Behind Act (NCLB) ever since it was enacted three years ago, charging that the law's rigid testing requirements and penalties are underfunded and unfair. Now several states are doing more than just talking, launching legal and legislative attacks against NCLB — as well as engaging in other acts of open defiance — that are reminiscent of another little dispute over governmental authority from

America's past. And with both sides digging in, the current rebellion could continue to follow the course of the former one.

Ironically, the heightened level of hostilities between the states and the federal government over NCLB was ushered in by UTAH, the most solidly pro-Bush state in the nation in last fall's election. On April 19, the state's Republican-controlled Legislature passed a bill authorizing schools to ignore No Child mandates that conflict with state education policies or require state dollars to meet them. "They didn't bring tea to drop overboard, but that's about all that was missing," the state's superintendent of public instruction, Patti Harrington, said of the Legislature's dramatic move.

The day after Utah's action, the National Education Association (NEA) — the country's largest teacher union — together with school districts in MICHIGAN, TEXAS and VERMONT, filed a lawsuit against the U.S. Department of Education, alleging it has failed to adequately fund NCLB. And this month, the CONNECTICUT Senate passed legislation authorizing the state's attorney general to file his own suit against the federal government, naming the General Assembly as plaintiff. According to the State Net database, the Constitution State is just one of 24 across the country considering bills protesting or waiving NCLB requirements. (See *Bird's eye view* on page 4.)

And legislation and lawsuits aren't the only forms of resistance states are utilizing in the battle. The education commissioner of Texas — home state of both President Bush and his new Secretary of Education Margaret Spellings — has unilaterally decided to disregard NCLB provisions concerning the testing of students with learning disabilities. The state has already been fined \$444,282 of its \$1.1 billion federal allocation for failing to comply with another mandate requiring the regular reporting of school rankings. Two others — GEORGIA and MINNESOTA — have also been fined for not meeting requirements of the act.

NCLB's origins actually date back to 1983, with the publication of *A Nation at Risk*, a landmark federal study on America's education system that warned of a "rising tide of mediocrity that threatens our very future." Congress

The Week in Session

States in Regular Session: CA, DC, DE, LA, MA, MI, NC, NH, NJ, NY, OH, OR, PA, RI, US, WI

States in Special Session: CA "a", MN "a", OK "a"

States in Recess: IL

States in Special Session Projected to Adjourn: ME "a", NV "a"

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

States in Special Session Adjourned in 2005: AK "a", MS "a", MS "b", UT "a", WI "a", WV "a", WV "b", WV "c"

Letters indicate special/extraordinary sessions

Source: State Net, 6/10/05

responded to that dire pronouncement by passing a fairly toothless education-reform measure the following year that did little more than urge states to develop standards for determining scholastic performance. To make absolutely sure no one would object to the bill, Congress included an unusual provision prohibiting the federal government from requiring states to pay any costs incurred in complying with the act. The impact of the law was fairly predictable; by 1997, only 17 states had established performance standards.

George W. Bush was determined to change that when he took office in 2000. His administration introduced an ambitious plan calling for regular testing of math and reading skills for all students in grades 3 through 8 and imposing penalties on schools that fail to improve their scores, including those of poor and minority students. After some tough negotiations, Congress passed the No Child Left Behind Act in 2002.

Despite the current outcry, those reforms seem to be having the desired effect. According to the Department of Education, overall student achievement has risen in 23 of the 24 states with three years of performance data, and the achievement gap between white and black students has narrowed in at least 16.

There are at least two major reasons why states are stepping up their resistance to the act now in spite of its encouraging record. First, the law's provisions are incremental; the number of students who pass the tests must increase each year and all students must pass them by 2014 (a goal some critics maintain is statistically unachievable, given the number of non-English speakers and disabled children enrolled in public schools). Consequently, many states are just starting to feel the pressure of having to continually improve. At this point, 6,000 schools -- roughly 13 percent of the total number receiving federal education dollars -- have been deemed to be "in need of improvement" under the act. Some of the worst performers include leaders of the rebellion. For instance, Connecticut and Utah both suffer from large gaps in performance between white and minority students, and the latter spends less per student (\$4,900 per year) than any other state.

