

## SNCJ Q & A

December 19, 2005



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### Top Story

*The 9/11 Commission says that America has not done nearly enough to meet its security needs. We talked with CALIFORNIA Director of Homeland Security Matthew Bettenhausen this week to discuss some of those challenges.*

## SNCJ Spotlight

*In depth with: Matthew Bettenhausen*

**C**ALIFORNIA Office of Homeland Security Director Matthew Bettenhausen is responsible for helping to protect more than 36 million Golden State residents from terrorism. A former federal prosecutor, Bettenhausen was also the first-ever Director of State and Territorial Coordination for the federal Dept. of Homeland Security, making him intimately familiar with the daunting task states like California face in dealing with security issues. We sat down with him recently to talk

about 9/11, Katrina and why WYOMING gets so much federal anti-terrorism funding.

**SNCJ:** The 911 Commission recently levied sharp criticism at both the Bush administration and Congress for dragging their feet on enacting the suggestions it made in its report. What is your assessment of our security situation?

**Bettenhausen:** The federal government needs to address several problems. One is information sharing. While we recognize that some significant progress has been made in that regard, some of that is still just box-shuffling.

Part of the issue is that we have been involved in a sea change in how we do business. The intelligence community was not used to sharing information with domestic agencies. The Patriot Act was helpful in opening up avenues of information, but opening the avenue doesn't mean anybody is going to drive on that highway. Instead of writing their reports with the intention of classifying it, they need to be writing with the intention of releasing and sharing that information.

There also still seems to be a failure to understand the great capabilities and resources that state and local governments can offer to the federal government in the whole terrorism and hazard scenario. Most incidents of that kind are local, but they think primarily of how they as the federal government can build their security capabilities. What the federal government really needs to be thinking about is how they can support us [states] in building our capabilities so we can be there as a national asset.

**SNCJ:** One issue the 911 panel mentioned specifically was the lingering inability of first responders from different agencies to communicate with one another on a secure, dedicated radio channel in real time. We saw that problem firsthand with 9/11 and again with Katrina. How are we addressing this issue?

## *The Week in Session*

States in Regular Session:  
DC, MI, NJ, OH, PA, WI

States in Informal Session: MA

States in Veto Session: CT "c"

States in Special Session:  
MT "a", PA "a"

States in Recess: CA, IL, IN, NH, NY

Special Sessions in Recess:  
CA "a", DE "a", DE "b", OK "a"

States Projected to Adjourn: US

States in Special Session Projected to Adjourn: MT "a"

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

States in Special Session Adjourned in 2005: AK "a", AL "a", CT "a", CT "b", CT "c", CT "d", FL "b", GA "a", KS "a", LA "a", ME "a", ME "b", MN "a", MO "a", MS "a", MS "b", MS "c", MS "d", MS "e", NM "a", NV "a", SD "a", TX "a", TX "b", UT "a", UT "b", VT "a", WI "a", WV "a", WV "b", WV "c", WV "d", WV "e"

Letters indicate special/extraordinary sessions

Source: State Net, 12/16/05









disposal, technology in particular, to keep up. We [homeland security] really are expected to bat 1.000, but no matter how much protection we add we're always going to be vulnerable somewhere. We just can't let our guard down.

— By *RICH EHISEN*

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# Budget & taxes

**G** **REGOIRE SAYS STRUGGLING STUDENTS NEED MORE HELP:** WASHINGTON Gov. Christine Gregoire (D) proposed that the Evergreen State invest more than \$40 million to help struggling sophomores pass the Washington Assessment of Student Learning (WASL), which this year's sophomores must pass to earn a diploma. Fewer than half of the students met those standards on last spring's WASL, and 30 percent of Washington's high school students drop out annually. Gregoire's proposal, to be submitted in January as part of her 2006 supplemental budget, would allocate \$38.5 million — roughly \$1,000 per student — to school districts to help students who have struggled on one or more of the WASL's reading, writing and math tests. Districts could choose to use the money for summer school, before- and after-school classes, seminars or tutoring. Gregoire told students the state has failed to ensure they have the academic support they need. "I think we've let you down," she said. "I don't think we've helped you enough, to be perfectly honest." (SEATTLE POST-INTELLIGENCER)

