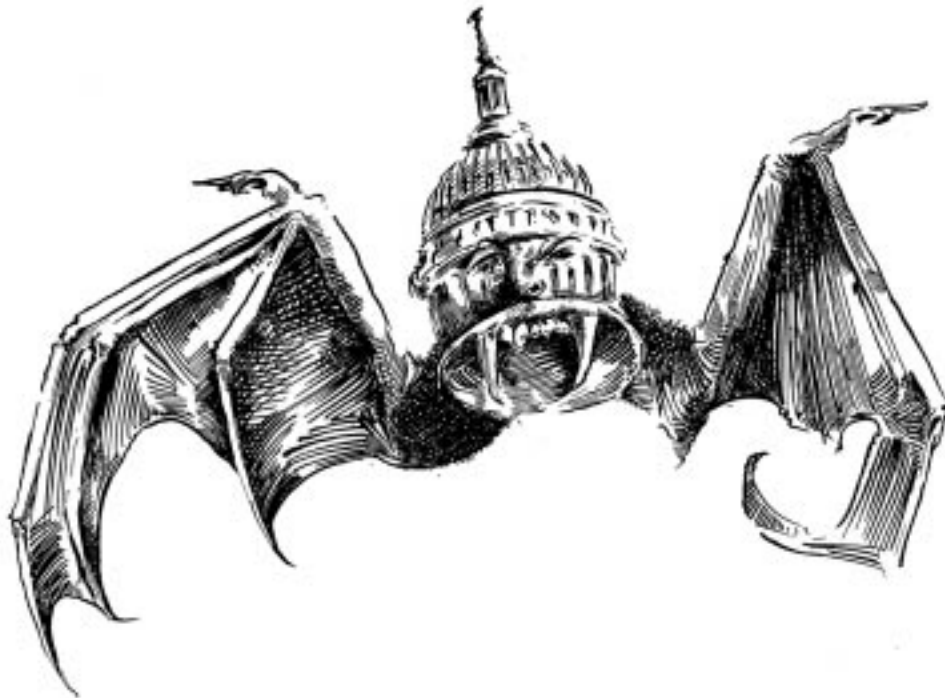


August 14, 2006

Draining state power?



Budget & taxes	
Katrina still impacting Texas	4
Politics & leadership	
Hits & misses on Colorado ballot	6
Governors	
Blagojevich will push morning after pill	8
Bird's eye view	3
Hot issues	9
Once around the statehouse lightly	12

Top Story

States and the federal government rarely see eye to eye on all issues. But in recent years, that chasm has grown significantly wider, driven by what many governors see as a relentless Washington power grab.

SNCJ Spotlight

Governors growing increasingly frustrated with feds

For months now, polls have steadily shown that the public is far from happy with the performance of both Congress and the Bush administration. But as bad as the public feels about Washington D.C. these days, the animosity toward the federal government may be even worse among governors.

That feeling has been gradually growing, spurred on by years of often unpopular federal action — or, in some cases, inaction — on numerous issues, including illegal immigration, health care, homeland security,

Real ID, No Child Left Behind, rising gas prices, energy policy, the environment and stem cell research, among many others.

That animosity was on prominent display recently when a majority of the nation's governors converged upon Charleston, SOUTH CAROLINA for the annual National Governors Association (NGA) meeting, egged on in part by the latest federal-state sparring match over a recently-passed bill in the U.S. House of Representatives that would allow the president to take control of state National Guard units without gubernatorial consent.

As written, the provision would give the president the authority to take control of the Guard in case of "a serious natural or manmade disaster, accident or catastrophe" in the United States.

That possibility drew a strong rebuke from Iowa Gov. Tom Vilsack (D), the NGA's senior Democrat, who called the proposal "one step away from a complete takeover of the National Guard, the end of the Guard as a dual-function force that can respond to both state and national needs."

"This is 230-plus years governors have had control of their National Guard and have done a good job," he added. "Now all of a sudden, there are one or two lines in a bill that no one has debated and no one has discussed to take that authority away under certain circumstances."

