

June 20, 2005

The WiMax Battle



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Top Story

The ability to create their own wireless Internet networks has given many small towns the chance to attract consumers and businesses to rural or economically depressed areas. That has the big telecommunications companies fighting mad.

SNCJ Spotlight

Communities duel with telcos over WiMAX

WiFi and WiMAX wireless networks — which allow computer users to surf the Internet from the comfort of their couch or the coffee shop without dragging around miles of wire to do so — are changing the way many people use technology. Numerous cities and towns have also recognized the economic potential of such networks, creating cheap, easily accessible Internet “hotspots” to attract consumers and businesses to rural or economically depressed areas. In doing so, local municipalities are challenging the wireless monopolies

long held by the incumbent telecommunications companies.

So far, 42 cities in WASHINGTON, LOUISIANA, CALIFORNIA, MASSACHUSETTS, and KENTUCKY have established wireless hot zones, with nine planned deployments in ARIZONA, CALIFORNIA, MINNESOTA, ILLINOIS, NEW YORK, OHIO, and PENNSYLVANIA. Now, with the longer range WiMAX technology entering the market, extending hotspot ranges from 300 feet to 30 miles, the challenge to the telecommunications monopoly is gaining momentum, especially with WiMAX creator Intel and its partners aggressively pushing it into the marketplace.

The great benefit of WiMAX is that it can cover those 30 miles without stringing costly wire or fiber to homes and businesses. The actual range depends on the terrain, with distances shorter in hilly counties and mountain regions and full coverage available on flat Midwestern farms and high desert Indian reservations.

It is an attractive bauble for many poor and rural communities, which feel the broadband networks found in more affluent neighborhoods have given those areas an economic advantage. In many communities without full DSL or Cable broadband coverage, public agencies, economic developers, and city councils are counting on WiMAX technology to provide a lower cost solution for regaining the economic ground they feel they have lost to more wired communities.

“The Internet is an essential tool for rural economic development,” says Larry Burkhardt, president of the Nevada County Economic Resource Council, which serves a mostly rural community in the Northern California foothills. “Communities and neighborhoods without cable or DSL services are quickly realizing that whatever potential for future economic vitality they might have is being compromised.”

The big “telcos” ignored the initial wave of coffee shop WiFi hotspots, but took more notice when cities and towns started networking these hotspots and promoting free access as an economic development tool. They have since moved to quell this emerging competition with a more low-tech solution —

The Week in Session

States in Regular Session: CA, DC, DE, MA, MI, NC, NH, NJ, NY, OH, OR, PA, RI, US, WI

States in Special Session:
CA "a", KS "a", MN "a", OK "a"

States in Recess: IL

States Projected to Adjourn: LA

States in Special Session
Projected to Adjourn: ME "a"

States Adjourned in 2005: AK, AL, AR, AZ, CO, CT, FL, GA, HI, IA, ID, IN, KS, KY, MD, ME, MN, MO, MS, MT, ND, NE, NM, NV, OK, SC, SD, TN, TX, UT, VA, VT, WA, WV, WY

States in Special Session
Adjourned in 2005: AK "a", MS "a", MS "b", NV "a", UT "a", VT "a", WI "a", WV "a", WV "b", WV "c"

Letters indicate special/extraordinary sessions

Source: State Net, 6/17/05

states and the District of Columbia. ALASKA and HAWAII were not included in the survey. A minimum score of 70 is required to pass the exam.

The study seems to indicate that some of the most common behind-the-wheel tasks — merging, interpreting road signs — are also the most challenging for drivers. For example, half did not know how to safely merge into heavy traffic, while one out of five drivers were unaware that pedestrians have the right of way at a crosswalk.

The failure rate was highest in Northeast and Mid-Atlantic states, where 20 percent failed the test. NEW YORK (79.8), NEW JERSEY (78.3) and MASSACHUSETTS (77.2) all scored near the bottom. Western drivers, however, earned the highest average marks. WASHINGTON (88.4) was second overall to Oregon, followed by IOWA (87.7), IDAHO (87.5) and WYOMING (87.4).

