

April 11, 2011

The Carbon Conundrum



Budget & taxes	5
Federal government headed toward shutdown	
Politics & leadership	7
'Washingtonization' of state politics	
Governors	11
CA Dems make huge post-Arnold push	
Bird's eye view	2
Hot issues	13
Once around the statehouse lightly	17

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The next issue of Capitol Journal will be available on April 18th.

Top Story

Last November, California voters soundly rejected an oil industry-backed effort to squash the state's law mandating a large reduction in greenhouse gas emissions. Now, a lawsuit from a handful of environmental justice groups may accomplish what Big Oil could not.

SNCJ Spotlight

State cap-and-trade programs under fire

Last November, California voters soundly rejected an oil industry-backed initiative that would have killed implementation of AB 32, the Global Warming Solutions Act, the Golden State's historic 2006 legislation to reduce greenhouse gas (GHG) emissions to 1990 levels by 2020. In an ironic twist of fate, a recent court ruling in a lawsuit brought by environmental justice groups may now succeed where Big Oil did not.

The ruling, which came on March 18th in a San Francisco Superior Court, said the California Air Resources Board (CARB) violated state law by not



in other states as well. It will be rejection by non-participation, basically letting cap-and-trade die a natural death.”

Whether California’s cap-and-trade program will suffer such a fate is yet to be determined. Costantino says it will be “weeks to months at minimum” before the court decides how broadly it wants to interpret its own ruling. If the court decides not to accept CARB’s analysis, it will be a race to see if they can get a more acceptable plan approved before November.

Countless eyes across the country will undoubtedly be watching to see how that plays out. Many observers, for instance, doubt the WCI can survive without California and the massive carbon market it would bring to the compact. But Nanasi insists whatever happens in California won’t derail New Mexico’s plans.

“We really hope California’s plan goes forward, and that we’re able to link to it,” she says. “But the New Mexico cap-and-trade program will go into effect in 2013 even if the WCI regional plan does not.”

That may be easier said than done. Martinez has made it clear she intends to continue reviewing regulations she feels harm the state’s economy and business climate. But Nanasi says she is confident lawmakers and the courts will continue to come down on the side of the state’s GHG-reduction advocates.

“We’ve won in court and the Legislature for the last two or three years, and we intend to keep winning,” she says.

— By RICH EHISEN

In addition to cap-and-trade measures, states will spend a lot of time in 2011 weighing a wide spectrum of emissions legislation. According to State Net, 178 such bills have been introduced in statehouses so far this year, with 27 having made it through their House of origin.

Budget & taxes

FEDERAL GOVERNMENT HEADED TOWARD SHUTDOWN: Early Friday morning, Congressional leaders still had not reached an agreement on the federal budget, and the federal government appeared destined for a midnight shutdown.

When negotiations broke up at about 3 a.m. Friday, Democrats had agreed to \$37 billion in spending cuts, close to the \$39 billion in cuts sought by Republican House Speaker John A. Boehner of Ohio.

But Democratic officials said Republicans’ proposed restrictions on funding for Planned Parenthood remained a major sticking point, and alternative approaches

to clearing that bottleneck such as a proposed separate floor vote on the issue were rejected, with Republicans maintaining that votes of anti-abortion social conservatives would be needed to pass any budget in the House.

Even before the breakdown of the early morning talks, both parties seemed more focused on spinning the looming shutdown to their political advantage than on reaching an agreement.

Democrats claimed the lingering stalemate wasn't about money but about conservative ideology.

"This is no longer about the budget deficit," said Sen. Richard J. Durbin of Illinois, the Senate's No. 2 Democrat. "It's about bumper stickers."

Rep. Steny H. Hoyer of Maryland, the No. 2 Democrat in the House, also pointed out that the Democrats had negotiated with the Republicans instead of shutting down the government when they were in power but had split with former President George W. Bush over spending on the Iraq war.

