

Onboard Technology: truth and intrusion



January 12, 2004

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bad news in AL **2**

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*Now on the
State Net Web site*

2003 State Session
Recaps showcasing
the legislative wrap-up
in each state.

Top Story

Advanced technology can tell observers much about what goes on in a modern automobile. But some privacy advocates worry that automotive "black boxes" could be a case of too much information.

SNCJ Spotlight

Vehicle "Black Box" evolution — safety benefits and privacy challenges.

No one wants a stranger invading his or her privacy. Yet, every time the driver of a late model car turns the key, he or she could be inviting an unknown observer to do just that. Not just any observer, but one who can report indicator light status, whether seat belts were on or off, motor speed, vehicle speed, brake activation, crash forces and event times

AR BATTLING FOR EDUCATION FUNDING FORMULA: The ARKANSAS Senate approved SB 42, a school spending bill that calls for \$389 million in new taxes. The controversial bill initially seemed doomed to fail over the inclusion of a school consolidation clause favored by Gov. Mike Huckabee (R), but the House gutted the proposal from the bill on Tuesday. Several House lawmakers, however, are working to bring the consolidation amendment back into play, saying its passage is critical to the passage of other major education reforms and any tax hike to fund those reforms. The legislature is in the fifth week of a special session trying to devise a new funding formula to counter several lawsuits for inadequate school spending, including one brought on by the state's failure to meet a Jan 1 deadline to do so imposed by the state Supreme Court. (ARKANSAS NEWS BUREAU)

ROBBING PETER TO PAY PAUL? KENTUCKY Gov. Ernie Fletcher (R) signed an executive order removing about \$86 million from 161 special state accounts to help cover an anticipated \$302 million shortfall in the 2004 Bluegrass State budget. The funds are mostly comprised of revenues and fees collected by various agencies that are not normally available to pay general expenses. The order also formalized several other fiscal moves, including reducing General Fund spending by \$123 million, most of which comes from revenues allotted for 2003 but never spent due to restrictions and hiring freezes implemented by former Gov. Paul Patton (D). It also includes \$68.7 million in a one-time grant from the federal government and \$23 million in tobacco settlement dollars. The order frees up enough money on paper to reconcile the shortfall for 2004. (LEXINGTON HERALD-LEADER)

MAINE IN BUDGET HOLE: Gov. John Baldacci (D) called for more than \$34 million in budget cuts to state agencies to address the Pine Tree State's impending \$108.5 million budget deficit for 2004. The state faces another \$113 million shortfall for 2005. The governor's budget also asks for

The Week in Session

States in Regular Session: CA

States in Informal Session: MA

States in Skeleton Session: OH

States in Special Session: WI "d"

States in Recess:

AR "b", CA "c", CA "d", CA "e", DE "a", IN, NJ, PA

States Adjourned:

AZ "b", CA "a", CA "b", FL "e", MI, NC "a", NC "b", NM "a", US, UT "c", WA "a", WA "b", WA "c", WI

Letters indicate special/extraordinary sessions

Source: State Net, 1/5/04

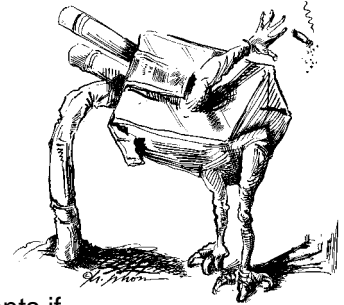
cuts to Medicaid and calls for the use of unappropriated state funds. The cuts include \$7 million to the University of Maine System, \$3.7 million to the Dept. of Education and almost \$566,000 to the Dept. of Conservation. (KENNEBEC JOURNAL)

— Compiled by RICH EHISEN

Bird's-eye view

States trying to snuff out "bad" cigarettes

Cigarette makers that produce deeply discounted "taste alike" brands have captured an estimated 10%-15% of the U.S. tobacco market. Because the national tobacco settlement agreement allows major cigarette manufacturers to reduce their payments if they lose market share, these "fourth tier" brands are having a significant fiscal impact on states that rely on settlement money to make budget ends meet. Off-brand manufacturers have also used loopholes to avoid paying their portion of the settlement, leading the National Conference of State Legislature to estimate states have realized \$450 million in reduced payments for 2003. To combat the problem 35 states have set up directories of cigarette brands approved for sale. Manufactures who are making their payments get on the list; those who don't are deemed to be contraband and cannot be sold, and may even be confiscated. The map below lists the states who currently have such directories.



