

April 17, 2006

Pooch profiling



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Top Story

Dog bites cost insurers more than \$300 million annually, making them hesitant to issue policies to pet owners with breeds thought to be aggressive. But dog owners — and states — are looking to change that.

SNCJ Spotlight

Issues 2006: Will states take a bite out of dog liability?

Dogs may be a person's best friend, but they are often an insurer's worst nightmare. According to the Insurance Information Institute, dog bites can account for a significant percentage of the industry's annual claims — up to a quarter of all homeowner's claims each year, or roughly \$345 million in 2002 and \$321 million in 2003. Those are big numbers, enough to inspire insurance companies across the nation to refuse to write policies for homeowners with a family

pooch whose breed they say is more likely than others to harm someone.

But that stance has dog lovers itching for a fight. According to the State Net database, lawmakers in more than a dozen states this session — HAWAII, KENTUCKY, MASSACHUSETTS, MAINE, NEW HAMPSHIRE, MICHIGAN, NEW JERSEY, NEW YORK, OKLAHOMA, TENNESSEE, VERMONT, WASHINGTON, WISCONSIN and WEST VIRGINIA — have introduced or carried over bills that would prohibit insurers from rejecting homeowners or renters for coverage based on the owner’s dog breed, or from charging that person an increased premium based on that breed’s alleged propensity to bite. Previous bills have also been introduced in CALIFORNIA and CONNECTICUT, but failed to become law.

According to the American Kennel Club (AKC), currently only MICHIGAN, where the Essential Insurance Act “does not allow denying, cancelling, or non-renewing coverage based on the insured’s possession of a particular breed of dog,” and PENNSYLVANIA, which “prohibits any blanket contractual exclusion based on breed,” prevent insurance companies from profiling a homeowner or renter based on the breed of their dog. AKC spokesperson Lisa Peterson sees no reason why more states don’t join them.

“Insurance companies having any kind of banned breed list just goes against what we believe are the basic rights of responsible dog owners,” she says. “It’s not the dog’s fault as much as it is the owner’s fault for not abiding by laws that don’t allow dogs to roam or to require them to be on a leash.”

Peterson says her organization does support recent state laws in states like VIRGINIA that crack down on dog owners whose pets have attacked someone. “We do want the public to be safe and to have enforceable laws that are non-discriminatory,” she says. “We just want to see the responsibility where it belongs, at the other end of the leash with the owner. As we say, judge the deed and not the breed.”

The Week in Session

States in Regular Session: AK, AL, AZ, CA, CO, CT, DC, FL, HI, IL, LA, MA, MI, MN, MO, NH, OK, PA, SC, TN, US, VT, WI

States in Informal Session: OH

States in Reconvened Session: VA

States in Special Session:
AR "a", VA "a"

States in Recess:
DE, KS, NY, RI, US

States in Budget Hearing Recess:
NJ

Special Sessions in Recess:
CA "a", OK "a", PA "a"

States Projected to Adjourn:
AZ, IA, ME

States Adjourned in 2006: GA, ID, IN, KY, MD, MS, NE, NM, SD, UT, VA, WA, WV, WY

States in Special Session
Adjourned in 2006: AZ "a", LA "a",
TN "a"

Letters indicate special/extraordinary sessions

Source: State Net, 04/14/06

“It is basically the same standard as what we apply to our vehicles,” she says. “It is a piece of property that you own, but you can’t go out and kill somebody with it. Dogs are also considered property, and it is up to you to not allow them to go out and maul somebody.”

But Lynn Knauf of the Property Casual Insurers Association of America (PCI) says insurance companies are perfectly justified in separating dog breeds, noting that “all dogs will bite, but some breeds will simply bite more often” and, due to sheer bulk, often cause more damage when they do. “It’s simply a matter of risk assessment,” she says.

The numbers tend to back her up. According to the Centers for Disease Control, over a 20-year-period from 1979 to 1998, the highest percentage of dog bite-related fatalities involved larger, more aggressive breeds like pit bull terriers, Rottweilers, German Shepherds, huskies, Malamutes, Dobermans, Great Danes and St. Bernards, but can also include dogs not generally considered to be a threat, such as Dalmatians and Labradors.

