

April 21, 2008

A Widening Ripple



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The next issue of Capitol Journal will be available on May 5th.

Top Story

The sky isn't falling yet, but states are definitely feeling the impact of the national economic slowdown. With the worst fiscal news possibly still ahead, relief may not be coming any time soon.

SNCJ Spotlight

Recession strikes the states

During the 1980 presidential campaign Ronald Reagan described the nation's disintegrating economic situation, then burdened by inflation and unemployment, as a "depression." He was accused of overstating the case, and his economic advisers, Alan Greenspan among them, told the candidate that "recession" was a more technically accurate term. Reagan ignored

A Cannon Perspective



With Lou Cannon

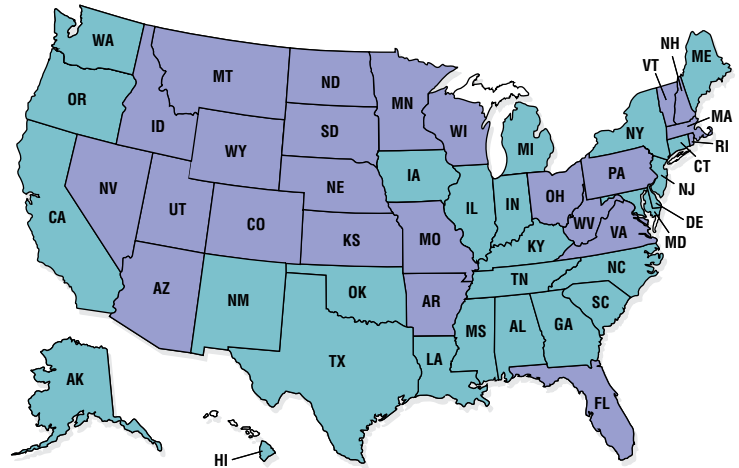
his advisers and came up with his own memorable formulation: “A recession is when your neighbor loses his job. A depression is when you lose yours. And recovery is when Jimmy Carter loses his.”

Now, in another presidential election year, the definition of the economic downturn is again in dispute. Economists disagree on whether the nation is in recession, how deep it might become and how long it is likely to last. The American people have made up their minds, however. A CNN/Opinion poll in mid-March found that nearly three-quarters of Americans believe the nation is already in recession. Several surveys have also documented a growing public pessimism about the nation’s economic prospects and indeed, in some polls, about the personal economic prospects of those being surveyed. What is different in this downturn is that people by and large are now more concerned about losing their homes than their jobs. For the two

million persons who have already lost homes and the many more that have fallen behind on their mortgage payments, the present situation is a calamity no matter what it is called. Technical accuracy in defining the nature of the downturn is also largely irrelevant to state governments, many of which are struggling to keep current budgets in the black and balance their budgets in fiscal year 2009.

Recessions have unequal impacts on states as well as people. Last month an unpublished white paper by the National Conference of State Legislatures (NCSL) found that seven states face serious budget situations because of precipitous drops in revenue, and that another 13 face mounting problems. Eight states at the other end of the spectrum had strong budget situations, with the other 22 falling somewhere in between.

Bird’s eye view



Source: National Conference of State Legislatures
 Legend: Light blue = States with primary seat belt laws; Purple = States with secondary seat belt laws

States buckling up to save lives and dollars

The serious injuries suffered by NEW JERSEY Gov. Jon Corzine (D) in a car crash last April, in part, because he wasn’t wearing a seat belt, drew national attention to a major public safety issue. More than 30,000 people die in automobile accidents each year, over half of whom are riding unrestrained. The annual cost of the accidents is estimated at \$230 billion. Statistics show the most effective way to reduce the toll in lives and dollars is to increase seat-belt use, and the best way to accomplish that is through implementation of primary seat-belt laws, allowing law enforcement to stop motorists solely for failing to buckle up. Twenty-six states have such laws in place, according to the National Conference of State Legislatures. Additionally, 23 states have secondary seat-belt laws, allowing police to cite motorists for not wearing a seat belt only if stopped for some other moving violation.



The overall condition of the states defies the conventional wisdom of the 20th century, when state governments fared better than the private sector when the economy turned sour. As a rule, state tax revenues declined at a slower rate than the national economy, and the rate of layoffs in the state work force was less than in the private sector. But in 2001, the first U.S. recession of the century, the traditional pattern changed. A study by the Rockefeller Institute of Government cited in *The Economist* found that state tax revenues in 2001 declined at a rate “vastly disproportionate to that of the economy as a whole.” Another study found that state revenue declined 14 percent in the worst quarter of the 2001 recession and did not begin to grow again until the end of 2003.