Source: National Conference of State Legislatures

State Net Capitol Journal



Governors

ROWLAND'S SLIPPERY SLOPE GETS SLICKER: The political firestorm around embattled CONNECTICUT Gov. John G. Rowland (R) got a lot hotter last week when the governor admitted during a televised speech that he had lied to voters about taking illegal gifts from two people currently at the center of a federal corruption probe. The speech came just days after he became the first sitting Constitution State governor to be served with a subpoena for his personal records. Rowland also apologized during the six-minute speech, saying he has “lived my own personal nightmare” since the facts came out last month. Rowland had for months steadfastly denied he had accepted the gifts - which included thousands of dollars in improvements to his summer home and a vintage Mustang automobile — but admitted on Dec. 12 that he had lied in those earlier statements. The governor spent the bulk of his speech on his apology, acknowledging that he had “lied and there are no excuses.” He also asked for viewers to forgive him, saying, “I ask for your forgiveness, perhaps your understanding and even your patience.” But that may not wash with the Legislature, where House Speaker Moira K. Lyons (D) has called for a meeting with House Democrats to discuss a possible impeachment inquiry. Another Democrat, Senate pro tem Kevin B. Sullivan called for Rowland to resign. A Quinnipiac University poll taken before the speech showed 56% of participants believed Rowland should step down. Despite the growing pressure, Rowland says he will not voluntarily leave office. (NEW YORK TIMES, USA TODAY)

MOCK MARRIAGE MIFFS MITT: Don't count MASSACHUSETTS Gov. Mitt Romney (R) among pop diva Britney Spears' legion of loyal fans. Prompted by a reporter's question about how Romney could defend a system that allows for the singer's short-lived, spur-of-the-moment Las Vegas wedding while denying legal marriage to committed gay couples, the governor lashed out at the event, calling it “farcical.” Romney, who has been married for 34 years, said he could not defend the wedding, adding “if it can be called a wedding.” Gay rights activists seized on the event as proof they are being discriminated against by not being allowed their own opportunities to marry, while opponents say the event has no bearing on the issue. Romney opposes gay marriage and is lobbying to change the Bay State constitution to ban the practice. The state Supreme Judicial Court ruled last year that denying gay marriage is unconstitutional. (BOSTON HERALD)



GOVERNORS IN BRIEF: Democrat Roy Graham has withdrawn from the INDIANA governor's race, leaving current Gov. Joe Kernan as the only Democratic candidate for the Nov. election (JOURNAL -GAZETTE [FORT WAYNE]). • Seven of the eight gubernatorial vetoes from NEW HAMPSHIRE Gov. Craig Benson (R) survived into the 2004 legislative session. The only veto that was overturned involved the state's ownership of a Rochester airport (CONCORD MONITOR). • CALIFORNIA Gov. Arnold Schwarzenegger (R) asked President George W. Bush to declare two counties hit hard by the Dec. 22 earthquake disaster areas. If Bush goes along those areas would be eligible for federal disaster relief. Local officials have pegged the damage total at over \$200 million (SAN DIEGO UNION TRIBUNE).

— *Compiled by RICH EHISEN*

Politics & Leadership

COURT APPROVES TX REDISTRICTING: Months of partisan combat over TEXAS congressional maps came to a temporary conclusion last week when a three-judge federal panel approved a Republican-drawn district map designed to take a large chunk out of the Democratic contingent to Congress. If allowed to stand, the new map could shift as many as seven seats to GOP control, potentially giving the party a 22-10 majority in the Lone Star State's congressional delegation. This would mark the first time Republicans have held such an edge since the 1800's. Observers say it would also leave the Democrats with only a few members who are not Hispanic or African American, further reinforcing the image that the two parties are separated along racial lines. As with virtually everything that has been a part of this struggle, partisan politics played a key role in the outcome, as the two judges who accepted the map were appointed by Republican presidents while the lone dissenter was appointed by a Democrat. Although the

Quote ...