Dog advocates like Peterson, however, still contend that any dog, large or small, is simply a reflection of its owner. She points to the AKC Canine Good Citizen (CGG) program, a two-step obedience regimen that she says emphasizes responsible pet ownership as a positive step any owner can take to teach their pet

Bird’s eye view



States ponder 65 percent solution for classrooms

At least three states have recently adopted “the 65 percent solution” for education funding, which in its simplest form mandates that school districts allocate 65 percent of all spending on direct classroom expenses such as teacher salaries and learning supplies. Lawmakers in MINNESOTA are currently mulling a similar proposal from Gov. Tim Pawlenty (R), while voters in COLORADO will decide the issue at the ballot box in November. Supporters are also working to get the issue on the ballot in at least four other states this fall. Proponents say the 65 percent figure is based on the average spending of the nation’s top-performing states on federal skills tests, while opponents — mostly teachers unions — say the statute squeezes school budgets without considering the cost of guidance counselors, librarians, nurses, bus drivers and others. The accompanying map shows the states that have adopted the plan and those currently considering it.

mandates on states,” said NCSL president, ILLINOIS state Sen. Steve Rauschenberger (R). The NCSL report indicated that at their current pace, expenses will actually exceed revenues in 10 states in FY 2007 and 19 states in FY 2008. (STATELINE.ORG)

BUDGETS IN BRIEF: NEW YORK Gov. George E. Pataki (R) vetoed nearly \$3 billion in tax cuts and spending proposals from the budget approved by the state legislature three weeks ago. Some observers suggested the lame-duck governor’s 202 separate vetoes — which even stunned members of his own party — were designed to position him as a fiscal conservative in anticipation of a move into national politics (NEW YORK TIMES). • **TEXAS** lawmakers will convene this week in special session to consider Gov. Rick Perry’s (R) property tax relief plan. That proposal would cut school property taxes by about \$6 billion, and replace the lost revenue, in part, with a \$1-per-pack increase in the cigarette tax (AUSTIN AMERICAN-STATESMAN). • The **OKLAHOMA** House passed a bill last Monday that would cut the state’s income tax rate from 6.25 percent to 4.9 percent. SB 2022 was sent back to the Senate for consideration of some minor House changes (OKLAHOMAN [OKLAHOMA CITY]). • The **VIRGINIA** General Assembly is once again deadlocked, three weeks after Gov. Timothy M. Kaine (D) called lawmakers into special session to pass a budget that provides more money for transportation. And as in previous years, the stalemate revolves around the issue of taxes: the House wants to levy a new tax to raise the needed cash, a move the Senate opposes (RICHMOND TIMES-DISPATCH). • With budget talks foundering in **ILLINOIS**, the Senate opted to take a two-week spring vacation, while the House continued working, with a short break for Passover and Easter (CHICAGO TRIBUNE). • **MARYLAND** lawmakers failed to approve a plan to phase in a major rate hike by Baltimore Gas and Electric Co. scheduled for this summer. Unless negotiators come up with some other solution, more than a million BGE customers in Central **MARYLAND** will face the average 72 percent increase all at once (CAPITAL NEWS SERVICE). • The **KENTUCKY** Legislature passed a two-year budget last Tuesday that is \$2 billion larger than the previous one. Gov. Ernie Fletcher (R) has 10 days to veto any items in the \$18 billion plan (COURIER-JOURNAL [LOUISVILLE]). • The **MINNESOTA** Supreme Court heard arguments in a challenge to the tobacco “health impact fee” passed by the state legislature last year. Tobacco companies allege that the law violates the 1998 Master Settlement Agreement, in which states consented to release tobacco producers from future smoking-related health claims in exchange for billions of dollars in scheduled payments (MINNESOTA PUBLIC RADIO). • For the 16th year in a row, **ALASKA** ranked No. 1 in per-capita federal pork-barrel spending, according to the

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Governors

TROUBLES MOUNT FOR TAFT: A dashed career and ruined political legacy may not be the only fallout for scandal-plagued OHIO Gov. Bob Taft (R). Last week, a disciplinary board of the Buckeye State Supreme Court found probable cause that Taft’s 2005 misdemeanor conviction for failure to disclose a long list of free golf outings and other gifts violated an ethics rule for attorneys, a ruling that could lead to the governor’s reprimand or even disbarment.

