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The next issue of
Capitol Journal will be
available on May 21st.

The HPV Dilemma



Top Story

Statehouses have been inundated this year with bills seeking to mandate the use of a vaccine to prevent a virus known to cause cervical cancer. But a firestorm of controversy over a TEXAS mandate has put many of those bills on hold.

SNCJ Spotlight

States taking cautious approach to HPV vaccine

When TEXAS Gov. Rick Perry (R) issued an executive order in February mandating that pre-teen girls be inoculated against the sexually-transmitted human papillomavirus (HPV), as a condition of entering the sixth grade, many wondered if it would be just the beginning of a wave of similar gubernatorial or legislative decrees across the nation. (See *TEXAS puts HPV controversy under microscope* in the Feb. 12 issue of *SNCJ*) But while a massive lobbying effort by the vaccine's



maker, Merck & Co., prompted dozens of states to take up those measures, that wave has so far never materialized.

Although HPV has been strongly linked to cervical cancer, only one state — VIRGINIA — has also made the vaccine mandatory. According to the State Net database, similar bills are still pending in many states, including CONNECTICUT, MASSACHUSETTS, KANSAS, MINNESOTA, MICHIGAN, ILLINOIS, OKLAHOMA, NEW JERSEY and NEW YORK. Meanwhile, other mandatory vaccination bills have died in FLORIDA, HAWAII, MARYLAND, GEORGIA and MISSISSIPPI among others. KENTUCKY House Bill 345 made it through that chamber but then died in the Senate. NEW MEXICO lawmakers approved Senate Bill 1174, but Gov. Bill Richardson (D), who originally supported the measure, ultimately vetoed it.

But no HPV vaccination saga has been more notable than in TEXAS itself, where the Legislature overwhelmingly passed a bill last month to overturn Perry’s directive. While Lone Star State lawmakers had their own reasons for finding fault with Perry’s order — they were mostly incensed

“Look these women in the eyes and tell them, ‘We could have prevented this disease for your daughters and granddaughters, but we just didn’t have the gumption to address all the misguided and misleading political rhetoric.’”

that Perry had gone around them on the issue, particularly given that many members of both parties were strongly against making the vaccine mandatory — there was no shortage of other opposition to be found. Conservative groups were also outraged, saying the vaccine would promote sexual behavior, while many parents felt the order was a direct usurping of their rights to determine what was best for their daughters. Still others questioned everything from the vaccine’s high cost (around \$360) to its efficacy. Potential long-term side effects were also an issue for many critics, who noted that the FDA had granted its approval only months before.

Finally, and perhaps most damning of all, was Perry’s close ties to Merck, which manufactures the vaccine under the brand name Gardasil. Perry’s former chief of staff is now a Merck lobbyist, while his current chief of staff’s mother-in-law,

The week in session

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

States in Special Session: MS “a”, MT “a”

States in Recess: KS

States Projected to Adjourn: AK, AZ

States Adjourned in 2007: AR, CO, FL, GA, HI, IA, ID, IN, KY, MD, MS, MT, ND, NM, SD, UT, VA, WA, 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 05/11/2007)
Source: State Net database



TEXAS Rep. Dianne White Delisi (R), runs the lobbying group Merck used in its nationwide HPV campaign.

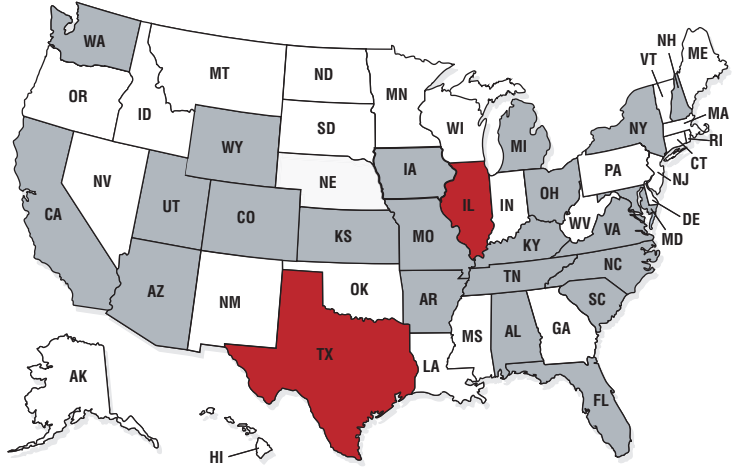
Acknowledging he had no chance of seeing a veto survive an override vote, Perry bitterly allowed House Bill 1098 to become law last week without his signature. Perry lashed out at lawmakers in a lengthy speech announcing his decision, challenging them “to look these women in the eyes and tell them, ‘We could have prevented this disease for your daughters and granddaughters, but we just didn’t have the gumption to address all the misguided and misleading political rhetoric.’”

