

April 23, 2007

Which Direction?



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The next issue of Capitol Journal will be available on May 7th.

Top Story

Last week's historic Supreme Court ruling barring so-called partial-birth abortion has advocates on both sides of the issue predicting greater abortion restrictions in the near future.

SNCJ Spotlight

Court ruling puts states at forefront of abortion issue

Last week's U.S. Supreme Court ruling that upheld a 2003 federal law barring so-called partial birth abortion is likely to spur a plethora of state efforts to further limit or completely ban all abortions, according to many observers on both sides of the issue.

About 90 percent of the more than 1 million abortions performed in the U.S. each year are within the first 12 weeks of pregnancy and thus not subject to the court's ruling. The decision is specific to late term abortions, which



usually come after the woman has passed the 20-week mark. The procedure, known medically as intact dilation and extraction, or D&X, requires a doctor to partly remove a fetus from a woman’s uterus in order to complete the abortion process. NEBRASKA first banned the procedure in 1997, but the Supreme Court ruled that measure unconstitutional in 2000 because it did not contain an exception for cases where the woman’s health was in danger and placed an undue burden on women seeking an abortion. Congress then passed a similar law in 2003, but a multitude of federal courts also ruled it to be unconstitutional.

That changed, however, with the court’s decision last week. And while that decision does not constitute a ban on abortions in general, many believe it strengthens anti-abortion efforts that have in recent years produced a variety of lesser state-level restrictions, including waiting periods, strict licensing laws for doctors and clinics, mandatory ultrasound examinations for women who seek abortions and mandatory patient counseling before the procedure can be performed.

Eve Gartner, senior staff attorney for the Planned Parenthood Federation of America, said the ruling will have a definite impact on statehouses, noting that “There’s no doubt legislatures around the country who oppose abortion will be passing more and more restrictions as a result of this ruling.” Some pro-choice advocates even predicted it would be the impetus for overturning *Roe v. Wade*, the federal statute that makes abortion legal.

“*Roe v. Wade* is in jeopardy,” said Marcia Greenberger, co-president of the Washington D.C.-based National Women’s Law Center. Greenberger said the court’s ruling “is a watershed decision both because it marks the first time we’ve seen such a major attack succeed on *Roe v. Wade* and also because it directly contravenes Supreme Court rulings of just a few years ago, and therefore gives a green light to opponents of women’s rights to push the envelope.”

In spite of all the rhetoric on both sides of the issue, it is actually unclear exactly what impact an eventual overturning of *Roe v. Wade* would have on abortion. While it would undoubtedly lead to across the board abortion bans in some states — MISSISSIPPI and LOUISIANA, for instance, have trigger laws to that effect should *Roe v. Wade* be struck down — some states are likely to go the other way by strengthening laws to protect abortion rights. NEW YORK Gov. Eliot Spitzer (D) for instance, vowed in March to do just that should the high court further invalidate

The week in session

States in Regular Session: AK, AL, CA, CO, CT, DC, DE, FL, HI, IL, MA, MD, ME, MI, MN, MO, NC, NE, NH, NV, NY, OH, OK, OR, PA, RI, SC, TN, TX, US, VT, WI

States in Budget Hearing Recess: NJ

States Currently Prefiling or Drafting: LA

States Projected to Adjourn: AR, AZ, GA, IA, IN, KS, MT, ND, WA

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

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

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS
(session information current as of 04/20/2007)
Source: State Net database