Taft pleaded no contest to the charges last August, after which a judge ordered him to pay a \$4,000 fine and e-mail all state employees and media outlets a formal apology. But Jonathan Coughlan, disciplinary counsel for the state Supreme Court, later filed a complaint against Taft for actions he said adversely reflect on the governor’s ability to practice law, saying that “Improper conduct on the part of an attorney in government service is more likely to harm the entire system of government in terms of public trust.”

Taft has 20 days to respond before the court appoints a three-member panel for a hearing. He can avoid a public hearing if he first reaches an agreement on discipline with the court, something Coughlan said he is willing to consider. Taft spokesman Mark Rickel said the governor also hopes to discuss the matter, noting that “the governor is hopeful the disciplinary panel will consider that his failure to report gifts was unintentional and that he self-reported this situation to the Ethics Commission as soon as he became aware of it.”

Taft, who is on the last year of his second and final term in office, has had his law license since 1976 but is currently registered as inactive. Disbarment would be yet another harsh blow in what has easily been the worst year of Taft’s political career. Although he is a member of one of the nation’s most prominent political families — Taft is the great-grandson of former U.S. President William Howard Taft while his grandfather, father and several uncles were United States senators — many may now likely remember him more as the only OHIO governor to ever be convicted of a crime while in office. (CLEVELAND PLAIN DEALER, CINCINNATI ENQUIRER)

DEMS VOW OVERRIDE OF ROMNEY HEALTHCARE VETO: Angry MASSACHUSETTS Democrats vowed to override Gov. Mitt Romney’s (R) promised line-item veto of a \$295-per-employee assessment on businesses that don’t provide health care, a key part of the state’s historic healthcare overhaul. Democratic leaders said they were surprised and disappointed that Romney didn’t discuss the



wide transportation projects, but the opposing groups say the deal is unconstitutional because any proceeds from such an action are required to pay down existing state debt. Hoosier State officials counter that the deal is a lease rather than a sale, which exempts it from those requirements. Observers speculate that the issue could end up in the state Supreme Court (INDIANAPOLIS STAR).

— *Compiled by RICH EHISEN*

Hot issues

B **USINESS:** The **LOUISIANA** Senate approves SB 1, which would limit the government’s ability to use eminent domain to take private property solely for economic gain. It moves to the House (TIMES-PICAYUNE [NEW ORLEANS]). • The **IOWA** Senate endorses HF 2351, which says local governments would need a two-thirds majority vote to use eminent-domain power. The measure also requires that at least three-quarters of the land area meets standards for slum or blight before governments could invoke eminent domain laws. The measure returns to the House (QUAD-CITY TIMES [DAVENPORT]). • **ARKANSAS** Gov. Mike Huckabee (R) signs legislation that raises the state minimum wage to \$6.25 per hour. **ARKANSAS** becomes the 19th state to adopt a minimum wage higher than the \$5.15 federal requirement (ARKANSAS NEWS BUREAU [LITTLE ROCK]). • The **HAWAII** Senate approves SB 3115, which would allow the Aloha State to suspend the state’s cap on wholesale gas prices. The measure also allows the cap to be reinstated should prices climb too high. It flows off to the House (HONOLULU STAR BULLETIN). • The **MISSOURI** Senate approves an amendment that would bar insurance companies from canceling or refusing to renew policies or raising rates because of weather-related claims. The amendment is part of SB 895, which the Senate must still vote on in its entirety (INSURANCE JOURNAL).

CRIME & PUNISHMENT: The **KENTUCKY** Senate approves SB 38, which allows Bluegrass State residents to use deadly force against attackers in their home or car. It fires off to Gov. Ernie Fletcher (R), who says he will sign it into law (COURIER-JOURNAL [LOUISVILLE]). • The **ALASKA** House unanimously approves a measure that would allow the state to seize bootleg alcohol that has been transported into dry communities and villages. It returns to the Senate (ANCHORAGE DAILY NEWS). • The **LOUISIANA** Senate approves SB 47, which would mandate that anyone convicted of a second drunk driving offense must place special orange license tags on their vehicles as a way to warn other drivers. The plate would be on the vehicle for five years from the date of the DWI conviction. It weaves off to the House (TIMES-PICAYUNE [NEW ORLEANS]).

exemption is establishments open only to people 21 and over (ARKANSAS NEWS BUREAU [LITTLE ROCK]). • A **TENNESSEE** Senate committee also gets in to the anti-smoking movement, approving legislation that would ban lighting up in all state buildings, indoor public places and enclosed areas of employment. It wafts over to the full Senate (TENNESSEAN [NASHVILLE]).

