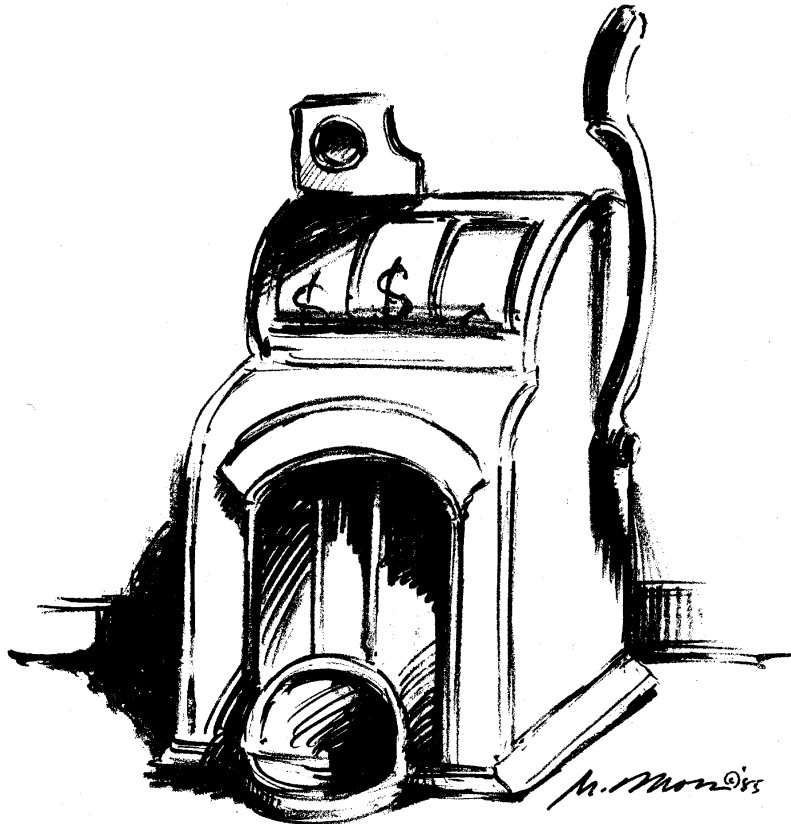


## Unto the breach

March 14, 2005



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### Top Story

*Security breaches at some leading financial database companies have inspired dozens of states to rush out legislation that would force those entities to better inform consumers nationwide when identity thieves attack.*

## SNCJ Spotlight

### States combat new identity theft threat

**I**n the span of just a few years, the crime of identity theft has evolved from a major but sporadic nuisance into a national menace. More than 28 million Americans — roughly 13 percent of the entire adult population — have fallen victim to the crime since 2000. Last year alone, 9 million people had their identities stolen, costing the economy \$53 billion and forcing victims to spend 260 million hours

repairing the damage. Many of these cases involved lost wallets or financial information dug out of the trash, prompting calls for greater public vigilance from consumer groups and government officials. But a series of far more sensational recent thefts have lawmakers focusing on a much larger threat to Americans' identities.

In October, ChoicePoint, one of the nation's leading information brokers, discovered that scammers had fraudulently gained entry into databases containing the personal information — including names, addresses and Social Security numbers — of millions of Americans. By setting up phony businesses, the thieves were able to legitimately purchase access to those personal files, where they could then change individuals' address information to set up new lines of credit in those people's names. According to law enforcement officials, at least 145,000 personal files were breached, although it is still unknown how many individuals actually had their identities stolen. Only one person has been charged so far in the case, a 41-year old Nigerian man, who one official referred to as "a very small player in what we think is a major criminal effort."

ChoicePoint isn't the only high-profile data collector to suffer a security breach. In late-February, Bank of America reported that it had lost a computer tape that held credit information on over a million federal employees. And just last week, legal and business information giant Lexis-Nexis announced that data amassed by one of its subsidiaries, Florida-based Seisint, had also been fraudulently compromised.