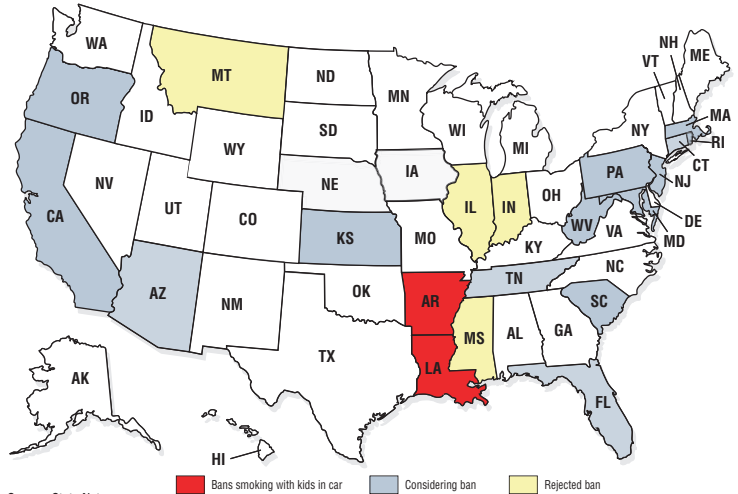
current abortion rights. It is highly probable that several other states will follow suit in both directions.

Joseph Kobylka, a political science professor at Southern Methodist University in TEXAS, suggested that allowing states to ultimately have the leeway to determine their own stance on abortion is a sound political strategy for the high court.

“If you allow states more latitude to legislate, as long as an abortion right exists in some circumstances, both sides get something and the court can’t be accused of caving in to political considerations,” he said. (WALL STREET JOURNAL, SAN FRANCISCO CHRONICLE, CHRISTIAN SCIENCE MONITOR, USA TODAY, OMAHA WORLD-HERALD)

— *Compiled by RICH EHISEN*

Bird’s eye view



Source: State Net

Will states ban smoking in cars with kids?

In 2006, LOUISIANA and ARKANSAS became the first states to ban people from smoking in their car if children are present. Those measures were followed this year by similar proposals in 19 states and the District of Columbia. Supporters cite reports from the U.S. Surgeon General and other health agencies that note the dangers of secondhand smoke for children, including increased rates of asthma, respiratory and ear infections and sudden infant death syndrome (SIDS). Opponents counter that such legislation is merely “nanny government” and an invasion of privacy. To date, 16 of this year’s proposals are still pending, including those in ILLINOIS, CALIFORNIA, FLORIDA, NEW YORK and PENNSYLVANIA and D.C., while measures in four states — ILLINOIS, INDIANA, MISSISSIPPI, and UTAH — have been rejected.



Budget & taxes

HIGH COURT SHIELDS BIG BANKS FROM STATE REGULATION: Six years ago, the Office of the Comptroller of the Currency — the federal agency that charters and regulates all national banks — issued a regulation declaring that subsidiaries of national banks were no more subject to state laws than their parent banks were. States’ reluctance to give up their authority to regulate financial institutions whose business was confined mainly within their borders



eventually led to a series of federal lawsuits against state regulators by national banks on behalf of their subsidiaries, all of which were decided in the banks' favor.

Last week, the U.S. Supreme Court ruled on an appeal of one of those cases — *Watters v. Wachovia Bank*, revolving around Wachovia's mortgage lending unit in MICHIGAN — which didn't provide any better news for states. In a 5-3 vote, the high court upheld the OCC's 2001 rule, stating that the authority of a national bank to conduct mortgage lending through a subsidiary previously granted by the comptroller of the currency "cannot be significantly impaired or impeded by state law."

The fact that the decision comes as the nation's declining real estate market and rising foreclosure rate is focusing greater attention on the mortgage industry could spur Congressional action on the issue. "We have to act on this," said U.S. Rep. Barney Frank (D-MASSACHUSETTS), who happened to be presiding over a hearing on the foreclosure crisis when the Supreme Court's decision came. "The comptroller has eliminated a whole bunch of state consumer laws with nothing to put in their place." (NEW YORK TIMES)

MOST STATES PROJECTING SURPLUSES: Forty-one states expect to end the fiscal year (Oct. 1 for most) with a surplus, according to a survey released last week by the National Conference of State Legislatures. Ten states are actually projecting surpluses over a billion dollars. In ascending order, they are: MINNESOTA (\$1.01B), LOUISIANA (\$1.22B), WASHINGTON (\$1.23B), NEW YORK (\$1.30B), OREGON (\$1.39B), ALASKA (\$1.40B), NEW JERSEY (\$1.90B), CALIFORNIA (\$1.91B), FLORIDA (\$2.74B) and TEXAS (\$6.99B).