"We find that [the movement of the large bloc of black voters] was the sole product of political give-and-take by legislative members over their own state districts and the effort not to create another Democratic district. The actions were not taken because of race; they were taken in spite of it."

— *Text from the opinion put forth by two of the three judges who upheld GOP-drawn congressional maps in TEXAS that scatter many black Democratic voters into districts dominated by white Republicans.*



panel agreed the GOP's map is clearly an attempt to gain political power, they ruled it was not done with the intent to diminish the influence of minority voters as Democrats claimed, because blacks don't currently have enough numbers to be a majority in the affected districts. They also ruled there is nothing in state law that prevents mid-decade remapping. Democrats and minority groups immediately announced plans to appeal the case to the U.S. Supreme Court. (WASHINGTON POST, DALLAS MORNING NEWS)

... unquote

"I'm going to be some Republican's worst nightmare. I love a good fight, and I'm prepared to take the fight directly to the people of North TEXAS. Some Republican is going to wake up next week and have a bad day."

The reaction of U.S. Rep. Martin Frost (D), whose district was dissipated in the remapping process. (DALLAS MORNING NEWS)

GA JOINS REDISTRICTING

BATTLE: A lawsuit brought by 29 Republican lawmakers in GEORGIA made it to court last week, with lawyers for the plaintiffs arguing that the maps drawn by Democrats in 2000 resulted in disproportionately sized districts, which is a violation of a federal law that demands as close to zero deviation as possible among districts. Only one Georgia district, the 5th Congressional in Atlanta, met that criteria. Those differences range from as little as two people to as many as 37. Last year the GOP-controlled Senate approved a new map, but the Democratically-controlled House has allowed it to languish in committee. (ATLANTA JOURNAL-CONSTITUTION)

— *Compiled by RICH EHISEN*

Hot Issues

A BORTION: An INDIANA Senate committee shelves SB 84, a bill that would have infused anti-abortion messages into the Hoosier State's high school health courses. The bill drew strong opposition from abortion-rights advocates and educators (INDIANAPOLIS STAR).

BUSINESS: Livestock officials in WYOMING unanimously approve new emergency rules requiring testing on all cattle for brucellosis. The disease causes cattle, bison and elk to abort calves and can lead to flu-like symptoms in

humans. The decision, which will affect tens of thousands of cattle, was made to allay fears about the safety of Cowboy State cattle from surrounding states after the disease was found in a herd in Sublette County (BILLINGS GAZETTE). • Agriculture officials in WASHINGTON slaughter and burn 450 calves after they were unable to determine which of the herd was the offspring of a cow found to have had mad cow disease. Officials say the culling was conducted to eliminate any possibly diseased animals and to reassure the public about the safety of the country's beef supply. About 30 nations have blocked importation of U.S. beef since the discovery of the diseased animal last December (SEATTLE TIMES, WASHINGTON POST).

CRIME & PUNISHMENT: The CALIFORNIA Supreme Court hears arguments on whether the murder of a pregnant woman should also lead to a murder charge for the death of the fetus. The case comes in response to a lower court ruling that said a killer must know about the fetus to be guilty of murdering it. The court must rule within 90 days (ORANGE COUNTY REGISTER). • ILLINOIS is set to become the first state in the nation to establish a single database linking information from all state law enforcement agencies. The system, known as "I-CLEAR," is expected to link all 1,200 Prairie State police agencies within the next three years (CHICAGO SUN-TIMES). • ALASKA officials certify petitions to place an initiative to legalize marijuana use on the November ballot. In 1998, 60% of voters approved the legalization of marijuana for medicinal use (ANCHORAGE DAILY NEWS). • Several SOUTH DAKOTA police agencies receive video cameras for their patrol cars. About 100 of the cameras were delivered to smaller counties statewide, with another 150 expected in about six weeks (RAPID CITY JOURNAL). • The CALIFORNIA Supreme Court rules that mentally ill inmates cannot be forced to take anti-psychotic drugs. The decision concerns inmates who are served their time for their convictions, but who are deemed to be mentally unfit for release into society (SAN DIEGO UNION-TRIBUNE).

