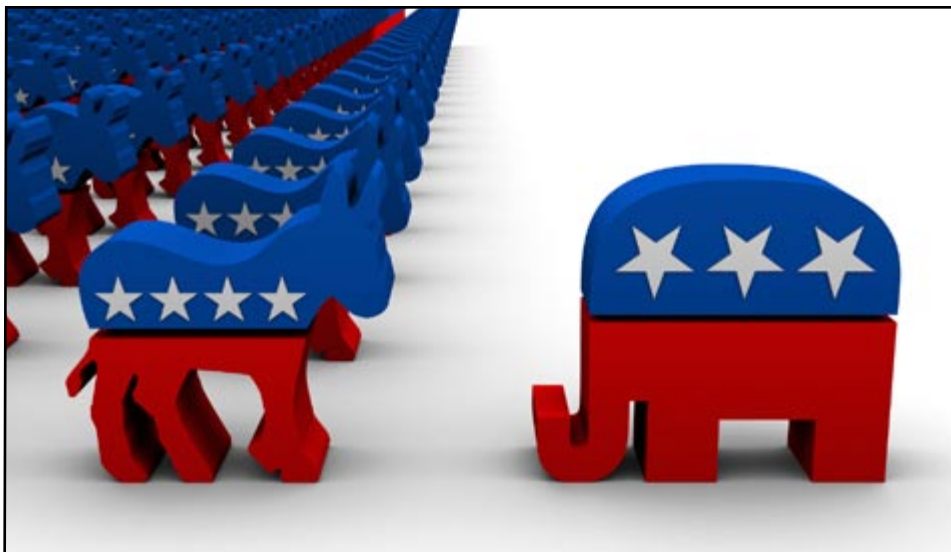


Can the Republicans Come Back?



April 20, 2009

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The next issue of
Capitol Journal will be
available on May 4th.

Top Story

With few exceptions, Republicans have taken a serious beating at both the state and federal level over the last few years. With President Barack Obama's popularity holding steady, can they ever come back?

SNCJ Spotlight

GOP raises valid concerns but disappoints in the states

Declining U.S. political parties in the United States traditionally reverse their fortunes by choosing charismatic presidential candidates who espouse policies of change. Notable presidential examples include Franklin Roosevelt, Ronald Reagan, Bill Clinton, and Barack Obama. All of these winning candidates took political advantage of economic

A Cannon Perspective

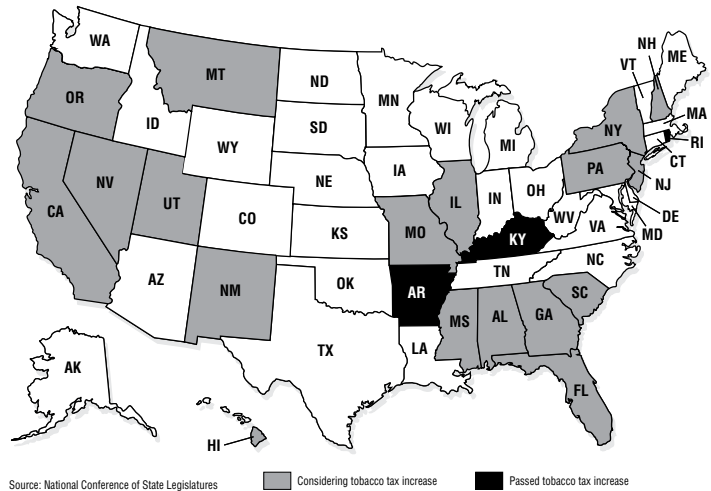


With Lou Cannon

downturns and all except Obama opposed unpopular incumbents. In Obama's case George W. Bush might as well have been on the ballot, for Democrats often sounded as if they were running against him instead of John McCain. Republicans in 2008 lost their second consecutive congressional election and a ton of state legislative seats in addition to the presidency. They haven't since regained the trust of the American people. Communicating effectively and spending freely to overcome the Great Recession, Obama has changed the political landscape more in his first months in office than any president since Reagan, perhaps more than any president since FDR's celebrated "Hundred Days" in 1933. Obama's approval ratings, as measured by Gallup, are holding steady at 60 percent while approval ratings of Congress hover in the mid-thirties. Republicans are divided and confused. As conservative analyst Craig Shirley puts it, "the current GOP is similar to a fungus in that while both are alive, it's just hard to prove it."