Lawmakers, of course, did not see it that way. Many pointed to what they saw as Perry’s hubris in issuing his order without even letting them know he was considering it. “All the governor would have had to do is talk to us and he would have seen that we would have embraced a program where there was an opt-in instead of an opt-out,” said Lt. Gov. David Dewhurst.

But while Perry seemed reluctant to give ground on his stance, Merck had no such problems waving the white flag. Citing the intense controversy generated by its lobbying campaign — no doubt exacerbated by the hoopla over how TEXAS lawmakers responded to Perry’s order — the drug company announced back in March that it was ending its efforts to get lawmakers to make Gardasil a requirement.

But while most states have not mandated the vaccine, several have approved measures that will likely encourage many parents to have their pre-teen daughters inoculated. NEW MEXICO Gov. Bill Richardson (D) did sign off on SB 407,

Bird’s eye view



Source: FBI, State Net

Reports mental health information to NCIS

Has pending legislation

Most states don’t share mental health info with FBI



Although the mentally ill have been prohibited from buying firearms since the passage of the 1968 Gun Control Act, gun dealers had few resources

available to them for checking a potential buyer’s eligibility to own a weapon. The creation of the FBI’s National Instant Criminal Background Check System (NICS) in 1993 was supposed to change that by allowing gun sellers to instantly check a buyer’s mental health record before selling them their wares. But health privacy laws and assorted technical challenges have kept all but 22 states from reporting this information to NCIS. April’s mass shooting at VIRGINIA Tech, however, has already inspired lawmakers in TEXAS and ILLINOIS to introduce measures that would require those states to submit all mental health information to the federal database. Congress is considering similar legislation that would force all states to pony up their mental health information.



which requires insurers to cover the vaccination. NEVADA, RHODE ISLAND, COLORADO and ILLINOIS have all had similar bills get through at least one chamber. Several others, including MONTANA, MINNESOTA, MARYLAND, SOUTH DAKOTA and NEW YORK, have put together advisory groups to study HPV, while states like IOWA, NORTH DAKOTA, INDIANA, UTAH and WASHINGTON have approved measures that require schools to distribute information on HPV to parents.

A new study published in the New England Journal of Medicine also seems to support those who preferred a wait and see attitude toward Gardasil. According to the study, Gardasil did block almost 100 percent of infections by the two HPV strains it targets, but it reduced the overall incidence of cancer precursors by only 17 percent. The study also indicated that even if the vaccine successfully stops those two strains, in doing so it has allowed other minor strains to gain strength and become a serious threat as well.

It is too early to tell what impact, if any, the new study will have on bills still pending in statehouses. But Dr. Diane M. Harper of Dartmouth University, who helped design a related Merck-funded HPV study in the Journal, said nobody should believe that the current vaccine protects them completely from all the strains of HPV, noting “that’s just not true.” (WALL STREET JOURNAL, DALLAS MORNING NEWS, HOUSTON CHRONICLE, LOS ANGELES TIMES, STATE NET, AMERICAN MEDICAL NEWS)

“All the governor would have had to do is talk to us and he would have seen that we would have embraced a program where there was an opt-in insted of an opt-out.”

— *Compiled by RICH EHISEN*

Budget & taxes

CALIFORNIA FACING \$48B UNFUNDED LIABILITY: CALIFORNIA Secretary of State John Chiang (D) announced last week that Golden State taxpayers are going to have to shell out about \$48 billion over the next 30 years to cover the cost of health care for the state’s current and future public retirees. On the bright side, however, Chiang said that the state could cut that amount down to \$31 billion if it starts setting aside \$2.6 billion a year now. “These are big numbers, but they are not insurmountable,” he said. “We need not panic or rush to judgment.”