EDUCATION: The NEW HAMPSHIRE Senate votes to bar judges from ordering divorced parents to pay for their children's college expenses. Lawmakers want to reverse a state Supreme Court ruling from last year that extended a divorced father's child support while she attends college (CONCORD MONITOR). • An ARKANSAS House committee approves HB 1013, a bill that would provide \$10,000 to new teachers who agree to teach in areas of the state that have had difficulty in attracting teachers. The bill moves to the full House (ARKANSAS NEW BUREAU). • The INDIANA Senate introduces SB 231, a

In addition to providing valuable data for producing safer vehicles, Martinez believes EDRs can reduce the cost of insurance fraud.

"One in five insurance claims are fraudulent," said Martinez. Insurance claims can be cross checked with the data harvested from involved vehicles, validating or casting doubt on reported events. Fleet owners and rental companies, with many different drivers, are interested in monitoring performance, but privacy advocates want fleet and rental car drivers notified they are being monitored.

"One solution is to use a telltale placard that will come on when the key is turned," said Tom Kowalick, co-chair of the IEEE P1616 Working Group of the Institute of Electrical and Electronic Engineers in NEW YORK. The group will publish the P1616 Motor Vehicle Event Data Recorder standards in March 2004, which calls for a placard on the dashboard that reminds the driver a recorder will monitor how well they drive. How soon these placards will appear in vehicles will depend on the auto makers, according to Kowalick.

Collection and the subsequent consolidation of collected data, however, is a concern for privacy advocates. The Electronic Privacy Information Center, WASHINGTON D.C.-based advocacy group that focuses on civil liberty issues related to cutting edge technology, has asked NHTSA to insure consolidated data bases "respect the privacy interests of drivers by containing only depersonalized information about the automobile and the events of the crash." Dr. Martinez, a former emergency room doctor, would like to see the crash data sent directly to the trauma center receiving the crash victims, or available on site. The recorded data can provide vital medical information for assembling the right medical team at the trauma center, before the injured arrive. An occupant not using a seat belt may have chest or head injuries, depending on the severity of the crash. Having this information on site would aid emergency responders.

"It is important to match the right patient to the right treatment center at the right time," said Martinez. "Because we do not have the right information, we often send too many people to the trauma center, and release them within hours, at great cost to medical providers."

Onsite collection problems include multiple data formats, nonstandard connectors and fasteners securing the recorder. Today, a medical team would have to carry 30 different cables, and know an equal number of procedures and special tools to harvest the data from a crashed vehicle. While the P1616 standards will help, Martinez would



like to see a wireless connection. "EMS responders should be able to get the important medical information over a short range wireless connection," said Martinez. The FCC just approved a portion of the 5.8GHz frequency band for short range communication between vehicles and the roadside, which could support this function in the future.

Beth Givens, Director of Privacy Rights Clearing House, a nonprofit consumer organization in San Diego, California, is more concerned about function creep, resulting in the development of a universal monitoring device that reports a driver who speeds, or takes a corner too fast. Speaking rhetorically, she wants to know. "Where will it end? How does the consumer regain control of the technology?" She concedes that AB-213 disclosure is a good start, but hopes consumers will revolt once a monitoring placard is posted on the dashboard, reminding them every day that they are being monitored by an observer hiding under the front seat.

Kowalick sees 2004 as an important year in automotive safety. Publishing the MVEDR standard "will be the Rosetta Stone of highway safety," said Kowalick. "We will collect more crash data in one day, than all the crash testing done in a whole year."

— By State Net correspondent *RUSS STEELE*

Russ Steele is a former advanced transportation systems manager.