Another sticking point is that at the same time that NCLB's mandates are becoming harder to meet, Congress is significantly reducing education funding. Under the recently-passed 2006 federal budget, schools will receive \$2.2 billion less than they did last year. And that cut seems particularly harsh to states, coming after three years of dramatically increased school spending.

States say the increasing challenge of raising performance amidst a decreasing supply of federal money is putting them in a financial squeeze, leaving them to increasingly view their situation with respect to NCLB solely in those terms. They are focusing particular attention on one specific paragraph of the 1,100-page act:

Section 9527A — the provision from the old 1997 education-reform law promising that states would not incur any compliance costs, which managed to find its way into the final version of the NCLB statute. NEA President Reg Weaver confirmed that clause is central to the NEA's lawsuit against the Department of Education in a press conference in Washington, D.C. held to announce the filing of the suit. "The law requires Washington to pay for it, and the fact is that Washington is not keeping that promise," he declared.

A few states have attempted to make that same argument in quantitative terms. Texas and OHIO, for instance, have performed studies that indicate NCLB could cost their respective taxpayers well over \$1 billion annually. And the NEA alleges in its suit that states have spent \$27 billion of their own money in complying with NCLB over the past three years. Bush administration officials dispute those estimates, pointing to several other studies, including one undertaken by the

Governmental Accountability Office, Congress' investigative arm, that demonstrate the act is adequately funded.

But money isn't the only reason states are up in arms, especially considering that the federal government only pays about 8 percent of states' education costs. The conflict is just as much a federalism issue; states are clearly rankled by the federal government imposing itself in an area they have long considered to be their exclusive province. And that sentiment may not have been expressed more can-

Bird's eye view



States give No Child Left Behind a failing grade

States have had mixed feelings about the federal No Child Left Behind (NCLB) law since its inception in 2002. (See *SNCJ Spotlight* in this issue) Many states consider NCLB to be an underfunded federal mandate as well as an intrusion against their right to set their own education standards. At least 24 states are considering bills that officially protest the law's tenets or require the state to opt out of the law's requirements altogether. The latter option would also mean foregoing the millions of federal dollars that come with NCLB acquiescence. Teacher unions and school districts in several states, including VERMONT, TEXAS and MICHIGAN have filed suit against the Bush Administration seeking to address their funding concerns. The accompanying map shows the states with pending NCLB protest and opt-out legislation.



Source: State Net database



didly than it was by a Republican lawmaker from Utah. During floor debate on his state’s anti-NCLB bill, Rep. Steven R. Mascaro proclaimed, “Washington’s marching in with the education army...You know what? I’d just as soon they take the stinking money and go back to Washington with it and let us resolve our education problems ourselves.”

Just what Washington will do isn’t clear. It could loosen guidelines, such as allowing more special-ed students to be exempted from testing requirements (currently schools can exempt only 3 percent of their students) or rewarding schools whose individual students — rather than grade levels as a whole — show improvement from one year to the next. Education Secretary Spellings has repeatedly said she is willing to “be flexible and work with states to implement No Child Left Behind” — at least up to a point; she’s also indicated that “Turning back the clock and returning to the pre-NCLB days of fuzzy accountability and hiding children in averages” is not an option.

The feds could also go in entirely the opposite direction and ratchet up the penalties for NCLB noncompliance. Texas, for example, could get hit with a bigger fine for its open defiance of the 3 percent limit on students with disabilities. Comments made by Spellings, such as “Texas is an outlier” and “I intend to take a very strong approach” suggest that’s a distinct possibility. Spellings could also deny Utah the \$76 million it receives in federal education money, which its new law has placed in jeopardy.