ARKANSAS Gov. Mike Huckabee (R), the outgoing NGA chairman, joined ARIZONA Gov. Janet Napolitano (D) in asking all the governors at the session to sign a letter of protest aimed at killing the provision when it goes before House and Senate conference committees in September. Huckabee said the proposed shift of power "violates 200 years of American history."

Huckabee was also direct in assessing the current frayed relationship between states and Washington D.C. During the meeting's opening press conference, Huckabee, who is considering a possible presidential campaign of his own in 2008, blamed the situation on federal indifference to states' concerns and his own party's move away from the "traditional states' rights position" of conservatives.

The Week in Session

States in Regular Session:
CA, MI, NJ, US

States in Informal Session: MA

States in Skeleton Session: OH

States in Special Session:
CA "a", CA "b"

States in Recess: DC, NY, PA

Special Sessions in Recess:
PA "a", VA "a"

States Adjourned in 2006: AK, AL, AZ, CT, CO, DE, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MN, MO, MS, NC, NE, NH, NM, OK, RI, SC, SD, TN, UT, VA, VT, WA, WI, WV, WY

States in Special Session
Adjourned in 2006: AK "b", AK "c", AR "a", AZ "a", CO "a", IA "a", KY "a", LA "a", MD "a", OK "a", OK "b", OR "a", OK "b", TN "a", TX "c", UT "a", WV "a", WI "b", WI "c"

Letters indicate special/extraordinary sessions

Source: State Net, 08/11/06

“I think you’re going find a universal disdain among governors, Democrat and Republican, with this attitude that the federal government continually has ...that the states are mere satellites of a centralized federal authority,” Huckabee said. “To be blunt, I sometimes wonder if people in Washington ever passed ninth-grade civics.”

Huckabee said that position is reflected most in the requirements of the new federal Real ID law, which will force states to verify the citizenship of every person seeking a driver’s license. The onus of that responsibility will fall on the Department of Motor Vehicles in each state.

Huckabee said that policy is, in effect, “trying to make every entry-level employee in our [DMV] offices an immigration officer, and they’re giving us no money to train them or hire them. It is a disaster in the making.”

Huckabee was not the only Republican to express his lack of faith in the GOP-controlled Congress and White House. Tommy Thompson, who previously

served in the Bush administration as the secretary of health and human services after four terms as governor of WISCONSIN, urged governors to keep pushing diet and exercise programs in their states and take other steps to reduce the cost of chronic disease. Thompson warned that the country’s health-care system is heading for financial breakdown within seven years unless it is converted to a system of health maintenance with an emphasis on preventive care. He said governors must start this process because “Congress will not do it.”

Bird’s eye view



More states say, “English Only”

English-only laws began cropping up in some states well over 120 years ago with statutes that required all school instruction to be only in English. The modern English-only movement grew broader in the 1980’s when states like VIRGINIA, ILLINOIS and FLORIDA codified English as their official state language. In addition to also requiring all public school instruction to be in English, those statutes also relieved government agencies from providing official documents in any other language. To date, more than half the states have followed suit, either by legislative action or initiative. The latest to do so are UTAH (2000) and IOWA (2002). The accompanying map shows all the states with English-only laws on their ledgers.



Another topic of discussion was the ongoing debate over domestic energy policy where governors were also quick to criticize the Bush administration for perceived failures. But there

was less agreement on what it should be doing, particularly in regard to the use of alternative fuels. And, unlike the Guard and Real ID issues, governors want to federal government to take the lead on developing a comprehensive energy policy.

“Our energy policy for the last 30 years is a joke. We’ve been asleep at the switch, both Republicans and Democrats,” said Republican Gov. Tim Pawlenty of MINNESOTA, who has been pushing alternatives such as ethanol and wind energy at home. That sentiment was echoed by MONTANA Gov. Brian Schweitzer (D), who has been lobbying hard over the last year for the U.S. to move toward synthetic diesel that would be made from his state’s abundant coal supplies.