But some analysts say things are worse than even Chiang’s projections make them appear to be. The preliminary estimate issued by the Legislative Analyst’s Office last

year pegged the state's long-term liability at \$70 billion. And former Assemblyman Keith Richman, who's CALIFORNIA Foundation for Fiscal Responsibility plans to introduce a ballot measure in the next few weeks aimed at reforming the state pension and health benefit system, believes that Chiang underestimated the rate of health care inflation, and that the liability figure could actually be as high as \$100 billion. "Even if it's \$48 billion, which is probably too low of an estimate, it's still a huge number," he said. "It's time to address this problem, and it's time for special interest groups who continue to put their head in the sand to help resolve this issue."

But any such reform effort is likely to face strong opposition from the state's powerful public employee unions. As Gov. Arnold Schwarzenegger (R) discovered in 2005, when union pressure forced him to withdraw a ballot measure seeking to change the state's pension system from a defined benefit plan to a defined contribution plan, like a 401(k). The governor hasn't given up on the issue, but he's taking a slightly less aggressive approach this year: creating a commission to study it. (CONTRA COSTA TIMES, SACRAMENTO BEE)

MD PASSES LIVING WAGE LAW: MARYLAND became the first state in the nation to adopt a "living wage" law last week, when Gov. Martin O'Malley (D) signed a bill setting the minimum wage for employees of government contractors in the Baltimore-Washington area at \$11.30 per hour and \$8.50 per hour in the rest of the state. "What this bill simply says is, 'If you're working on a contract funded by the people of MARYLAND, we are going to treat you in a fair and just way so you can put food on the table for your family after a day's work,'" the governor said.

Some critics believe the Old Line State may actually be the only state to enact such a law. "There is a downside to mandated wage levels," said Marc Donohue, a spokesman for the National Federation of Independent Business. "If you do it to an extreme, you're going to damage your business climate, you're going to damage your small employers and you're going to hurt many of the people you're trying to help... so I don't imagine you're going to see a rash of living wages being enacted into law." Indeed, every other statewide effort in the nation over the past 13 years — since the city of Baltimore first adopted its living wage law in 1994 — has failed.

But others suggest that MARYLAND's two-tiered system for urban and rural areas could change that. Jeanne Mejeur, a labor and wage issue analyst for the National Conference of State Legislatures, suggested that the reason statewide efforts have failed in the past is because of the inconsistencies that exist between one local economy and the next. "A wage level that might be appropriate in an urban area would be a real hardship in a rural area," she said. And Christine Silvia-DeGennaro, a labor analyst for the AFL-CIO said, "We've seen so many living wage requirements pass at the county, city, municipal level, I think that certainly the state level is the next natural step." (BALTIMORE SUN)



BUDGETS IN BRIEF: Last week, **MASSACHUSETTS** Gov. Deval Patrick (D) proposed \$1 billion in funding for biotech research, including embryonic stem cell research. The proposal has the backing of both Senate President Therese Murray (D) and House Speaker Salvatore F. DiMasi (D) (**BOSTON GLOBE**).

• **COLORADO** lawmakers overrode Gov. Bill Ritter’s (D) veto of their spending plan for next year. The override — the first in nearly 20 years — sets up a constitutional power struggle between the executive and legislative branches. “It’s a separation-of-powers issue,” said Senate Majority Leader Ken Gordon (D). “We decide how much money goes to each department. We’re framing the issue for a court case” (**ROCKY MOUNTAIN NEWS**). • **FLORIDA** home and business owners who go solar — those who can afford to — could soon be receiving a healthy break on their property taxes, thanks to a provision of an energy bill on its way to Gov. Charlie Crist (R). Under that provision, property owners who install, say, a 4-kilowatt photovoltaic system, which runs about \$28,000, would see the taxable value of their property decrease by that amount (**TALLAHASSEE DEMOCRAT**). • The **ILLINOIS** House unanimously rejected Gov. Rod Blagojevich’s (D) proposed \$7.6 billion business tax last week. Although Blagojevich lobbied heavily for the tax, traveling across the state and appearing in TV ads to promote the measure, House lawmakers voted 107-0 against it (**CHICAGO TRIBUNE**).