It may not be quite that bad. For a party that has just had the stuffing kicked out of it, Congressional Republicans have displayed a surprising unity and occasional sense in poking holes in the \$787 billion stimulus bill that is the centerpiece of Obama's recovery plan. It's true, as Democrats point out, that congressional Republicans advocate a fiscal probity they failed to demonstrate when in power. Nonetheless, as columnist David S. Broder observed in the *Washington Post*, the mountain of debt that will pile up at the end of the Democratic rainbow is "the most serious threat to America's economic future." Many independents and Democrats find this scary, as they should. A *Washington Post/ABC News* poll found that voters, even while giving Obama high marks, favor less spending to keep the deficit under control. The deficit hawks have been heartened by the non-partisan Congressional Budget Office, which

Bird's eye view



Tobacco taxes burning issue in state legislatures

With the potential for both raising revenue and improving the public's health by discouraging smoking, tobacco taxes are a popular item on legislative agendas this session. In addition to the federal tobacco tax hike included in the SCHIP reauthorization law signed by President Obama in February, more than 20 states have filed legislation that would increase their own tobacco taxes, according to the National Conference of State Legislatures. Several, including HAWAII, MISSISSIPPI, NEW HAMPSHIRE and OREGON, are considering multiple measures. Two states — ARKANSAS and KENTUCKY — have already enacted measures. Legislation is also awaiting the governor's signature in RHODE ISLAND.



exposed many fiscal fantasies of the Bush administration and is now even more skeptical about the happy-days-are-here-again budgeting of the Obama team. The CBO has estimated that the Obama administration's spending plans will add \$9.3 trillion to the national debt over the next decade, a third more than White House projections. Fiscally responsible Democrats such as Kent Conrad of North Dakota, chairman of the Senate Budget Committee, used the CBO numbers as a rationale for dropping Obama's costly "cap and trade" plan to curb carbon emissions — an energy tax by any other name — from congressional budget resolutions. Obama's vaunted health care overhaul may also be in trouble on fiscal grounds.

Although Obama's ambitious agenda and rosy budget estimates have provided Republicans with valid talking points, the GOP has floundered in its attempt to develop opposition to the administration stimulus plan in the states. A handful of Republican governors, including putative presidential aspirants Mark Sanford of SOUTH CAROLINA, Sarah Palin of ALASKA and Bobby Jindal of LOUISIANA, threatened to decline federal stimulus funds on grounds ranging from the unconvincing to the perverse. In the former category is Jindal's argument that the stimulus will have "dire consequences" for the states. That hasn't been true in LOUISIANA, which is still benefiting from a \$51 billion stimulus — ironically, a Bush stimulus — in the wake of Hurricane Katrina. In February, LOUISIANA had a jobless rate of 5.7 percent, well below the national average of 8.1 percent, and construction was booming.

Dissident GOP governors led by Gov. Rick Perry of TEXAS have been especially short sighted in opposing extension of unemployment insurance benefits to part-time workers, as the federal stimulus act requires. The governors contend that this provision could force state governments to increase taxes when federal funds run out. It's a weak argument, since states could forestall this with sunset laws that end added benefits when the current recession is over — or when they are no longer federally subsidized. But Republican Govs. Haley Barbour of MISSISSIPPI and Bob Riley of ALABAMA, along with Jindal, Palin, Perry, and Sanford, are still making noises about rejecting this portion of the stimulus, although they have agreed (with the exception of Sanford) to accept most of the federal funds.

It's not surprising that many Republican state legislators have split with their resistant governors on this issue. Tim Storey, political analyst for the National Conference of State Legislators, observes that it isn't realistic for states, which are required to balance their budgets, to turn down federal funds while they are cutting basic programs to make ends meet. It's also politically foolish, since the GOP is unlikely to return to power on the backs of the unemployed. Extension of unemployment benefits has been a government strategy in every major recession since the 1930s no matter which party occupies the White House. Why single out a program that goes to people with little or no money, increases consumer spending and helps keep families in their homes and off the welfare rolls? It is reminiscent of GOP



resistance to Social Security during the Great Depression. One of the resisters was the otherwise progressive Gov. Alfred Landon of KANSAS, who became the GOP presidential nominee in 1936 and lost to FDR in a landslide. Not all Republicans followed the lead of Landon, who later changed his mind about Social Security, and not every conservative GOP governor is marching in lockstep now with the Perrys and the Palins. Gov. Tim Pawlenty of MINNESOTA, a rising GOP star, has criticized some aspects of the Obama spending plan but accepted the stimulus money on grounds that MINNESOTA wasn't getting its "fair share" of federal funds.

