

The Elks Government Relations Report

Items of Interest from the Congress, State Legislatures and the Courts

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Kansas Tornado Rekindles Debate Over State of the National Guard

As more troops are deployed to Iraq, governors are questioning whether the National Guard is equipped and prepared to respond to storms, wildfires and other disasters at home.

A powerful tornado in Kansas this month put the long-simmering issue back on the front burner. Gov. Kathleen Sibelius charged that the Kansas National Guard was understaffed and underequipped and was unable to respond faster when a twister destroyed the town of Greensburg, leaving 11 dead and miles of rubble to be searched and cleared.

The Bush administration countered that the vast majority of her state's Guard members were available to be called up and that she would be provided any equipment she lacked as soon as she requested it. Conceding that shortages are a concern, the administration said it believes states can overcome any issues by sharing among themselves during disasters.

After Katrina, Guard leaders and state officials developed the Emergency Management Assistance Compact, an agreement that a state in short supply of people or gear can borrow from other states when disaster strikes.

But can neighboring states always help? A 2005 GAO report found that almost every state has just a fraction of the equipment it is supposed to have. Another GAO report said high use of the Guard for overseas missions has reduced equipment available for state-led domestic missions. For example, Arizona has just 34 percent of its allotted equipment; New Jersey and Idaho, 42 percent; and Louisiana, hit by the worst natural disaster in modern times, less than 50 percent.

Loren Thompson, an analyst with the Lexington Institute, told *Stateline* that disasters are rarely isolated. The same week of the Kansas tornado, there were wildfires across Georgia and Florida and the Missouri River flooded.

"The Guard needs to be ready to respond every week" he said. "It's not."

Value of Volunteer Time Set at \$18.77 Per Hour

The value of volunteer time has reached \$18.77 per hour, according to Independent Sector, a nonprofit, nonpartisan coalition of some 575 charities, foundations, and corporate philanthropy programs

The estimate, used to help organizations quantify the value of workers who serve as volunteers, is based on the average hourly wage for all non-management, non-agriculture workers as determined by the Bureau of Labor Statistics, with a 12 percent increase to estimate for fringe benefits. The new estimate increased from \$18.04 per hour in 2005.

Women Making Positive News At Elks Lodges Nationwide

More women are ascending to top posts at local lodges throughout the country, events that invariably trigger news coverage by the local media.

In sharp contrast to negative stories of the past about a woman being rejected for membership, the election of a woman as the lodge's first exalted ruler is bringing positive press and an interview with the new officer, who gets a chance to articulate what the lodge is about and how it serves the community.

In general, local media rarely report the results of a lodge election, but during this month alone, there were stories about such "firsts" at lodges in Watertown, Wis.; Colorado Springs, Colo.; Naugatuck, Conn.; Merced, Santa Clarita and Thousand Oaks, Calif.; East Tucson, Ariz., and the Osage Community in Missouri.

Court Okays Pentagon Support For National Scouting Jamboree

A federal court of appeals in Chicago last month dismissed a lawsuit challenging Pentagon logistical support for the Boy Scouts' National Jamboree, a camping exercise held every four years at Fort A. P. Hill, an Army base near Fredericksburg, Va. A trial court had said military support for the ten-day event violated the establishment clause of the First Amendment calling for separation of church and state.

A congressional statute found that military support for the Jamboree was an incomparable training opportunity for the armed forces. The American Civil Liberties Union brought suit, contending that the Boy Scouts of America is a religious organization that requires its members to affirm a "duty to God."

The ruling by a three-member appeals panel came on technical grounds surrounding the issue of "standing," or whether the persons involved even had a right to file the lawsuit. The judges said that the plaintiffs did not, without ruling on the constitutional merits of the case.

The next Jamboree is scheduled for 2010, the Boy Scouts' centennial year.

Veterans Encouraged to Wear Medals on Memorial Day

As a way to show their pride in military service and to teach younger generations about the value of serving their country, veterans are being urged to pin on their military medals on Memorial Day, May 28.

The suggestion comes from the Department of Veterans Affairs, which is promoting the idea on its website (www.va.gov), where veterans also can learn how to replace mislaid medals or to confirm decorations to which they are entitled.

Secretary Jim Nicholson encourages veterans to display their medals no matter what they are doing on the holiday weekend, but especially at public events.