— *Compiled by KOREY CLARK*

Politics & leadership

FLORIDA SHIFTS TO EARLY PRIMARY DATE: FLORIDA is poised to kick off the 2008 presidential election season in much the same way that it ended the 2000 race, not with hanging chads but with plenty of controversy. Two weeks ago, the nation’s most populous swing state passed legislation moving its primary from March to January 29, a week ahead of the Feb. 5 date designated by the national political parties as the earliest day that states other than a select few,

including IOWA, NEW HAMPSHIRE, NEVADA and SOUTH CAROLINA, can hold their primaries.

FLORIDA’s move has only added to the chaos that already surrounds next

year’s nominating process, with numerous states jockeying for position, and several delegate-rich ones, such as CALIFORNIA, NEW JERSEY and NEW YORK, pushing their primaries up to the Feb. 5 cutoff. As a result of the Sunshine State’s action, lead-off primary states, like NEW HAMPSHIRE and SOUTH CAROLINA could move up their primaries, maybe even to this year. “SOUTH CAROLINA will name a date that

“It could be as early as Halloween and our version of trick-or-treat, if we have to.”



keeps us first in the South,” said state party chairman Katon Dawson. “It could be as early as Halloween and our version of trick-or-treat, if we have to.”

In an effort to put some teeth in their Feb. 5 mandate, the national parties had threatened to strip violating states of half of their delegates to the national nominating conventions. But FLORIDA’s Republican legislative leadership didn’t consider that much of a threat. “We have people who get invited to a big party where they drop a balloon and people wear funny hats,” said House Speaker Marco Rubio (R). “But they don’t have any role to play.”

It turns out that Democrats nationwide are the ones who may end up suffering most from FLORIDA’s primary switch. The national Democratic Party is considering actually taking away all of the state’s Democratic delegates, or alternatively, making the state’s Democratic primary nonbinding, with the official party selection to be determined at a later date.

Either of those scenarios would likely make the state’s primary seem like little more than a beauty contest to Democratic candidates looking ahead to the super-sized primary on Feb. 5, which could come

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Upcoming elections

(05/10/2007 - 05/31/2007)

05/15/2007

California Special Primary

Assembly District 39

Massachusetts Special Election

House 11th Norfolk

05/22/2007

Kentucky Primary Election

US Senate Class II & III;

US House District 1, 2, 3, 4, 5, 6

Constitutional Officers: Governor,

Lieutenant Governor,

Secretary of State, Treasurer,

Attorney General,

Auditor of Public Accounts;

Commissioner of Agriculture

05/29/2007

Massachusetts Special Primary

Senate 1st Suffolk and Middlesex

New Hampshire Special Election

House Hillsborough District No. 9
(Manchester Ward 2)

back to haunt the Democratic nominee.

“The danger is that every Republican candidate spends time here trying to win FLORIDA, and the Democrats are noticeably absent, said Democratic strategist Chris Hand. “That doesn’t play out well in the general election. I wouldn’t want to be the Democratic presidential nominee who skipped FLORIDA’s primary.” Democratic consultant Karl Koch agrees. “The risk is we put our Democratic candidates



POST-VA TECH LEGISLATION: The impact of last month’s shooting at VIRGINIA Tech is already being felt in the nation’s statehouses. According to State Net’s database, at least 15 states have introduced or taken action on measures with an apparent link to the tragic events on April 16. One of those bills, OKLAHOMA’s State Campus Security Act (HB 1556), though introduced in February, was signed by Gov. Brad Henry (D) on April 18. Several of the other notable pending measures, including NEW YORK AB 7888, AB 7957, AB 8104 and SB 4886 and PENNSYLVANIA HR 232, provide for the creation of campus text message and e-mail emergency notification systems. DELAWARE HB 139 addresses that same issue but with a slightly lower-tech approach, mandating the installation of emergency warning sirens at public and private schools and colleges. CALIFORNIA SB 166, NEW YORK AB 8062 and SB 5435 concern the development of school emergency preparedness plans. NORTH CAROLINA HB 1417 and WASHINGTON HB 2409 call for electronic mapping of school campuses for use by emergency response agencies. And finally, ALABAMA SB 473 and SOUTH CAROLINA HB 3964 authorize individuals to carry firearms on school campuses with a permit, while ILLINOIS HB 4095 restricts the mentally ill from accessing a gun. (STATE NET)

— *Compiled by KOREY CLARK*

Governors

GOVSN LAMENT NATIONAL GUARD LOSSES: With the wars in Iraq and Afghanistan now in year four, several governors are beginning to feel the pinch of not having a full complement of National Guard units and equipment, a depletion that has many worried they will be unable to deal adequately with a major disaster in their state.