The Republican governor on the liberal end of his party's political spectrum hasn't fared any better than the conservatives. Gov. Arnold Schwarzenegger of CALIFORNIA, who can't run for president because he was born in Austria, is eager for the stimulus funds and anything else he can get from the federal government. But to narrow CALIFORNIA's horrendous budget deficit Schwarzenegger also needs to win passage of a half dozen ballot measures in a May 19 special election. The title of these measures are masterpieces of Orwellian language: Proposition 1C, to borrow from future lottery proceeds to reduce the deficit, is called "The Lottery Modernization Act," while Proposition 1D, to take \$1.4 billion from children's services for this same purpose, is called "Protect Children's Services Funding." Business groups are waging an uphill campaign to pass these measures, fearing that CALIFORNIA may go broke without them, but polls show five of the six propositions trailing. Republican conservatives meanwhile, to use a Reagan phrase, are devouring their young. Their distaste for Schwarzenegger is understandable, but not so their tactic of trying to defeat the GOP legislators who voted for the governor's budget in the next round of Republican primaries. The winners of such internecine political warfare will inevitably be the Democrats. The losers will be the people of CALIFORNIA, which after Schwarzenegger's departure from the scene in 2010 will be well on its way to becoming a one-party state.

— *By Lou Cannon*

Budget & taxes

TOBACCO TAXES EASY ON STATES, HARD ON POOR: With cigarette smoking the leading preventable cause of death in the United States and the Centers for Disease Control and Prevention estimating that the habit results in \$193 billion in health-related economic losses each year, it's no wonder state lawmakers are so enamored of tobacco taxes. Forty states have enacted more than 80 tobacco tax increases over the past decade. And more than 20 states have proposed or already enacted increases this year (see *Bird's eye view* in this issue).



It helps that most Americans support tobacco taxes, according to research — not too surprising considering 80 percent of Americans don’t smoke — and that the taxes seem to work: They not only bring in considerable revenue — over \$15 billion in 2007 — but also reduce tobacco use. Studies show that cigarette purchases dip sharply after the implementation of a tobacco tax increase. And although tobacco use

“Most legislatures realize that it’s a win-win-win. It’s a win for health reasons, it’s a win when it comes to state finances, and it’s a win with the voters.”

tends to inch back up over time, overall the number of smokers is declining about 3 percent per year, with price the primary factor, according to the CDC.

“Most legislatures realize that it’s a win-win-win,” says

Peter Fisher, vice president for state issues at the Campaign for Tobacco-Free Kids. “It’s a win for health reasons, it’s a win when it comes to state finances, and it’s a win with the voters.”

But tobacco taxes aren’t a win for everyone, particularly poor Americans, who smoke at a rate nearly twice the national average.

Jim Sherman, a professor of psychology at INDIANA University who has studied the social impacts of smoking, suggested that supporters of tobacco taxes “might want to consider who’s going to be hit the most,” which in the case of a tax like that on tobacco is “lower-income populations.”

Some also charge that too little of the revenue derived from tobacco taxes goes toward helping smokers quit. One recent levy that supports their argument is the 62-

cent increase in the federal tobacco tax passed by Congress in February, all of which will be used to fund the State Children’s Health Insurance Program (SCHIP).

“This is the tyranny of the majority going after an unpopular minority, and Americans should be concerned.”

If the federal government wants to fund healthcare for children, said Boram Lee, the owner of a cigar club in Atlanta, “Why not put a tax on Pampers?” He added: “Here they’re

completely funding a bill from a tax on an industry they’re trying to shut down. So what happens when they’ve shut down everywhere you can smoke: Do they still expect that money to come in?”

Others find just as much fault at the state level. With the average price of a pack of cigarettes now at \$4.80, \$3.10 of which is taxes, Curtis Dubay, a tax-policy analyst at the conservative Heritage Foundation, said states have now reached “a punitive level of taxation” on tobacco.

“This is the tyranny of the majority going after an unpopular minority, and Americans should be concerned,” he said.