But the good times may not last. Many states also reported that their sales tax collections were tracking below target, which NCSL said was definitely not the case last year at this time, and which has some state officials a little worried. "We're concerned because sales-tax performance was a leading indicator of fiscal problems the last time we went into an economic downturn," said Warren Deschenaux of MARYLAND's Office of Policy Analysis. (STATELINE.ORG)

DUELING BUDGETS PASSED IN FL: FLORIDA's House and Senate both passed budget measures a couple of weeks ago (HB 5001 and SB 2800). But while the Republicans who control each chamber appear to agree that the state's revenue forecast is somewhat gloomy, they have widely differing views about what to do about it.

The Senate wants to stimulate the economy by spending more on capital projects like schools, roads and bridges, part of an initiative the chamber dubbed "Building FLORIDA's Future." But that idea sounds a bit risky to House Speaker Marco Rubio (R). "We would love to be able to do that," he said. "We're just not sure we can afford it." His chamber has proposed sacking away about \$2 billion in reserve instead.

The good news is that the dollar amounts for most sections of the two budget measures aren't too far off, so the chambers won't have too much else to work out in conference committee. (ASSOCIATED PRESS, ORLANDO SENTINEL)



BUDGETS IN BRIEF: GEORGIA's House and Senate have passed differing versions of legislation to overhaul the state's PeachCare health insurance program. The Senate measure would split PeachCare into two separate programs, one covering children of families making up to twice the federal poverty rate, or about \$41,000, and the other for children of families earning up to 2.5 times the federal poverty rate, or about \$52,000, who would be charged higher premiums. The House version would simply cut off eligibility at 2 times the federal poverty rate (AUGUSTA CHRONICLE). • **NEW MEXICO** Gov. Bill Richardson (D) signed legislation last week providing \$103 million in funding for city, county and tribal government transportation projects over the next few years. The bill was passed during the special session held last month (ASSOCIATED PRESS, SANTA FE NEW MEXICAN). • **INDIANA** lawmakers have passed a bill (HB 1388) providing a 15 percent tax break for hiring, purchasing and production costs associated with shooting feature films, TV shows and other projects in the Hoosier State. The measure is now awaiting the green-light from Gov. Mitch Daniels (R) (NORTHWEST INDIANA TIMES [MUNSTER]).

– *Compiled by KOREY CLARK*

Politics & leadership

ELECTION-RELATED HORSE TRADE IN FL: According to the touch-screen voting machines used in Sarasota County, FLORIDA last November, 18,000 voters failed to select a candidate to represent them in the U.S. House. Although an audit of the machines revealed no signs of malfunction, the statistically anomalous “undervote” rate, together with voter complaints, prompted Democrat Christine Jennings to challenge her narrow loss in that District 13 race to Republican Vern Buchanan and Gov. Charlie Crist (R) to call for the elimination of touch-screen machines in his first State of the State speech in March.

Last week, the FLORIDA Senate Ethics and Elections Committee answered the governor's call, unanimously approving legislation (SB 960/1010) to fund the replacement of touch-screen voting machines in Sarasota and 14 other Sunshine State counties with optical scanners that provide a verifiable paper trail. The House opposes that idea, however, contending that the state shouldn't have to pay for the mistake of counties that chose to go with touch-screen technology.

To overcome that resistance, the Senate attached a provision to its proposal shifting the state's presidential primary to the last Tuesday in January, something House Speaker Marco Rubio (R) really wants. But Rubio still didn't seem to be completely swayed, claiming that he's not a big fan of horse trading. “It ends up creating more problems than it solves,” he said. “Each issue should stand on its own merits, so we'll see how that works out.”