"We never shut down the government when we were in the majority and President Bush had power," he said.

House Republicans, meanwhile, passed a measure Thursday that would keep federal agencies open another week, cut \$12 billion in spending and provide defense funding through Sept. 30, hoping not only to show they'd tried to avoid a government shutdown but also leave Senate Democrats and the Obama administration open to criticism for cutting off money to U.S. military personnel serving overseas.

"If you vote against this bill, you are voting against the troops who are engaged in three wars," said Rep. Harold Rogers (R-Kentucky), who chairs the Appropriations Committee.

White House Press Secretary Jay Carney dismissed the measure.

"We do not need another short-term measure with \$12 billion of additional spending cuts separate from these negotiations because we are now at a point where we can get the deal done," he said. "The people expect us to get the deal done."

Republicans also denied Democrats' allegation that the impasse was all about ideology.

"The largest issue is still spending cuts," a spokesman for Boehner said Friday morning.

And House Majority Leader Eric Cantor (R-Virginia) insisted Republicans were serving the will of the American people.

"We don't accept the status quo," he said. "We don't want to bankrupt this nation." (NEW YORK TIMES)

BUDGETS IN BRIEF: MINNESOTA's Republican-controlled House passed a bill last week (SB 1047) that would slash state spending by 59 percent, cut the state workforce by 15 percent over the next four years and freeze the salaries of all remaining workers for two years, as well as shift those workers to a high-deductible

health plan. If endorsed in a joint conference committee, the proposal will likely be vetoed by Democratic Governor Mark Dayton (MINNESOTA PUBLIC RADIO, MINNEAPOLIS STAR TRIBUNE). • A divided U.S. Supreme Court ruled last week that a group of taxpayers who challenged an **ARIZONA** tax credit for individuals who donate to private religious schools alleging it violates the state constitutional ban on direct aid to religious institutions, had no legal right to do so. Writing for the majority in the 5-4 decision, Justice Anthony Kennedy said taxpayers may challenge a direct legislative appropriation for religious schools, but not a tax credit, explaining that while the two “may have similar economic consequences,” in the case of a tax credit, the money is directed by private individuals, not the state (NATIONAL PUBLIC RADIO). • **PENNSYLVANIA** Gov. Tom Corbett (R) is seeking an 8 percent pay cut over three years for members of the state’s largest employee union, the American Federation of State, County and Municipal Employees Council 13. Corbett wants to cut AFSCME union employees’ wages — which average \$34,000 per year — 4 percent in the first year and 2 percent in each of the next two years (PATRIOT-NEWS [HARRISBURG]). • U.S. Transportation Secretary Ray LaHood said last week that 24 states, the District of Columbia and Amtrak are all vying for \$2.4 billion in federal funding for high-speed rail that became available when **FLORIDA** Gov. Rick Scott (R) canceled a high-speed rail project in his state in February (USA TODAY). • **ALASKA**’s Department of Revenue is projecting a \$3.4 billion budget surplus, due to the recent surge in oil prices. The state, which derives nearly 90 percent of its General Fund revenue from oil, has already socked away \$11 billion in savings accounts (ANCHORAGE DAILY NEWS).

— *Compiled by KOREY CLARK*

Politics & leadership

‘WASHINGTONIZATION’ OF STATE POLITICS: One need look no further than the current showdown over the federal budget to find evidence that Washington, D.C. is hopelessly gridlocked by partisan politics — not that additional proof was necessary. But Madison, Wisconsin has also been looking very Washington-like lately, with its ongoing partisan conflict over union rights. (See ‘REFERENDUM’ ON UNION RIGHTS STILL TOO CLOSE TO CALL IN WI below.) And it isn’t the only state capital about which that can be said.

Republican former Colorado state Rep. Rob Witwer has written a book called “The Blueprint” chronicling the partisan surge in Denver’s political culture that he says accompanied the Democratic takeover of both chambers of the Legislature beginning in 2004.