**MORE PUFF TAXES IN CA?** A coalition of CALIFORNIA healthcare organizations is pushing a \$2.60-per-pack tax on cigarettes in order to boost funding of various health programs. The groups hope to get the measure on the November 2006 ballot. If voters go along, California's total tax on a pack of cigarettes would rise to \$3.47, the highest in the nation. The initiative combines tobacco tax measures from the California Hospital Association and the American Cancer Society, while the new campaign includes the American Lung Association of California, the American Heart Association and the Campaign for Tobacco Free Kids, among others. Although some observes hypothesized that such a dramatic increase would lead some people to simply quit smoking, at least one tobacco industry representative thinks such a levy would only force people to look for alternatives for buying their smokes. "More likely what you have is people looking for other means to get their cigarettes, usually from other states or on Indian reservations where excise taxes aren't enforced," said Craig Fishel, spokesman for NORTH CAROLINA-based R.J. Reynolds Tobacco Co. (ASSOCIATED PRESS, CBS NEWS)





the Texas challenges, *Travis County v. Perry*, argues that because the redistricting did not take into account population changes in the state since the 2000 census, it violated the constitutional requirement of one person, one vote. Critics have also voiced concerns about the political ramifications of allowing the mid-decade redistricting to stand. For example, Charlie Stenholm, a Democrat who lost his seat in the Texas House after 26 years because of the 2003 redistricting, said, “I have felt for quite some time that unless the Supreme Court steps in and says states may not do what Texas did, we’re going to have redistricting every two years in states all over the country as the political power structure changes.” The Democrats are optimistic about the Supreme Court’s decision to take up the issue. U.S. House Democratic leader Nancy Pelosi of California said she saw it as “a hopeful sign” the court will “restore the Voting Rights Act to its historic role in furthering justice for all Americans.” But Republicans were equally upbeat about the news, Texas Gov. Rick Perry, saying he was confident “the Supreme Court will find that every Texas voter has a voice at the ballot box.” The cases will begin in the spring, with decisions likely by late June. (ASSOCIATED PRESS, SAN ANTONIO EXPRESS-NEWS, NEW YORK TIMES, CHRISTIAN SCIENCE MONITOR, DALLAS MORNING NEWS)

**TX REMAP FIGHT SPURS HOUSE EXODUS:** As of last week, fourteen members of the TEXAS House had announced they would not be seeking reelection next year, including 10 Republicans, eight of whom hold leadership positions. While a few of the members are planning to seek higher office, several conceded they are leaving because they are simply tired of all the partisan bickering. “I’m weary, just tired. Why do you hit yourself in the head with a hammer?” said Rep. Ray Allen (R), chairman of the County Affairs Committee, one of those who’s decided not to seek another term. “The answer is, it feels so good when you quit.” The seven-term lawmaker said his job used to be fun, because “there was not a lot of rancor.” But he said the Legislature’s repeated failure to act on school finance and abortive special sessions — six in the last three years — are a sign of how much things have changed. Greg Thielemann, a political science professor at the University of Texas-Dallas, attributes that change to the GOP’s 2003 redistricting. “The Republicans, in terms of their leadership, made one terrible error they are still paying for,” Thielemann said. “They tackled congressional redistricting before they tackled school finance. It left the chamber so strongly partisan, and the division was so severe.” Now, says Rep. Jim Solid (D), another departing member, “We’ve got a small Washington, D.C...in Austin,” adding, “The issues concerning problems of the state, those are being put on the back burner for political play and political games.” (HOUSTON CHRONICLE)

GA LEGISLATURE MAY REVISIT

VOTER ID LAW: In the wake of a federal court ruling and an inflammatory U.S. Department of Justice memo, Republican legislative leaders in GEORGIA are saying they might revisit the state's tough new voter ID law. That law, which was pushed through the GOP-controlled Legislature

earlier this year over the strong objections of Democrats, requires voters to show photo identification at the polls. It is one of only six such laws in the nation, and one of only two that provide no "fail-safe" provision for voters who lack a photo ID. During the session, and since, Republicans have contended the law is needed to prevent voter fraud, while Democrats have claimed it disenfranchises poor, elderly and minority voters, groups least likely to vote Republican. Although the law took effect in July and was used in a handful of special elections in August and September, a federal judge suspended it in October on the grounds that by obligating voters to obtain a photo ID, which in some cases required them to pay a fee, the state was imposing a form of illegal poll tax. Then, last month, a U.S. Department of Justice memo was leaked to the media in which Rep. Sue Burmeister (R), the primary sponsor of the voter ID bill, stated that if black people in her district "are not paid to vote, they don't go to the polls." In response to those developments, the Legislature's GOP leadership is considering changes to the law that would make it easier for residents to obtain IDs. For instance, they may strike the provision of the law allowing voters to obtain a photo ID for free only if they sign a form declaring they are indigent and can't afford it, and waive the fee altogether. "The only reason we did that to begin with was to be good stewards with the state's resources," said Sen. Cecil Staton (R), chief sponsor of the Senate version of the voter ID bill. Staton said they may also increase the number of places voters could go to obtain IDs. Bill Bozarth, executive director of Common Cause of Georgia, said he supports such changes. "We're going in a direction where Americans are going to have to have some form of ID," he said. "What we have is a temporary fight in Georgia about something that's going to be overtaken by national standards." But others disagree with that view. "I don't see this as inevitable," said Jennifer Owens, executive director of the Georgia chapter of the League of Women Voters. "A fundamental right in the Constitution is the right to vote, and it doesn't specify that you need a photo ID." Owens also chastised Georgia for being in such a rush to become more restrictive than other states on the issue. But Staton shrugged off that criticism. "I'm not terribly worried about what other states are doing," he said. "I would like to lead rather than follow." (ATLANTA JOURNAL-CONSTITUTION, ALBANY HERALD)