On the other side of the battle, states could take the ultimate step of pulling entirely out of NCLB — essentially declare their independence — by declining federal funds. That’s something only three individual districts (in ILLINOIS, Connecticut and Vermont) have done so far. But that could change if the conflict continues to escalate. (TIME, STATELINE.ORG, NEW YORK TIMES, WASHINGTON POST, NEWSDAY, STATENET.COM)

— *Compiled by KOREY CLARK*

Budget & taxes

COURT RULING SPARKS CONTROVERSY IN KS: On June 3, the KANSAS Supreme Court ruled that the state Legislature failed to adequately fund education during its regular session, which ended April 1. The justices had issued a preliminary ruling back in January calling on lawmakers to increase school funding, but they said the \$142 million the Republican-controlled Legislature had allocated in response was insufficient, and that



phased out back in January. Gov. M. Jodi Rell (R) said restoring that tax was preferable to instituting the “millionaires’ tax” that Democrats had been advocating (NEW YORK TIMES). • Democratic leaders in the **MAINE** Senate and other Capitol insiders say the push to overhaul the Pine Tree State’s tax system is just about dead, and that major changes will more likely occur in small steps over the next few years. They say reform proposals were introduced too late in the session, and the property-tax law passed in January has “sucked up a lot of the energy around the topic” (PORTLAND PRESS HERALD). • **ALABAMA** state Finance Director Jim Main said last week that the legislature will likely meet in special session before the end of July in order to pass a general fund budget, after failing to do so during the regular session, which ended May 16. Gov. Bob Riley (R) is working with legislative leaders to determine the session’s exact date (HUNTSVILLE TIMES).

Upcoming Elections
 (06/09/2005 - 06/30/2005)

06/14/2005 Florida
 special general
 House 007

06/14/2005 New Hampshire
 Special Election
 House Hillsborough 01

06/14/2005 Virginia
 Primary Election
 House (All)

— *Compiled by KOREY CLARK*

Politics & Leadership

GOP CASTS OUT CAUCUS MEMBER IN AK: Republican leaders of ALASKA’s House kicked Rep. Nancy Dahlstrom out of the majority caucus last week for violating caucus rules by voting against a GOP-backed public works budget. Dahlstrom said she opposed the budget because it draws money from the Alaska Permanent Fund without seeking voter approval, which she had made a campaign promise not to do. Despite the outcome, Dahlstrom said she did not regret her decision. “I feel good about what I did. I kept my word to my constituents,” she said. With no plans to join the Democratic minority, Dahlstrom will now be the only political independent in Juneau. Evidently the sort of person who’s inclined to see the glass as half full, she said, “I think I’m a caucus of one.” (ANCHORAGE DAILY NEWS).

POLITICS IN BRIEF: A NEVADA lawmaker went on a fast a week before the end of the session in an effort to generate support for his proposal to give bonuses of up to \$500 a month to local National Guard members and reservists

for time served following the 9/11 terrorist attacks. Sen. Bob Coffin (D) managed to survive the session, but his bill, SB 355, did not. The measure died in the Senate after being amended in the Assembly (NEVADA APPEAL [CARSON CITY]). • The new elections supervisor of FLORIDA's Miami-Dade County has recommended replacing the county's new touch-screen voting system with one that relies on paper ballots and optical scanners like those used by many of the Sunshine State's other counties. Opponents of paperless voting are hoping that the recommendation, coming in a county with more than a million voters, and that was also among the first in the country to adopt touch-screen technology, will have a major impact on the national debate over the issue (PALM BEACH POST). • OREGON House Republicans have initiated an effort to strip Sect. of State Bill Bradbury (D) of his authority to conduct performance audits of government agencies. Bradbury claims the move is in retaliation for the Democrat-friendly legislative district lines he drew in 2001, after lawmakers failed to agree on a plan (ASSOCIATED PRESS, STATESMAN JOURNAL [SALEM]). Former MASSACHUSETTS House Speaker Thomas M. Finneran (D) was indicted by a federal grand jury last week on charges of perjury and obstructing justice for lying during an investigation into his role in the drawing of legislative boundaries that diluted the power of minority voters in Boston. Finneran resigned last fall after serving as speaker for eight years (BOSTON GLOBE). • Fund raising for ALABAMA's 2006 legislative elections officially kicked off last Monday. Both major parties are expecting record-breaking campaign spending, with Republicans hoping the retirements of some Democrats and increasing numbers of suburban residents in a few swing districts will give them a majority in the House, and Democrats vowing to fight for every seat (BIRMINGHAM NEWS).

