

April 9, 2007

Tailpipe Turmoil



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● The next issue of
 ● Capitol Journal will be
 ● available on April 16th.
 ●

Top Story

Last week's Supreme Court decision requiring the federal Environmental Protection Agency to weigh in on greenhouse gas emission regulation was a big victory for states. But the global warming turf war between states and the feds is far from over.

SNCJ Spotlight

States gain edge on auto emissions control

The U.S. Supreme Court's ruling last week that greenhouse gases are pollutants and should be addressed by federal environmental officials was a major boon to states that have in recent years adopted their own stringent laws seeking to cut carbon dioxide emissions from automotive tailpipes. But while the ruling gives states a clear victory in their ongoing emissions turf battle with the federal government, the war is still far from over.



The verdict came in response to a lawsuit brought by MASSACHUSETTS, which wants the federal Environmental Protection Agency to regulate motor vehicle emissions standards for greenhouse gasses. Eleven other states — CALIFORNIA, CONNECTICUT, ILLINOIS, MAINE, NEW JERSEY, NEW MEXICO, NEW YORK, OREGON, RHODE ISLAND, VERMONT and WASHINGTON — joined the suit, as did 13 environmental groups from around the nation. The Bush administration, in alliance with the automotive industry, fought the request by claiming there was no scientific certainty about global warming. The administration also contended that the EPA had no authority to set mandatory emissions standards for greenhouse gases.

The issue took root in 1999 when environmental groups first lobbied the EPA to set motor vehicle emissions standards for greenhouse gases. After years of waiting, the EPA officially denied the request in 2003. MASSACHUSETTS appealed that decision in federal court, where it was joined by the other states and advocacy groups. The case was eventually heard in the U.S. Supreme Court last

November. While the verdict did not order the EPA to set tougher national emissions standards, it did make clear that the agency was both capable and responsible for

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dealing with greenhouse gas emissions. In doing so, the court clearly and directly rejected the stance of the Bush administration. The ruling will also have a major impact on CALIFORNIA's efforts to enact AB 1493, a 2002 law that calls for new vehicles sold starting in 2009 to meet strict new carbon dioxide limits. By 2016, new vehicles would have to put out 30 percent less carbon dioxide than cars sold in 2000. Lawmakers and then-Gov. Gray Davis (D) claimed they had the authority to enact those limits under the power they were granted by the federal Clean Air Act, which allows CALIFORNIA to establish its own automotive emissions standards. The Golden State has long held that option due to its worst-in-the-nation air pollution problems. The catch is that the EPA must also grant the state

The week in session

States in Regular Session: AK, AL, AZ, CA, CO, CT, DC, FL, GA, HI, IA, IN, MA, MD, ME, MI, MN, MO, MT, NC, ND, NE, NH, NV, OK, OR, RI, SC, TN, TX, US, VT, WA

States in Skeleton Session: OH

States in Recess: AR, DE, KS, IL, NY, PA, WI

States in Recess: AR, CA, GA, PA

States in Budget Hearing Recess: NJ

States Currently Prefiling or Drafting: LA

States Projected to Adjourn: MD

States Adjourned in 2007: ID, KY, MS, NM, SD, UT, VA, WV, WY

State Special Sessions Adjourned in 2007: AL "a", FL "a", NM "a", WI "a", WV "a"

— Compiled By JAMES ROSS
(session information current as of 04/06/2007)
Source: State Net database



The verdict will likely also have a major impact on other auto industry lawsuits filed in both CALIFORNIA and VERMONT. In those cases, the National Alliance of Automobile Manufacturers (NAAM) and others contend that the only way to lower automotive emissions is to significantly hike vehicle fuel efficiency, which is the sole domain of federal transportation officials. Those cases have been on hold in federal district courts pending the outcome of last Monday’s Supreme Court ruling.

But while many observers immediately presumed the high court’s ruling would deal a rapid death blow to both the court cases and the EPA’s resistance to CALIFORNIA’s waiver request, that may not necessarily be the case. Although the EPA has agreed to continue the waiver process, CALIFORNIA is still bound by law to show its circumstances are both compelling and extraordinary. In that regard, it is still conceivable that the agency could deny the waiver on the grounds that climate change is a global problem and not unique to any one state.

A federal court in VERMONT also declined last Tuesday to honor an immediate request from Green Mountain State officials to toss out the automakers’ suit there.