“Ultimately people ask the question: ‘Well, where was the planning? How did we get to this situation? We thought we had people in D.C. who were big thinkers who were planning five years in advance,’” Schweitzer said. “It turns out there wasn’t a plan, and we got here because no one was looking into the future.”

But other governors alluded to a shrinking oil supply as the cause for many of the nation’s energy woes, including record-high gas prices. MISSISSIPPI Gov. Haley Barbour (R) blamed environmentalists and others who fight increased drilling and pipeline construction. “We need supply to grow. That means more drilling (like proposals to open the Arctic National Wildlife Refuge), more nuclear energy, more coal to liquid,” he said. “We see how the shortsightedness of not-in-my-backyard resistance can cause enormous reduction in supply, which is going to result in higher prices.” (WASHINGTON POST, STATELINE.ORG, ASSOCIATED PRESS)

— *Compiled by RICH EHISEN*

Budget & taxes

KATRINA STILL IMPACTING TEXAS: Almost a year after Hurricane Katrina sent thousands of Gulf Coast residents scurrying for shelter in TEXAS, a soon-to-be-released survey is expected to reveal that a quarter-million evacuees remain in the Lone Star State, most without jobs and a large percentage living in households with incomes of less than \$500 per month. The survey is scheduled to be released in September.



MICHIGAN CUTS BUSINESS

TAX: As expected, the Republican-controlled Legislature voted to abolish the Wolverine State’s primary business tax at the end of 2007. The decision to kill the tax came despite concern that lawmakers have not come up with a replacement for the \$1.9 billion in lost revenue. Gov. Jennifer Granholm (D) can’t veto the repeal of the Single Business Tax, as she did earlier this year, because it was brought to legislators through an initiative petition drive. Granholm called the cut “an act of extreme cowardice” because lawmakers did not offer details on what spending might be cut to make up for the revenue loss. House Speaker Craig DeRoche (R) took exception to Granholm’s comments, saying “The governor thinks reforming the SBT is cowardice. I think it’s our job. There is no courage in doing nothing.” (DETROIT FREE PRESS)

“The governor thinks reforming the SBT is cowardice. I think it’s our job. There is no courage in doing nothing.”

— *Compiled by RICH EHISEN*

Politics & Leadership

HITS & MISSES ON COLORADO BALLOT: Backers of several controversial COLORADO ballot proposals — including the high profile Referendum C rebate — failed to turn in voter signatures by last Monday’s deadline, ending their bids to put the issues on the November ballot. Initiatives to ban late-term abortion and domestic partnerships also fell by the wayside. Measures that did meet the deadline include one that would define marriage as being only between one man and one woman and another that would legalize possession of up to 1 ounce of marijuana for anyone 21 and older. (ROCKY MOUNTAIN NEWS [DENVER])

MO VOTERS WILL GET STEM CELL MEASURE: The MISSOURI secretary of state last week certified a controversial stem cell research initiative and a minimum wage increase measure for the November ballot. The stem cell proposal, which has drawn national attention, will ask Show Me State voters whether to amend the state constitution to guarantee that all federally allowed stem cell research and treatment can take place in the state. The minimum wage measure seeks to raise the state’s minimum wage to \$6.50-per-hour from the current federal

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Governors

BLAGOJEVICH WILL PUSH MORNING AFTER PILL: ILLINOIS Gov. Rod Blagojevich (D) sent a letter to the Federal Drug Administration last week that urged the agency to make “morning after” contraceptive medications available over the counter without a prescription. Blagojevich also said that if the FDA does not act quickly to approve the pills, he would introduce legislation to make his state the 10th to allow women to get Plan B directly from pharmacies. Blagojevich said his legal staff is also investigating whether he has the power to sidestep lawmakers and make those changes without their approval. (CHICAGO SUN-TIMES)