The accompanying chart shows the average score for each state. The full report can be viewed at the Insurance Journal Web site at www.insurancejournal.com.

— By RICH EHISEN

Driving Smart: State rankings of driver knowledge			
State	Score	State	Score
Alabama	84.7	North Carolina	85.2
Arkansas	83.1	North Dakota	85.6
Arizona	82.6	Nebraska	86.5
California	80.4	New Hampshire	83.7
Colorado	84.2	New Jersey	78.3
Connecticut	80.9	New Mexico	82.9
Delaware	82.5	Nevada	84.7
DC	79.8	New York	79.8
Florida	81.1	Ohio	84.3
Georgia	82.9	Oklahoma	82.8
Iowa	87.7	Oregon	89.4
Idaho	87.5	Pennsylvania	82.1
Illinois	81.6	Rhode Island	77.0
Indiana	85.1	South Carolina	83.1
Kansas	84.0	South Dakota	84.3
Kentucky	82.5	Tennessee	83.4
Louisiana	81.7	Texas	82.7
Massachusetts	77.2	Utah	82.6
Maryland	79.8	Virginia	84.7
Maine	83.2	Vermont	86.6
Michigan	83.8	Washington	88.4
Minnesota	86.1	Wisconsin	86.3
Missouri	84.7	West Virginia	86.2
Mississippi	82.5	Wyoming	87.4
Montana	86.2		

Source: Insurance Journal
 Note: Hawaii and Alaska not surveyed

Budget & taxes

COURT RULING OPENS DOOR FOR INTERNET TAXES IN CA: On May 31, CALIFORNIA's 1st District Court of Appeal ruled that Borders Group Inc. must pay sales taxes on books, music and other goods sold to California residents online. Although a 1992 U.S. Supreme Court ruling allows businesses to avoid paying sales taxes to states where they have no physical presence, the appellate court ruled that exemption did not apply in Borders' case. The trouble for the MICHIGAN-based corporation began when a state audit found it had failed to pay more than \$167,000 in taxes on the \$1.5 million in sales it generated between April 1, 1998 and Sept. 30, 1999. The company settled up but then demanded a refund, claiming its online division — which has since been outsourced to Amazon.com — was not subject to California sales taxes because it was entirely separate from the 129 retail stores it operates in the Golden State. The three-judge panel disagreed, saying the company's Web site and retail operations were too intertwined to be considered independent entities. The panel also pointed out that, among other things, advertising for the Web site appears in the retail stores and that customers are able to return online merchandise at those outlets. The decision was cheered by independent booksellers and other "bricks-and-mortar" retailers, who believe it will help level the playing field. It was disconcerting news, however, to other online retailers, including NEW YORK-based Barnes and Noble Inc. and WASHINGTON-based Amazon.com. The ruling "certainly potentially allows the [State Board of Equalization] to make a case that Amazon has agents and affiliates in California," said Lenny Goldberg, the executive director of the California Tax Reform Association, who also lobbies for the Northern California Independent Bookseller's Association. Amazon will likely be among those watching very closely to see if Borders appeals the case to the state Supreme Court. (ASSOCIATED PRESS, SAN DIEGO UNION-TRIBUNE)

MEDICAID RECIPIENTS MAY LOSE VIAGRA: A state audit last month revealed that nearly 200 of NEW YORK's most dangerous sexual predators were obtaining the erectile-dysfunction drug Viagra at taxpayers' expense through the state's Medicaid program. That report prompted other investigations, including one by the Associated Press, which indicated that about 800 convicted sex offenders in 14 states received Medicaid reimbursements for Viagra and other drugs approved by the FDA to treat impotence. The resulting national