The incidents have sparked a flurry of activity among lawmakers. According to State Net's legislative database, 22 states have introduced 49 bills directed at organizations that deal with personal information. (Those states are ARKANSAS, ARIZONA, CALIFORNIA, GEORGIA, ILLINOIS, INDIANA, MAINE, MARYLAND, MASSACHUSETTS, MINNESOTA, MONTANA, NEW JERSEY, NEW YORK, NORTH DAKOTA, OHIO, OREGON, RHODE ISLAND, TENNESSEE, TEXAS, VIRGINIA, WASHINGTON and WEST VIRGINIA.) The majority of the bills would require such entities to report breaches of security to everyone whose information is compromised. The legis-

## *The Week in Session*

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

States in Special Session: CA "a"

States in Recess: SD

Currently Prefiling:  
LA(Drafts for 2005)

States Projected to Adjourn:  
AR, NM

States Adjourned in 2005: DC "z",  
IL "z", MA "z", NY "z", UT, VA

States in Special Session  
Adjourned in 2005: DE "c", FL "a",  
MD "a", WI "a", WV "a"

Letters indicate special/extraordinary sessions

Source: State Net, 3/11/05

lation stems from the fact that many of the victims of the ChoicePoint breach weren't immediately notified about it. Initially, ChoicePoint contacted only the 34,000 or so Californians it was required to under a Golden State law that went into effect in 2003. It wasn't until the attorneys general of 38 other states demanded the same courtesy that all of the victims were informed and the full extent of the breach became apparent. That little indignity has definitely lit a fire under some legislators. Georgia Sen. Leader Bill Stephens (R) made specific note of ChoicePoint when commenting on the urgency of his chamber's security breach legislation, saying, "It's going to be fast-tracked and it's going to move fairly quickly."

ChoicePoint announced in February that it was beefing up its verification system, and would also be rescreening 17,000 of its business customers to ensure their validity. The company took a dramatic step beyond that on March 4, announcing that it would "discontinue the sale of information products that contain sensitive consumer data, including social security and driver's license numbers, except where there is a specific consumer driven transaction or benefit, or where the products support federal, state or local government and criminal justice purposes."

The lack of a reporting mandate in all 50 states has also prompted U.S. Sen. Dianne Feinstein (D-CA) to propose a federal security breach notification law. The measure, introduced in January, has the support of national consumer groups, like Consumers Union, publishers of Consumer Reports. As Gail Hillenbrand of Consumers Union put it, "It shouldn't be left up to a company that has had its security breached to decide which consumers to notify when sensitive information may have been compromised."

The U.S. Senate Judiciary Committee is also planning to hold hearings on the issue. The proceedings will be a personal matter for the committee's chairman, Arlen Specter (R-PA), whose credit card data was on the missing Bank of America tape.

Along with the security breach bills, more than 20 states have also introduced legislation that would allow individuals to put a "freeze" on their credit reports to prevent identity thieves from taking out credit in their names. Four states — California, LOUISIANA, Texas and VERMONT — already provide their residents some form of freeze protection.

Despite the number of identity theft bills currently under consideration, it's

## *Upcoming Elections*

*(3/7/05 - 03/21/05)*

**03/08/2005 Alabama Special Election**  
House 082

**03/15/2005 Alabama Special Primary**  
House 046

likely there will be plenty more in the future. As Sen. Satveer Chaudhary (DFL), co-sponsor of Minnesota’s breach notification bill, stated after the bill’s introduction last month, “This is really just a stopgap measure. We need to address broader questions of data security. The Federal Trade Commission estimates that there are 10 million cases of identity theft a year, and the problem is going to grow.” (U.S. NEWS & WORLD REPORT, WALL STREET JOURNAL, WASHINGTON POST, STATENET.COM, MACON TELEGRAPH, KANSAS CITY STAR, MINNEAPOLIS STAR TRIBUNE)

— *Compiled by KOREY CLARK*

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# Across state lines

## *Grading the governors*

**M**ost state governors are simply not at the top of their class when it comes to fiscal responsibility, according to a new report card issued by a leading Washington D.C.-based public policy think tank.