The issue came to the forefront last week after tornadoes cut a swath across KANSAS, leaving 11 people dead and some towns completely destroyed. Gov. Kathleen Sebelius (D) complained afterward that a shortfall in trained personnel

and equipment hurt the state’s ability to respond quickly to the situation. She added that the ongoing war is creating a dangerous situation for those left to defend the safety of the home soil, saying “We have a looming crisis on our hands.”

“A lot of equipment has gone to Iraq and the equipment doesn’t come back when the troops come back.”

Governors or other officials in MARYLAND, ARKANSAS, OREGON, NEVADA, ILLINOIS and CONNECTICUT have voiced similar concerns of late over what they see as excessive manpower and machinery reductions caused by their Guard units being deployed overseas. “A lot of equipment has gone to Iraq and the

equipment doesn't come back when the troops come back," said CALIFORNIA Gov. Arnold Schwarzenegger (R), who's state has lost more than 700 Humvees and 1,100 high-water vehicles to foreign service. That leaves the state with less than half of what it is supposed to have on hand for use in emergencies.

NORTH CAROLINA Gov. Mike Easley (D) said last week that the Tar Heel State also has only about half the equipment it needs to respond to a major disaster. Easley

said the current Guard units could probably handle a hurricane, but "a pandemic or something like that may be a different question."

The Pentagon has acknowledged that Guard units have only about 56 percent of their required equipment, which marks the lowest total since the 9/11 terrorist attacks. In response, the Bush administration is requesting that Congress authorize \$22 billion for the Army National Guard over the next five years, which would take Guard equipment levels up to 76 percent.

"The Pentagon says the plan is to replace 90 percent of equipment over the next six years. I don't think there is a governor in the country who thinks that is a safe and sound strategy for managing security at home."

But Sebelius contends that figure is woefully inadequate to meet the states' needs. "The Pentagon says the plan is to replace 90 percent of equipment over the next six years. I don't think there is a governor in the country who thinks that is a safe and sound strategy for managing security at home." (NEWSWEEK, ASSOCIATED PRESS).

SCHWARZENEGGER MULLS PRIVATIZING LOTTERY: CALIFORNIA Gov. Arnold Schwarzenegger (R) plans to call for privatizing the Golden State's lottery when he releases his May budget revise this week. According to documents released to legislative staff beforehand, Schwarzenegger wants to lease the lottery to a private company for up to 40 years in exchange for a lump-sum payment or series of payments totaling as much as \$37 billion.

Schwarzenegger's communications director, Adam Mendelsohn, said the governor believes a private company would likely do a better job of running the lottery than the state does, resulting in more players and more money getting into the system. "CALIFORNIA has one of the lowest-performing lotteries in the country," Mendelsohn said. "Taxpayers could see two to three times more money go into state coffers." Golden State residents currently spend an average of \$81 per year on the lottery, significantly less than the national average of \$158.

According to proposals drafted by investment banks like Goldman Sachs and Lehman Brothers, privatizing the lottery could make a dramatic impact on some of the state's long-standing fiscal problems by helping to pay down some of the state's long-term debt while also providing more money for education and perhaps even



producing a sizable nest egg to boot. Some Democratic lawmakers, however, contend that the governor’s proposal would produce only short-term benefit while costing the state revenues in the long run.

ILLINOIS, COLORADO, MICHIGAN, NEW JERSEY, OHIO and TEXAS are also considering leasing their lotteries to private interests. (LOS ANGELES TIMES, SACRAMENTO BEE)

CORZINE BACK ON THE JOB: NEW JERSEY Gov. Jon Corzine (D) re-took control of the Garden State government last week, not even a month after suffering serious injuries in a near-fatal car crash. Corzine reiterated his regret for not wearing a seat belt at the time of the accident, saying “I can promise you, buckling up is a hell of a lot easier on your body and health than what I’m going through.” Although his body is far from mended — he suffered numerous broken bones in the wreck and will be using crutches for a while — doctors said his mind was definitely sharp enough to conduct state business. In deference to his physical condition, however, Corzine will spend the next month working from his personal residence. “I’m not going to be hightailing it all over the state, to the four corners, for a while,” he said.