11 vote and now moves to the Senate (ASSOCIATED PRESS, NEVADA APPEAL [CARSON CITY]). • The number of home foreclosures across the nation last month was up 17 percent from February's total and 46 percent from March of 2008, RealtyTrac reported last week. The surge is believed to be the result of lenders lifting the temporary foreclosure moratoriums they imposed late last year while the Obama administration was preparing its program to assist troubled homeowners (USA TODAY). • With the state facing a \$3.5 billion budget deficit, **MASSACHUSETTS** Senate President Therese Murray (D) said last week that she, Gov. Deval Patrick (D) and House Speaker Robert DeLeo (D) have agreed to support legislation to expand gambling. A plan backed by Patrick to bring three resort-style casinos to the Bay State was deep-sixed last year by former House Speaker Salvatore DiMasi (D) (BOSTON HERALD). • State sales tax collections nationwide plunged an inflation-adjusted 6.1 percent in the fourth quarter of 2008, the greatest such decline in the 50 years that quarterly data are available, according to the Rockefeller Institute of Government (STATELINE.ORG). • Lottery ticket sales the past year were down 5 percent in **CALIFORNIA** and 7 percent in **FLORIDA**. But ticket sales were actually up 6 percent in **MINNESOTA**, which, given that Gopher State casino revenues were down, may be the result of people "substituting cheaper gambling," according to William Eadington, director of the Institute for the Study of Gambling and Commercial Gaming at the University of Nevada-Reno (USA TODAY). • **NEW YORK** state prosecutors and the federal Securities and Exchange Commission are investigating whether the Carlyle Group, one of the country's biggest private equity firms, paid so-called placement agents millions of dollars to secure business managing investments of the Empire State's public employee pension fund (NEW YORK TIMES). • Eight Midwestern states — **ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO** and **WISCONSIN** — have joined forces to increase their chances of obtaining federal stimulus money for a high-speed rail network, with Chicago as its hub. **CALIFORNIA** and **NEW YORK** are among those also competing for a cut of the \$8 billion set aside by the Obama administration for high-speed rail (ASSOCIATED PRESS, CHICAGO TRIBUNE).

— Compiled by **KOREY CLARK**

Politics & leadership

BATTLE FOR US SENATE SEAT CONTINUES IN MN: More than five months after voters across the nation cast their ballots for president et al, one seat in the U.S. Senate still remains vacant: one of the two reserved



for MINNESOTA. The state moved a step closer to filling that empty chair last week when a three-judge panel declared Democrat Al Franken the winner over Republican Norm Coleman. The judges ruled unanimously that the election was conducted “fairly, impartially and accurately” — rejecting Coleman’s arguments to the contrary — and that Franken should be certified as the winner.

But the Gopher State’s Senate seat could remain empty for a while longer. The Coleman camp, maintaining that the final vote count disenfranchised thousands of Minnesotans, has vowed to appeal to the state Supreme Court. And with Franken’s certification giving the Democrats 59 votes in the Senate — just one shy of a filibuster-proof majority — Republican leaders in Washington appear willing to take the issue all the way to the U.S. Supreme Court. Delaying Franken’s certification could also win Gov. Tim Pawlenty (R) support from the party faithful ahead of a possible presidential run in 2012.

But Coleman has his own political future to think about. He’s widely considered the heir apparent to Pawlenty, who may not run for re-election in 2010. And the longer the Senate battle drags on without a change of fortune in his direction, the more likely he is to be seen as the villain.

“For as long as Norm Coleman keeps it up...the voices are just going to keep getting louder and more numerous.”

“For as long as Norm Coleman keeps it up...the voices are just going to keep getting louder and more numerous,” said Brian Melendez, chairman of MINNESOTA’s Democratic-Farm-Labor Party.

The chances of things shifting in Coleman’s favor don’t look particularly good. Rick Hasen, an expert on election law at Loyola Law School in Los Angeles, said the three judges rejected Coleman’s arguments in such a “detailed and measured” way that their ruling is “unlikely to be disturbed on appeal by either the MINNESOTA Supreme Court or the U.S. Supreme Court.”

And if Coleman goes ahead with his appeal, and the state Supreme Court also rules in Franken’s favor, Lawrence Jacobs, director of the Center for the Study of Politics and Governance at the University of MINNESOTA, said “the ballgame is going to change.”