The Libertarian-leaning Cato Institute graded 42 state governors on 15 objective measures of fiscal performance, with the highest marks going to those chief executives that cut taxes and spending. It is the seventh time the institute has issued its report card. Governors in eight states — LOUISIANA, UTAH, CONNECTICUT, MISSISSIPPI, KENTUCKY, INDIANA, WYOMING and ALASKA — were excluded, two for technical reasons and six who were elected too recently. Eight of the governors who were given grades have since left office.

Low marks were handed out to governors who supported or implemented tax hikes and increased spending. Under those criteria, only four governors, all Republicans, received A grades — CALIFORNIA Gov. Arnold Schwarzenegger, former MONTANA Gov. Judy Martz, NEW HAMPSHIRE Gov. Craig Benson and COLORADO Gov. Bill Owens. Three of the four governors earning F’s were Democrats, former MISSOURI Gov. Bob Holden, former NEW JERSEY Gov. James E. McGreevey and PENNSYLVANIA Gov. Ed Rendell. The lone Republican to be tagged with an F was OHIO Gov. Bob Taft. The accompanying chart shows the total score and grade for each of the 42 governors listed. For more information, visit the Cato Institute Web site at <http://www.cato.org/index.html>.

— *By RICH EHISEN*

### Fiscal policy report card on America's governors: 2004

Governor	State	Party	Score	Grade
Bob Riley	ALABAMA	R	51	D
Mike Huckabee	ARKANSAS	R	37	D
Janet Napolitano	ARIZONA	D	52	D
Arnold Schwarzenegger	CALIFORNIA	R	84	A
Bill Owens	COLORADO	D	77	A
Ruth Ann Minner	DELAWARE	D	42	D
Jeb Bush	FLORIDA	R	66	B
Sonny Perdue	GEORGIA	R	57	D
Linda Lingle	HAWAII	R	66	C
Dirk Kempthorne	IDAHO	R	52	C
Rod Blagojevich	ILLINOIS	D	59	D
Tom Vilsack	IOWA	D	50	C
Kathleen Sebelius	KANSAS	D	53	D
John Baldacci	MAINE	D	68	B
Robert Ehrlich, Jr.	MARYLAND	R	64	C
Mitt Romney	MASSACHUSETTS	R	66	C
Jennifer Granholm	MICHIGAN	D	58	D
Tim Pawlenty	MINNESOTA	R	69	B
Bob Holden*	MISSOURI	D	35	F
Judy Martz*	MONTANA	R	75	A
Mike Johanns*	NEBRASKA	R	49	C
Kenny Guinn	NEVADA	R	40	D
Craig Benson*	NEW HAMPSHIRE	R	82	A
James McGreevey*	NEW JERSEY	D	42	F
Bill Richardson	NEW MEXICO	D	69	B
George Pataki	NEW YORK	R	63	B
Mike Easley	NORTH CAROLINA	D	53	C
John Hoeven	NORTH DAKOTA	R	57	B
Bob Taft	OHIO	R	30	F
Brad Henry	OKLAHOMA	D	65	C
Ted Kulongoski	OREGON	D	58	D
Edward Rendell	PENNSYLVANIA	D	48	F
Don Carcieri	RHODE ISLAND	R	66	C
Mark Sanford	SOUTH CAROLINA	R	70	B
Mike Rounds	SOUTH DAKOTA	R	68	B
Phil Bredesen	TENNESSEE	D	68	B
Rick Perry	TEXAS	R	55	B
James Douglas	VERMONT	R	64	C
Mark Warner	VIRGINIA	D	56	D
Gary Locke*	WASHINGTON	D	57	B
Bob Wise*	WEST VIRGINIA	D	43	D
James Doyle	WISCONSIN	D	66	C