States Opposing Federal Rules For Issuing Driver's Licenses

Montana and Washington last month passed laws rejecting a Federal statute that requires states to verify the identity of everyone licensed to drive and to impose a common set of security features on drivers' licenses. More than 30 other states have taken up similar bills calling on Congress to repeal Real ID or fully fund it.

Real ID, a statute enacted in 2005, requires states to reissue all driver's licenses by 2013. All license holders would have to renew licenses in person, showing a form of photo identification and documents providing their date of birth, Social Security number and address.

Issuing drivers licenses has traditionally been a state function, and states contend that the federal law infringes on their residents' privacy and saddles states with a \$14 billion unfunded mandate. A bill in the House to repeal the law has attracted 25 cosponsors. Four senators have introduced similar legislation.

Since the early days of the republic, states have wrestled with mandates from Washington, D.C. and sought to nullify laws they didn't like. When Southern states ignored mandates in the 1950s and '60s to desegregate schools, federal troops or the Justice Department forced compliance.

Recent mandates opposed by many states, such as stiffening drunken-driving enforcement and the No Child Left Behind education law, have used money as the carrot to force states to comply. States were required to change their laws or forfeit federal funds.

But by rejecting Real ID, Montana and Washington will not forfeit a dime in Federal money. The penalty is that residents of those states will not be able to use their driver's licenses for federal ID purposes, such as boarding a plane or entering a federal building.

New driver's license security standards were recommended by a task force studying the terrorist attack of Sept 11, 2001. Passage of the Real ID legislation halted negotiations between the states and the Department of Transportation to accomplish that goal. The pending congressional bills would restart that process. Meanwhile, final rules for Real ID are due this summer.

Maryland Legislature Rejects Legalization of Medical Marijuana

Maryland Elks are getting kudos for their role in defeating bills that would have legalized marijuana for medical purposes in the state.

They were a major local force in a national anti-drug coalition that bombarded legislators with e-mails, phone calls, faxes and old-fashioned mail, all carrying the same message: "Smoking marijuana is not medicine."

Both the House Judiciary Committee and the Senate Judiciary Committee allowed the legalization effort to die in committee.

VA, Veterans' Groups Oppose Bills Designed to Speed Up Claims

Twenty Members of the House signed onto bills they thought would reduce the current disability backlog of 600,000 claims at the Department of Veterans Affairs. But veterans' groups say their approach is a bad idea.

H.R. 1490 would provide benefits as soon as a veteran applies for disability compensation, and H.R. 1444 would authorize \$500 a month for veterans who had been waiting more than six months for a decision on a benefits appeal.

But a spokesman for the Veterans of Foreign Wars says the first bill would encourage veterans to file increasing, spurious and sometimes fraudulent claims and the second would encourage more appeals, further corrupting and complicating the claims process. The Paralyzed Veterans Association said that paying veterans on the presumption that their claims were valid would be a mistake, adding that interim \$500 payments would encourage frivolous claims and add to the VA workload.

The department also has expressed its opposition to the bills.

Legislators Consider Downsizing Themselves

A familiar election-year cry is to reduce government spending. But pressure to end politics as usual rarely extends to putting legislators out of their jobs.

In Pennsylvania, a proposal in the state Senate calls for cutting the size of the legislature by 20 percent. A similar move has been proposed in Michigan, with a call to cut the legislature from 148 to 80 members in order to save money and improve efficiency.

Only New Hampshire has a larger legislature than Pennsylvania. The state is sixth in population but spends more on its legislature—\$300 million a year—than any state but California. It spends \$5 of every \$1,000 in the state budget on the legislative branch, paying each of its 253 members \$73,613, plus expenses.

Observers say Pennsylvania's legislators are in a genuine reform mood, if only for their own self-interest. Last year, voters defeated 24 legislators who supported a pay raise increasing lawmaker salaries by 18 per cent or more.

Only four states—Illinois, Massachusetts, Rhode Island and North Dakota—have reduced the size of their legislatures in the past three decades.

Taste Test Underway For Elks in Sweden

Sweden is employing elks—the four-legged variety—to test the salt used to de-ice the roads to see which varieties taste the worst. It seems that there are dozens of accidents each winter caused by elks standing on the roads licking the salt.

The Swedish transport ministry has rounded up 14 animals for a two-month tasting test to find a type of salt that elk will not want to eat.