GOVERNORS INS BRIEF: Show Me State lawmakers handed **MISSOURI** Gov. Matt Blunt (R) a long-sought victory last week when they approved his plan to convert \$350 million in student loan assets into college construction projects. The House voted 91-64 to liquidate assets from the **MISSOURI** Higher Education Loan Authority over the next six years. Blunt is expected to sign the measure this week (ST. LOUIS POST-DISPATCH). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) signed AB 900, a \$7.9 billion prison spending plan that adds space for 53,000 prison and jail beds. Lawmakers passed the measure in an effort to prevent a federal judge from imposing population caps that could lead to the state being forced grant early releases to thousands of convicted felons (SACRAMENTO BEE). • **NEVADA** Gov. Jim Gibbons (R) said he will ask the Silver State attorney general’s office to evaluate any legal risk the state may face from Senate Bill 567, which suspends tax breaks for energy efficient building projects, before he determines if he will sign it into law. Gibbons has threatened to veto the measure if it exposes the state to potential liability from building projects using Leadership in Energy and Environmental Design (LEED) standards (LAS VEGAS REVIEW-JOURNAL). • **WASHINGTON** Gov.

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: 393

Number of Intros last week: 1,963

Number of bills enacted/adopted last week: 1,533

Number of prefiles to date: 33,549

Number of Intros to date: 136,356

Number of enacted/adopted overall to date: 21,196

— Compiled By JAMES ROSS
(measures current as of 05/10/2007)
Source: State Net database



Christine Gregoire signed legislation to allow Evergreen State local governments to bypass voter approval to impose a vehicle fee of as much as \$20 to help finance transportation projects and public transit (SEATTLE TIMES).

— Compiled by RICH EHISEN

Hot issues

BUSINESS: The MASSACHUSETTS House approves a measure that would require retailers to immediately notify consumers of a data security breach. The proposal would also allow consumers to place a security freeze on their credit report while requiring state officials to delete parts of a person’s Social Security number on documents containing personal information if federal authorities don’t require the full number. It moves to the Senate (BOSTON GLOBE). • **MARYLAND** Gov. Martin O’Malley (D) signs legislation that will force government contractors to pay their employees a “living wage” of at least \$8.50-per-hour in rural areas and \$11.30 in the Washington-Baltimore corridor. The Old Line State becomes the first in the nation to adopt such a statute (WASHINGTON POST). • The **ARIZONA** House approves HB 2291, which would bar Grand Canyon State retailers from selling or sharing information gathered from a customer’s driver’s license or other state-issued ID. Violators could face fines up to \$5,000. It goes to Gov. Janet Napolitano (D) for review (ARIZONA DAILY STAR [TUCSON]). • The **DELAWARE** Senate unanimously approves legislation that would allow First State insurers to use a credit score to set a new customer’s auto or homeowner’s rates, but bar using credit history for setting renewal rates. The measure moves to the House (NEWS JOURNAL [NEW CASTLE-WILMINGTON]).

- **INDIANA** Gov. Mitch Daniels (R) signs legislation that requires massage therapists to obtain a license to do business in the Hoosier State (INDIANAPOLIS STAR).

CRIME & PUNISHMENT: The LOUISIANA House overwhelmingly approves HB 108, which would ban cockfighting by 2008. The Pelican State is the last in the nation to allow the activity, which detractors call inhumane. It moves to the Senate (ADVOCATE [BATON ROUGE]). • **INDIANA** Gov. Mitch Daniels (R) signs legislation that would make animal cruelty and bestiality Class D felonies punishable by up to three years in jail and a \$10,000 fine (INDIANAPOLIS STAR). • A **TENNESSEE** House committee approves legislation that would allow residents to carry handguns in parks, playgrounds and other state and local government-owned recreational facilities. It moves to the full House (KNOXVILLE NEWS SENTINEL).