Source: Cato Institute | Note: \* Governor has since left office

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# Budget & taxes

**S TATES FACING \$30 BILLION FEDERAL TAB:** The federal government intends to continue passing the buck — literally — to states, says the National Conference of State Legislatures. According to a report released by NCSL last week, state governments will have to pick up \$30 billion in costs associated with federal programs next year. That’s on top of the \$25.7 billion in unfunded federal mandates states were saddled with in fiscal 2004 and the \$25.9 in fiscal 2005 — 5 percent of states’ general revenues each of those years. Most of the added costs in 2006 will come from funding gaps in President Bush’s No Child Left Behind Act and the Individuals with Disabilities Education Act reauthorized by Congress last year. Each of those programs falls about \$9 billion short of required funding levels, NCSL says. Another major source of additional costs will be prescription drug coverage for “dual eligibles,” the millions of elderly people who qualify for both Medicare and Medicaid. The release of the NCSL report coincided with the commencement of Congressional hearings on the 1995 Unfunded Mandate Reform Act, which was supposed to have reduced the burden of federal mandates on state and local governments. (STATELINE.ORG)

**TAX PLAN DIVIDES MI INDUSTRIES:** A battle royal is shaping up in MICHIGAN between the state’s Big Three auto manufacturers — Ford, GM, Daimler Chrysler — and the insurance industry over a proposed business tax overhaul. Gov. Jennifer Granholm (D) has proposed retooling the state’s single business tax to grant manufacturers tax breaks for investment in plants and equipment. Granholm also wants to shift the weight of the tax off of sales and payrolls and more onto profits, a measure that would also benefit manufacturers whose employee rolls tend to be long and profits modest. To offset the reduction in revenue, the governor has proposed a new tax on insurance companies that could cost them \$250 million a year. David Cole, president of the Center for Automotive Research at the University of Michigan, said the tax changes are necessary to help the state’s crucial but struggling auto industry. “If the auto industry continues to have problems, its just going to be horrible for the state,” he said. Naturally, the insurance industry views the tax overhaul plan a little differently. Peter Kuhnmuensch, head of the Insurance Institute of Michigan, said, “This is really not a tax cut at all, its a tax shift, and we’re about 20 percent of the shift.” But State Treasurer Jay Rising says the insurance industry is being tar-



geted because its tax burden in Michigan is currently the 4th lowest in the country. Still, the industry is expected to lobby fiercely against the proposal. And observers say the Big Three, which have traditionally maintained a low profile in the Capitol, are going to have to step up their lobbying efforts significantly. As Bill Rustem, president of the Lansing-based think tank, Public Sector Consultants, put it, “The SBT (single business tax) was written for the auto industry, and they helped push it through. If they want these changes, they have to step up to the plate.” (DETROIT NEWS)

**CO LAWMAKER PROPOSES BUDGET SPLIT:** COLORADO lawmakers have been debating what to do about the state’s \$234 million budget shortfall for two months without making headway. Their primary stumbling block has been the constitutional spending restrictions imposed by the Taxpayers Bill of Rights (TABOR), which requires the state to refund surplus revenue to taxpayers. But last week, one of them came up with a novel solution to the dilemma. The plan, proposed by Rep. Bernie Buescher (D), calls for the Legislature to draft two six-month spending plans, instead of the usual one-year budget. The plan for the first six-months, beginning July 1, would be a bare-bones proposal, covering only required state services like Medicaid, education and prisons. The plan for the second six-month period, starting Jan. 1, would include optional items, such as funding for parks, a college scholarship program and additional Medicaid coverage. Voters would then be asked in November to consider changes to TABOR. If they approved the changes, the second plan would take effect as scheduled, but if they rejected them, spending would stay at the bare-bones level. Buescher’s fellow Democrats, who took control of both houses last fall, said they are intrigued by the plan. But some Republicans are skeptical. Gov. Bill Owens (R), for example, said he thought it might violate the state constitution and that “it needs a lot of study.” (DENVER POST, ROCKY MOUNTAIN NEWS [DENVER])