The presiding judge, U.S. District Court Judge William Sessions III, said he is allowing the case to proceed so “there will be a full record to go forward to the appeals court or the Supreme Court or a higher authority, if there is a higher authority.” That decision, however, has not swayed CALIFORNIA officials, who say they will still seek to have a federal court in Fresno throw out the lawsuit pending there.

“If EPA were to deny the waiver, we are fully prepared to litigate that.”

Tom Jennings, chief counsel for the state Air Resources Board, has also made it clear that Golden State officials feel they are on the right side of the law with the EPA waiver request, noting that “If EPA were to deny the waiver, we are fully prepared to litigate that.”

While the ruling certainly impacts state efforts, its greatest influence will likely still come at the federal level, as some observers posited that future presidents may use the case to order the EPA to enact and enforce sweeping new requirements not only for automobiles, but also for all kinds of power plants and factories. “This flips the debate from an environment in which

“If there is a President Clinton or President McCain, he or she doesn’t have to go to Congress to get action.”

Congress must act if there is to be any federal action to one in which the EPA can act as soon as an administration friendly to the concept is in power,” said Tim Profeta, a Duke University law professor and the director of the school’s

Nicholas Institute for the Environment. “If there is a President Clinton or President McCain, he or she doesn’t have to go to Congress to get action.”



That possibility is not lost on Congress. At least one erstwhile auto industry supporter, MICHIGAN Democrat John Dingell, conceded that dealing with climate change will now have to happen at the federal level as well as through statehouses. “While I still believe Congress did not intend for the Clean Air Act to regulate greenhouse gases, the Supreme Court has made its decision and the matter is now settled. [This] ruling provides another compelling reason why Congress must enact, and the president must sign, comprehensive climate change legislation,” Dingell said.

(LOS ANGELES TIMES, BOSTON GLOBE, SAN JOSE MERCURY NEWS, NEW YORK TIMES, SACRAMENTO BEE)

— *Compiled by RICH EHISEN*

Budget & Taxes

NY LAWMAKERS PASS CONTENTIOUS BUDGET: The NEW YORK Legislature passed a \$120.9 billion budget last week, just 11 hours past its midnight March 31 deadline, but without spending much time reading or debating it first. Which caused a few problems afterward. Right after the final vote, Gov. Elliot Spitzer’s (D) staff and lawmakers began bickering over what they actually found in the budget concerning education funding, the touchiest subject during negotiations.

The governor had proposed a new school funding formula that sought to take politics out of the process and distribute money solely on the basis of need, in large part to comply with a state Supreme Court order mandating more aid for schools in New York City. But although the budget contains a new formula that allocates more money to high-need districts, the plan also provides tens of millions more in additional funding for districts in affluent Long Island.

That was evidently one of a number of concessions Spitzer had to make to get his new funding formula in the budget. And those concessions were sufficient enough for Senate Republicans to claim that, practically speaking, things hadn’t really changed much on school funding this year. “We fight this fight and are successful year in, year out, and we expect next year to be no different,” said a spokesman for Senate Majority

Leader Joseph L. Bruno (R).

While Long Island apparently came out ahead again this year, Westchester wasn’t so lucky. Of the nearly \$100 million in new funding included in the budget for high-tax districts — about

\$70 million of which went to Long Island — Westchester received only \$1.2 million. “We’ve singled out communities to help before; we’ve never singled out a community to hurt,” said Assm. Richard L. Brodsky, a Westchester Democrat.

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Brodsky speculated that the defeat of veteran Westchester Sen. Nicholas A. Spano (R) in November took away Senate Republicans' incentive to look out for Westchester's interests. Assembly Speaker Sheldon Silver (D) said the slight "came very close to blowing the whole budget." (NEW YORK TIMES)

TOLL-ROAD SUPPORT WANING: After Gov. Mitch Daniels (R) leased the INDIANA Toll Road to a private firm last year for \$3.8 billion, governors in a number of other states suddenly contracted toll-way privatization fever. But the disease may be on the way out, as a result of some unsympathetic treatment the governors have been receiving from lawmakers, activists and the voting public.