“This is going to be a much more explosive political situation,” he said. (POLITICO, NEW YORK TIMES)

Upcoming elections
4/16/2009 - 5/7/2009

04/21/2009
New Hampshire Special Election
Senate District 3

04/28/2009
New Hampshire Special Election
House Rockingham County District 4

South Carolina Special Election
House District 30 (Cherokee County)

05/02/2009
Louisiana Special Election
House District 97
Senate District 24



POLITICS IN BRIEF: COLORADO Senate

President Peter Groff (D) has accepted an appointment as director of the U.S. Department of Education’s Faith-Based and Community Initiatives Center. Groff said he will remain in Denver through the end of the session next month (DENVER POST). • The **TENNESSEE** Senate passed legislation (SB 150) last week that would require Tennesseans under the age of 65 to show a driver’s license or other government photo identification before being allowed to vote. If a companion bill passes in the House and the governor approves the idea, the Volunteer State will join seven others with voter photo ID laws on the books (CHATTANOOGA TIMES FREE PRESS). • The **WASHINGTON** Legislature approved SB 5599, a measure pledging its 11 electoral votes to the winner of the national popular vote in presidential elections if enough other states do the same to reach the 270 electoral votes needed to claim the White House. The bill now goes to Gov. Chris Gregoire (D), who supports it. According to State Net, law makers in 32 states have introduced similar measures in 2009. The popular vote compact has already been ratified in **HAWAII, ILLINOIS, MARYLAND** and **NEW JERSEY** (SEATTLE TIMES).

— Compiled by **KOREY CLARK**

Upcoming stories

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

- **Balance Billing**
- **Data Mining**
- **Free Choice/Card Check**

Governors

PERRY TEAS IT UP: TEXAS Gov. Rick Perry (R) hinted last week that his state might be interested in seceding from the U.S. if the federal government “continues to thumb their nose at the American people.” Perry’s statements, which also included his endorsement of a legislative resolution affirming the state’s sovereignty, came during one of Perry’s several appearances at anti-tax “Tea Party” rallies held around the Lone Star State.

In an interview after one such event in Austin, Perry said the federal government was overburdening the American public with taxation and debt and that Texans might eventually get so fed up they would want to secede from the union.

“I believe that our federal government has become oppressive in its size, its intrusion into the lives of our citizens, and its interference with the affairs of our state,” he said, specifically referencing House Joint Resolution 50.

“There’s a lot of different scenarios,” Perry added later. “We’ve got a great union. There’s absolutely no reason to dissolve it. But if Washington continues to thumb their nose at the American people, you know, who knows what might come out of that. But TEXAS is a very unique place, and we’re a pretty independent lot to boot.”

Perry eventually backed off that statement, saying he never specifically said his state should consider secession. (FOXNEWS.COM, POLITICO)

PATERSON INTRODUCES NY GAY MARRIAGE BILL: NEW YORK Gov. David Paterson (D) introduced a bill last Thursday to allow Empire State same-sex couples to wed. Paterson dismissed objection from religious leaders, comparing the effort to civil rights struggles. He also brushed off accusations that his diminished popularity makes this a bad time to sponsor such a controversial measure.

“Anyone that has ever experienced degradation or intolerance would understand the solemn duty and how important it actually is,” said Paterson, the state’s first black governor. “This is a civil rights issue. Civil rights don’t wait for the right time.”

The state Assembly passed a similar bill in 2007, but it was never brought up for a vote in the Senate. This year’s proposal could face equally strong resistance in that chamber, where Democrats hold a slim 32-30 lead. Republicans said last week they share total unanimity in opposing the measure, while at least one Dem, Sen. Ruben Diaz, is also strongly against the bill. (REUTERS, NEW YORK TIMES, ASSOCIATED PRESS)

GOVERNORS IN BRIEF: Less than two weeks after three Pittsburgh police officers were killed by a man with a military assault rifle, **PENNSYLVANIA** Gov. Ed Rendell (D) urged Congress to reinstate a federal ban on assault rifles and urged state lawmakers to pass “simple” gun-control measures. A federal ban on assault weapons expired in 2004. Rendell called on state lawmakers to pass legislation that would let cities craft their own firearms laws and require owners to report when their guns are lost or stolen (PHILADELPHIA INQUIRER). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) said last week that a claim by some conservative activists that illegal immigration is to blame for all of the state’s fiscal problems is ignorant and bigoted. “Anyone who says you have a budget crisis because of undocumented immigrants, I would say this is a prejudiced comment rather than reality,” Schwarzenegger said (LOS ANGELES TIMES). • The **IDAHO** House rejected Gov. Butch Otter’s (R) proposal to dramatically overhaul the state’s 62-year-old quota system for issuing liquor licenses, which allows only one liquor license for every 1,500 residents in Gem State cities. Otter contends that the current system