The biggest problem for the states in the 2001 recession was a slump in capital-gains tax receipts. In the current downturn, the bursting of the housing bubble has caused a decline in receipts from property taxes. The ripple effect has affected even states that do not rely on the property tax, causing a decline in sales tax receipts, which are a source of income to 45 states. The reasons for the ripple effect are no mystery. Homeowners who are struggling to pay their mortgages have less to spend on consumer goods. Even secure homeowners and renters who are relatively free of debt are spending less: the “wealth effect” caused by perpetually rising house prices and a robust stock market is yesterday’s phenomenon.

The state governments that are worst off, according to the NCSL report, are (in alphabetical order) ARIZONA, CALIFORNIA, FLORIDA, KENTUCKY, MAINE, NEVADA, and RHODE ISLAND. Four of these are Sun Belt states, which have suffered most in the housing collapse. The other three have structural issues that have been compounded by the downturn. The eight states with strong budget situations are ALASKA, MONTANA, NEW MEXICO, NORTH DAKOTA, OKLAHOMA, TEXAS, UTAH and WYOMING. There is also no mystery as to why these states are doing well — all have tax revenues from oil and other minerals. Because of the increase in oil prices, TEXAS has been able to build a \$5.7 billion rainy-day fund over the last few years. ALASKA, which funds 90 percent of its state budget with taxes and royalties from oils and minerals, is sitting on a \$3 billion surplus.

The week in session

States in Regular Session: AL, AZ, CA, CO, CT, DC, DE, FL, HI, IA, IL, LA, MA, MI, MN, MO, MS, NH, NY, OH, OK, RI, SC, TN, US, VT

States in Perfunctory Session: IL
Special Sessions “a”-“s”

States in Reconvened Session: VA

States in Budget Hearings: NJ

States in Special Session: VA “a”, WI “c”, WI “d”, WI “e”

States in Recess: KS, PA, WI

Special Sessions in Recess: CA “a”, CA “b”, PA “a”

States Currently Prefiling or Drafting for 2009: MT, ND

States Projected to Adjourn: IA, MS

States in Special Session Projected to Adjourn: ME “a”

States Adjourned in 2008: AK, GA, ID, IN, KY, MD, ME, NE, NM, SD, UT, VA, WA, WV, WY

State Special Sessions Adjourned in 2008: AR “a”, CT “a”, DE “a”, LA “a”, LA “b”, NC “b”, OR “a”, WV “a”

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS
(session information current as of 04/18/2008)
Source: State Net database



Apart from these mineral-rich states, the budget situation is dire and the consequences potentially severe for many people. Schools and prisons will become more overcrowded. Fewer poor people will receive health care. Some state parks will close. In CALIFORNIA, which faces a projected budget deficit of \$8 billion and has been dubbed “the red-ink state,” by the *Wall Street Journal*, some 20,000 teachers face layoffs, and Governor Arnold Schwarzenegger (R) has proposed a \$4.4 billion cut in public education. At the other end of the country, MAINE is cutting services for the elderly and talking about eliminating state-subsidized health care. RHODE ISLAND Gov. Donald Carcieri (R) wants to remove 2,000 children of illegal immigrants from the Medicaid rolls, a proposal that has been denounced as mean-spirited and is also trivial in terms of budget savings. In a move that is anything but trivial, VIRGINIA has put off new prison construction despite severe overcrowding in existing facilities.

Is the sky falling? Not necessarily, for states in all downturns since the Great Depression have proven resilient. Usually states have muddled through recessions by a mix of conservative and liberal solutions, cutting spending and raising taxes until the economy turns upward. This time the muddle may be difficult to achieve because of the built-in resistance to tax increases in many states. There is also a genuine possibility that the ripple effect of the housing crisis reflected in declining tax receipts may be wider than anticipated. States won’t know for sure when they prepare their 2009 budgets. Meanwhile, they are being pressed by a federal government that is trying to put a happy face on its own deficits. Proposed new Medicaid rules, for example, could cost states \$50 billion over the next five years, exacerbating costs for state governments and for patients.

Recovery from a recession rarely arrives on the optimistic timetable of presidential candidates. In the 1980s it took nearly three years for the economy to bounce back after Jimmy Carter lost his job despite arduous and bipartisan efforts by a Republican president, a divided Congress with a Democratic House, and the Federal Reserve. For the harder hit states, it seems unlikely that prosperity is just around the corner regardless of who wins the White House in 2008.