**BUDGETS IN BRIEF:** The **KENTUCKY** Legislature approved a major overhaul of the state’s tax code last week, ending more than a year of partisan conflict over the issue. If signed by Gov. Ernie Fletcher (R), the plan will, among other things, raise the tax on cigarettes from 3 cents to 30 cents a pack (LEXINGTON HERALD-LEADER, COURIER-JOURNAL [LOUISVILLE]). • The **PENNSYLVANIA** Supreme Court heard opening arguments last week in a challenge to the state’s new slot-machine gaming law on the grounds that it violates the state constitution’s single subject requirement and was changed from its orig-



inal purpose through amendment. Legal experts say such procedural challenges are rarely successful (ASSOCIATED PRESS, PITTSBURGH POST-GAZETTE). • **MARYLAND**'s highest court, the Court of Appeals, began deliberating whether to uphold a Baltimore circuit court's ruling that the state has shortchanged city schools hundreds of millions of dollars since 2000. Maryland is one of twenty-three states currently fighting a legal challenge to its public education funding system (BALTIMORE SUN). • **FLORIDA** received a split decision on gaming last Tuesday, with voters in Broward County approving a plan to allow slot machines at four sites, while Miami-Dade County, just to its south, rejected a similar proposal by a narrow margin. Voters across the state approved a measure in November allowing the two counties to decide whether to permit gaming within their borders (NEW YORK TIMES, ST. PETERSBURG TIMES). • **WISCONSIN** Gov. Jim Doyle (D) has proposed a 5 percent tax on downloads of music, books, movies or artworks off the Internet. The sales tax would not be policed; compliance would be strictly on the honor system. **SOUTH DAKOTA** is the only other state with such a tax in place (MILWAUKEE JOURNAL-SENTINEL). • The **TEXAS** Senate is considering a bill that would establish a flat tuition rate at the state's public universities. The proposal is aimed at getting students through the colleges faster than the 5 or 6 years that is becoming the norm — and costing the state millions — by encouraging them to take more classes each semester. (DALLAS MORNING NEWS).

— *Compiled by KOREY CLARK*

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## Politics & leadership

**D**EMS END HOOSIER HOUSE BOYCOTT: Last Monday, all of the members of INDIANA's House returned to the chamber for the first time since the Democrats' boycott two weeks ago, which killed over 130 bills. (See "**DEMS BOYCOTT KILLS 132 BILLS**," in March 7 *State Net Capitol Journal*) House Speaker Brian Bosma (R) greeted the assemblage with the stern pronouncement: "For the first time in quite some time, the chair declares a quorum." There was even a pastor on hand who spoke encouragingly of "resolving differences" and "bringing down the walls that separate." There's considerable doubt, however, about whether there will be any tearing down of walls in the near future. Bosma didn't seem particularly conciliatory when he warned the Democrats that their action didn't get them out of having to deal with the issues they oppose. "Those who did not want to vote on the hard issues will

be sadly disappointed,” he said. Bosma and Gov. Mitch Daniels (R) are compiling a list of 40 priority bills they will try to resurrect from the ones that were killed. The list is likely to include a bill that would require Hoosiers to show ID in order to vote, a measure that would give the governor his own prosecutor, a plan to fund a new stadium for the NFL’s Indianapolis Colts and a proposal to shift the state to daylight-saving time. For their part, the Democrats probably didn’t do much to foster bipartisan cooperation when they pointed out that it was the Republicans’ early passage of the state budget — the only task lawmakers are constitutionally required to complete during the session — that really made it possible for them to walk off the floor. But while that news may have been galling to GOP House members, it should also be instructive for them, as well as for legislators in other states with a constitutional quorum requirement. (INDIANAPOLIS STAR, JOURNAL GAZETTE [FORT WAYNE])