Crist appeared to be a little more agreeable to the early-primary-for-voting-machines deal. “It doesn’t really matter to me whether it’s tied to an earlier primary,” he said. “They’re both very important to me....” (MIAMI HERALD)

NY POLITICAL LEADERS STAKE OUT LEGISLATIVE TURF: With much of the battling over the budget now done, the titans of NEW YORK state government are now shifting their focus to what they’re going to rumble over the rest of the year.

Gov. Eliot Spitzer (D) has indicated that his priorities for the remainder of the 2007 session will be regulating violent videos and video games, raising judicial salaries, decreasing campaign contribution limits and reforming the legislative redistricting process.

Senate Majority Leader Joseph Bruno (R) said that while video game violence was “certainly going to be one of our priorities,” his top priority was going to be stimulating the upstate economy, which he thought should be the governor’s main concern as well.

Assembly Speaker Sheldon Silver (D), meanwhile, intends to focus on strengthening the Power for Jobs program that subsidizes energy costs for businesses in the state and further curtailing the harsh sentences for minor drug offenses enacted in the Rockefeller era. (ASSOCIATED PRESS, TIMES UNION [ALBANY])

CORRECTION: In our April 16 issue, we incorrectly reported that Native Americans are serving in the legislatures of four states this year. According to the National Conference of State Legislatures, there are actually Native American legislators in 15 states: ALASKA, ARIZONA, COLORADO, HAWAII, KENTUCKY, MAINE, MONTANA, NEW MEXICO, NORTH CAROLINA, NORTH DAKOTA, OKLAHOMA, PENNSYLVANIA, SOUTH DAKOTA, WASHINGTON and WYOMING.

POLITICS IN BRIEF: MICHIGAN Republicans have decided to hold their 2008 presidential primary on Feb. 5., barring a change in the date of the state’s Democratic primary, tentatively scheduled for Feb. 9 (ASSOCIATED PRESS, SOUTH BEND TRIBUNE). • **NEW JERSEY** has selected the three legislative districts that will take part in its “Fair and Clean Elections” pilot program, aimed at limiting the influence of special-interest money on legislative races. The districts are the predominantly Republican 24th, the heavily Democratic 37th and the “competitive” 14th (STAR-LEDGER [NEWARK]). • **WISCONSIN**’s GOP-led Assembly passed a proposed constitutional amendment last week that would require voters to present photo ID at the polls. But Democratic leaders of the Senate say they will not allow the measure to come up for a vote in their chamber (MILWAUKEE JOURNAL SENTINEL).

— *Compiled by KOREY CLARK*

Governors

CRITICAL TIME IN NJ: The devastating traffic accident that left NEW JERSEY Gov. Jon Corzine (D) in critical condition last week may ultimately do more damage to his political agenda than his battered body, according to some Garden State political observers.

Corzine has been successful so far in his first term in getting lawmakers to adhere to his economic agenda, most notably in winning an epic battle of will with lawmakers last year over his desire to raise the state sales tax. Although this year is not expected to be quite so contentious, the state is still facing significant fiscal problems, including major pension funding shortfalls and a large budget deficit. He has of late considered selling some state assets as a way to offset those financial concerns, something that is a point of contention with both lawmakers and the public.

Those difficulties have led observers like Farleigh Dickinson University political scientist Peter J. Woolley to ask, “Are his injuries going to be so extensive that it’s going to deter him physically and mentally from pushing his own agenda to fix the financial woes, or will he recover enough with enough determination and still enough political latitude that he’ll be able to be effective?”

There is also concern that if Corzine is laid up long enough, acting-Gov. and Senate president Richard Codey (D) will be in the odd position of representing both the administration and the Legislature in the oncoming budget negotiations, something former Gov. Tom Keane (R) called “an outrageous conflict of interest.”

The original outpouring of sympathy for Corzine turned murky last week when it was learned that not only was the governor’s SUV traveling at 91 miles per hour

— 26 m.p.h. over the posted speed limit - he was also violating state law by not wearing a seat belt at the time of the devastating rush hour accident that put him in the critical care unit of a Garden State hospital. Corzine broke his thigh bone in two places, a dozen ribs, his breastbone and collarbone and a lower vertebra. He has already had three operations on his leg and remains on a ventilator to aid his breathing.