— *Compiled by KOREY CLARK*

Governors

WHAT NOW IN WA? That's the question on everybody's mind in WASHINGTON now that the protracted fight over the governor's office has been decided. When Chelan County Superior Court Judge John Bridges upheld Democrat Christine Gregoire's 129-vote victory over Republican Dino Rossi last week, he did more than just ensure Gregoire would stay in the office she has inhabited under intense controversy since January. Bridges' decision also set off rampant speculation about what his decision will



mean for both combatants and their respective parties, with the fallout possibly rippling all the way to the U.S. Senate.

With Rossi opting not to pursue the matter in the state Supreme Court, top fodder in the local rumor mill quickly had Rossi making a run at the seat currently held by freshman U.S. Sen. Maria Cantwell (D), who many view as being vulnerable against the right candidate. That possibility is said to also intrigue both the national GOP and the White House. Rossi, however, has gone to great lengths to dispute any thought of a Senate run, saying he has no desire to be away from his family or to leave the state. Others say a Senate race could also force him to more vociferously defend his anti-abortion stance, an issue critics claim he was able to successfully avoid in the governor's race. Washington is one of the nation's strongest pro-choice states.

Many Rossi supporters are urging him to use his current popularity to make another run at Gregoire in 2008, but a three-year lag time could also be problematic, particularly as Rossi does not currently hold an elected office to keep him in the spotlight. Washington State GOP chairman Chris Vance says it is all just speculation right now. "I'm sure Dino Rossi has a place in Washington State politics," Vance said. "But...he's not sure what the future will hold for him."

Gregoire, meanwhile, is inspiring rampant speculation of her own. With her job secure for at least a few years, some Republicans immediately expressed their concern that she would pursue a more aggressive agenda in the next session. But Democrats counter that it would be hard for her to be more aggressive than she already was this year, noting her vocal support for an \$8.5 billion tax package that

included a 9.5 cents-per-gallon hike in the state's gasoline tax over the next four years.

The next battle for both parties will actually be a more fundamental one — how to pay for the enormous cost of the legal fight. State Democratic Party Chairman Paul Berendt says Dems are on the hook for about \$3.5 million in legal fees, a figure he claims they don't have the cash to pay right now. Vance says the GOP is also not currently able to pay its legal tab of about \$2.5 million.

Dems are also still fuming that the state refuses to pay them 12 percent interest on the \$730,000 they

Quote...

"They shouldn't assume they can just take a private party's assets without paying a penalty."

— **WASHINGTON State Democratic Party Chairman Paul Berendt on why he thinks the state should pay Dems 12 percent interest on money the Party spent for a third recount to decide the governor's race.**

... unquote

"I think that for them to think that the taxpayers of Washington ought to be giving them more money at this point is very inappropriate. [Twelve percent] is not particularly reasonable."

—**State Sect. Of State Sam Reed's response. (SEATTLE POST-INTELLIGENCER)**



had to pony up to pay for the third recount — the one that gave the election to Gregoire. State law says that since that count changed the election results, the money must be refunded, but Sect. Of State Sam Reed refused to give the money back until the court case was decided. With that situation finally resolved, he vowed to issue the refund immediately, but only with 2 percent interest tacked on, a difference of more than \$30,000. Berendt says he is undecided about whether to incur further legal bills by pursuing the matter in court. (SEATTLE POST-INTELLIGENCER, SEATTLE TIMES)

Upcoming Stories

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

- What now for medical marijuana laws?
 - Will phone companies soon take over cable TV?
 - The brave new world of WiMax, and how states want to control it
- And many more...