“We generally are welcomed when we come in because we bring resources and a level of sophistication,” said Chris Jankowski, president of the Republican State Leadership Committee, which spent \$31 million on state races last year, resulting in the takeover of over 700 legislative seats nationwide.

And the trend toward remaking the state capitals in the image of Washington doesn’t appear likely to end anytime soon.

“I hope that’s not the case. I don’t think it’s necessary,” said Jankowski. “But there certainly is an arms race quality to it. I don’t know where it ends, but we don’t intend to be beaten at it.” (POLITICO)

‘REFERENDUM’ ON UNION RIGHTS STILL TOO CLOSE TO CALL IN WI:

A new front opened last Tuesday in Wisconsin’s month-long battle over union rights, which moved to the courts two weeks ago. (See BATTLE OVER UNION POWER IN WI SHIFTS TO COURTS in last week’s *SN CJ*.) The state held an election for Supreme Court justice, which pit Democrat-backed challenger Assistant Attorney General JoAnne Kloppenburg against Republican-backed Justice David Prosser, who is seeking his second 10-year term. The first statewide vote since Gov. Scott Walker (R) signed legislation curbing the power of public employee unions, the officially nonpartisan election was viewed as a referendum on the issue.

“This has really become a proxy battle for the governor’s positions and much less a fight about the court itself,” said Charles H. Franklin, a political scientist at the University of Wisconsin-Madison.

Voters appear to be fairly evenly split on the matter. After a night of seesawing back and forth between the two candidates, Kloppenburg led Prosser Wednesday by a mere 204 votes out of the nearly 1.5 million cast — a margin of 1/100th of one percent — according to an unofficial tally by the Associated Press.

The voting patterns had a familiar partisan look. County by county, the vote closely tracked that of another recent election, the 2004 presidential race between George W. Bush and John Kerry, in which the two candidates were separated by less than half a percentage point. Kloppenburg carried virtually the same counties won by Kerry, and Prosser won pretty much the same counties carried by Bush.

Last week’s race shared something else in common with the 2004 contest: a highly engaged electorate. The turnout for the presidential race was the highest of

The week in session

States in Regular Session: AK, AL, AR, AZ, CA, CO, CT, DC, DE, FL, GA, HI, IA, IL, IN, KS, MA, MD, ME, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NV, OK, OH, OR, PA, PR, RI, SC, TN, TX, US, VT, WA, WI

States in Recess: KS

States in Special Session: CA “a”, LA “a”, VA “a”, WI “a”

States in Reconvened Session: VA
(Held on 04/06/2011)

States Currently Prefiling or Drafting for 2011: LA

States Projected to Adjourn: AR, MD, MS, GA

States Adjourned in 2011: ID, KY, NM, SD, UT, VA, WV, WY

State Special Sessions Adjourned in 2011: AL “a”, AZ “a”, AZ “b”, DE “a”, KY “a”, UT “a”

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS
(session information current as of 4/8/2011)
Source: State Net database

any election in the state in half a century. And Tuesday's turnout was without parallel among recent contested court races: 34 percent, exceeding the 20 percent, or 874,000 voters, election officials had predicted by 69 percent, or 600,000 voters. Put another way, the nonpartisan contest between Kloppenburg and Prosser drew nearly as many voters as the state's 2008 presidential primaries, which featured Barack Obama, Hillary Clinton, John McCain and Rudy Giuliani.

Kloppenburg claimed victory in the court race on Wednesday.

"Wisconsin voters have spoken, and I am grateful for, and humbled by, their confidence and trust," she said in a statement.

But on Thursday, Kathy Nickolaus, the clerk of Republican-leaning Waukesha County, informed state election officials that she would be releasing new vote totals giving 8,000 additional votes to Prosser, swinging the race significantly in his favor.