— *By Lou Cannon*

Budget & taxes

FARM BILL STALLED IN CONGRESS: Once every five years, Congress passes a farm bill, which actually covers everything from commodities subsidies and payments to farmers to food stamps and conservation and energy programs. The last bill, passed in 2002, expired six months ago, and although Congress was expected to finally pass a new one last week, it didn’t materialize.

The problem is Congress has passed two farm bills, one in the Senate and one in the House. And negotiations on a compromise have stalled over a proposal to add \$2.5 billion in tax breaks to the \$280 billion piece of legislation.

The tax-cut proposal, which among other things would encourage investment in alternative fuels and provide assistance for retired and disabled farmers, as well as a faster tax write-off for race horse owners, is backed by Senate Finance Committee Chairman Max Baucus (D-MONTANA). A spokeswoman for the senator has said that the tax breaks are “important to America’s farming families, important for our country’s energy future, important for conservation and important to passage of the farm bill.”

House Speaker Nancy Pelosi (D-CALIFORNIA), however, is insisting that instead of offering more tax cuts, the bill should direct more money toward food assistance for the poor. And she reportedly told Sen. Baucus in a recent closed-door meeting that she could not be “responsible for taking food from babies,” suggesting, at the very least, a rhetorical impasse between the two.

Congressional lawmakers appeared optimistic a deal wasn’t far off, though, passing a one-week extension of the current farm law last Thursday, the day before it was set to expire. But administration officials warned that the president might not sign the extension, necessitating a reversion to a 1949 “permanent law.”

Many are praying that won’t happen, given the spike in energy, health care and food costs, and the decline in food donations.

“The single most important thing that hungry Americans and food banks need right now is a farm bill,” said Maura Daly, vice president of government relations for America’s Second Harvest, the nation’s largest hunger-relief organization. (WALL STREET JOURNAL, CHRISTIAN SCIENCE MONITOR, ASSOCIATED PRESS)

AIRLINE MERGER SENDS MN LAWMAKERS SCRAMBLING: The announcement a couple of weeks ago that Delta and Northwest airlines would be merging and that the combined airline’s headquarters would be located in Delta’s hometown of Atlanta left the fate of Northwest’s Eagan, MINNESOTA headquarters — and the 1,000 or so jobs it provides — up in the air. But MINNESOTA lawmakers aren’t giving up without a fight. Last week they introduced a package of tax breaks aimed at persuading the new airline to move its main offices to Eagan. “Why are we all just assuming or taking for granted that if Northwest and Delta reach an agreement that all the jobs that are in the state of MINNESOTA, or that the headquarters at least, will end up being down in Atlanta, Georgia? Why are we doing that?” said Rep. Tom Emmer (R). “The deal is not closed. There’s still time.” (ASSOCIATED PRESS, STAR TRIBUNE [MINNEAPOLIS-ST. PAUL])

BUDGETS IN BRIEF: CALIFORNIA Gov. Arnold Schwarzenegger (R) and the state’s top prison medical official have asked the Legislature for \$7 billion to improve prison medical care. The proposal comes less than a year after the

There are reasons to suspect that it won't, including the fact that Nuñez is expected to be replaced as speaker this month by Assemblywoman Karen Bass (D). Voters also rejected a Nuñez-backed term-limits reform measure in February. And Gov. Arnold Schwarzenegger (R) has thrown his support behind an alternate redistricting reform measure that could also make the November ballot.

But Nuñez has over \$5 million in a political account that could be used to fund ballot measure campaigns. His new term-limits proposal would not apply to lawmakers currently in their final term, like himself, which had been the major point of contention with the failed measure. And Villines said that while the Schwarzenegger-backed redistricting reforms would be an improvement over the current system, he'd like congressional districts as well as legislative districts to be drawn by an independent commission, which the alternate proposal doesn't provide for.

Villines urged dialogue on the subject.

"There's an opportunity for reform, and both parties should come together and look at that," he said. (LOS ANGELES TIMES)

SUPREME COURT ISSUES VAGUE

RULING ON LETHAL INJECTION: Last Wednesday, the U.S. Supreme Court voted 7-2 to uphold KENTUCKY's use of lethal injection to put condemned criminals to death. But the court's fractured ruling is unlikely to bring an end to the legal wrangling over the issue, legal experts said.