The week in session

States in Regular Session: AK, AL, AR, AZ, CA, CO, CT, DC, FL, HI, IA, ID, IL, IN, MA, MD, MI, MN, MO, MT, NC, ND, NE, NH, NM, NV, NY, OH, OK, OR, PA, RI, SC, TN, TX, US, VT, WA, WI, WV

States in Recess: DE, KS, ME, MS

States in Special Session: CA “c”

States in Budget Hearings: NJ

States in Extended Session: WV

States Currently Prefiling or Drafting for 2009: LA

States Projected to Adjourn: AK, ID

States Adjourned in 2009: AR, GA, KY, MD, NM, SD, UT, VA, WY

State Special Sessions Adjourned in 2009: AZ “a”, CA “a”, CA “b”, CT “a”, DE “b”, FL “a” IL 2007-08 Special Sessions “a”-“z”

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS
(session information current as of 4/17/2009)
Source: State Net database

undermines economic development because it allows speculators to put their names on the waiting list for licenses, then sell or rent the licenses to the highest bidder once they receive them. Lawmakers, however, countered that giving control of liquor licenses to cities and counties would boost alcohol consumption and reduce public morality (IDAHO STATESMAN [BOISE]). • For the fourth time in as many years, **KANSAS** Gov. Kathleen Sebelius (D) vetoed a proposal (HB 2014) to allow the building of two new coal-fired power plants in the Sunflower State. Supporters, who have tried and failed all three previous times to garner enough votes to override those vetoes, say they will make a fourth attempt when lawmakers return at the end of the month (KANSAS CITY STAR).

— Compiled by RICH EHISEN

Hot issues

BUSINESS: The **NEVADA** Assembly endorses AB 266, which would ban retailers from selling lighters that look like children’s toys. The bill is now in the Senate (LAS VEGAS REVIEW-JOURNAL). • Novelty lighters are also the target in **NORTH CAROLINA**, where the Senate approves SB 652, a proposal that would ban their sale. It is now in the House (NEWS & OBSERVER [CHARLOTTE]). • **ARKANSAS** Gov. Mike Beebe (D) signs HB 2160, which bans the sale of toy guns that imitate real guns unless they are clearly distinguishable from real firearms. The law exempts BB guns, air guns and paintball guns as well as others used in special events or theatrical productions (ARKANSAS NEWS [LITTLE ROCK]). • Also in **ARKANSAS**, Beebe signs HB 2203, which requires anyone offering tax refund “advances” to disclose all applicable fees and that the customer is receiving a short-term loan which may carry extra fees if the refund is late (ARKANSAS NEWS [LITTLE ROCK]). • The **TENNESSEE** Senate approves SB 1954, a proposal to deregulate the Volunteer State’s basic telephone service. It is now in the House (CHATTANOOGA TIMES FREE PRESS, STATE NET). • Still in **TENNESSEE**, the Senate endorses SB 166, legislation that would allow out-of-state wineries to ship their wares directly to in-state consumers. It is now under consideration in the House (COMMERCIAL APPEAL [MEMPHIS]). • **MARYLAND** Gov. Martin O’Malley (D) signs SB 751, legislation that requires insurance companies to submit by 2011 a report documenting each “slaveholder insurance policy” they sold in the Old Line State before 1865 (BALTIMORE SUN).

CRIME & PUNISHMENT: The **MARYLAND** House approves SB 277, which authorizes the statewide use of cameras to catch speeders near school zones and

highway work areas. It is now with Gov. Martin O'Malley (D), who is expected to sign it into law (WASHINGTON POST). • The **FLORIDA** Senate endorses SB 1312, which would require police to notify rape victims of their legal rights and remedies and offer other aid. It is now in the House (SUN-SENTINEL [ORLANDO]). • The **WASHINGTON** Senate approves HB 1517, which would allow felons to regain their voting privileges once they are no longer under parole or probation as long as they continue to make regular payments on financial obligations, including court fees or restitution. The measure returns to the House (SEATTLE TIMES). • Also in **WASHINGTON**, the House endorses HB 2194, a measure that would allow state correctional facilities to release incapacitated inmates who require costly care if their release would save the state money. Death row inmates, or those serving life sentences without the possibility of parole, would be ineligible. The bill is now in the Senate (OLYMPIAN).