Regardless of the fallout from that bombshell, it will probably be a while before the contest is settled. Official tallies from all 72 of the state's counties still have to be submitted. And a recount is almost a certainty — with lawsuits likely to follow.

As for what last week's "referendum" says about the impact of the state's union fight on future elections, it appears to be anyone's guess.

"The way it looks right now, both sides are so motivated and so turned out that it would be very hard to forecast how a vote would go down the road," said Charles H. Franklin, a political scientist at the University of Wisconsin-Madison. (WISCONSIN JOURNAL SENTINEL, REUTERS, NEW YORK TIMES)

POLITICS IN BRIEF: Opponents of **OHIO's** new collective bargaining law — SB 5 — collected about 3,000 signatures last weekend, which they plan to file with the attorney general and secretary of state as a first step toward placing a referendum on the law on the November ballot. To get over that first step, at least 1,000 of the signatures will need to be validated (COLUMBUS DISPATCH). • **NEW JERSEY** Democrats scored a major political victory last week when the lone nonpartisan member of the state's redistricting commission, Alan Rosenthal, a professor of political science at Rutgers University, sided with the panel's five Democrats to approve a plan that will spread minority voters across multiple legislative districts in the hope of boosting minority representation in the Legislature. The commission's five Republicans had proposed a map that would have packed minority voters into fewer districts (NEW YORK TIMES). • National Democratic leaders want **MASSACHUSETTS** to delay its presidential primary from March 6 until later in the spring, in part to allow Republican states to dominate the early voting and increase the odds that a more conservative candidate wins the GOP nomination (BOSTON GLOBE).

— *Compiled by KOREY CLARK*



“There is a great deal of pent-up demand. I’m sure they [legislators] are licking their chops,” he said.

Brown’s willingness to swat away pet bills from fellow Democrats also made enemies in his own party during his first time around. Whether he is willing to risk doing it again remains to be seen. But at least one current lawmaker is preaching restraint among his colleagues.

“All of us have an obligation to work with this new governor,” said Sen. Joe Simitian (D), who authored SB 2a, the renewable portfolio standard, “and not to press for legislation beyond what is reasonable.”

Brown’s office said last week he will not comment on any bills until he has acted on them. (LOS ANGELES TIMES, STATE NET)

FL VOTERS UNHAPPY WITH SCOTT: Florida Gov. Rick Scott (R) has significantly swayed public opinion about his job performance, but not in the direction he probably hoped for. A new Quinnipiac University poll of 1,449 registered Sunshine State voters indicates that 48 percent disapprove of his performance, more than double the 22 percent with similar views a February poll showed. His favorable rating stayed

the same at 35 percent. The tough economy has clearly played a role in the poll results, as 55 percent of those surveyed said they disapprove of the way Scott has handled the budget while 53 percent said his budget proposal is unfair to them. But the poll also notes the confounding, often

“It is exceedingly rare for an unindicted governor or president to ever be seen as poorly by the electorate as his legislature or Congress.”

contradictory nature of the public’s whims as 47 percent say Scott’s proposed budget cuts go “too far” while 65 percent oppose tax hikes in favor of a “cuts-only” budget.

Scott’s poll numbers are almost identical to that of the Legislature, which posted a 47-35 percent unfavorable/favorable rating, something Quinnipiac pollster Peter Brown said was highly unusual.

“It is exceedingly rare for an unindicted governor or president to ever be seen as poorly by the electorate as his legislature or Congress,” he said. But Brown added one bit of good news for Scott: “He has almost four years left to turn around public opinion.”

Scott dismissed the poll results, noting he was focusing only on his agenda.