Damien Newton, state coordinator of the Tri-State Transportation Campaign, complained that Corzine’s failure to obey the law was a bad

example to the rest of the state’s drivers, saying, “Seven-hundred seventy people died on NEW JERSEY roads during 2006, and there’s no way that terrible annual human toll will be lessened while the state’s leaders refuse to take our traffic laws seriously.”

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Steve Carrellas, coordinator of the National Motorists Association’s NEW JERSEY chapter, shared Newton’s opinion, noting that “They [the public] hear all the rhetoric about how they should stay within the speed limit, and they hear people say, ‘Well, you shouldn’t be late for something - you should leave earlier.’ People ask, ‘How can he get away with it? What makes him more important than the rest of us?’”

But people used to traveling with the state’s top executives over the years say that excessive speeding is not unusual at all. “It happened all the time,” says Pete McDonough, who served as former Gov. Christie Whitman’s (R) press secretary for six years. McDonough, who cited the enormous pressure governors face to stay on schedule while also trying to accommodate all the people who want a chunk of their time, says speeding is “just part of the culture.”

Corzine’s motorcade also drew flak for using flashing emergency lights to coerce other cars out of its way, which state law allows only if it is an emergency situation. Corzine was on his way back to Trenton to mediate a meeting between radio personality Don Imus and the Rutgers women’s basketball team over comments made about the team on his radio program. (RECORD OF BERGEN COUNTY, NEW YORK TIMES)

KAINE ORDERS INVESTIGATION: VIRGINIA Gov. Tim Kaine (D) appointed an independent panel to review all aspects of last week’s mass shooting at VIRGINIA Tech University. Kaine ordered the review in response to complaints from students and parents that the university waited too long to inform students and faculty of a potential danger. Several parents specifically questioned the decisions made by university administrators and police not to send out an e-mail about the first shooting until more than two hours after it was reported, and not to cancel classes or shut down the campus until after the classroom shootings. Kaine named former state police superintendent Gerald Massengill to lead the investigation, saying “I’m not a law enforcement guy, and I’m not here to second-guess the law enforcement folks...That’s why I’ve appointed the person with what I consider to be the most significant law enforcement expertise to be on this panel.” In light of the shooting, governors in several states ordered their state education officials to review security plans at all state colleges and universities. According to State Net, at least two states — WASHINGTON and PENNSYLVANIA — have already drafted bills related to the shooting, with another expected in LOUISIANA by next week. (KOTV. COM [TULSA, COLUMBIA TRIBUNE, REGISTER-HERALD [BECKLEY], WASHINGTON POST, STATE NET)

Upcoming elections

(04/19/2007 - 05/10/2007)

04/24/2007 Florida Special Election

House District 49

04/24/2007 New Hampshire Primary Special Election

House Hillsborough District No. 9
(Manchester Ward 2)



GOVERNORS IN BRIEF: Governors from **WYOMING, NEVADA, MONTANA, UTAH** and **WEST VIRGINIA** last week called on the federal government to dedicate more funding for research and development of “clean coal” technology, saying that while states should continue to pursue their own efforts on energy conservation and efficiency, they ultimately need the federal government to take a lead role if the country is going to become energy self-sufficient (CASPER STAR TRIBUNE). • **LOUISIANA** Lt. Gov. Mitch Landrieu announced that he would seek re-election to his current position rather than the Democratic nomination for governor. Landrieu was the second prominent Democrat — the other being former U.S. Sen. John Breaux — to beg off of running to replace Gov. Kathleen Blanco, who has said she will not seek a second term (TIMES-PICAYUNE [NEW ORLEANS]). • **NEW YORK** Gov. Eliot Spitzer (D) said last week that he will propose a constitutional amendment to reform the Empire State’s redistricting process. Spitzer wants redistricting to be “done in a manner that is nonpartisan,” and prohibits the process from becoming “little more than a mechanism to ensure incumbency protection.” (NEWSDAY [NEW YORK]). • **NEW HAMPSHIRE** Gov. John Lynch (D) said he will sign legislation to create civil unions in the Granite State if the Senate passes pending legislation this week (UNION LEADER [MANCHESTER]). • **ALABAMA** Gov. Bob Riley (R) said the Heart of Dixie needs to consider adding toll roads to help fund new highway and bridge construction because gas tax revenue alone is no longer enough to support building new highway infrastructure (DECATUR DAILY). • **RHODE ISLAND** Gov. Don Carcieri (R) announced plans to create a stakeholder group to participate in siting decisions for his proposal to build as many as 11 large wind farms along the Ocean State coastline. The group would consist of up to 40 people from the business community, environmental groups and communities near the potential sites (PROVIDENCE JOURNAL).