STATE HIGH COURT REJECTS CARCIERI BALLOT BID: The RHODE ISLAND Supreme Court ruled last week that Gov. Don Carcieri (R) may no longer order nonbinding resolutions onto the statewide ballot. The decision was a boon to the General Assembly, which passed a measure this spring that stripped the governor of those ballot powers. The decision will keep two nonbinding questions that Carcieri wanted — a voter initiative and a proposed tax-and-spending cap — off the fall ballot. Carcieri, a Republican, lambasted the Democratic-controlled legislature for stripping him of a power Ocean State governors have had for decades, saying “Unfortunately, the General Assembly clearly does not believe that the people of RHODE ISLAND should have any voice in the operation of their government.” (PROVIDENCE JOURNAL)

NORTHEASTERN GOVS SAY NO TO NUKE WASTE: A group of Northeastern governors is lobbying Congress to reject a nuclear waste storage plan that would allow spent nuclear fuel to be consolidated at temporary storage sites around the nation, as long as it stays in a state that has commercial nuclear power. In a letter written by RHODE ISLAND Gov. Donald Carcieri (R) and VERMONT Gov. James Douglas (R) on behalf of the Coalition of Northeastern Governors, the governors argued that building a system of temporary storage sites could undermine the push for a permanent national repository. The interim storage plan in the legislation — authored by a trio of Senators from NEVADA, UTAH and NEW MEXICO, states currently serving as nuclear waste dump sites — serves as an alternative to Private Fuel Storage’s push to park 44,000 tons of spent nuclear fuel on the Skull Valley Goshute Indian Reservation, 50 miles from Salt Lake City. (SALT LAKE TRIBUNE)



GOVS CALL OUT GUARD: Governors Arnold Schwarzenegger of **CALIFORNIA**, Mitt Romney of **MASSACHUSETTS**, and George Pataki of **NEW YORK**, all Republicans, activated National Guard troops last week to bolster security at international airports in their states after British authorities scuttled a terrorist plot to bomb U.S.-bound planes leaving England. U.S. Homeland Security officials said the terrorists planned to use liquid explosives disguised as beverages and other common products and set them off with detonators disguised as electronic devices. (ASSOCIATED PRESS)

— *Compiled by RICH EHISEN*

Hot issues

B **USINESS:** A **MINNESOTA** court strikes down a new Gopher State law that imposed a \$25 fine on anyone under the age of 17 who purchased games rated M (Mature) or AO (Adults Only). The judge ruled there is no evidence that violent video games “cause even the slightest injury to children” (MINNEAPOLIS STAR TRIBUNE). • The **MASSACHUSETTS** Legislature unanimously overrides Gov. Mitt Romney’s (R) veto of legislation that increases the \$6.75-an-hour state minimum wage to \$7.50 an hour on Jan. 1 and to \$8 in 2008. Romney says the hike will hurt the Bay State economy (BOSTON GLOBE). • **NEW JERSEY** Gov. Jon Corzine (D) signs legislation that allows telecommunications companies and public utilities to apply for statewide TV franchises, rather than to negotiate separate deals with each community as current law requires. It goes into effect immediately (STAR-LEDGER [NEWARK]). • Federal commerce officials declare a “commercial fishery failure” along a 700-mile stretch of **CALIFORNIA** and **OREGON** coastline. The declaration comes just months after federal wildlife officials imposed severe restrictions on salmon harvests in waters off those two states. The commercial fishing industry has since declined by more than 80 percent this year. The declaration is expected to help speed up Congressional approval of \$10 million in subsidies for communities affected by the shutdown (LOS ANGELES TIMES).

CRIME & PUNISHMENT: The **ALASKA** House approves a bill allowing police to subpoena, photograph, fingerprint and hold witnesses or people who have information that would provide material aid to felony investigations, but who are reluctant to come forth. It moves to the Senate (ANCHORAGE DAILY NEWS). • **NORTH CAROLINA** Gov. Mike Easley (D) signs legislation that makes the Tar



Heel State the first in the nation to create an independent government panel to investigate possible wrongful convictions. The new eight-member panel will review the innocence claims of felons if new evidence, such as DNA, comes to light (CHARLOTTE OBSERVER).