Chief Justice John G. Roberts Jr. issued an opinion stating that KENTUCKY death row inmates would henceforth have to prove the state's three-drug method of lethal injection (see "States' lethal injection method not fit for animals" in Bird's eye view section of the April 14 *SNCJ*) posed a greater risk of causing severe pain than other forms of execution, and that other states with lethal injection methods "substantially similar" to KENTUCKY's would be shielded from legal challenges on the same ground.

Justices on the both the left and right wings of the court were dissatisfied enough with Roberts' judgment to issue their own opinions.

Upcoming elections

04/17/2008 - 05/08/2008

04/22/2008

Mississippi Special Election

US House (MS 1st Congressional District)

Pennsylvania Primary Election

House (All)

Senate (Odd)

US House (All)

Constitutional Officers: Treasurer, Attorney General, Auditor General

Rhode Island Special Election

Senate 020

05/03/2008

Louisiana Special Election

US House (LA 1st & 6th Congressional Districts)

05/06/2008

Indiana Primary Election

House (All)

Senate 2, 3, 5, 7, 8, 9, 10, 12, 13, 16, 18, 20, 24, 28, 30, 32, 33, 34, 35, 36, 37, 40, 42, 44, 50

US House (All)

Constitutional Officers: Governor, Lieutenant Governor, Attorney General, Superintendent of Public Instruction

North Carolina Primary Election

House (All)

Senate (All)

US House (All)

US Senate (Dole)

Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Auditor, Insurance Commissioner, Labor Commissioner, Superintendent of Public Instruction

“The question of whether a similar three-drug protocol may be used in other states remains open, and may well be answered differently in a future case on the basis of a more complete record,” wrote Justice John Paul Stevens. And

Justice Clarence Thomas stated, “today’s decision is sure to engender more litigation,” because “we have left the states with nothing resembling a bright-line rule.”

Legal experts said the ruling would likely end the de facto moratorium on executions in place since the high court agreed to consider the KENTUCKY case (*Baze v. Rees*), at least in some states.

“I bet you by this time next week there will be execution dates in TEXAS and ALABAMA,” said attorney George H. Kendall, an authority on capital litigation.

But Kendall and others believe the decision is likely to spur further litigation in other states, particularly those where flaws in the administration of lethal injections

have been documented, like CALIFORNIA.

“We will end up largely where we were before *Baze*,” said Jordan M. Steiker, a law

“I bet you by this time next week there will be execution dates in TEXAS and ALABAMA.”

professor at the University of TEXAS. “It has set us on a course in which there will be continuing challenges, efforts to document botched executions and efforts to continue to explore alternative protocols.” (NEW YORK TIMES, SAN JOSE MERCURY NEWS)

VERMONT OFFICIALS AGREE TO FOREGO PAY HIKE: A couple of weeks ago VERMONT Secretary of Administration Michael Smith ordered the suspension of an upcoming salary increase for more than 350 executive-branch employees earning more than \$60,000 a year as a budget-cutting measure. At the same time he urged high-earning state employees outside of his purview, including other constitutional officers and members of the Legislature and judiciary, to do likewise. It appears he may get his wish. Gov. James Douglas (R) has agreed to the freeze, as have Lt. Gov. Brian Dubie, Treasurer Jeb Spaulding, Attorney General William Sorrell and Auditor of Accounts Thomas Salmon. Secretary of State Deborah Markowitz’s initial reaction to the salary-freeze appeal — the day after Smith issued it — was: “I haven’t thought about it yet.” But by Friday she evidently had, stating, “Of course I am more than happy to forgo a pay raise, along with my top-paid exempt employees,” and explaining that the reason the issue hadn’t received her immediate attention was that she believed the freeze would affect only a small number of employees in her office. As for the judiciary, Court Administrator Lee Suskin said the justices of the Supreme Court would likely address the issue in their next meeting, scheduled for April 15. And House Speaker Gaye Symington (D) made a similar pledge for the Legislature. “We are certainly going to look at having something comparable,” he said. (ASSOCIATED PRESS, RUTLAND HERALD)



POLITICS IN BRIEF: The **OKLAHOMA** House approved a bill last week that would require voters to provide identification at the polls. The measure headed to the Senate (OKLAHOMAN). • The **MAINE** House and Senate voted against ratifying the national popular vote compact, the interstate agreement that would award member states’ electoral votes to the winner of the national popular vote. Only **ILLINOIS**, **MARYLAND** and **NEW JERSEY** have agreed to the compact so far, according to the website nationalpopularvote.com (BANGOR DAILY NEWS, NATIONALPOPULARVOTE.COM)

— *Compiled by KOREY CLARK*

Governors

SCHWARZENEGGER AGAINST GAY MARRIAGE BAN: In spite of previously vetoing two measures to legalize same-sex marriage, CALIFORNIA Gov. Arnold Schwarzenegger (R) said he will not support a proposed constitutional ban on same-sex marriage if such an initiative qualifies for the ballot.