**DEAN FUNDRAISING MACHINE TAKES ON SCHWARZENEGGER:**

A powerful arm of the national group that raised millions of dollars for Howard Dean’s presidential bid has signed up to fight CALIFORNIA Gov. Arnold Schwarzenegger’s (R) ballot initiative campaign. The governor wants to adopt a new budget spending cap, limit the state’s contribution to public employee pensions, change the way teachers are paid and take away lawmakers’ power to draw legislative districts, and he is planning to take those proposals to the voters in a November special election if the Legislature doesn’t agree to them first. California for Democracy, however, says it will try to disrupt the governor’s plans by mobilizing its 9,000 volunteers wherever Schwarzenegger’s signature-gatherers take up positions. The group will also raise funds to counter the governor’s TV ad campaign, something it and its parent group, Democracy for America, have had some success with before. Democracy for America brought in about \$15 million dollars for Dean’s 2004 presidential run, mostly through contributions of \$100 or less, and many of them via the Internet. About a third of that total came from California, according to Rick Jacobs, who chaired Dean’s campaign in the state. The group’s decision to oppose the governor is another indication that he could have his hands full if he goes through with his special election plans. Other opponents of the governor’s proposals, including labor unions, teachers and nurses, have already pledged to load up the ballot with competing measures. (SAN FRANCISCO CHRONICLE)

**POLITICS IN BRIEF:** As expected, NEW JERSEY Gov. Richard Codey (D) conditionally vetoed portions of the “pay-to-play” bill passed by lawmakers two weeks ago in order to free up \$347 million in federal highway funds. The



measure now returns to lawmakers, who can only vote yes or no on the governor's veto (STAR-LEDGER [NEWARK]). • A **WASHINGTON** Senate proposal to shift the state's primary from September to August was derailed last week when it was determined that a two-thirds majority might be needed to pass it. Because an initiative approved by voters in November — I-872 — altered the state's primary election law, such a change can't be made for two years unless it is approved by a supermajority. The bill's sponsor said he would consult with his colleagues before determining how to proceed (OLYMPIAN). • Democratic Party leaders in **MAS-SACHUSETTS** are seeking to make it harder for contentious candidates for state-wide office to qualify for the primary ballot. Their plan would require each candidate to receive at least 15 percent of the delegates' support on the first ballot of the party's convention and allow only the top two candidates from the first ballot to contest for the party's endorsement on the second ballot (BOSTON GLOBE).

— *Compiled by KOREY CLARK*

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## Hot issues

**B** **USINESS:** The **MICHIGAN** Senate unanimously approves a trio of bills that would bar the unauthorized spread of “spyware,” computer software that can track Internet users' personal information without their knowledge. Senate Bills 53, 54 and 151 — move to the House (ASSOCIATED PRESS). • The **SOUTH CAROLINA** Senate approves legislation that says plaintiffs in damage suits can only collect full damage awards from defendants who are at least 50 percent responsible for what caused the injury or loss. The bill heads to the House (CHARLESTON POST & COURIER). • The **MISSOURI** Senate endorses a bill that would lower the “pain & suffering” cap on non-economic damages from a maximum of \$579,000 down to \$350,000. Because the bill was amended from an earlier version approved in the House, it now goes back to the other chamber (KANSAS CITY STAR).