TEXAS legislators, for instance, are resisting Gov. Rick Perry's (R) ambitious plans to build a 4,000-mile toll-road network in the Lone Star State. Gov. Ed Rendell's (D) proposal to lease the PENNSYLVANIA Turnpike has found little favor with either the union workers who run the road's toll booths or the state Turnpike Authority. And a recent poll showed that most NEW JERSEY residents don't support Gov. Jon Corzine's (D) plan to lease the Garden State Parkway.

Not even Daniels is having any luck with toll roads lately. He abandoned a pair of projects two weeks ago, after Hoosier State residents turned out in the thousands to oppose them at public hearings held by the House Roads and Transportation Committee (see Daniels Drops New Toll-Road Plans in April 2 issue of *SNCJ*).

The growing resistance to tolling and privatization is placing states in a difficult position. With an \$11-billion shortfall in federal funding for transportation projects expected by 2009, and the cost of road construction and maintenance continuing to rise, there aren't a lot of other viable road-funding options. (STATELINE.ORG)

'OFFSHORE' INSURANCE BUSINESS BOOMING IN VT: For decades, American companies have been earning themselves big tax breaks by setting up wholly owned insurance subsidiaries, know as "captives," in the Cayman Islands and Bermuda. But there's now another major player in the offshore insurance game that isn't located in the Caribbean — or any body of water, for that matter: the state of VERMONT.

Over 500 U.S. companies, including Starbucks, Wall-Mart Stores and, most recently, Wells Fargo, have established insurance captives in the Green Mountain State to cover their biggest risks. The state's captive laws — on the books since the early '80s — allow the companies to pay premiums to themselves, providing income for investment, and, at the same time, generate federal tax breaks that over 30 or 40 years could total hundreds of millions of dollars.

The arrangement isn't bad for VERMONT either. The state taxes companies pay on their insurance premiums now constitute about 2 percent of the state's annual revenue, and the captive industry has become one of the state's 10 largest employers. "It's a great industry for a small state," said Daniel D. Towle of VERMONT's Department of Economic Development.



Not everyone is a fan, however. A Wells Fargo employee, for instance, informed the U.S. Department of Labor during a review process earlier this year that “With Enron still blazed on every employee’s memory banks, it is a worry that all of our life insurance, workers compensation, long-term disability and our 401(k) retirement and employee cash balance plan is all heavily invested in Wells Fargo subsidiaries and/or managed by them.” While an outside benefits attorney for the bank maintained that the captive was sufficiently capitalized and covered by reinsurance, an actuarial consultant hired by Wells Fargo as an independent fiduciary conceded that “captives aren’t as strongly capitalized, so it’s a more risky venture.” (NEW YORK TIMES)

BUDGETS IN BRIEF: DFLers pushed a roughly \$1 billion income tax hike through the MINNESOTA Senate last month. The measure would raise the tax rate for the Gopher State’s wealthiest residents to 9.7 percent, making it the highest top rate in the nation. A slightly more modest proposal is pending in the DFL-controlled House. But Gov. Tim Pawlenty (R) has said repeatedly that he will veto any tax increase (STAR TRIBUNE [ST. PAUL-MINNEAPOLIS]). • **NEW JERSEY** Gov. Jon Corzine (D) signed the \$2.3-billion tax-relief package passed by the Legislature earlier this year. Under the new law, most Garden State homeowners will receive a 20 percent break on their annual property tax bills (PHILADELPHIA INQUIRER).

— *Compiled by KOREY CLARK*

Politics & leadership

S TATES CURB STATEHOUSE PRESS ACCESS: Last month, GEORGIA House Speaker Glenn Richardson (R) stepped to the podium of his chamber and proposed that reporters be banned from the premises while the General Assembly was in session. The rule was adopted hours later.

The Peach State is not the only one to restrict reporters’ access to lawmakers during a floor session. According to a survey by the Associated Press, dozens of other states have done the same — just not in the last few years (see *Bird’s eye view* on page 3 in this issue for a rundown of where all 50 states fall on this issue).

GEORGIA may be part of a revival of that trend. KANSAS’s new House Speaker Melvin Neufeld (R) also banned reporters from his chamber this year, although in a slightly less formal way: a memo sent to members of the press by his chief of staff.

Neufeld’s action was ostensibly taken for the sake of preserving decorum in the KANSAS House. GEORGIA Speaker Richardson, meanwhile, contended that he was just bringing his state in line with others on the issue of media access. “Calls were made to check the policies of the other Southeastern states, and not one allowed press on the floor of the House during session,” said Richardson’s spokeswoman, Clelia Davis.