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 prefiles/intros this week:** **631**
- **Number of prefiles/intros overall in 2003:** **181,004**
- **Number of bills enacted/adopted this week:** **50**
- **Number enacted/adopted overall in 2003:** **42,545**

— Compiled By GINA HUMMELL
(2003 data current as of 1/5/04 Source: State Net)

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Once around the statehouse lightly

SPEAK, AND THEY SHALL COME. Arnold Schwarzenegger gave his first State of the State address last week to a joint session of the Legislature, and the media came forth. Streets around CALIFORNIA’s Capitol Building were jammed with an array of TV satellite trucks not usually seen in Sacramento, and Assembly Spkr. Herb Wesson’s office was overwhelmed with requests for special media credentials — 350, by one count. As a result, most reporters and pundits spent the evening in a “media center” set up in a large tent on the Capitol’s north lawn. According to *California Journal*, only 25 print reporters, plus a smattering of TV crews, were allowed inside the Assembly chamber. Said an aide to Wesson, “I’ve never been yelled at by so many reporters.” The ones who didn’t get in, we assume.

QUIP OF THE WEEK. Schwarzenegger’s speech was carefully crafted, and he digressed from the text only once. But as *California Journal* notes, that digression showed that the actor-turned-gov can poke fun at himself. After saying that he intended to be CALIFORNIA’S “job czar” and travel the nation to sell the virtues of the Golden State, Schwarzenegger quipped, “If I can sell tickets to ‘Red Sonia’ and ‘Last Action Hero,’ I can sell anything.”

BOOM BOX BOONDOGGLE. The federal government reintroduced wolves to the Sawtooth National Recreation Area in central IDAHO nearly a decade ago, and the population has grown thanks to its protected status. But as *The Idaho Statesman* reports, ranchers who graze livestock in the area north of Sun Valley are upset because the critters have been feeding on their sheep and cattle. As a result, some 30 wolves have been either killed or removed over the past three years. Now, however, researchers say that boom boxes — radio-activated guard boxes that blare out the sound of gunfire — may allow predator and prey to coexist. Unfortunately, reports one researcher from WISCONSIN, wolves learn to ignore the gunfire. Maybe they ought to have the boxes blare out Wayne Newton songs. No living creature has ever been able to ignore “Danke Schoen.”

FUMBLE OF THE WEEK. That would have been recorded by Elecia Battle of South Euclid, OHIO, who, the *Cleveland Plain Dealer* reports, claimed to have lost a lottery ticket in a convenience store parking lot. The ticket is worth \$162 million. Battle was able to identify the place and time she bought the ticket — information not

publicized but confirmed by lottery officials as the place and time the winning ticket was purchased. Battle also was able to confirm that the winning numbers were a combination of family birthdays. The state's response? No ticket, no prize. Good thing, since a few days later the Associated Press reported that Battle as much as admitted she lied about the whole thing. Battle claimed her motive wasn't entirely greed because she would have used part of the money to support laid-off Cleveland police officers. The gendarmes were not impressed, saying that Battle, who has a criminal past that includes assault and credit card infractions, will be charged with filing a false police report.

NOT THIS CHANGE. When Republican Ernie Fletcher campaigned last year to be governor of KENTUCKY, he promised a "change of culture" in Frankfort after the administration of his predecessor — Democrat Paul Patton — was buried by scandal and charges of nepotism. But according to the *Lexington Herald-Leader*, Fletcher isn't going to change everything. Last week, he appointed his sister-in-law executive secretary to a cabinet official. Fletcher claimed his relative was qualified. Politics as usual, countered an official with the state employees' association, who suggested that Fletcher's career as a reformer was historically brief.

SPARKY'S LAST TRIP. Since 1983, ARKANSAS has used lethal injection as its only method for carrying out capital punishment. As the *Arkansas Democrat-Gazette* reports, however, the state has had to keep its electric chair on tap all these years because of one prisoner — Charles Singleton. Singleton was sentenced to die in 1979, and so had the choice of lethal injection or fatal jolt. A variety of legal challenges have kept Singleton alive all these years, but time ran out when he was executed (by lethal injection) last week. Now, finally, Arkansas can send its electric relic to a museum.

— By A.G. BLOCK



Executive Editor: A.G. Block — editor@statenet.com

Editor: Melanie Smith — editor@statenet.com

Associate Editor: Rich Ehisen — editor@statenet.com

Associate Editor: Korey Clark — editor@statenet.com

Graphic Design: Richard Hansen, Heather Conway

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