**CRIME & PUNISHMENT:** The **WISCONSIN** Assembly endorses legislation that would allow police to release to the public information on juvenile sex offenders. The measure heads to the Senate (MILWAUKEE JOURNAL SENTINEL). • The U.S. Supreme Court rules that judges may not review police reports and other information from previous convictions to enhance a defendant's sentence. The decision stems from a **MASSACHUSETTS** case in which prosecutors sought to have a



judge lengthen a defendant's sentence based on his previous convictions (WALL STREET JOURNAL). • A **NEW MEXICO** Senate committee signs off on HB 576, which would end capital punishment in the Land of Enchantment. HB 576 would replace the death penalty with a sentence of life without parole. It goes to the full Senate (SANTA FEW NEW MEXICAN). • A **CONNECTICUT** joint legislative committee also endorses a measure that would repeal the Constitution State death penalty in favor of a life sentence without parole. It heads to the House for debate (NEW HAVEN REGISTER). • The **OHIO** Senate unanimously approves a measure that would make it a crime for people to refuse to tell police officers their name, address and age. It moves to the House (CINCINNATI ENQUIRER).

**EDUCATION:** The **ARIZONA** House approves HB 2544, which would ban soft drinks and candy sales during the school day at elementary, junior high and middle schools. The measure bounces off to the Senate (ARIZONA REPUBLIC). • The **KENTUCKY** General Assembly endorses SB 172, which bars the sale of soda at elementary schools during the school day, and limits the sale of retail fast food to one day a week. It heads to Gov. Ernie Fletcher (R) for review (COURIER JOURNAL [LOUISVILLE]). • The **ARIZONA** House endorses HB 2625, which would provide parents with vouchers of up to \$4,500 to send their kids to private or parochial schools. It moves to the Senate (ARIZONA DAILY STAR).

**ENVIRONMENT:** **SOUTH DAKOTA** Gov. Mike Rounds (R) signs a bill that reinstates prairie dogs to the Coyote State's list of known pests. The law also allows the critters to be poisoned under certain circumstances (GRAND ISLAND INDEPENDENT). • The **WASHINGTON** House sinks its teeth into a bill that would exempt landowners from getting a permit to use body-gripping traps to catch moles, gophers and other "nuisance" animals. The measure scurries off to the Senate (SEATTLE POST-INTELLIGENCER).

**HEALTH & SCIENCE:** A **FLORIDA** Senate Committee approves a bill that would require state child welfare officials to obtain parental permission before giving psychotropic drugs to a child held in state care. It faces several more committees (MIAMI HERALD). • The **SOUTH CAROLINA** House overwhelmingly approves HB 2450, which guarantees Palmetto State women the right to breast feed their children in public. It now gets exposed to the Senate (CHARLESTON GAZETTE).



**HOMELAND SECURITY:** The **ARIZONA** House okay's SB 1333, which would expand state racketeering laws to include acts of animal or ecological terrorism. The law would cover activities designed to stop forestry, harvesting and gathering natural resources, or that seek to prevent someone from entering an animal facility or research center (**ARIZONA DAILY STAR**). • Still in **ARIZONA**, the House endorses HB 2259, which would allow judges to impose a higher sentence on someone convicted of a crime if that person is in this country illegally. It moves to the Senate (**ARIZONA DAILY STAR**) • **UTAH** Gov. John Huntsman Jr. (R) signs SB 227, which bars illegal immigrants from receiving a Beehive State driver's license. The measure replaces licenses with a "driving privilege card" that cannot be used for identification (**SALT LAKE TRIBUNE**).

**SOCIAL POLICY:** The **GEORGIA** Senate approves HB 197, legislation that requires Peach State doctors to inform women seeking an abortion of the inherent risks involved in the procedure, potential fetal pain and possible alternatives, including adoption. It would also require the woman to wait a minimum of 24 hours after receiving the information before having an abortion. It heads to Gov. Sonny Perdue (R) for review (**ATLANTA JOURNAL CONSTITUTION**). • The **NEW HAMPSHIRE** House overwhelmingly rejects virtually identical legislation, saying it constitutes an undue burden on women that is not required for other medical procedures (**CONCORD MONITOR**). • A **FLORIDA** House committee

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## Quote...

"Abortion is not a trivial decision; it is a profound moral choice."