In fact, only a handful of states, including COLORADO, DELAWARE, INDIANA, MICHIGAN, MINNESOTA, MONTANA, NEBRASKA, NEW JERSEY and SOUTH DAKOTA, actually allow reporters complete freedom to walk on the floor during a session and speak with legislators. And many of the states that do let reporters on the floor during session, restrict them in some way. Journalists are permitted on the floor of the CONNECTICUT Senate, for example, but they're not allowed to pass a brass rail. In SOUTH CAROLINA's Senate, the press is confined to benches at the rear of the chamber. And in ALASKA, while reporters have access to both chambers, they can't address lawmakers, only reply to them.

What raised eyebrows about GEORGIA's new rule, however, was that it came as the state's press corps was investigating conflict-of-interest allegations against the speaker and another Republican legislator. Just a few weeks ago, the media's efforts had prompted a stern warning from Richardson: "If I have any more incidents of coming on the floor of the House and asking members if they want to speak, or asking a member if they want to speak and if they don't then reporting they're avoiding you, I will revoke your credentials to come on the floor of the House."

Whether there were actually more of those incidents or not wasn't clear. But as a result of the new rule, reporters who wish to interview any House member must now submit their questions to the lawmaker on a notecard through a House intern. The lawmaker then has the option of either stepping outside the chamber or declining comment by checking a box on the card. (ASSOCIATED PRESS, MACON TELEGRAPH)

FEMALE STATE LEGISLATORS MAKING LEADERSHIP GAINS:

Presidential candidate Sen. Hillary Rodham Clinton (D) and U.S. House Speaker Nancy Pelosi (D-CALIFORNIA) aren't the only female lawmakers moving to the top rungs of the political career ladder these days. Fifty-eight female legislators were selected for top leadership positions in the states this year as well. That's a 20-percent increase over the number of female leaders last year, more than double their number in 2000 and 14.5 times as many as there were in the late 1970s.

Debbie Walsh, director of Rutgers University's Center for American Women and Politics, said one reason for women lawmakers' recent rise to the top is that

Upcoming elections

(04/05/2007 - 04/26/2007):

04/14/2007 Delaware Special Election

House 7th Representative District

04/17/2007 Massachusetts Special Election

House 14th Worcester

04/17/2007 Massachusetts Special Primary

House 11th Norfolk

04/24/2007 Florida Special Election

House District 49

04/24/2007 New Hampshire Primary Special Election

House Hillsborough District No. 9
(Manchester Ward 2)

include requiring every enrollee to have a primary care provider as a way to discourage participants from getting routine care through highly expensive hospital emergency departments.

The governor's proposal drew both praise and condemnation from lawmakers and health care advocates. Senate President Beth Edmunds (D), for one, said the package was a collection of "bold moves to expand access to health care for Maine people." Joe Ditre, executive director of Consumers for Affordable Health Care, however, panned the proposal, saying, "This isn't really a plan so much as it is a grab bag of proposals that are in some ways moving us away from universal coverage." Trish Riley, director of the Governor's Office of Health Policy and Finance, said Baldacci understands that his reforms will be a tough sell with lawmakers, but said "We've been in a polarized, ideological war. It's time to incorporate all these ideas in order to make unsubsidized coverage more affordable and keep the Dirigo program strong." (BANGOR DAILY NEWS)

GOVERNORS IN BRIEF: NEW JERSEY Gov. Jon Corzine (D) said the Garden State will bring in independent auditors to assess the fiscal condition of the state's ailing public employee pension fund. State officials recently said the pension fund was \$25 billion underfunded, but some experts believe the shortfall is much larger. Corzine said he will call for outside auditors because state evaluators "do not have the expertise to do the actuarial assessment" (NEW YORK TIMES).

• **WISCONSIN** Gov. Jim Doyle (D) said he supports giving condoms to low-income boys as young as 15 as a way to lower the rate of unwanted pregnancies in the Badger State. Doyle advocates expanding a federal program to reduce pregnancies as a means of paying for the condom program (LA CROSSE TRIBUNE).

• A federal judge has allowed a free speech lawsuit against **KENTUCKY** Gov Ernie Fletcher (R) to go forward. The case was filed by an Internet blogger after the Fletcher administration blocked state computers from accessing various kinds of Internet sites, including political blogs (LEXINGTON HERALD-LEADER).