HOMELAND SECURITY: The **ARIZONA** House and Senate endorse legislation that would make illegal immigrants subject to the state's criminal trespassing law. The measure, which allows state and local police to stop, question and arrest people who are in this country illegally, moves to Gov. Janet Napolitano (D), who has hinted she will veto it (LOS ANGELES TIMES, ARIZONA DAILY STAR [TUCSON]).

SOCIAL POLICY: The **ARIZONA** Senate unanimously approves HB 2376, which would exempt breast-feeding mothers from the Grand Canyon State's indecent exposure laws. The measure now goes to Gov. Janet Napolitano (D), who is expected to sign it (ARIZONA REPUBLIC [PHOENIX]). • **ILLINOIS** Gov. Rod Blagojevich (D) signs legislation allowing condo owners to display religious symbols on their doors. The measure was in response to condo associations barring decorations on doors and in hallways, including religious monikers (CHICAGO TRIBUNE).

POTPOURRI: A **LOUISIANA** House committee endorses HB 96, which would require Pelican State funeral homes to include an ID or inscription on each casket that lists the name of the person in the coffin, the date of death and the name of the funeral home that handled the burial. The proposal is a response to the large number of coffins uprooted during Hurricane Katrina that had no identifying markers to indicate who they contained. It goes to the full House (WASH-

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 2006 prefiles last week: 51

Number of 2006 Intros last week: 1,197

Number of bills enacted/adopted last week: 1,580

Number of 2006 prefiles to date: 17,159

Number of 2006 Intros to date: 79,889

Number of enacted/adopted overall in 2006: 14,410

— Compiled By JAMES ROSS
(Measures current as of 04/13/06
Source: State Net)

INGTON POST). • The **TENNESSEE** House approves a measure that would make it illegal to leave a child under seven unattended in a vehicle if the engine is running or the keys are left inside. It moves to the Senate (COMMERCIAL APPEAL [MEMPHIS]).

— Compiled by RICH EHISEN

Once around the statehouse lightly

C HUTSPAHL, MEET INGRATITUDE. It certainly was a nice gesture, but residents of St. Bernard Parish near New Orleans said “no thanks.” That **LOUISIANA** locale was clobbered twice — first by Hurricane Katrina and second by the ineptitude of the Federal Emergency Management Agency, or FEMA. So when former FEMA Dir. Michael Brown offered to parachute in with some high-paid advice (he’s a disaster consultant now, y’know), locals protested. Faced with that kind of ingratitude, reports *USA Today* and The Associated Press, Brown cancelled his trip.

THE WORLD’S OLDEST VOTER may live in **CALIFORNIA**. In preparing for a special election to replace disgraced U.S. Rep. Randy Cunningham, the San Diego County registrar unearthed one voter listed as being 240 years old. Not only that, reports the *North County Times*, but the registrar also coughed up the names of 5,677 other voters who were at least 106 years old. This was news to folks at the U.S. Census, which recorded fewer than 4,000 people that age in all of the United States. The explanation: Until 2001, voters were not required to disclose a date of birth when registering. The county subsequently updated its voter databases, using the default date of 1900 when no year of birth was listed. That accounts for the plethora of 106-year-olds. Now, how about Methuselah?

RETAIL POLITICS usually involves meeting and greeting potential voters. But an **OHIO** legislative candidate put a new twist on the practice last week when he walked into a convenience store and instead of shaking hands began shaking down customers. According to The Associated Press, Willie Pickens – a Marion County Democrat — posed as an FBI agent while pulling off a heist. He was subsequently arrested and charged with robbery and abduction. Local Democratic officials asked Pickens to withdraw from the race, which he did.



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