EDUCATION: The CALIFORNIA

Senate approves legislation that would make the Golden State the first in the nation to bar college and university administrators from censoring student newspapers. The measure now goes to Gov. Arnold Schwarzenegger (R) for consideration (LOS ANGELES TIMES). •

MASSACHUSETTS Gov. Mitt Romney (R) vetoes legislation that would have required the Bay State to develop pre-kindergarten education programs for all of its 2 to 4 olds. Lawmakers, who passed the original bill unanimously in both houses, are mulling a special session to discuss a possible veto (BOSTON GLOBE).

ENVIRONMENT: A federal appeals court

rejects a **NEVADA** claim that that the Energy Department overstepped its authority and violated environmental rules in deciding to rely mostly on trains to take 77,000 tons of commercial spent fuel and high-level defense waste from sites around the country to Yucca Mountain, 90 miles north of Las Vegas. The Silver State has other ongoing suits against the Yucca Mountain proposal, and has vowed to challenge new Environmental Protection Agency radiation standards for the site as soon as they are released (NEW YORK TIMES). • Reversing a decision by former Gov. Dirk Kempthorne (R), **IDAHO** Gov. Jim Risch (R) opts out of a federal mercury pollution “cap and trade” program

Upcoming Elections

(8/10/06- 08/31/06)

08/15/2006

Nevada Primary Election
 Assembly (All)
 Senate (All)
 Constitutional Officers:
 Governor, Lieutenant Governor,
 Secretary of State,
 Treasurer, Attorney General,
 State Controller
 US House (All)
 US Senate (Ensign)

08/16/2006

Kansas Primary Election
 US House (All)

08/15/2006

Nevada Primary Election
 Assembly (All)
 Senate (All)
 Constitutional Officers:
 Governor, Lieutenant Governor,
 Secretary of State,
 Treasurer, Attorney General,
 State Controller
 US House (All)
 US Senate (John Ensign)

08/16/2006

Kansas Primary Election
 US House (All)

08/22/2006

Alaska Primary Election
 House (All)
 Senate B, D, F, H, J, L, N, P, R, S
 Constitutional Officers:
 Governor, Lieutenant Governor
 US House (All)

08/22/2006

Wyoming Primary Election
 House (All)
 Senate (Odd)
 Constitutional Officers:
 Governor, Secretary of State,
 Treasurer,
 Superintendent of Public Instruction
 US House (All)
 US Senate (Thomas)

that would have allowed coal-fire power plants to be built in the Gem State. The federal plan sets a cap for mercury emissions generated by coal-fire plants, and allows polluters who reduce those emissions to trade credits for the reductions to other companies who want to build power plants elsewhere (IDAHO STATESMAN [BOISE]). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) signs an agreement with British Prime Minister Tony Blair to work together to curb greenhouse gas emissions, promote clean-burning fuels and collaborate on research to fight global warming. The pact calls for studying the economic benefits and costs of various emission reduction programs and new energy technology as well as a possible joint emissions trading program between California and Britain (LOS ANGELES TIMES).

In case you missed it:

Immigration has become a flashpoint issue for the entire nation, with debate raging from statehouses and Congress to the streets of our cities. On July 10, the State Net Capitol Journal discussed this controversial issue with one of the most vocal players in this controversial issue, ARIZONA Gov. Janet Napolitano.

In case you missed it, the article can be found on our Web site at http://statenet.com/capitol_journal/07-10-2006.

HEALTH & SCIENCE: An **ILLINOIS** legislative committee approves a directive from Gov. Rod Blagojevich (D) that will require every Prairie State pharmacy to post signs saying that pharmacists must dispense prescribed contraceptives, including the so-called morning-after pill, without delay. The signs are expected to go up in September (CHICAGO SUN-TIMES). • **IOWA, VERMONT** and **MAINE** form a joint buying pool for the drugs they buy for Medicaid recipients. The states say pooling their purchasing power will help them negotiate lower prescription drug prices, saving them each millions of dollars annually (DES MOINES REGISTER).