• **WYOMING** Gov. Dave Freudenthal (D) told federal officials the Equality State would not be able to meet the federal May 1 deadline for submitting a wolf management plan. Federal wildlife officials say the state must submit a plan soon if it is to be included in federal regulations scheduled to be released next year (CASPER STAR TRIBUNE).

In the hopper

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

Number of prefiles last week: 369

Number of Intros last week: 1,952

Number of bills enacted/adopted last week: 1,908

Number of prefiles to date: 30,983

Number of Intros to date: 124,049

Number of enacted/adopted overall to date: 13,181

— Compiled By JAMES ROSS
(measures current as of 04/05/2007)
Source: State Net database

• **COLORADO** Gov. Bill Ritter (D) and Attorney General John Suthers have asked a state district court to dismiss a lawsuit challenging the Centennial State's new voter-approved ethics law. They contend that the governor cannot be sued over Amendment 41 because he has no enforcement authority over the statute. A bill to set up an ethics panel that will oversee the law is pending in the legislature (DENVER POST). • **NEW MEXICO** Gov. Bill Richardson (D) said he will give \$35,000 in campaign contributions he received from people who are now key figures in a public corruption scandal to charity. Nobody has accused Richardson of being involved in the scandal, which primarily focuses on accused former Senate President Pro Tem Manny Aragon (D). Federal prosecutors have accused Aragon and others of conspiring to skim \$4.2 million in public funds meant for construction of a county courthouse (ALBUQUERQUE TRIBUNE).

— *Compiled by RICH EHISEN*

Hot issues

B **USINESS:** The **VERMONT** House approves legislation that will create a state telecommunications authority to foster the deployment of broadband statewide within three years. The measure now travels to the Senate (RUTLAND HERALD). • The **MARYLAND** Senate endorses legislation that would give higher compensation packages, including relocation expenses, to property owners who lose their home or business through eminent domain. It moves to the House (BALTIMORE SUN). • The U.S. Supreme Court refuses to review a decision last year by the 8th U.S. Circuit Court of Appeals that struck down a 25-year-old, voter approved **NEBRASKA** law banning corporate farms in the Cornhusker State. That court ruled the law was unconstitutional (GRAND ISLAND INDEPENDENT). • The **OREGON** House endorses HB 2871, legislation that would cap payday and car title loan interest rates at 36 percent per year for all loans less than \$50,000. The measure would also restrict the maximum charge to no more than \$10 for every \$100 loaned or \$30, whichever comes first. It moves to the Senate (CORVALLIS GAZETTE). • The **ALABAMA** House rejects a proposal to raise the state's maximum allowable alcohol content for beer from the current 6 percent to 14.9 percent (MONTGOMERY ADVERTISER). • The **MONTANA** Senate approves HB 25, a measure that will allow a private Treasure State company to build power plants that will be regulated by state officials. **MONTANA** deregulated its energy industry in 1997. The measure now returns to the House (BILLINGS GAZETTE).

CRIME & PUNISHMENT: The **MARYLAND** Senate unanimously approves a bill that would expunge the police records of people who are arrested but not

charged with a crime. The measure moves to Gov. Martin O'Malley (D), who says he will sign it into law (BALTIMORE SUN). • **NEW MEXICO** Gov. Bill Richardson (D) signs legislation that requires convicted drunk drivers who move to the Land of Enchantment to install an ignition interlock device in their car. The measure affects anyone convicted of drunk driver on or before June 17, 2005 (SANTA FE NEW MEXICAN). • Still in **NEW MEXICO**, Gov. Bill Richardson (D) signs legislation that provides immunity from prosecution for people who come forward to help drug users suffering from a drug overdose. The measure also gives immunity to the drug user (NEW YORK TIMES). • The **MISSOURI** House endorses a proposal to place a special code on the front of drivers' licenses to identify sex offenders. The measure would also require offenders to renew their licenses annually. The measure faces another vote before it can go to the Senate (JEFFERSON CITY NEWS TRIBUNE). • The **VIRGINIA** General Assembly overrides Gov. Tim Kaine's (D) veto of a bill that makes someone convicted of killing a judge or witness eligible for the death penalty. However, lawmakers failed to override a Kaine veto of another bill that would make accomplices to murder eligible for capital punishment (WASHINGTON POST).