Schwarzenegger’s comments came at the annual convention of the Log Cabin Republicans, the nation’s largest gay Republican group. “I will always be there to fight against that,” Schwarzenegger said of the proposed ballot measure. “I think we

“I think we need a constitutional amendment so that a foreign-born (person) can run for president, but not against gay marriage. That would be a total waste of time.”

need a constitutional amendment so that a foreign-born (person) can run for president, but not against gay marriage. That would be a total waste of time.”

The remark drew some laughs from the audience, but gay marriage opponents found nothing humorous in the governor’s

comments. Karen England, executive director of the conservative Capitol Resource Institute, said Schwarzenegger’s stance “confirms what we have known all along.” England said Schwarzenegger has “always shown to be a liberal” and deemed his position to be “disappointing.”

England also acknowledged that Schwarzenegger’s opposition could have a negative impact on her group’s drive to put the matter before voters. “You never want someone with high-profile, movie-star quality against you,” she said.

Same-sex marriage supporters, however, lauded the governor’s position. Geoff Kors, executive director of Equality California, a gay rights group, called it

“extremely significant,” saying it was “an enormous event to have our Republican governor come out against this ballot measure, which is opposed by Democrats as well. It makes this opposition a bipartisan issue.”

Schwarzenegger spokesperson Julie Soderlund rejected suggestions that his opposition to the ballot measure is inconsistent with his previous rejection of gay marriage legislation. Schwarzenegger cited the state’s voter-approved Proposition 22, a 2000 initiative that defines marriage as only being between one man and one woman, in both of his previous veto messages. The state Supreme Court is considering a challenge to that measure, which did not codify the statute into the state constitution. “He has said many times...that people have spoken on the issue. However, if the Supreme Court would overturn the decision, he would enforce the law, and he would not support a constitutional amendment to ban” same-sex marriage Soderlund said. (SAN FRANCISCO CHRONICLE)

CRIST HEALTH CARE BILL MOVES FORWARD: The **FLORIDA** Senate gave its approval last week Gov. Charlie Crist’s (R) proposal to expand health coverage for the state’s uninsured residents. The Senate unanimously endorsed SB 2584, which would require Sunshine State health insurers to cover annual checkups, mammograms and screenings for cervical and prostate cancer, and would also require providers to accept all patients, regardless of health status. The plan, which relies on voluntary participation from health insurance providers, would be available to individuals at 300 percent of the federal poverty level or less who’ve been uninsured for at least six months. It moves to the House, which is debating its own measure (HB 7081). That bill is similar to the Senate proposal, but also calls for creating a state corporation with a 15-member oversight board to contract with vendors to offer health care options for individuals and small businesses. Crist has met several times with insurance companies in an effort to gain their support for the measure. Most, however, have taken a cautious approach to the bill. Mike Hightower, a lobbyist for Blue Cross Blue Shield, said the company’s participation will ultimately depend on “what the final product is.” (ST. PETERSBURG TIMES)

GOVERNORS IN BRIEF: The stare down between **KANSAS** Gov. Kathleen Sebelius (D) and Sunflower State lawmakers continued last week as Sebleius vetoed a second bill to authorize two new coal-fired power plants. Sebelius spokeswoman Nicole Corcoran predicted as much last week, noting that “the new coal bill has the same features that resulted in the governor vetoing the previous coal bill” (KANSAS CITY STAR). • As expected, **MISSISSIPPI** Gov. Haley Barbour (R) vetoed a bill last week that would have allowed Magnolia State deer hunters to use bait to lure the animals into shooting range. Barbour said he



considers baiting deer to be unsportsmanlike (COMMERCIAL DISPATCH [COLOMBUS]). • **PENNSYLVANIA** Gov. Ed Rendell (D) said he will announce the highest bid to lease the Pennsylvania Turnpike to a private consortium by the end of April. Rendell said he expects lawmakers to vote on the proposal by June (PITTSBURGH POST-GAZETTE).

• **MARYLAND** Gov. Martin O’Malley (D) confirmed that his administration will not allow commercial wind turbines on state forest land. O’Malley said allowing the turbines on state land would reduce its recreational value, spoil the landscape and lower property values (BALTIMORE SUN).