Upcoming Elections

(12/15/05 - 1/05/06)

12/27/2005 Minnesota Special Election  
House 15B  
Senate 015

01/03/2006 Virginia Special Election  
House 003  
Senate 004



**BALLOTS GET FIXED IN WA:** What would happen if election workers were allowed to fix ballots when voters didn't fill them out properly instead of just tossing them out? That's exactly what happens in the state of WASHINGTON. In fact, it happened more than 100,000 times in last month's election. Because Washington is a "voter-intent" state, election officials there bend over backwards to carry out the will of every voter. That includes not only duplicating ballots that are torn or mangled in the mail, but also redoing ballots that tabulation machines can't read because the ovals are filled out with highlighters or are marked with "Xs," or because voters wrote editorial comments on their ballot or even crossed out candidates they selected by mistake. The correction efforts have gone relatively unnoticed for years, but last year's extremely close and contentious governor's race has placed the whole Evergreen State election process under greater scrutiny. The fact that in nine of the state's largest counties, including King County, which was at the center of last year's gubernatorial election battle, new ballots were filled out for one of every 12 cast on Nov. 8 has some calling for the state to do away with the voter-intent concept altogether. "This whole process makes us very nervous," says state Republican Party chairman Chris Vance, adding that "in a close election you'll have the staff of King County Elections handling those ballots. And they are Democrats." Paul Berendt, the state Democratic Party chairman, countered, "The Republicans want to throw out 8 percent of the votes of the people of Washington. Thomas Jefferson would be rolling in his grave." Secretary of State Sam Reed (R) said newer tabulating machines — which aren't as fussy as older ones — would help to alleviate the problem, but voter education was the real key. And election officials say that could take some time. As one put it, "People do not read instructions if they feel they know how to do something, and they think they already know how to vote." (SEATTLE TIMES)

**POLITICS IN BRIEF:** Four Midwestern states — **IOWA, KANSAS, MISSOURI** and **NEBRASKA** — have agreed to create a task force to study ways of cross-checking their voter rolls. The move is aimed at reducing the problem of people registering to vote in more than one state (ASSOCIATED PRESS, JEFFERSON CITY NEWS TRIBUNE). • The **VERMONT** Democratic Party decided last week that it will start endorsing candidates before the state's September primary elections. The action mirrors the state Republican Party's decision earlier this year to allow committee members to choose candidates before the primaries by straw poll. Democratic Party chairman Ian Carleton said, "The reality of politics in the 21st century is that elections get going sooner than has previously been the case in Vermont" and that waiting until September to select its candidates would hurt the party (RUTLAND HERALD). • **CALIFORNIA** Gov. Arnold



**GREAT LAKES GOVS SIGN OFF ON WATER DEAL:** Governors from the five Great Lakes states and the premiers of Ontario and Quebec last week agreed to ban new or increased diversions of water from the Great Lakes and St. Lawrence River to other watersheds outside that drainage area. OHIO Gov. Bob Taft (R) and WISCONSIN Gov. Jim Doyle (D) were on hand to sign the deal, while Govs. Jennifer Granholm

(D) of MICHIGAN, Rod Blagojevich (D) of ILLINOIS, George Pataki (R) of NEW YORK, Mitch Daniels (R) of INDIANA, Tim Pawlenty (R) of MINNESOTA and Ed Rendell of PENNSYLVANIA (D) have pledged to sign the accord. The deal must still be ratified by all eight state legislatures and Congress before it can become law. The accord, which was four years in the making, was motivated largely by fears that arid Southwest states undergoing a record population boom will soon try tapping into the lakes, which hold 90 percent of the nation's fresh surface water. Doyle called the agreement necessary to forestall that possibility and to protect the Great Leaks environment, saying, "The lakes represent a fresh water ecosystem that's unique on our planet, supporting thousands of species, including human beings. These agreements will protect our Great Lakes from the threats of diversions outside this basin." (MILWAUKEE JOURNAL-SENTINEL, INDIANAPOLIS STAR)