— *Compiled by RICH EHISEN*

Hot issues

B **USINESS:** A **FLORIDA** House committee rejects legislation to bar employers from prohibiting employees or others from bringing guns to the workplace. Business interests opposed the bill, saying it infringed on employers’ private property rights (ST. PETERSBURG TIMES). • **GEORGIA** lawmakers reject SB 43, which would have similarly barred employers from keeping guns off their property (MACON TELEGRAPH). • Saying an appeal had little chance of success, **MARYLAND** officials announce they will not challenge a federal court decision that struck down the state’s “Fair Share” law requiring companies with more than 10,000 employees to spend at least 8 percent of their payroll on health

care or pay the difference into a state fund (BALTIMORE SUN). • The U.S. Supreme Court rules that states are not allowed to regulate the mortgage-lending subsidiaries of national banks. The decision came from a 2003 case brought by Wachovia bank against **MICHIGAN** regulators (WASHINGTON POST). • The **IOWA** House endorses SF 554, which would allow companies to apply for a statewide franchise to provide video service rather than negotiate agreements with individual cities. It moves back to the Senate (DES MOINES REGISTER). • **OREGON** Gov. Ted Kulongoski (D) signs HB 2163, which requires all cigarettes sold in the Beaver State to self-extinguish when left unattended (STATESMAN JOURNAL [SALEM]). • The **MINNESOTA** Senate approves legislation that would move the state minimum wage for large employers from \$6.15 to \$7.75. The rate at small businesses would jump from \$5.25 to \$6.75. It must pass one more vote in that chamber before moving to the House (ST. PAUL PIONEER PRESS).

CRIME & PUNISHMENT: The **COLORADO** House approves HB 1235, which would, among other things, require a person convicted of animal abuse to submit a DNA sample to the state's criminal database. It moves to the Senate (DENVER POST). • The **NEVADA** Assembly approves AB 8, which would require people arrested for a DUI to stay in jail until their blood-alcohol level drops to .04. People arrested on drug charges would need to stay locked up for at least 12 hours. The measure moves to the Senate (NEVADA APPEAL [CARSON CITY]).

EDUCATION: The **IOWA** Senate rejects a proposal to allow campus police at Hawkeye State colleges to carry guns. Opponents of the measure, which was spurred by the mass shooting at **VIRGINIA** Tech University, said the issue should be decided by university regents and not lawmakers (DES MOINES REGISTER). • The **WASHINGTON** House approves a measure that would require all Evergreen State public K-12 schools to adopt and implement a safety plan. It returns to the Senate for review of changes made in the House (SEATTLE POST-INTELLIGENCER).

ENVIRONMENT: The **MINNESOTA** Senate endorses legislation that would require the Gopher State to cut greenhouse gas emissions 80 percent by 2050. It needs another vote there before moving to the House (ST. PAUL PIONEER PRESS).