• **HAWAII** lawmakers have sent Gov. Linda Lingle (R) a bill that would limit the way in which the governor can use her emergency powers, particularly in dealing with social issues like homelessness. Emergency powers are meant to give the governor broad discretion to waive laws that might interfere with immediate response to natural disasters, such as hurricanes or earthquakes, or man-made problems, such as massive oil spills or terrorism. Lingle is reviewing the measure and did not indicate if she will sign it (HONOLULU ADVERTISER).

• **WISCONSIN** Gov. Jim Doyle (D) directed Badger State agencies to adopt new data privacy standards, including replacing Social Security numbers with random identifiers wherever possible and designating a privacy officer in each agency to be responsible for oversight of data protection (MILWAUKEE JOURNAL-SENTINEL).

• **INDIANA** Gov. Mitch Daniels (R) unveiled a plan to have the state pay up to \$6,000 toward college tuition for Hoosier State students. Daniels said that families earning up to the state’s median income of \$54,000 a year would be eligible. He did not offer a definitive to pay for the program, though he suggested selling the state lottery to private interests as one option. State lawmakers rejected a similar proposal last year (INDIANAPOLIS STAR).

In the hopper

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

Number of prefiles last week: 82

Number of Intros last week: 1,274

Number of bills enacted/adopted last week: 1,365

Number of prefiles to date: 17,867

Number of Intros to date: 72,371

Number of bills enacted/adopted overall to date: 12,621

— Compiled By JAMES ROSS
(measures current as of 04/17/2008)
Source: State Net database

— *Compiled by RICH EHISEN*

Hot issues

BUSINESS: The **FLORIDA** Senate approves sweeping legislation that, among several things, would require insurers to get state approval before raising property insurance rates, pay undisputed claims within 90 days and give policy holders 180 days notice before cancelling their coverage. It moves to the House (SUN-SENTINEL [ORLANDO]). • Still in **FLORIDA**, Gov. Charlie Crist (R) signs HB 503, a measure that allows employees with a concealed weapons permit to keep a gun locked in their vehicle at work even if the employer bans guns on the property. Opponents, who claim the law violates private property rights, have vowed a court challenge (TALLAHASSEE DEMOCRAT). Lawmakers in **MAINE** approve a proposal to raise the Pine Tree State minimum from \$7 an hour to \$7.50 an hour over a two-year period. It goes to Gov. John Baldacci (D) for review (BANGOR DAILY NEWS). • **COLORADO** Gov. Bill Ritter (D) signs legislation that will allow liquor stores to sell alcohol on Sundays. The Centennial State becomes the 35th to approve Sunday liquor sales (ROCKY MOUNTAIN NEWS [DENVER]). • **KENTUCKY** Gov. Steve Beshear (D) signs HB 202, which bans the sale, purchase or use of alcohol vaporizers that turn liquid alcohol into a vapor that can be inhaled. It takes effect in July (COURIER-JOURNAL [LOUISVILLE]). • The **LOUISIANA** Senate rejects SB 61, which would have required insurance companies that sell automobile insurance to active members of the military to also sell them homeowner's insurance if they offer both types of insurance (ADVOCATE [BATON ROUGE]). • A federal judge upholds a New York City law that requires chain restaurants to post calorie counts for food items on their menus. Opponents of the law plan to appeal (USA TODAY). • The **MISSISSIPPI** Legislature approves SB 2793, which would allow Magnolia State utility companies to raise rates to help pay for new power plants before those plants are actually built. It moves to Gov. Haley Barbour (R) for review (SUN HERALD [BILOXI]). • **MASSACHUSETTS** Gov. Deval Patrick (D) allows legislation that will require Bay State employers to pay triple damages if they lose wage disputes with workers to become law without his signature. It takes effect immediately (BOSTON HERALD).

CRIME & PUNISHMENT: The U.S. Supreme Court rules that the lethal injection protocol used in **KENTUCKY** does not constitute cruel and unusual punishment. Plaintiffs argued that the paralyzing drug used in executions worked to disguise the pain the dying prisoner felt, thereby violating the U.S. Constitution's Eighth Amendment. Although the case involved a challenge only to the Bluegrass State law, all 36 states with the death penalty observed a moratorium on executions pending the high court's decision (LOS ANGELES TIMES). • The **LOUISIANA** Senate endorses SB 144, a proposal to require some sex offenders to undergo



chemical or physical castration. The measure moves to the House (ADVOCATE [BATON ROUGE]). • The **MARYLAND** Supreme Court rules that a man can be charged with rape if he ignores a woman’s request to stop even if she had previously consented to sex. The ruling makes the Old Line State the eighth to allow a woman to revoke her consent after intercourse begins (BALTIMORE SUN). • The **OHIO** Senate unanimously approves legislation that would allow people to use deadly force against someone intruding into their home or car. It moves to the House (CLEVELAND PLAIN DEALER). • Still in **OHIO**, the House approves legislation that would ban the psychoactive herb Salvia divinorum, which can give the user strong LSD-like hallucinations. The proposal moves to the Senate (CLEVELAND PLAIN DEALER).