GOVERNORS IN BRIEF: A spokesperson for **CALIFORNIA** Gov. Arnold Schwarzenegger (R) said the governor “has no intention” of giving back a \$10,000 campaign contribution from an **OHIO** man now under investigation for possibly defrauding the Buckeye State out of millions of dollars. Top Ohio politicians, the national GOP and even President George W. Bush have either returned similar donations or given equivalent amounts to charity in the aftermath of the allegations (SAN JOSE MERCURY NEWS). • Multimillionaire Douglas R. Forrester easily won the Republican nomination for governor in **NEW JERSEY** last week, setting up a fall gubernatorial battle between two of the Garden State’s wealthiest men. Forrester will face off with Democrat Dave Corzine in November in what many expect to be the most expensive race of the year. Both men have chosen to opt out of the state’s public campaign financing system, thus allowing them to spend as much of their own money as they like (NEW YORK TIMES). • **ARIZONA** Gov. Janet Napolitano (D) issued an executive order calling for a summit designed to devise a plan for enforcing federal immigration laws in the Grand Canyon State. The summit is expected to bring law enforcement officials from across the state together to mull possible recommendations for changes to federal and state immigration laws (ARIZONA REPUBLIC [PHOENIX]). • **GEORGIA** Gov. Sonny Perdue (R) appointed his top legal adviser to the state Supreme Court last week. It was the first appointment to the Peach State high court by a Republican governor in 137 years (ATLANTA JOURNAL CONSTITUTION).

— *Compiled by RICH EHISEN*

Hot issues

BUSINESS: The **HAWAII** Supreme Court rules that banning doors on “peep show” booths in adult video stores does not violate the public’s right to privacy or free speech. Video store owners say city ordinances that prohibit doors will drive away the tourists that make up the bulk of the booth clientele (**HONOLULU STAR-BULLETIN**). • **OKLAHOMA** Gov. Brad Henry (D) signs legislation that overhauls the Sooner State’s workers’ compensation laws. The measure gives employers the right to, among other things, choose an injured worker’s physician (**OKLAHOMAN [OKLAHOMA CITY]**). • The **NEW YORK** Senate approves a measure that would close a loophole in the Empire State’s anti-telemarketing law that currently allows businesses to make unsolicited calls to existing customers. The measure would bring the state into line with federal Do Not Call statutes. It rings through to Gov. George Pataki (R), who has said he will sign it (**TIMES UNION [ALBANY]**). • **ILLINOIS** Gov. Rod Blagojevich (D) signs legislation that bans the sale of yo-yo water ball toys in the Prairie State. The toys have been blamed for choking more than 400 children across the nation. Illinois is the first state to ban the sale of the product (**CHICAGO SUN-TIMES**).

CRIME & PUNISHMENT: The **LOUISIANA** House endorses HB 663, which would authorize wrongfully jailed inmates to receive free college tuition and as much as \$150,000 in compensatory damages from the state. It moves to the Senate (**TIMES-PICAYUNE [NEW ORLEANS]**). • **COLORADO** Gov. Bill Owens (R) signs a measure that bans open alcohol containers in a moving vehicle. The Centennial State is the last in the nation to adopt such a law (**ROCKY MOUNTAIN NEWS**). • **SOUTH CAROLINA** Gov. Mark Sanford (R) signs legislation that imposes a \$1,000 fine and 30 days in jail for first-time domestic abusers. A third offense would become a felony punishable by up to five years in prison (**POST & COURIER [CHARLESTON]**). • **KANSAS** Gov. Kathleen Sebelius (D) signs a measure that requires all Sunflower State law enforcement agencies to ban racial profiling, the act of targeting motorists for traffic stops based on their race. The law, however, contains no penalties for agencies that do not comply (**WICHITA EAGLE**). • The **FLORIDA** Supreme Court upholds two Sunshine State laws that require sex offenders to submit their addresses and a DNA sample to the state. A group of convicted sex offenders had sued the state, claiming the laws were unconstitutional (**ST. PETERSBURG TIMES**).