“I’m not trying to win most popular,” he said. “I’m trying to make sure this is the state most likely to succeed.” (MIAMI HERALD, QUINNIPIAC UNIVERSITY)

MCDONNELL REACHES AUTISM ACCORD: Virginia lawmakers sustained three of the four vetoes recently issued by Gov. Robert McDonnell (R), but rejected a proposed amendment to a bill (HB 2467) that mandates health insurance coverage



for children with autism. That amendment would have invalidated the law if a court strikes down its \$35,000 coverage cap. Lawmakers accepted two other amendments to the bill: requiring state licensure of treatment providers and prior authorization and independent reviews of treatment. McDonnell agreed beforehand to allow the bill to become law even if they rejected his amendments. On a separate measure, Old Dominion lawmakers supported the governor’s call to restrict abortion coverage under insurance sold through any health exchange the state creates under the federal health care reform law. (VIRGINIAN-PILOT [NORFOLK])

GOVERNORS IN BRIEF: The **OREGON** Senate endorsed SB 552, a bill that would make Gov. John Kitzhaber (D) superintendent of the Beaver State’s education system. Under the bill, which now heads to the House, the governor would name a deputy superintendent who would be responsible for actually overseeing the state education department and running the education system (OREGONIAN [PORTLAND]). • **NEW JERSEY** Gov. Chris Christie (R) issues EO 58, an executive order that creates the New Jersey Education Transformation Task Force, tasked with conducting a comprehensive review of the state’s education regulations. The group is expected to complete its review by August (NEW JERSEY GOVERNOR’S OFFICE).

— *Compiled by RICH EHISEN*

Hot issues

B **USINESS:** The **ILLINOIS** House rejects HB 1383, which would have allowed Prairie State farmers to grow hemp for industrial uses (STATE JOURNAL-REGISTER [SPRINGFIELD]). • The **IDAHO** Gov. C.L. “Butch” Otter signs HB 210, which bars agricultural operations from being dubbed a nuisance if they weren’t nuisances when they began operations, even if they expand (IDAHO STATESMAN [BOISE]). • **NEW JERSEY** Gov. Chris Christie (R) signs AB 3359, which prohibits Garden State companies from barring unemployed workers from applying for advertised positions. Violators face fines up to \$5,000 for a first offense and \$10,000 per event thereafter (ASBURY PARK PRESS). • The **ARIZONA** Senate rejects an amendment to HB 2137 that would have expanded statewide an existing law that restricts the roadside sale of animals in two of the Grand Canyon State’s 15 counties (EAST VALLEY TRIBUNE [MESA]). • The **NEW HAMPSHIRE** House approves HB 474, so-called right-to-work legislation that would bar workers from being forced to join a union at a “closed shop.” The bill is now in the Granite State Senate (CONCORD MONITOR). • The **INDIANA** House approves SB 47, which would allow riverboat casinos to get rid of their motors and marine crews. The measure, which



requires 10 of the state's 13 riverboat casinos to continue floating operations, moves to Gov. Mitch Daniels (R) for review (COURIER-JOURNAL [LEXINGTON]). • The **WASHINGTON** House approves HB 1495, which would bar manufacturers that use pirated software from selling their goods in the state. It goes to Gov. Christine Gregoire (D) for review (SEATTLE TIMES). • Also in **WASHINGTON**, the House endorses SB 5791, a bill that would allow private vendors to rent space in park-and-ride lots. It returns to the Senate (SEATTLE TIMES).

- **OKLAHOMA** Gov. Mary Fallin (R) signs a trio of lawsuit reform bills: HB 2128, which places a \$350,000 cap on non-economic damages, SB 862, which eliminates joint and “several” liability, and SB 865, which requires that Sooner State juries be told that civil awards are not subject to federal or state taxation (OKLAHOMAN [OKLAHOMA CITY]).
- The **WISCONSIN** Senate approves AB 4, which would overturn a 2009 law that significantly raised the Badger State's mandatory minimum auto insurance liability limits. It moves to Gov. Scott Walker (R), who is expected to sign it into law (MILWAUKEE JOURNAL-SENTINEL).

In case you missed it

For the last few years, nuclear power has enjoyed a rising tide of positive sentiment across the U.S. and around the world. The on-going crisis a heavily damaged nuclear power plant in Japan may have changed all that.