uproar has prompted at least seven states — FLORIDA, GEORGIA, LOUISIANA, New York, SOUTH CAROLINA, TEXAS and VIRGINIA — to cut off Medicaid reimbursements for Viagra and similar medications, not only to sex offenders but to all Medicaid recipients, rationalizing that there were better uses for their limited Medicaid funds. “We’re struggling to find money to keep frail seniors alive in nursing homes,” said Matt Salo of the National Governors Association. Evidently, the states had been operating under the assumption — actually stemming from a 1998 letter from the U.S. Department of Health and Human Services — that they could not exclude Viagra from their Medicaid programs. The HHS sent out a new letter after the New York audit was made public, clarifying federal policy on the subject. “There apparently was some confusion among states that they had to cover Viagra no matter what — even for a sex offender,” said a spokesman for the department. Some Medicaid advocates fear the controversy will do little to help the program when Congress considers cutting it by \$10 billion this summer (STATE-LINE.ORG).

Upcoming Elections

There are no elections scheduled during the next two weeks.

BUDGETS IN BRIEF: KANSAS lawmakers received news last week that the state would take in \$172 million more than they were expecting, due to higher-than-projected corporate and personal income tax collections. The wind-fall offers lawmakers a relatively painless way to meet the state Supreme Court’s recent mandate to increase school funding by \$143 million this year, and could allow them to wrap up this week’s special session in just a couple of days, rather than the nine that have been scheduled (KANSAS CITY STAR, WICHITA EAGLE). • **CALIFORNIA**’s plan to join the 11-state Mega Millions lottery game suffered a setback last Tuesday when the Legislative Counsel’s Office issued a legal opinion stating that the move could violate a 1984 law specifying that all lottery games played in California must be run by the state. Although the opinion is not binding, it suggests the state will be open to lawsuits if it goes ahead with its plans (CONTRA COSTA TIMES). • After weeks of wrangling with lawmakers, **LOUISIANA** Gov. Kathleen Blanco (D) gave up her high-profile plan to fund teacher raises through a \$1-per-pack increase in the cigarette tax. While Blanco said the derailing of her initiative by a “decisive, obstructionist minority” means teachers won’t get the pay increase she promised them this year, opponents countered that the money for the raises can still be found by better prioritizing the state budget (TIMES-PICAYUNE [NEW ORLEANS]). • **WISCONSIN** saw the largest increase in Indian gaming revenue in the nation



last year, according to the fourth annual Indian Gaming Industry Report, released last week. The report showed that renegotiated tribal casino pacts helped push the Badger State's share of the winnings to \$68 million, a 300 percent gain over its \$16.7 million take in 2003. The report also stated that Wisconsin was among the top five states in overall gambling revenue in 2004, behind **CALIFORNIA, CONNECTICUT, ARIZONA** and **MINNESOTA** (LA CROSS TRIBUNE). • Thanks to one of the fastest-growing economies in the country, **VIRGINIA** could end the year with a \$600 million revenue surplus. Some observers fear the rosy forecast could spur ambitious campaign promises by candidates in the state's upcoming elections, which include the race for the governorship (RICHMOND TIMES-DISPATCH).

— *Compiled by KOREY CLARK*

Politics & Leadership

MICHIGAN REP PROPOSES IGNORING ILLEGALS: Seats in the U.S. House of Representatives are reapportioned based on population changes after every census. As a result of shifts in America's population revealed by the 2000 federal census, nine states each lost a seat in the House. Meanwhile, FLORIDA, NEW YORK and TEXAS each gained a seat and CALIFORNIA picked up six. A 2003 study by the Center for Immigration Studies demonstrated that this redistribution of House seats was determined largely by the nation's population of illegal immigrants and legal noncitizens. And now a U.S. Representative from one of the states shortchanged by the 2000 count — MICHIGAN — is saying that's wrong, and Congress needs to do something about it. U.S. Rep. Candice Miller (R) has proposed an amendment to the U.S. Constitution that would allow only U.S. citizens to be counted for purposes of determining political representation. "I just don't think noncitizens should have the same representation as citizens," says Miller. But U.S. Rep. Charles Gonzalez (D-Texas) contends that eliminating noncitizens from the census would reduce the amount of federal money going to states with large immigrant populations, populations those states would still have to support. A spokesman for Miller says her bill would only change representation and wouldn't necessarily alter the distribution of federal funding. Regardless of the veracity of that argument, the odds appear to be stacked against the measure. A constitutional amendment requires approval by a two-thirds majority in both chambers of Congress and then ratification by three-quarters of the states. Furthermore, Steven Cama-