EDUCATION: Federal education authorities raise the number of handicapped students they will allow to take alternative exams and have the results count toward a school's annual progress goals under the No Child Left Behind law. Currently, only students with the most serious cognitive disabilities are allowed to take the alternative test. The new rules will allow students with less severe challenges to take those tests (NEWS JOURNAL [WILMINGTON]). • The **OREGON** Senate approves legislation that requires Beaver State schools to replace metal halide light bulbs that can't extinguish themselves with lamps that self-extinguish when their outer shell is broken. The measure now lights up the House (STATESMAN JOURNAL [SALEM]). • **NEW MEXICO** Gov. Bill Richardson (D) signs legislation that raises the state dropout rate from 17 to 18. And beginning in 2009, Land of Enchantment high school students will also need 24 units to graduate, up from the current 23 (SANTA FE NEW MEXICAN).

ENVIRONMENT: The **ALASKA** Senate approves SR6, a resolution that opposes federal authorities listing polar bears as threatened under the Endangered Species Act. The measure encourages all other states to also oppose the listing (ANCHORAGE DAILY NEWS). • The **MARYLAND** Senate approves legislation that would ban hydraulic clam dredging in the Old Line State's Atlantic coastal bays. The measure moves to Gov. Martin O'Malley (D), who has not said if whether he will sign it (CAPITAL NEWS SERVICE [UNIVERSITY OF MARYLAND]).

HEALTH & SCIENCE: The **INDIANA** House approves legislation that would require most Hoosier State schools to give parents information about the link between



human papillomavirus, or HPV, and cervical cancer along with information about the availability of an HPV vaccine. It returns to the Senate (INDIANAPOLIS STAR). • **NEW MEXICO** Gov. Bill Richardson (D) vetoes a bill that would have required girls entering 6th grade to be vaccinated against HPV. However, Richardson signs another measure that requires health insurance policies and plans provide coverage for the HPV vaccine (ALBUQUERQUE TRIBUNE).

• A **FLORIDA** House committee also weighs in on HPV, approving a measure that requires Sunshine State schools to send home information about the vaccine without mandating that 6th grade girls be inoculated. The bill heads to the House floor (PALM BEACH POST). • Back in **NEW MEXICO**, Gov. Bill Richardson (D) signs legislation that allows state health officials to dispense marijuana to seriously ill patients. It goes into effect July 1 (SANTA FE NEW MEXICAN). • The **WASHINGTON** House approves SB 6032, a proposal to require state health officials to determine the quantity of marijuana that could reasonably be considered a 60-day supply. The Evergreen State is one of 12 that allow the use of pot under a doctor’s recommendation. The measure returns to the Senate (OLYMPIAN). • **VIRGINIA** lawmakers reject a gubernatorial amendment to a measure that requires all Old Dominion restaurants to be smoke-free unless they post a sign indicating they allow people to light up there. Gov. Tim Kaine (D) added an amendment removing the sign requirement, an act that in effect would have prohibited smoking in all restaurants and bars (ROANOKE TIMES).

HOMELAND SECURITY: The **SOUTH CAROLINA** Senate approves SB 449, a measure that requires the Palmetto State to reject the federal Real ID license law unless federal authorities come up with more money to pay for the system. The measure moves to the House (STATE [COLUMBIA]).

IMMIGRATION: An **OKLAHOMA** Senate committee approves a bill that would require Sooner State employers to verify the legal status of employees and make it “a discriminatory practice” for an employer to fire a U.S. citizen while retaining a person the employer knows or reasonably should have known is an undocumented worker. It moves to the Senate (DAILY ARDMOREITE).

SOCIAL POLICY: A **COLORADO** Senate committee approves HB 1330, a measure that would allow cohabitating couples, including same sex partners, to adopt children. It moves to the full Senate (ROCKY MOUNTAIN NEWS [DENVER]). • An **INDIANA** House committee rejects a proposed constitutional ban on same-sex marriage. Supporters say they are considering bringing the measure back next year.

Upcoming stories

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

- **Ethanol update**
- **Security breach protection**
- **Smoking legislation covers the states**



If eventually passed, voters would need to approve it before the amendment could become law (INDIANAPOLIS STAR). • The **OKLAHOMA** House approves SB 714, legislation that would bar the use of public funds to pay for abortions unless the procedure is needed to save the mother’s life. The measure would also prohibit the use of any state-funded hospital or equipment to perform the procedure. It now returns to the Senate (DAILY ARDMOREITE).