— **NEW HAMPSHIRE Rep. Joseph Miller (D) expressing why he opposed legislation that would have forced women seeking an abortion to wait 24 hours before undergoing the procedure.**

approves HB 701, which would require that incapacitated terminally ill people be given food and water unless they specifically state in a living will that they do not wish to be kept alive in this manner. It moves to the full House (**ST. PETERSBURG TIMES**). • The **WEST VIRGINIA** House unanimously endorses HB 2466, a bill that would remove all remaining segregationist language in the Mountain State constitution. It moves to the Senate (**CHARLESTON GAZETTE**). • The **NEW MEXICO** Senate says, "I do" to SB 597, a measure that prohibits same-sex marriage. If signed by

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## ... unquote

"This is Orwellian, a direct assault on the privacy of families and a direct assault on the protection we should give to children."

— **New Hampshire Rep. Tony Soltani (R) voicing his support for the measure, which went down to defeat. (CONCORD MONITOR)**

Gov. Bill Richardson (D), the bill would legally define marriage as only being between a man and a woman (SANTA FE NEW MEXICAN).

**POTPOURRI:** A **HAWAII** Senate committee unanimously approves a bill that would formally recognize Native Hawaiians as indigenous people. It moves to the full Senate (HONOLULU ADVERTISER). • The **OREGON** Senate approves a bill that would require passengers in shuttle vans and taxis to wear seat belts. It now moves to the House (STATESMAN JOURNAL [SALEM]).

— Compiled by RICH EHISEN

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# Once around the statehouse lightly

**S** IGHTS ON GARFIELD. Mark Smith loves birds. The WISCONSIN firefighter has bird feeders in his back yard and takes great pleasure in watching all the various species that chow down on his land. But Smith's affections don't extend to cats. In fact, The Associated Press reports, the La Crosse native has placed a proposal before the Wisconsin Conservation Congress that has cat owners clawing the air. Smith wants domestic cats designated as an "unprotected species" that can be shot at will by any Badgerite with a small-game license. The reason for his wrath? The laws of nature. According to a Univ. of Wisconsin wildlife professor, the state's kitties scarf down at least 8 million birds a year. Cat owners are not amused by the proposal, scheduled for a WCC hearing April 11. If approved, it becomes a recommendation to the Legislature.

**WITH NOTHING ELSE TO DO,** the NEW JERSEY Legislature last week passed one of those measures designed to foster bipartisan harmony. It named the Jersey tomato as the official state vegetable. Yes, The Associated Press and *Washington Post* report, the tomato isn't a vegetable at all but a fruit, but why let a botanical fact get in the way of a decent, non-controversial bill? Especially after the tomato lost out last year to the blueberry as the official state fruit. Others may have been equally qualified to serve as the New Jersey state fruit, but some of them likely were voting on these bills.





**WHATEVER.** That may not be the exact motto used by NEW MEXICO, but it comes close, reports The Associated Press. The exact motto is *Crescit Eundo*, which sounds high-falutin' in Latin but actually means "It Grows as it Goes." The problem? No one can interpret it. "As best I can figure," says Republican state Sen. Joe Carraro, "it has something to do with urban sprawl." The phrase actually dates back to the 1851 seal of a territorial governor, but no one knows who originated it or what it was intended to represent. Carraro has a solution: can it. His replacement for The Land of Enchantment: *Antiqua Suspice, Crastina Accipe* (Respect the Past, Embrace the Future).

— By A.G. BLOCK

**Editor:** Rich Ehisen — capj@statenet.com

**Associate Editor:** Korey Clark — capj@statenet.com

**Contributing Editor:** A.G. Block — capj@statenet.com

**Editorial Advisor:** Lou Cannon

**Correspondents:** Richard Cox (CA), Steve Karas (CA), Bruce McKeeman (CA), Kelli Walter (FL), Linda Mendenhall (IL), Lauren King (MA) and Ben Livingood (PA)

**Graphic Design:** Richard Hansen, Heather Conway

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