rota, director of research at the Center for Immigration Studies, said that because the counts of legal and illegal immigrants are based on U.S. Census Bureau estimates, doing what Miller wants to do is “not practical to do...even if it is constitutional.” Camarota says a better solution would be for Congress to toughen immigration laws to make it harder for illegal immigrants to stay in the United States. (DETROIT FREE PRESS)

AT THE POLLS: Moderate Republicans in VIRGINIA’s House of Delegates prevailed in last Tuesday’s primary election, overcoming a determined effort by anti-tax activists to oust them for helping to pass a record tax increase last year. All but one of the six centrist delegates who faced challenges won their party’s renomination. But in an election marked by low turnout, voters also selected two anti-tax champions for the GOP ticket in November: state Sen. Bill Bolling (R), who will be the party’s nominee for lieutenant governor, and Del. Robert F. McDonnell (R), who won the nomination for attorney general. The two will join former attorney general Jerry W. Kilgore, who claimed the party’s gubernatorial nomination by a comfortable margin. The Democrats, whose primary was held the same day — for the first time since 1988 — also chose nominees for open seats in the House of Delegates, and selected former state senator and Congresswoman Leslie L. Byrne as their candidate for lieutenant governor. They will join the party’s nominees for governor, current Lt. Gov. Timothy M. Kaine (D), and attorney general, current state Sen. R. Creigh Deeds (D). (WASHINGTON POST, RICHMOND TIMES-DISPATCH)

SINE DIE: The FLORIDA Legislature passed some notable legislation during its 2005 session, including measures requiring parental notification for minors seeking an abortion; allowing residents to defend themselves on the street — “force with force” — without fear of prosecution; abolishing automatic runoff primary elections; raising campaign spending limits in races for the governorship and Cabinet offices; allowing judges to reduce or eliminate alimony payments to persons who move in with new partners; prohibiting schools from discriminating against children who refuse to take mood-altering drugs to treat mental disorders; and creating ballot initiatives to increase the length of legislative terms from eight years to twelve, and make it harder to amend the state Constitution. But for several key issues, the session was more of a “work in progress.” For instance, while lawmakers approved more money for education, they did nothing to fix the inequity in the state’s funding formula that places South Florida schools at a significant disadvantage. They also failed to pass legislation requiring lobbyist disclosure or establishing rules for newly-approved slot machines in Broward



County. And they only started the process of overhauling Medicaid and reforming the insurance industry. But some don't see those shortcomings as being such a bad thing. Senate President Tom Lee (R), for instance, holds the view that often the first pass at complex issues doesn't produce the best results. "Sometimes it can take a year or two for the fruit to ripen," he said, suggesting that issues like Medicaid reform and lobbyist disclosure are likely to be around for a while. (ASSOCIATED PRESS, SOUTH FLORIDA SUN-SENTINEL, MIAMI HERALD)

Upcoming Stories

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

Medical marijuana - where to from here?

The year's biggest legislative issues - where are they now?

The growth of RFID - What's new, what's next?

And many more...