POTPOURRI: The **ARKANSAS** House rejects SB 19, a measure that would have barred anyone under 18 from talking on a cell phone while driving. Opponents said the measure was “picking on” teenagers (ARKANSAS NEWS BUREAU [LITTLE ROCK]). • **IDAHO** Gov. Butch Otter (R) signs legislation barring Internet hunting, which allows someone to use a Web site to control a remote gun and shoot live animals (IDAHO STATESMAN [BOISE]). • The **NORTH CAROLINA** House votes unanimously to require the state’s pension and retirement funds be divested from any investments in companies that do business with the government of Sudan. The U.S. Congress has accused the Sudanese government of committing genocide in the Darfur region. The bill moves to the Senate (NEWS & OBSERVER [RALEIGH]). • The **WASHINGTON** Senate approves HB 1418, a proposal that would bar the private ownership of most “potentially dangerous wild animals,” a list that includes crocodiles, wolves, monkeys and of course, lions, tigers and bears. The measure now stalks back to the House (OLYMPIAN).

— Compiled by *RICH EHISEN*

Once Around the Statehouse Lightly

THE \$12K SPILL: Motorcycles occasionally spin out of control and do a whip-whap on folks occupying the saddle. One such folk ended up in a CALIFORNIA emergency room not long ago after his hog introduced him to a guard rail. The accident itself was minor; the financial tally was not. As *San Francisco Chronicle* columnist David Lazarus reports, the victim suffered a broken rib that bore a \$12,000 price tag by the time San Francisco General Hospital finished treatment. Included in the bill: \$4,659 for a trauma alert to hospital staff, issued when the victim was en route in an ambulance (the charge subsequently was deleted). The cyclist — who was taped up, given some Vicodin and discharged — estimates that he was “treated” for about 15 minutes during a seven-hour visit to the emergency room, most of which was spent on a hallway gurney.

CONSISTENCY IS THE HOBGOBLIN of small minds, so the saying goes. But in one OHIO courtroom last week, consistent behavior also offered proof that two defendants belong in the hoosegow. According to the *Cleveland Plain-Dealer*, a woman and her accomplice — on trial for felony shoplifting and merchandise-return scams that total in the millions of dollars — kept up their hobby even as they took a break from proceedings. During a lunch break, Joan Hall and Roger Neff pilfered their meal from a courthouse cafeteria. The snatch was witnessed by the same Cleveland cop who investigated and arrested the pair. Deputies were summoned.

SMILE IF YOU'RE A DEMOCRAT: It's not quite official, but the state of MISSISSIPPI is about to authorize the sale and display of more "specialty tags" — license plates that deliver a message. The Legislature has passed the bill, which only needs Gov. Haley Barbour's signature for the state to start cranking out the tags. The plates cost \$30 in addition to the regular license fee and bear a variety of meanings. According to The Associated Press, however, one plate boosts the fortunes of Democrats, with the state party reaping \$24 of the \$30 fee. And although Republicans helped negotiate the bill, the GOP will not have a similar plate. Barbour, a Republican, still has time to issue a veto.

ROAD RAGE: What defines a lout usually is in the eyes of a beholder, and the nation's roads offer the infinite variety of ill-mannered behavior associated with jerkism. Running a red light sits near the top of the list, as does yakking on a cell phone while mowing down a pedestrian. But WASHINGTON is about to legislate against what has become the most boorish of boorish behavior in its corner of the Northwest: cutting in line at a ferry crossing. "This is road rage beyond road rage," state Sen. Margaret Haugen told the *Seattle Times*. "You sit for an hour or two [in a ferry line] and somebody crowds in front of you, and they get on and you don't." Haugen, a Camano Island Democrat, has sponsored a bill to make cutting-in illegal.

HUMOR-FREE ZONE: That, apparently, is OREGON state government. Three weeks ago, the *Statesman Journal* of Portland requested that each member of the state Legislature (60 representatives and 30 senators), plus the governor, submit his or her favorite joke for a special feature on April Fool's Day. Only 10 lawmakers and the governor responded, and four of the 10 (including Gov. Ted Kulongoski) sent back automated form letters.

— By A.G. Block



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