Upcoming stories

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

- **Budget blues**
- **The trouble with hemp**
- **The plastic bag dilemma**

EDUCATION: The **MISSISSIPPI** Legislature approves a measure that would allow Magnolia State education officials to remove school superintendents who oversee underperforming schools. It moves to Gov. Haley Barbour (R) for review (DAILY JOURNAL [TUPELO]). • **KANSAS** Gov. Kathleen Sebelius (D) signs HB 2578, legislation that requires Sunflower State schools to include the prohibition of cyberbullying in their anti-bullying policies. The measure also requires schools to bar bullying that uses school property (KANSAS CITY STAR).

ENVIRONMENT: Citing a dramatic reduction in the Chinook salmon population, **CALIFORNIA** wildlife officials ban all ocean salmon fishing in state waters, which extend out three miles from shore. Officials are also considering a proposal to extend the ban to recreational salmon fishing on several inland rivers. Federal officials recently banned salmon fishing in a 200-mile stretch of federal waters along the **CALIFORNIA** and **OREGON** borders (SACRAMENTO BEE).

HEALTH & SCIENCE: The **LOUISIANA** House approves HB 318, legislation that would require health insurance companies to cover the purchase and servicing of artificial limbs. It moves to the Senate (ADVOCATE [BATON ROUGE]). • **IOWA** Gov. Chet Culver (D) signs HF 2212, which enacts a statewide ban on smoking inside public buildings. The ban goes into effect on July 1 (DES MOINES REGISTER). • The **ILLINOIS** Senate rejects SB 2707, which would have exempted casinos from the Prairie State law that bans smoking in public places (QUAD-CITY TIMES [DAVENPORT]).

HOMELAND SECURITY: The **MISSOURI** House endorses HB 1716, a measure to prohibit the state from complying with the federal Real ID Act. It moves to the Senate (KANSAS CITY STAR). • The **MAINE** House approves a bill to



require driver’s license applicants to prove they are in the country legally. The license would also expire at the end of the holder’s legal stay in the U.S. It moves to the Senate (PORTLAND PRESS HERALD).

IMMIGRATION: The **IOWA** House approves HF 2686, legislation that would require all new Hawkeye State employees to obtain a Midwest-issued driver’s license or identification card. The measure would also force law enforcement officials to detain illegal immigrants who have been arrested until charges are resolved or until federal immigration officials take custody of them. The proposal moves to the Senate (DES MOINES REGISTER). • The **MISSOURI** House endorses HB 1649, legislation that would require anyone seeking public services like food stamps to prove they are in the country legally. It moves to the Senate (NEWS TRIBUNE [JEFFERSON CITY]).

SOCIAL POLICY: The **MISSOURI** House approves HB 1821, a bill that makes it a crime to coerce a woman into having an abortion. It must pass another vote there before it can move to the Senate (JEFFERSON CITY NEWS TRIBUNE). • **OKLAHOMA** Gov. Brad Henry (D) vetoes SB 1878, a bill that would have required health care providers to give a woman an ultrasound before an abortion and allowed doctors to refuse to perform abortions or to prescribe medications to terminate a pregnancy. The bill’s supporters say they will attempt an override (OKLAHOMAN [OKLAHOMA CITY]). • The **SOUTH CAROLINA** House gives initial approval to a proposal that would force bigamists to provide money and property to their spouses when a marriage is declared fraudulent. The measure must pass one more vote before it can move to the Senate (SPARTANBURG HERALD-JOURNAL).

POTPOURRI: A **LOUISIANA** House committee approves HB 852, which would ban drivers from using hand-held cell phones while behind the wheel. The measure would also bar drivers from sending text messages. It moves to the full House (TIMES-PICAYUNE [NEW ORLEANS]). • **MASSACHUSETTS** Gov. Deval Patrick (D) signs legislation that will require children riding in automobiles to use a car seat until they are 8-years-old or large enough to use an adult seat belt. Under the new law, kids younger than 8 can legally use the adult belts as long as they are at least 4 feet, 9 inches tall (BOSTON HERALD). • The **OKLAHOMA** House unanimously approves a bill that would ban “virtual hunting,” a process in which people use computers to shoot animals via remote-controlled rifles. It fires off to the Senate (OKLAHOMAN [OKLAHOMA CITY]).