EDUCATION: The **NORTH CAROLINA** House endorses HB 88, legislation that would require parents of children in seventh through ninth grades to choose between the current abstinence-only curriculum and a “comprehensive” course of instruction. It moves to the Senate (NEWS & OBSERVER [CHARLOTTE]).

ENVIRONMENT: The **WASHINGTON** Senate approves HB 1033, a bill that would bar the use of lead tire weights by 2011. It returns to the House (SPOKESMAN-REVIEW [SPOKANE]). • **ARKANSAS** Gov. Mike Beebe (D) signs HB 1663, legislation that requires state officials to develop a plan for reducing energy use in all existing state buildings by 20 percent from 2008 levels by 2014 and 30 percent by 2017 (ARKANSAS NEWS [LITTLE ROCK]). • **WISCONSIN** Gov. Jim Doyle (D) signs AB 3, which restricts the application of fertilizers containing phosphorous to lawns, golf courses, and other mowed grassy areas. It allows for some agricultural use exemptions (WISCONSIN RADIO NETWORK).

HEALTH & SCIENCE: The **WASHINGTON** Senate unanimously approves HB 1123, which would require Evergreen State hospitals to screen all high risk patients for the staph infection MRSA, methicillin-resistant Staphylococcus aureus. The Centers for Disease Control say that hospital-acquired MRSA infections kill about 18,000 patients nationwide each year. The bill returns to the House (SEATTLE TIMES). • The **CONNECTICUT** House approves HB 5019, which bars the use of prescription drug history as an underwriting tool to deny health insurance coverage. It is now in the Senate (STATE NET). • A **MARYLAND** legislative conference committee endorses SB 79, a bill that would bar health insurers from rescinding coverage due to pre-existing health conditions unless treatment for the ailment occurred in the 12 months prior to the new policy being written. It is now with Gov. Martin O'Malley (D) for review (STATE NET). • The **TEXAS** Senate approves SB



1049, legislation that would raise to 19 the legal age to purchase tobacco products. It wafts over to the House (AUSTIN AMERICAN-STATESMAN). • The **OREGON** House approves HB 2794, which would require health insurers to cover the cost of a vaccine to combat HPV, the human papilloma virus, linked to cervical cancers. It has moved to the Senate (OREGONIAN [PORTLAND]).

IMMIGRATION: The **ARIZONA** House gives tentative approval to HB 2331, a proposal to bar municipalities from declaring themselves “sanctuary cities,” which discourage local authorities from contacting federal agents during routine encounters with undocumented immigrants. It faces a final vote before it can move to the Senate (ARIZONA REPUBLIC [PHOENIX]). • The **MARYLAND** Legislature approves a bill that would require driver’s license applicants to prove they are in the country legally or receive a license that does not comply with the federal Real ID law. It moves to Gov. Martin O’Malley (D) for review (BALTIMORE SUN).

SOCIAL POLICY: The **WASHINGTON** House approves SB 5688, a bill that would grant same-sex domestic partners the same rights and responsibilities of heterosexual married couples. It moves to Gov. Christine Gregoire (D), who is expected to sign it into law (SEATTLE TIMES). • The **INDIANA** House approves SB 89, which would require Hoosier State doctors who perform abortions to have admitting privileges at a hospital. The measure returns to the Senate to address amendments made in the House (INDIANAPOLIS STAR).

POTPOURRI: The **IOWA** Senate endorses HF 759, legislation that would require all Hawkeye State cities and counties to participate in the national flood insurance program by 2013 or risk not receiving state recovery aid during future flood disasters. The measure returns to the House (QUAD-CITY TIMES [DAVENPORT]). • The **WASHINGTON** Senate approves HB 1498, a bill that would prohibit mentally ill people who have been involuntarily committed for two weeks or more from owning guns. Under current law, firearm prohibitions apply only to people who receive a 90-day or 180-day involuntarily treatment for mental health. The measure moves to Gov. Christine Gregoire (D) for review (SEATTLE TIMES). • **NEW JERSEY** Gov. Jon Corzine (D) signs SB 2314, which requires Garden State drivers