POLITICS IN BRIEF: **ARIZONA** Gov. Janet Napolitano (D) chose a long-time ally last week to fill a vacancy on the state Supreme Court. The appointment of Scott Bales, who worked with Napolitano in the Attorney General's Office, and also helped out on her 2002 gubernatorial campaign, gives the Democrats a 3-2 majority on the high court, which may soon be called upon to settle the divisive issue of gay marriage (ARIZONA REPUBLIC). • A **FLORIDA** man is challenging a **HAWAII** law that requires applicants for state and county jobs in the Aloha State to be residents at the time they apply. Lawyers for the Tallahassee resident, who says he was denied three positions he applied for this year because of his non-residency, allege that the residency requirement violates both the Hawaii and United States constitutions (HONOLULU STAR-BULLETIN). • **NEVADA** Gov. Kenny Guinn (R) signed legislation (AB 455) shifting the state's primary date from Sept. 5 to Aug. 15. The additional three weeks will give election officials more time to get general election ballots out to residents serving in the military overseas (LAS VEGAS SUN). • An election reform group in **NORTH CAROLINA** reported last Monday that over a quarter of the organizations that lobby the General Assembly failed to file expense reports for the past session. The group, Democracy North Carolina, said the missing reports are a reflection of the state lobbying law's lack of teeth and a shortage of resources in the Secretary of State's Office (CHARLOTTE OBSERVER).

— *Compiled by KOREY CLARK*

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Governors

SCHWARZENEGGER'S BALLOT GAMBLE: CALIFORNIA Gov. Arnold Schwarzenegger (R) last week followed through on his vow to take his reform agenda directly to the people, calling for a Nov. 8 special election to let voters decide the fate of a host of his pet initiatives. If successful, Schwarzenegger could dramatically shift the state's balance of political power from the Legislature to the governor's office. Most observers say a clean sweep of his main proposals — a move to take the power of redistricting away from lawmakers in favor of having lines drawn by a panel of retired judges, a budget measure that would place a hard cap on annual state spending and a proposal to increase the time it takes for teachers to get tenure — would also virtually ensure his re-election in 2006. He has yet to officially get behind another initiative that would force public employee unions to get approval each year from their members to use their dues for political purposes, a measure many say would have an even bigger impact than the other three combined. Democrats traditionally have drawn significant support from such unions, most notably those for prison guards, teachers and firefighters, and such a restriction could potentially gut their influence on the Legislature. Schwarzenegger has voiced some support for the measure, but is withholding an official endorsement in hopes of

Quote...

"I still hope the Legislature will join me, and we can go to the ballot together with a bipartisan plan. But one way or another, with the people's help, there will be action this year."

— **CALIFORNIA Gov. Arnold Schwarzenegger (R) announcing his plan to put his reform agenda on the ballot in a special election.**

... unquote

"This governor has invested everything in an election about nothing... There is nothing here that reforms any aspect of California, that improves quality of life in this state for anybody."

— **The response from California Assembly Speaker Fabian Nuñez (D). (LOS ANGELES TIMES)**

using it as leverage in getting Dems to the bargaining table. The governor also says he is still hopeful he can work out compromises on all of the issues before the election. Although the election cannot be called off, he and lawmakers have until the end of August to place revised initiatives on the ballot, which they can then urge voters to choose over the current proposals. While the upside of winning big at the ballot box is enormous for Schwarzenegger, the downside of losing looms equally large. "He's thrown an awful lot of political capital on the line," said Larry Gerston, a political science professor at San Jose State University and the co-



author of a book about the 2003 recall that put Schwarzenegger in office. “If he prevails, you might as well forget about any kind of opposition in 2006. If he loses, he’s going to be hard-pressed to even consider running in 2006.” (LOS ANGELES TIMES, CONTRA COSTA TIMES, LOS ANGELES DAILY NEWS)