EDUCATION: COLORADO Gov. Bill Owens (R) vetoes a measure that would have barred “elimination games” like dodgeball or tag in public schools (ROCKY MOUNTAIN NEWS). • **OKLAHOMA** Gov. Brad Henry (D) signs legislation that boosts math requirements, establishes rigorous testing programs for middle and high school students and encourages high school seniors to take college courses. Students must also take college-bound curriculum unless their parents agree in writing to let them opt out of the program (DAILY ARDMOREITE). • **NEW HAMPSHIRE** Gov. John Lynch (D) signs HB 687, which gives free tuition at any state-run college to the children of all military personnel killed while on active duty. To date, 19 Granite State residents have been killed in military action in Afghanistan and Iraq (FOSTER’S DAILY DEMOCRAT).

ENVIRONMENT: The **OREGON** House passes House Resolution 3, which calls for a ban on state agencies imposing greater restrictions on greenhouse gas emissions. Resolutions do not carry the force of law and do not forward to other chambers (CORVALLIS GAZETTE-TIMES). • Still in **OREGON**, the Senate rejects a House-approved measure that would have allowed counties to reinstate the use of dogs to hunt mountain lions. The measure now heads to a joint House-Senate conference committee for negotiation (STATESMAN JOURNAL [SALEM]). • The **CONNECTICUT** House okay’s a bill that would charge a new fee on land transactions in order to raise money to preserve farmland and other open space. It moves to Gov. M. Jodi Rell (R) (HARTFORD COURANT).

HEALTH & SCIENCE: The U.S. Supreme Court rules that the federal government has the authority to prosecute medical marijuana users even in the 11 states that allow the practice. The ruling does not strike down laws in those states, which include **CALIFORNIA, ALASKA, MARYLAND, VERMONT, COLORADO, HAWAII, MAINE, MONTANA, NEVADA, OREGON** and **WASHINGTON** (WASHINGTON POST, ARIZONA REPUBLIC [PHOENIX]). • Undaunted by the Supreme Court decision, the **RHODE ISLAND** Senate overwhelmingly approves a bill that would legalize the use of marijuana for medical purposes. It wafts over to the Senate (PROVIDENCE JOURNAL). • The **LOUISIANA** House approves HB 675, which would mandate that critically ill people be kept alive with feeding tubes unless their living will specifies that they not be. It moves to the Senate (TIMES-PICAYUNE [NEW ORLEANS]). • The **NEVADA** Legislature passes a bill that will allow Silver State residents to purchase prescription drugs from Canada. If signed by Gov. Kenny Guinn (R), Nevada would become the ninth state to adopt a Canadian pharmacy plan (LAS VEGAS REVIEW JOURNAL). • The **LOUISIANA** Senate snuffs out SB 354, which

would have banned smoking in most Pelican State restaurants and bars (TIMES-PICAYUNE [NEW ORLEANS]).

SOCIAL POLICY: An **OREGON** Senate committee approves SB 1073, which would authorize same-sex civil unions in the Beaver State. It moves to the full Senate (OREGONIAN [PORTLAND]). • The **MAINE** House rejects a proposed constitutional amendment that would have barred same-sex marriage in the Pine Tree State. The Senate will consider a similar proposal next week (PORTLAND PRESS HERALD). • **TEXAS** Gov. Rick Perry (R) signs legislation requiring that minor girls get parental consent before having an abortion. Perry also signed off on a proposed constitutional amendment that would ban same-sex marriages in the Lone Star State. That amendment must still be approved by voters (DALLAS MORNING NEWS).