In case you missed it

In the April 14 issue of SNCJ, we noted that NEW JERSEY is set to become the third state in the nation to adopt a paid family leave law. But funding issues may keep other states from following suit.

In case you missed it, the article can be found on our Web site at http://www.statenet.com/capitol_journal/04-07-2008/html

— Compiled by RICH EHISEN

Once around the statehouse lightly

GIVE HIM THE BOOT: A CALIFORNIA Assembly candidate learned the hard way last week to not ignore parking tickets. As the *Sacramento Bee* reports, Christopher Cabaldon, a Democrat running in the 8th Assembly District, returned to his car after a meeting to find the vehicle adorned with a bright orange “parking boot,” courtesy of city officials tired of waiting for his payment on several previous citations. Worse, his opponent’s campaign chief happened by the vehicle while Cabaldon was hoofing it over to City Hall to fix the mess. Recognizing Cabaldon’s sleek black sports car, the flak immediately called the newspaper. The story ran on the front page. A flustered Cabaldon, the mayor of West Sacramento, said he was so busy doing the public’s business that he just forgot about the big stack of tickets that had been building up on his kitchen counter. He paid \$567 in fines and vowed to give his counter more attention in the future.

GOVERNOR HILLARY? With Barack Obama still leading the race for the Democratic presidential nomination, the talk shows and blogosphere have been burning up with talk of Hillary Clinton dropping out to instead run for governor of NEW YORK. As the *New York Times* reports, at least some enthusiastic Clintonites believe the former First Lady should do it because she would be a boffo governor — and running for the top job in Albany would allow her to walk away from a presidential campaign they no longer think she can win. The Clinton camp calls such talk “ridiculous.” There is also the little bugaboo of current Gov. David Paterson’s term not ending until 2010. And that Paterson is a major Clinton supporter and friend. Then again, so was Bill Richardson once upon a time.

READY FOR MY CLOSE UP: ARIZONA state Sen. Jim Waring smells a rat. The Phoenix Republican says too many of his colleagues spend major tax dollars to make sure their names or images are prominently featured on public documents, which he sees as little more than shameless self promotion. As the *Arizona Daily Star* reports, Waring is pushing a bill to bar lawmakers from using public money on printed documents, TV, radio and Internet spots if those items refer specifically to the lawmaker or their staff. Waring’s fellow pols are not so enthused. The proposal has made it through a House committee, but only after it was amended to exclude “matters of public concern,” or pretty much everything said lawmakers are trying to get their mug on in the first place. Waring says he will try to get that language stripped down the road.



DO FIG LEAVES COME THAT BIG? It took two tries, but the 60-foot phallus etched into a hill below the IDAHO governor’s mansion is no more. As the *Idaho Statesman* reports, vandals used a powerful weed killer last summer to create the giant image of genitalia, which was clearly visible to the public. It was too late in the season to fix it naturally, but winter temporarily solved the issue by covering it with snow. With the spring melt came a renewed effort to rid the public of the monster manhood, but a first attempt to re-seed the area only enhanced the image by giving it an even more eye-catching dark green outline. Faced with growing public complaints, workers covered it with a tarp for several weeks before they were finally able to plant new seed and lay down straw over the entire area. A newly re-grassed slope is expected any day now.

NO SLAM DUNK YET: The NBA playoffs don’t include the Seattle Sonics this year, but it is game on in the Emerald City anyway. The team’s new owners want to relocate the franchise to their hometown digs in Oklahoma City because WASHINGTON taxpayers won’t fund an elaborate new cash box...err, arena...for the team to play in. But as the *Seattle Post-Intelligencer* reports, the fat lady ain’t singing yet on Seattle hoops. The discovery of e-mails that indicate the owners — shockingly! — planned to move the team all along has sent WASHINGTON into a tizzy. Gov. Christine Gregoire, House Speaker Frank Chopp and Senate Majority Leader Lisa Brown are among a host of politicians urging NBA Commissioner David Stern to hold off on letting the team leave. Former owner Howard Schultz is also vowing to sue to reclaim the franchise, saying the new owners violated a good faith clause in the contract. Stay tuned.

— By RICH EHISEN



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