In the hopper

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

Number of Prefiles last week: 1,021

Number of Intros last week: 2,251

Number of 2008 Session Enacted/Adopted last week: 6

Number of 2009 Session Enacted/Adopted last week: 1,938

Number of Prefiles to date: 30,436

Number of Intros to date: 125,642

Number of 2008 Session Enacted/Adopted overall to date: 29,261

Number of 2009 Session Enacted/Adopted overall to date: 15,730

— Compiled By JAMES ROSS
(measures current as of 4/16/2009)
Source: State Net database



under the age of 21 to display identifying markers on their vehicles. It takes effect in mid-2010 (STAR-LEDGER [NEWARK]). • Still in **NEW JERSEY**, Corzine also signs SB 16, a measure that limits young drivers to only one passenger unless accompanied by an adult, forbids the use of wireless communications and starts the current ban on late-night driving for teens at 11 p.m. instead of midnight (STAR-LEDGER [NEWARK]). • The **INDIANA** House endorses SB 16, which would bar drivers under age 18 from using a cell phone while behind the wheel. It returns to the Senate (INDIANAPOLIS STAR).

— Compiled by *RICH EHISEN*

Once around the statehouse lightly

THE WAR AT HOME: It’s looking rough for a bevy of budget-related ballot measures that CALIFORNIA Gov. Arnold Schwarzenegger is pushing in the Golden State’s May 19 special election. Polls predict voters will stay home in droves, and those who do go are inclined to oppose five of the six proposals. But Schwarzenegger doesn’t need polls to tell him that voters are fatigued with budget woes and special elections: he says his wife has already made that clear. As the *Riverside Press-Democrat* reports, the Republican Governor is used to being on the opposite side of issues with his wife, Maria Shriver, a renowned Democrat and member of the Kennedy clan. “I know how people feel about it. That’s the way it is in our house. I say A. She says B. We still have the Obama sign in my kitchen. It’s not easy living in my house, let me tell you. It’s not easy.”

SERIOUSLY LAYING AN EGG: Oh how time can change things. For Easter 2008, NEVADA Gov. Jim Gibbons stood on the Capitol steps handing out 2,000 painted eggs bearing his signature and that of his now-estranged wife, Dawn Gibbons. Presuming that kids would be similarly thrilled to get an egg with only his scrawl, Gibbons planned to up the total to 5,000 eggs this year. But as the *Las Vegas Sun* reports, only about 150 people showed up at the event last week. Gibbons’ spokesperson Mendy Elliott denied that the embattled gov’s bitter public feud with his soon-to-be ex negatively impacted the turnout, contending that the pleasant weather — partly cloudy and 81 degrees, virtually the same as last year — was just too nice for people to attend. Okay. In any case, anyone looking for a bulk deal on slightly aged, pre-signed Easter eggs should get in touch with Gibbons right away.



SURREALISM TV: Just when you thought it might be safe to turn on the tube, the *Chicago Tribune* reports that ousted Gov. Rod Blagojevich is trying to land a spot on the NBC reality TV show, “I’m a Celebrity...Get Me Out of Here!” For the uninitiated, the show is a basic “Survivor” knockoff that tosses a collection of marginally famous contestants into a jungle setting to perform odd physical tasks and compete to not get voted off the show. And why would Blago even be remotely interested in such a program? Perhaps because the winner gets cash, which some of the gov’s former colleagues say he desperately needs to pay for a legal team during his impending trial on federal corruption charges. Losing on the show would be one thing; losing in court means Blagojevich could soon be chanting the show’s title from a federal lockup.

In case you missed it

Fresh off stunning victories in IOWA and VERMONT, same-sex marriage proponents believe several other borderline states may soon follow suit. But as we reported in the April 13 issue of SNCJ, opponents are gearing up to stop that from happening.

In case you missed it, the article can be found on our Web site at http://www.statenet.com/capitol_journal/04-13-2009/html

A REALLY SLOW GRIND: As of last Wednesday, the TEXAS Legislature had been in session for 92 days. While lawmakers have been diligently showing up for work each day, one could easily conclude that not a lot is actually getting done. As the *Houston Chronicle* reports, just one of the record 7,494 bills introduced so far has actually made it all the way to Gov. Rick Perry. While that pace may seem a bit glacial to some, others say it is good policy-making, arguing that lawmakers are taking their time to really study legislation before acting on it. Doing so, they say, will mean a host of better bills eventually becoming law. Rep. Harvey Hilderbran, however, doesn’t share that view. “We had a record number of bills introduced. That’s the bad news,” Hilderbran says of the logjam. “The good news is that probably a record number of them will fail.”

— By RICH EHISEN

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