POTPOURRI: The **LOUISIANA** House just says no to HB 754, which would have allowed Pelican State convenience stores to sell “frozen specialty drinks” like daiquiris and Hurricanes (TIMES-PICAYUNE [NEW ORLEANS]). • **COLORADO** Gov. Bill Owens (R) signs HB 100, which guarantees Centennial State property owners in developments governed by homeowners associations the right to display political yard signs and flags, inspect association financial records and read all of the association’s bylaws before closing on a home (ROCKY MOUNTAIN NEWS). • **MINNESOTA** Gov. Tim Pawlenty (R) vetoes a measure that would have established a state poet laureate. Pawlenty reasoned that signing the bill would have led to calls for similar state recognition for other artistic performers, such as mimes and interpretive dancers (MINNEAPOLIS STAR-TRIBUNE). • The **MAINE** House goes all in on a measure that would allow Pine Tree State charities to hold up to six high-stakes poker tournament fund raisers annually. The so-called **TEXAS** Hold ‘Em bill now gets dealt to the Senate (KENN-BEC JOURNAL).

In the Hopper

State Net’s database tracks tens of thousands of bills in all 50 states at any given time. Here’s a snapshot of what’s in the legislative works:

Number of 2005 prefiles last week: 94

Number of 2005 Intros last week: 1,044

Number of bills enacted/adopted last week: 1,359

Number of 2005 prefiles to date: 32,764

Number of 2005 Intros to date: 148,884

Number of enacted/adopted overall in 2005: 28,376

— Compiled By JAMES ROSS
(Measures current as of 6/9/05)
Source: State Net

— Compiled by RICH EHISEN

•
•

Once around the statehouse lightly

DOMINO OF THE WEEK. When word leaked out that President George Bush soon would appoint CALIFORNIA Republican Chris Cox as chairman of the Securities and Exchange Commission, the stampede for Cox' Orange County congressional seat took on the appearance of the 1849 gold rush. At the head of the pack, reports *Capital Journal*, are several current and former state legislators — Republicans all — spurred on by the state's unforgiving term-limits law. The first to declare was Dick Ackerman, the minority leader of the state Senate, who is not termed out until 2008. Quick behind Ackerman was Marilyn Brewer, who was term limited from the Assembly in 2000. Also considering a challenge are Assembly members Chuck DeVore and Todd Spitzer. Meanwhile, an Ackerman victory would create yet another rush for an open Senate seat. Churn...churn...churn.

A FEW HERE, A FEW THERE. WISCONSIN officials are hard pressed these days to explain a few voting irregularities from last year's presidential election. In Milwaukee, reports the *Milwaukee Journal Sentinel*, computer glitches and data-entry errors have been blamed for the city producing more ballots than it had voters. Not to be outdone, the town of Herman, population 741, gave George Bush 100 extra votes — making the local results of the November 2 election off by some 25 percent. Herman ballots are not run through a computer; they are counted by hand. The real problem: It took seven months to discover the glitch. Seems somebody punched the wrong number on Herman's adding machine, giving Bush 366 votes instead of 266. Democrat John Kerry won the Badger State anyway.

WELL, IT SEEMED LIKE A GOOD IDEA. But, in the end, it was just plain goofy. As a result, MARYLAND Governor Robert Ehrlich Jr. has ordered state troopers to stop using night-vision goggles to bust drivers who are not using seat belts. According to the *Baltimore Sun*, police were peering into cars on the Rockville Pike, trying to see who was — and more significant, who wasn't — strapped in. Ehrlich was concerned that the practice was intrusive and violated Marylanders' right to privacy. The state had launched a "Click It or Ticket" campaign to encourage seat-belt use, claiming that dangling belts caused 70 percent of



Editor: Rich Ehisen — capj@statenet.com

Associate Editor: Korey Clark — capj@statenet.com

Contributing Editor: A.G. Block — capj@statenet.com

Editorial Advisor: Lou Cannon

Correspondents: Richard Cox (CA), Steve Karas (CA),
Bruce McKeeman (CA), Linda Mendenhall (IL),
Lauren King (MA) and Ben Livingood (PA)

Graphic Design: Richard Hansen, Heather Conway

©2005 State Net ISSN: 1521-8449



You've just read State Net Capitol Journal,
the insider's source for political and legislative news
in the 50 states.

State Net Capitol Journal is published 40
times annually and delivered over the web or e-mail.

For a FREE subscription, visit our website at
www.statenet.com and click on the "Register Now" icon.
Or, call us at 916.444.0840.