GOVS REVEAL MEDICAID PLAN: After months of speculation, the National Governors Association (NGA) last week gave Congress its recommendations for reforming the \$330 billion state-federal Medicaid program, which provides health care coverage to more than 53 million Americans. VIRGINIA Gov. Mark Warner (D) and ARKANSAS Gov. Mike Huckabee (R), the group’s chairman and vice-chairman, called for giving states broader discretion to establish premiums, deductibles and co-pays; lowering Medicaid’s drug costs; closing loopholes that allow elderly people to transfer assets to family members or into trusts in order to qualify for the taxpayer-funded program; and protecting states that take on Medicaid reform from federal lawsuits. The proposal was developed by a bipartisan 11-governor task force and is still subject to approval by the balance of state governors at the annual NGA meeting in July. The compromise NGA effort has not, however, rubbed off on its Congressional counterparts. There are substantial rifts there between the parties, and Democrats have so far boycotted a commission to study Medicaid reform. Congressional republicans, meanwhile, have vowed to continue their push to cut at least \$10 billion from the program over the next five years. “We may be the only bipartisan game in town,” lamented Warner, who also stressed that the proposal is just a starting point for negotiation, not a finished product. (STATELINE.ORG)

GOVERNORS IN BRIEF: MASSACHUSETTS Gov. Mitt Romney (R) said he will support a proposed constitutional amendment banning gay marriage in the Bay State, the only one where such marriages are currently legal. State lawmakers are already working on a proposal to ban same-sex marriage and replace it with VERMONT-style civil unions. But Romney opposes that effort, saying voters should have a “clean, straightforward, unambiguous amendment” that does not include an option for civil unions (ASSOCIATED PRESS). • UTAH Gov. Jon Huntsman Jr. (R) has asked governors from several Western states to agree to a single primary date for the 2008 presidential election. Huntsman says doing so would make the West a key player in the election while also aiding “economic development” for the region. He says at least five states — MONTANA, COLORADO, ARIZONA, NEW MEXICO and WYOMING have expressed interest in a joint primary (DESERET NEWS [SALT LAKE CITY]). • OREGON Gov. Ted Kulongoski (D) used the groundbreaking for a new state war memorial to call for a

national debate on restoring the military draft. Kulongoski, a former U.S. Marine, said he fears that a downward national spiral in military enlistments has spread regular forces and National Guard units too thin (GAZETTE-TIMES [CORVALLIS]). • Election officials in **WASHINGTON** issued a \$730,000 refund to the state Democratic Party for the cost of the hand recount of the 2004 governor's election. After a rash of bad publicity, Dems agreed to drop their demand for a taxpayer-funded 12 percent interest payment on the money and instead accepted the state's offer of 2 percent (SEATTLE POST-INTELLIGENCER). • **NEW YORK** Gov. George E. Pataki (R) signed a bill that will increase the pensions New York city must pay to employees who worked at the World Trade Center site after Sept. 11, 2001. Mayor Michael Bloomberg vehemently opposed the measure, saying it will add \$50 million a year to the city's current annual pension bill (NEW YORK TIMES). • **COLORADO** Gov. Bill Owens (R) said it is "hypocrisy" for the United States to pressure Japan to lift its ban on American beef over mad cow fears while continuing to ban Canadian cattle for the same reason. Owens said the U.S. policy is prompting Canada to build its own meatpacking plants rather than continuing its efforts to use U.S. plants (BILLINGS GAZETTE).

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 2005 prefiles last week: 195

Number of 2005 Intros last week: 1,095

Number of bills enacted/adopted last week: 812

Number of 2005 prefiles to date: 32,959

Number of 2005 Intros to date: 149,979

Number of enacted/adopted overall in 2005: 29,188

— Compiled By JAMES ROSS
(Measures current as of 6/16/05)
Source: State Net

— *Compiled by RICH EHISEN*

Hot issues

BUSINESS: **NEVADA** Gov. Kenny Guinn (R) signs AB 384, which requires payday loan companies to clearly specify any charges and fees associated with their loans. It also allows borrowers who default three months to pay off their loan without incurring additional interest charges. Industry sources say Silver State residents take out more than 200,000 payday loans every week (LAS VEGAS REVIEW-JOURNAL). • Still in **NEVADA**, Gov. Kenny



Guinn (R) signs AB 312, which requires city, county and state governments to sell surplus land at public auctions. The measure allows land in redevelopment areas to be sold for less than market value and without the public auction (LAS VEGAS REVIEW-JOURNAL). • **HAWAII** establishes an official trade and tourism office in China, becoming only the second in the nation to do so. **NEVADA** also has a Chinese business promotion office (HONOLULU STAR BULLETIN).