HOMELAND SECURITY: A **NEW HAMPSHIRE** Senate committee votes to accept \$3 million in federal funds in order to launch a pilot program to test the federal Real ID Act. That law requires all states, by 2008, to verify documents such as birth certificates, Social Security cards and passports when people apply for driver's licenses. The licenses also must be machine readable. The Granite State is one of only two states chosen to pilot the program. **KENTUCKY** is the other (NASHUA TELEGRAPH).

SOCIAL POLICY: The **INDIANA** Supreme Court upholds a Hoosier State law that allows unmarried couples, including same-sex couples, to adopt children through a joint petition that gives both partners equal custody. The court chose not to hear a challenge to a lower court's ruling that validated the law (INDIANAPOLIS STAR TRIBUNE).

place to answer the call — and promptly fell off a cliff. He now is suing the federal government to pay for his injuries and “mental anguish,” claiming that the feds should have known the cliff was dangerous. Probably ought to have the government shoot all the bears, as well. That way, the wilderness will be totally safe for Mr. Mersereau.

SENSITIVITY TRAINING 101: Two WASHINGTON judges were slapped on the wrist last week by the Commission on Judicial Conduct for conduct unbecoming. As noted in the *Seattle Times*, one judge led a cheer for the local football team, while the other failed to respect a dress code. In the former incident, Judge Beverly Grant had some time to kill while waiting to dole out a sentence for manslaughter, so she asked those in her courtroom to rah-rah-rah for then-Super Bowl bound Seattle Seahawks. The levity didn't sit well with families of the accused or the victim. Grant agreed not to do it again. In the other incident, Judge David Ladenburg ordered a Muslim woman out of his courtroom after she refused to remove her head covering. He agreed to take a course in cultural competence.

PLAYIN' POSSUM is one of those things a serious candidate has to do in the FLORIDA panhandle — at least, if he or she is going to get along in Wausau, where locals have held Possum Fun Day for the past 37 years. According to the *Tallahassee Democrat*, gubernatorial candidates Charlie Crist and Tom Gallagher both showed up at Fun Day last week, with Crist proclaiming his possum snack as “pretty tasty.” Gallagher passed up the buffet but won plaudits from the crowd by cuddling a live model.

CONGRESSIONAL CLUNKER. Two weeks from now, the nation will observe the one-year anniversary of its most expensive natural disaster – Hurricane Katrina, which slammed ashore on August 29, 2005. Well, most of the nation, anyway. Congress has thus far ignored that calendar smudge, despite a resolution offered by the delegation from LOUISIANA. The U.S. House left for

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 2006 prefiles last week: 80

Number of 2006 Intros last week: 272

Number of bills enacted/adopted last week: 144

Number of 2006 prefiles to date: 21,522

Number of 2006 Intros to date: 97,654

Number of enacted/adopted overall in 2006: 29,463

— Compiled By JAMES ROSS
(Measures current as of 08/10/06
Source: State Net)



vacation last week without passing the resolution. According to the *New Orleans Times-Picayune*, a spokesman for majority Republicans says that Congress couldn't get the job done because members are still debating language. Makes you wonder how Congress is going to contribute to a strategy for the Middle East if it can't decide how to mark an anniversary.

MEL-DOWN. Tom McClintock is a conservative Republican running for lieutenant governor of CALIFORNIA, which automatically makes him a prohibitive underdog. As such, McClintock needs all the help he can get. And in the celebrity-drenched atmosphere that is Golden State politics, a famous actor can provide an enormous boost. So it was with deep regret that McClintock last week ordered his staff to stop sending out a fund-raising letter and endorsement from Mel Gibson — whose recent escapades on the Pacific Coast Highway earned him an arrest on DUI charges and horrendous publicity over an alleged anti-Semitic tirade. As the *San Francisco Chronicle* and other news outlets report, Gibson's own political ambitions also suffered something of a hit.

— *By A.G. BLOCK*