In case you missed it, the article can be found on our website at http://www.statenet.com/capitol_journal/04-04-2011/html

CRIME & PUNISHMENT: The **PENNSYLVANIA** House approves HB 365, legislation that would ban the sale of synthetic pot sold under brand names like K2 and Spice. The measure, which would also bar the sale of chemicals sold as “bath salts” that police say can cause users to suffer hallucinations, moves to the Senate (PATRIOT NEWS [HARRISBURG]). • The **MISSOURI** House approves HB 641, which also bars the sale of synthetic forms of marijuana and hallucinogenic “bath salts.” It moves to the Senate (NEWS TRIBUNE [JEFFERSON CITY]). • **CALIFORNIA** Gov. Jerry Brown (D) signs AB 109, which gives the Golden State the power to transfer thousands of prisoners serving time in state penitentiaries to county jails. Enforcement of the bill is delayed, however, until lawmakers can find the funding to pay for it (LOS ANGELES TIMES).

EDUCATION: The **NORTH DAKOTA** House approves SB 2281, which would require youth and school league athletes who show signs of a concussion to immediately be removed from the game and not be allowed to play again until they are cleared by a doctor. It has moved to a conference committee (FORUM [FARGO]).

- A **MONTANA** conference committee approves HB 456, a bill that would require schools to obtain parents' written consent before a child could attend sex education classes. The bill, which also bars schools from using instruction materials from organizations that provide abortion services and allows parents to withdraw their children from sex education classes without penalty for missing class, goes to Gov. Brian Schweitzer (D) for review (BILLINGS GAZETTE).
- A **COLORADO** conference committee endorses HB 1069, which would require Centennial State



elementary school students to receive at least 30 minutes of physical activity each day. It is now with Gov. John Hickenlooper (D) for review (DENVER POST). • The **IDAHO** House rejects HB 346, legislation that would have removed a cap on the number of charter schools in the Gem State (IDAHO STATESMAN [BOISE]). • Still in **IDAHO**, the House endorses HB 334, a bill that would end a requirement that state education officials keep a library of textbooks used in state classrooms. It moves to the Senate (IDAHO STATESMAN [BOISE]). • The **OREGON** Senate endorses SB 602, which would require that a course on “Oregon studies” be offered in 6th, 7th or 8th grade and for at least two semesters. It moves to the House (OREGONIAN [PORTLAND]). • The **TEXAS** House approves HB 500, which would require Lone Star State high school students to pass four year-end exams to earn a diploma instead of the 12 they must currently pass. It moves to the Senate (SAN ANTONIO EXPRESS-NEWS). • **ARKANSAS** Gov. Mike Beebe (D) signs HB 1936, which bars Razorback State students from wearing clothes that expose their underwear, buttocks or breasts (REUTERS).

ENVIRONMENT: The **MONTANA** House approves SB 306, which would allow cyanide leaching of ore from new open-pit gold or silver mines in the Treasure State. The bill, which would overturn a ban voters enacted in 1998, goes to Gov. Brian Schweitzer (D) for review (BILLINGS GAZETTE). • The **OREGON** House approves HB 2175, which would allow wildlife officials to serve residents with written notice to stop feeding bears, mountain lions or wolves. It moves to the Senate (OREGONIAN [PORTLAND]). • The **IDAHO** Senate endorses HB 343, legislation that would declare a wolf disaster state of emergency and allow the governor to enlist local law enforcement to help kill wolves if he feels they are endangering humans, livestock or wildlife. It moves to Gov. C.L. “Butch” Otter (R) for review (IDAHO STATESMAN [BOISE]).