**BLANCO BATTLES CONGRESS OVER KATRINA RESPONSE:** LOUISIANA Gov. Kathleen Blanco (D) told a Congressional committee last week that the federal government has a responsibility to help rebuild levee systems in New Orleans. In an often tense and confrontational hearing, Blanco testified that, "This [fixing levees] is our number one priority. As I've said before, if the levees had not failed, we wouldn't be having this hearing." But Blanco also faced strong criticism from several Republicans who questioned why she failed to order a mandatory evacuation of New Orleans until the morning before Katrina hit. FLORIDA Rep. Jeff Miller (R) sharply questioned Blanco's assertion that, "We got 1.2 million people out. We ended up saving another 100,000 people and we lost 1,100." Miller called that "a story that's not acceptable because 1,100 people is one half of the men and women we have lost in Operation Iraqi Freedom." The comment clearly angered Blanco, who fired back that "it's not acceptable for us to lose...soldiers, either." Meanwhile, the chairman of the House committee rejected a proposal to subpoena the White House for internal e-mails, memos and Katrina-related documents. (ASSOCIATED PRESS)

## Quoteable

"I used to love anything fried. I'm a true Southerner at heart. The only thing I haven't seen fried is a salad, and I'm sure someone will give that a shot."

— **ARKANSAS Gov. Mike Huckabee (R)**  
*describing his eating habits prior to losing over 100 pounds two years ago.*  
(ARIZONA REPUBLIC [PHOENIX])







right to override those laws in ordering the fence's construction. Those groups also claim the fence will irreparably damage coastal wetlands (ORANGE COUNTY REGISTER).

**SOCIAL POLICY:** The **NEW JERSEY**

Assembly approves AB 292, which would mandate that health insurers that provide benefits for prescription drugs also would have to cover the cost of prescription female contraceptives. The bill would exempt employers affiliated with religious organizations that object to birth control. Religious hospitals, however, would not be exempted. It heads to Gov. Richard Codey (D), who is expected to sign it

into law (STAR-LEDGER [NEWARK]). • The **MICHIGAN** House and Senate approve HB 5438, which would limit welfare recipients to no more than four years of cash assistance. The cutoff point would not apply to the disabled, those who are taking care of a disabled relative or the mentally ill. Lawmakers also passed HB 5441, which would enact penalties for recipients that fail to meet the state's work or training requirements. The first two offenses would mean a 90-day moratorium on assistance; a third offense would lead to a two-year ban on state aid. The bills move to Gov. Jennifer Granholm (D) (DETROIT NEWS).

**POTPOURRI:** In an effort to reduce clutter on Wolverine State roadways, A **MICHIGAN** Senate committee endorses a proposal to ban the issuing of new billboard permits unless the applicants agree to give up their current permits first. The measure goes on display in the full Senate next month. Only four states — **VERMONT, ALASKA, HAWAII** and **MAINE** — currently do not allow billboards along state roads (SOUTH BEND TRIBUNE). • The **WISCONSIN** Assembly approves a measure that would allow Badger State residents who undergo special training and obtain permits to carry a host of concealed weapons, including handguns, knives, electric stun guns, and batons. The bill must return now to the Senate, which approved a slightly different version last week. Gov. Jim Doyle (D) has vowed to veto the bill right out in the open (CAPITAL TIMES [MADISON]).

**In case you missed it:  
Lawmaker to lobbyist?**

How long should a former lawmaker be out of office before he or she begins lobbying the governing body they just left? It is a difficult question, one that must balance the rights of former legislators to earn a living with the interests of an often-skeptical voting public that tends to view "government ethics" as an oxymoron.

On November 21, the State Net Capitol Journal examined the widely differing ways in which states approach this complex and controversial issue. In case you missed it, these stories can be found under the archives tab on our Web site at [www.statenet.com/resources/](http://www.statenet.com/resources/)

— *Compiled by RICH EHISEN*





**MIDNIGHT AUTO PARTS:** The MAINE-owned pick up was parked at a shop, waiting for its communications equipment to be removed so the truck could be retired from state service and sold at auction. But according to *MaineToday.com*, some private citizens beat authorities to the punch. The thieves didn't target the usual equipment, however. Instead, they filched the entire rear-end assembly — tires, axle, hubs, nuts, bolts. Actually, it wasn't exactly a pure theft; more like a trade. The thieves left some of *their* equipment — the jacks used to prop up the truck while they removed the assembly. "A professional job," commented a state trooper investigating the robbery.

**SEAT PENDING:** Randy Hale still has not taken the oath of office as a trustee for the Romoland School District in Southern CALIFORNIA. Hale was elected in November, but as we reported at the time, it was going to be a little tricky for him to assume his seat in December. That's because Hale will be confined to the California Institution for Men in Chino until mid February due to a parole violation. Now, reports the *Riverside Press-Enterprise*, the Romoland district has asked Hale to resign so it can hold another election to fill what would then be a vacancy. Hale has indicated that he will not resign, forcing the district to remove him. Meanwhile, local authorities may save the district the trouble. It is unclear at the moment whether Hale was even eligible to vote and serve because according to state law, those on parole for felony convictions cannot register to vote — much less hold office. Hale did both. The matter is under investigation.

— *By A.G. BLOCK*



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