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: 1,147

Number of Intros last week: 2,229

Number of bills enacted/adopted last week: 1,603

Number of prefiles to date: 32,389

Number of Intros to date: 127,781

Number of enacted/adopted overall to date: 16,577

— Compiled By JAMES ROSS
(measures current as of 04/19/2007)
Source: State Net database

• **CALIFORNIA** wildlife officials give final approval to new fishing restrictions that will create the largest marine preserve in the continental United States. The rules will bar or restrict fishing in a network of 29 preserves covering 200 miles of the Golden State's Central Coast (LOS ANGELES TIMES). • The **NORTH CAROLINA** Senate endorses legislation that would enact a permanent ban on new hog farms that collect waste in lagoons and then spray it on fields. The bill also offers Tar Heel State farmers up to \$500,000 in aid if they volunteer to install more environmentally friendly disposal systems. It moves to the House (NEWS & OBSERVER [RALEIGH]).

HEALTH & SCIENCE: The **INDIANA** Senate signs off on SB 327, which would require Hoosier State schools to send home information about a vaccine for the human papillomavirus (HPV) to parents of sixth grade girls. HPV is thought to be the cause of about 70 percent of cervical cancers. It moves to Gov. Mitch Daniels (R) for review (NORTHWEST INDIANA TIMES [MUNSTER]). • Citing concerns about potential side effects of the vaccination, the **SOUTH CAROLINA** House rejects a proposal to require all girls entering seventh grade to be vaccinated against HPV (POST AND COURIER [CHARLESTON]). • A **TEXAS** House panel endorses legislation that would bar the Lone Star State from using any public funds for embryonic stem cell research regardless of whether the federal government eventually lifts its own funding restrictions. The measure moves to the full House (HOUSTON CHRONICLE).

HOMELAND SECURITY: MONTANA Gov. Brian Schweitzer (D) signs legislation that makes the Treasure State the first in the nation to adopt a law barring adherence to the federal Real ID Act, which requires states to meet strict new standards for issuing driver's licenses (BILLINGS GAZETTE). • **WASHINGTON** Gov. Christine Gregoire (D) also signs off on legislation to resist state compliance with Real ID, endorsing a bill that says the Evergreen State will not adhere to the Act unless the federal government pays the \$250 million state officials estimate it will cost to implement and address the state's privacy and data security concerns (SEATTLE POST INTELLIGENCER). • The **TEXAS** Senate unanimously adopts SB 11, which would allow law enforcement to conduct surveillance on criminal or terrorist suspects via the Internet, cell phones, pagers and multiple phone lines. It moves to the House (HOUSTON CHRONICLE).

SOCIAL POLICY: The **WASHINGTON** House endorses SB 5659, legislation that allows parents to take paid time off to be with newborn or adopted children. The measure returns to the Senate, which originally approved allowing workers to take paid leave only to care for a sick relative (SEATTLE TIMES). • The **OREGON** House approves HB 2485, which requires employers to allow employees to use



paid sick leave for family reasons. It moves to the Senate (CORVALLIS GAZETTE TIMES). • Also in **OREGON**, the House approves a measure that would enable same-sex couples to enter into contractual domestic partnerships that grant them the same legal benefits offered to married couples. Currently, only **CALIFORNIA**, **VERMONT**, **CONNECTICUT** and **NEW JERSEY** allow such partnerships. The proposal moves to the Beaver State Senate (USA TODAY). • The **COLORADO** Senate approves SB 25, which would make it illegal for Centennial State employers to hire, fire, promote and pay workers based on sexual orientation. It moves to the House (ROCKY MOUNTAIN NEWS [DENVER]). • **OKLAHOMA** Gov. Brad Henry (D) vetoes SB 714, legislation that would bar the use of state funds to pay for abortions unless the mother’s life is in danger. Supporters vow to seek an override (OKLAHOMAN [OKLAHOMA CITY]).

POTPOURRI: The **WASHINGTON** Senate approves SB 5037, which requires motorists to use a hands-free device when talking on a cell phone. It moves to Gov. Christine Gregoire (D), who is expected to sign it (NEWS TRIBUNE [TACOMA]). • **COLORADO** Gov. Bill Ritter (D) signs HB 1126, which allows licensed physical therapists to perform therapy on animals (ROCKY MOUNTAIN NEWS [DENVER]). • The **TEXAS** House approves HB 991, which closes to the public all records of who in the Lone Star State is licensed to carry a concealed handgun. That data would be available only to law enforcement. It moves to the Senate (HOUSTON CHRONICLE).