CRIME & PUNISHMENT: The U.S. Supreme Court upholds an **OHIO** policy that allows the Buckeye State to isolate its most dangerous convicted criminals in super-maximum-security prison cells. About 30 states operate similar “supermax” prisons (USA TODAY). • **IOWA** Gov. Tom Vilsack (D) signs House File 619, which imposes a life prison sentence on child molesters convicted of a second offense. It also requires some first time offenders to wear an electronic monitoring bracelet for life (QUAD CITY TIMES [DAVENPORT]). • A **NEW JERSEY** Assembly panel endorses legislation that would allow Garden State authorities to use a global positioning system to track high-risk sex offenders. It moves to the full Assembly (PHILADELPHIA INQUIRER). • **FLORIDA** Gov. Jeb Bush (R) signs HB 71, which makes street racing an infraction punishable by up to a year in jail. The measure also allows law enforcement to seize the cars of repeat offenders (TALLAHASSEE DEMOCRAT). • The **MAINE** Senate approves a bill that would impose a 30-year sentence on someone whose assault on a pregnant woman results in the death of her fetus. Gov. John Baldacci (D) says he will sign the bill into law (PORTLAND PRESS HERALD). • The **OHIO** House approves a bill that would elevate the crime of “criminal trespass on a place of public amusement” — a.k.a. entering the field of play at a sporting event — from a fourth-degree misdemeanor, punishable by a maximum of 30 days in jail and a \$250 fine, to a first-degree misdemeanor with a maximum penalty of six months in jail and a \$1,000 fine.

EDUCATION: The **OREGON** Senate and House unanimously approve SB 755, which would require school districts to release the disciplinary records of employees convicted of child abuse and other crimes. The measure now heads to Gov. Ted Kulongoski (D) (STATESMAN JOURNAL [SALEM]). • **CONNECTICUT** Gov. M. Jodi Rell (R) vetoes a measure that would have given the Constitution State the broadest restrictions in the nation on the sale of junk food in public schools. Rell said the measure went “too far” in taking control away from local schools (HARTFORD COURANT). • Federal regulators grant **VIRGINIA** and **MARYLAND** some exemptions from No Child Left Behind accountability requirements. Virginia education officials were seeking waivers in 12 areas of the

law; the U.S. Dept. of Education granted four, rejected five and is still considering the other three. In Maryland, educators will now be able to exclude some disabled-student test scores when judging overall school progress. The Old Dominion State has explored withdrawing entirely from NCLB participation (WASHINGTON POST).

ENVIRONMENT: The U.S. Supreme Court upholds a lower court ruling that the federal government has the right under the Constitution's commerce clause to protect rare animals even if they do not cross state borders. The decision stemmed from a **TEXAS** land owner that claimed the federal Endangered Species Act violates the U.S. Constitution because it affords protection to animals and insects that have no commercial value and which do not cross state lines (LOS ANGELES TIMES). • A federal judge rules that **MARYLAND** wildlife officials may begin reducing the state's population of mute swans, rejecting a call to grant the beautiful but destructive birds federal protection. Old Line State officials say the non-native birds wipe out food supplies and crucial habitat for native species (BALTIMORE SUN).