HEALTH & SCIENCE: The **MONTANA** Senate approves HB 161, which would repeal a Treasure State law that allows seriously ill people to use marijuana when prescribed by a doctor. The measure moves to Gov. Brian Schweitzer (D) for review (BILLINGS GAZETTE). • The **MISSOURI** House approves HB 287, which would require hospital workers to wear identification badges clearly showing their full name, title, organization and recent photograph. It is now in the Senate (NEWS TRIBUNE [JEFFERSON CITY]). • The **VIRGINIA** General Assembly overrides Gov. Robert McDonnell’s (R) veto of HB 1459, legislation that would gradually increase the state’s cap on medical malpractice awards (RICHMOND TIMES-DISPATCH).

Upcoming stories

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

- **Education**
- **Health care**
- **Immigration**

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IMMIGRATION: The **CALIFORNIA** Assembly Judiciary Committee kills AB 26, which would have banned public officials and agencies from restricting the enforcement of state immigration laws and barred employers from knowingly hiring an undocumented worker. The Committee also killed AB 1018, which would have required officials to verify the immigration status of anyone seeking public services (SACRAMENTO BEE). • The **ALABAMA** House endorses HB 56, which would give law enforcement officers authority to detain people they suspect of being illegal immigrants. The measure, which would also make it a crime to house, give a ride to, rent to or employ an illegal immigrant, moves to the Senate (BIRMINGHAM NEWS).

SOCIAL POLICY: The **IOWA** House approves HF 657, which would bar abortion after the 20th week of pregnancy unless the woman’s life is in “imminent danger.” It is now in the Senate (DES MOINES REGISTER). • The **IDAHO** House approves SB 1165, which also bars abortion after the 20th week of pregnancy except in cases where the mother’s life is in danger. The measure, which has no exclusions for cases of rape or incest, moves to Gov. C.L. “Butch” Otter (R) for review (IDAHO STATESMAN [BOISE]). • Abortion is also the issue in **OHIO**, where the Senate approves SB 72, a measure that bars the procedure after the 20th week. It also has no exception for rape or incest. The bill moves to the House (DAYTON DAILY NEWS). • The **MISSOURI** House approves HB 28, which would allow Show Me State pharmacists to refuse to fill prescriptions for RU 486, the so-called “morning after” pill that terminates an early pregnancy. The bill, which would also require the prescribing physician to be present when the woman takes the medication and have at least \$3 million in malpractice insurance, moves to the Senate (JEFFERSON CITY [NEWS-TRIBUNE]). • The **ARIZONA** Senate approves HB 2384, a bill that would ban the use of public funding or tax credits to support any group that provides, promotes, pays for or gives referrals for abortions. The bill, which would also ban public universities and community colleges from using state funding or tuition dollars to train students to perform abortions, moves to Gov. Jan Brewer (R) for review (ARIZONA REPUBLIC [PHOENIX]). • **MONTANA** Gov. Brian Schweitzer (D) vetoes SB 176, a bill that would have barred health plans in a state health insurance exchange from covering abortion. Schweitzer called the bill unconstitutional. The bill’s supporters are expected to seek a veto override (BILLINGS GAZETTE). • **WASHINGTON** Gov. Christine Gregoire (D) signs HB 1649, legislation that allows the Evergreen State to recognize out-of-state same-sex marriages with all the rights and protections given to registered domestic partnerships (SEATTLE TIMES).

POTPOURRI: The **TEXAS** House approves HB 716, a bill that would allow the hunting of feral hogs and coyotes from helicopters. It fires off to the Senate (HOUSTON CHRONICLE). • Still in **TEXAS**, the House approves HB 1201, legislation that would allow motorists to drive 85 mph in some areas. The measure,