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

BUD, BUT WISER? Okay, it may not be the world’s slipperiest slope, but the state of WISCONSIN is about to allow grocery and liquor stores to give customers free beer. According to the *Chicago Sun-Times*, both houses of the cheese-state Legislature recently approved a bill to that effect sponsored by the Miller Brewing Company. If given final passage and signed by the governor, six-ounce samples of beer will join yogurt and pound cake at sample tables throughout the state. Beer makers pushed for the bill so that their product will have the same status as wine, which already is offered in small doses. It is assumed that Gov. Jim Doyle will sign the bill. After all, old timers remember what happened to the old Milwaukee Braves when team owners stopped allowing fans to bring beer into County Stadium.



Attendance plummeted and the team soon moved to Atlanta. The guy likely doesn't want that fate to befall his poll numbers.

BOTTOMS UP, or thereabouts. The spark that motivates a particular bill can flare up anywhere. Take the case of Victor Crist, a FLORIDA state senator, who recently proposed legislation to require that restaurants provide toilet paper and antibacterial soap in every restroom. Crist was inspired by his own experience at a Tampa eatery where he found no running water, no soap and a toilet that wouldn't flush. He also noticed the chef walk out of the bathroom. "The next day at the office," the lawmaker told the *Miami Herald*, "I said to the guys, 'We're doing a bill.'" A spokesperson for the restaurant association argues that Crist's horror story was "an exception to the rule." The real problem, she says, is that the agency charged with enforcing the sanitation code doesn't have enough inspectors.

PET THEORY: It was an unusual signing ceremony last week for Gov. Bill Ritter. The COLORADO governor was accompanied by two border collies and a three-legged Labrador retriever. As the *Rocky Mountain News* reports, Ritter was adding his signature to a bill that allows physical therapists to work their magic on animals, work previously done only if a veterinarian also was present. Ritter's suit was decorated with dog hair once the ceremony ended, thanks to an overly playful border collie that belonged to the bill's sponsor — Rep. Anne McGihon of Denver. At least McGihon owned dogs, joked Ritter, and not a horse.

STAFF LAPS LEGISLATOR: He may not be in the same celebrity stratosphere as Gov. Arnold Schwarzenegger, but CALIFORNIA Assemblyman Lloyd Levine is building a modest track record of his own. A former wannabe on "The Bachelor" television reality show, Levine last week participated in the Boston Marathon, and earned some press in his hometown paper — the *Los Angeles Times*. Levine is 37 and single, and dates a local Sacramento TV personality. His time in the race: a credible 3:10:03. Levine, however, wasn't the fastest Capitolite to run the marathon. That honor went to Edward Randolph, chief consultant for the Assembly Utilities and Commerce Committee, which Levine chairs. Randolph came in at 2:56:09. Hmmmm. Enter a very public race and beat your boss by almost 15 minutes. Interesting political move by someone at the hub of California political life.

THE LONG HELLO: One CALIFORNIA lawmaker isn't going to take it anymore and has written a bill to prevent state agencies from using automated systems to answer their phones. According to the *Sacramento Bee*, Assemblyman

Upcoming stories

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

- **The price of hiring illegal workers**
- **Making employers liable for data security breaches**
- **HPV update**



Mike Davis's bill will require every state agency to have a live employee answer its customer service lines. No more "push 10 for more options." "A very basic need of constituents," the Los Angeles Democrat said, adding that agencies that employ thousands of people ought to be able to ensure that a person — not a machine — picks up the phone. Not everyone agrees, however. Some bill opponents think that the Legislature ought not to prevent agencies from being "flexible." No word on whether the bill applies to the Legislature itself.

— By A.G. Block

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