HEALTH & SCIENCE: The **WISCONSIN** Assembly okay's AB 207, which would allow health care workers to refuse to participate in procedures that would result in the end of a patient's life or destroy a human embryo. It would also allow pharmacists to legally refuse to dispense birth control prescriptions on religious or moral grounds. It moves to the Senate (MILWAUKEE JOURNAL-SENTINEL). • The **DELAWARE** Senate approves SB 80, which would allow First State medical researchers to conduct regulated embryonic stem cell research. The measure would specifically bar human cloning and the sale of embryos. It heads to the House (NEWS-JOURNAL [NEW CASTLE-WILMINGTON]). • **CONNECTICUT** Gov. M. Jodi Rell (R) signs legislation authorizing \$100 million in public funds for embryonic stem cell research in the Constitution State. It too bans the sale of human embryos and human cloning. Connecticut joins **CALIFORNIA** and **NEW JERSEY** as the only states to spend public dollars on the controversial research (HARTFORD COURANT). • **MAINE** Gov. John Baldacci (D) signs legislation that requires pharmaceutical companies to post online the results of clinical drug trials. Companies must reveal both positive and negative results, with offenders subject to a \$1,000 fine (PORTLAND PRESS HERALD).

SOCIAL POLICY: A **NEW JERSEY** Appeals court upholds the Garden State's ban on same-sex marriage. But because one of the three judges in the case dissented, the matter now automatically goes before the state's Supreme Court

Las Vegas strip clubs from giving kickbacks to cabbies who bring patrons to their doors. Typically, a hack gets about \$20 every time he or she dumps a fare in front of a specific club, which some lawmakers thought was bad for the tourist biz. So, they banned it and sent the measure off to Gov. Kenny Guinn’s desk. Cabbies argued that the kickback is nothing more than a tip — the same kind of tip a patron might give to a concierge or bartender. “It’s picking on...poor working stiffs,” grumped the president of the Professional Drivers Assn. Opponents flooded Guinn’s office with more than 500 phone calls. No problem — Guinn vetoed the measure. Who says politicians don’t listen to the poor, impoverished masses?

FROM SHOTGUNS TO YAPPING DOGS. It was a compromise of sorts, but it likely will resolve a crisis that had residents of Greenwich, CONNECTICUT, reaching for their shotguns. The problem centers on Canada geese — especially that portion of the 2.6 million fowl that live comfortably along the East Coast and no longer bother to migrate. Some of the geese live in this affluent New York City suburb and, reports the Associated Press, spend an inordinate amount of time pooping on local parks. But when residents devised a plan to slaughter 200 of the birds this summer, the Humane Society and others protested, leading to non-lethal options. Among the alternatives: deployment of a border collie in a life jacket, yapping at the geese from a kayak.

SUGAR FUTURES, ANYONE? It’s official: Americans who suffer from “sweet tooth disease” will have to pony up more to satisfy their addiction. The reason, reports the *New Hampshire Union Leader*: a cold spring caused a serious drop in maple syrup production all over New England. Production was down 31 percent in NEW HAMPSHIRE, 18 percent in VERMONT, 13 percent in NEW YORK, 20 percent in MASSACHUSETTS and 9 percent in MAINE and CONNECTICUT. Nationally, notes the Associated Press, production fell by 18 percent. The good news: Although there is less syrup, it had higher sugar content. And, of course, the price went up slightly — from \$28.30 to \$28.40 cents a gallon. Now, if syrup markets react like oil markets, the cost of a Snickers Bar ought to increase about a dollar.

FROM OUT OF THE PAST. It’s going to take nearly \$400,000 just to get in on the bidding, but the *Newark Star-Ledger* reports that the state of NEW JERSEY wants to find the money — somewhere. At stake is a wealth of 17th century New Jersey documents and maps to be auctioned off at NEW YORK’s Christie’s Auction House this week. Jay Snider, a wealthy businessman and former president of the Philadelphia Flyers hockey team, owns the artifacts, and his 415-piece collection is

likely to fetch more than \$5 million. Only 11 pieces concern New Jersey, but they include the first constitution of East Jersey. Bidding for the New Jersey portion is expected to start at \$375,000 but could go much higher. Snider wants the collection in the hands of private individuals rather than the state because he thinks collectors do a better job of preserving artifacts.

— *By A.G. BLOCK*

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