which is part of a larger transportation bill, moves to the Senate (HOUSTON CHRONICLE). • **KANSAS** lawmakers give final endorsement of HB 2192, a bill that would raise the speed limit to 75 mph on some rural Sunflower State roadways and allow motorcycle riders to proceed through “dead” red lights. It moves to Gov. Sam Brownback (R) for review (LAWRENCE JOURNAL-WORLD). • **OHIO** Gov. John Kasich (R) says he will not renew a statewide 90-day ban on the sale or purchase of exotic animals. The ban was enacted via an executive order from former Gov. Ted Strickland (D) on January 6th (COLUMBUS DISPATCH). • The **GEORGIA** House approves SB 240, which would allow golf carts that go up to 20 mph and have some safety features on roads if local jurisdictions allow it. It has returned to the Senate for concurrence of changes made in the House (ATLANTA JOURNAL CONSTITUTION). • Also in **GEORGIA**, the Senate approves HB 40, which would require antifreeze sold in the Peach State to include an additive making it taste bitter to discourage accidental poisoning. The bill has returned to the House (AUGUSTA CHRONICLE).

— Compiled by RICH EHISEN

Once around the statehouse lightly

USE A SPRAY CAN, GO TO JAIL: Graffiti artists take a wealth of pride in their ability to post their work on seemingly just about any public building or sign. But after a tagger’s recent handiwork on San Antonio’s 280-year-old Mission San Juan, graffiti aficionados best think twice when feeling the urge to express themselves on historical sites in the Lone Star State. As the *Houston Chronicle* reports, the Texas House last week endorsed HB 690, legislation that would add historic buildings to those already specifically protected by law from such artistic hubris, a list that includes churches and schools. Brave souls that flaunt the law face a felony punishable by up to two years in prison and a \$10,000 fine for tagging historic buildings. Talk about suffering for your art.

ODD BEDFELLOWS: California legislative seating pairings generally stick to party lines. But as the *Riverside Press Enterprise* reports, there is one glaring bipartisan exception in this year’s Assembly: freshman Republican Tim Donnelly, a staunch conservative and Tea Party favorite who was once a leader in the Minuteman Militia that patrols the California-Mexico border to ward off border crossers from Mexico, and liberal Democrat Gil Cedillo, a fervent immigrant rights supporter who is somewhat derisively known — even among his Democratic colleagues —



as “One Bill Gil” for his numerous efforts to allow illegal immigrants to obtain California driver’s licenses. But in spite of their obvious and dearly-held opposing points of view, the two men say they have become friends, even dining together and introducing each other to their respective families. Each says the key has been their mutual respect for one another...although they still vote against each other’s bills.

SPEAK NO, UH, EVIL: During a recent floor debate, Florida Rep. Scott Randolph repeated his wife’s assertion that if she incorporated her uterus, Republicans would drop their opposition to abortion. Nobody thought much about it again until, as the *Miami Herald* reports, Randolph says House leadership told him not to use the word “uterus” any more out of respect for the teenage pages that work the House floor. House leaders say they did no such thing, but alas, the flood gates have already opened. There is now a “uterus” Facebook page — which has over 3,000 members – and the Florida ACLU has set up a website where women can incorporate their uterus. House Dems are also wearing pins that say uterus in big pink letters...which have been banned on the House floor. That prompted Democratic Rep. Rick Kriseman to crack that lawmakers have to “leave your uteruses in your offices.”

TAKE IT DOWN A NOTCH ALREADY: Maine Gov. Paul LePage is nothing if not blunt. But the governor’s in-your-face style and verbal disdain for anyone who disagrees with him has sparked discord even among his fellow Republicans. Last week, a group of eight GOP lawmakers signed off on an op-ed urging LePage to end what they called “government by disrespect.” At particular issue was LePage saying he would “laugh at the idiots” who protested his decision to remove a mural from the state Department of Labor that he deemed to be too slanted toward labor rather than businesspeople who, in his words, “create the wealth.” The feds however, may have the last laugh. As the *New York Times* reports, the U.S. Department of Labor said last week that the removal of the mural violates federal law governing the \$60,000 that paid for it — money that came from the feds. Stay tuned.

— By *RICH EHISEN*



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©2008 State Net ISSN: 1521-8449



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