EDUCATION: The FLORIDA Senate unanimously endorses HB 451, which would create a one-year pilot program to test students from ninth through 12th grade

who participate in football, baseball and weight lifting for anabolic steroids. It goes to Gov. Charlie Crist (R) for review (PALM BEACH POST). • The **OREGON** House unanimously endorses HB 2637, which would require school districts to develop policies to deal with students who use the Internet to bully a classmate. The measure applies only to activity conducted on school grounds or at school events. It moves to the Senate (STATESMAN JOURNAL [SALEM]).

ENVIRONMENT: Thirty one states announce they will form a national coalition called the Climate Registry to measure greenhouse gas emissions. Although industry participation will be voluntary, those entering into the registry will have to agree to calculate their emissions in the same way. The new registry is modeled after the system used in **CALIFORNIA** (SAN FRANCISCO CHRONICLE). • The **CONNECTICUT** Senate approves legislation to expand the state’s bottle deposit law to include water and other noncarbonated beverages. It moves to the House (HARTFORD COURANT).

HEALTH & SCIENCE: The **ARIZONA** House rejects SB 1032, legislation that would have required “clear and convincing” evidence that medical personnel did poor work before a patient could sue for malpractice. The current standard calls only for a preponderance of evidence that a doctor erred (ARIZONA REPUBLIC [PHOENIX]). **KANSAS** health officials begin regulating lipodissolve procedures, a series of injections to reduce or eliminate body fat. Officials will determine in July if their oversight will be permanent (WICHITA EAGLE). • The **ALABAMA** House rejects a proposal to license and register midwives. The Heart of Dixie is one of 10 states that bar “direct-entry” midwifery, which allows someone other than a nurse or doctor to attend a birth outside a hospital (MONTGOMERY ADVERTISER).

HOMELAND SECURITY: The U.S. Office of Homeland Security announces it will move forward with plans to enact the federal Real ID Act, which will impose strict new national standards for states issuing driver’s licenses. To date, **MONTANA** and **WASHINGTON** have passed laws declaring their intent not to adhere to the law, while **IDAHO** has pledged to not fund the law’s implementation. Numerous other states have also passed or are considering resolutions to resist the measure (NEW YORK TIMES).

IMMIGRATION: **OKLAHOMA** Gov. Brad Henry (D) signs HB 1804, which sets criminal penalties for knowingly harboring illegal immigrants and cuts off public benefits to people in the state illegally, except in cases of medical emergencies or emergency aid. Employers will also be required to check the legal status of all workers through a federal verification system or risk penalties and legal action (OKLAHOMAN [OKLAHOMA CITY]).



SOCIAL POLICY: The **FLORIDA** House rejects a measure that would have required a judge to determine whether a minor was being forced to get an abortion without notifying her parents. House lawmakers killed the measure after the Senate removed requirements for women to have an ultrasound and wait 24 hours before having an abortion (PALM BEACH POST). • The **LOUISIANA** House endorses SB 25, which would require doctors to tell women seeking an abortion that their fetus will feel pain. The measure moves to the Senate (ADVOCATE [BATON ROUGE]). • The **ALASKA** House rejects a proposed constitutional amendment that would have barred the state from extending health and other benefits to same-sex couples. A 2005 state Supreme Court decision mandated those benefits for state employees and retirees (FAIRBANKS DAILY NEWS). • **OREGON** Gov. Ted Kulongoski (D) signs legislation that makes the Beaver State the fourth in the nation to have domestic partnerships for same-sex couples. Kulongoski also signs a measure that bars discrimination in employment and housing based on sexual orientation (SEATTLE POST INTELLIGENCER). • The **CONNECTICUT** House unanimously approves legislation that would ban protests for one hour before and after a funeral, burial or memorial service. The measure moves to the Senate (HARTFORD COURANT).

POTPOURRI: The **FLORIDA** Legislature endorses HB 985, which would allow private companies to take over some current toll roads in the Sunshine State. The measure, which now heads to Gov. Charlie Crist (R), would also allow those companies to build and run new toll roads (PALM BEACH POST). • The **CALIFORNIA** Assembly approves AB 881, which would require children to ride in back-seat booster seats until age 8 unless they are 4-foot-9 or taller. Current Golden State law only requires the rear booster seats until age 6. The measure moves to the Senate (SACRAMENTO BEE). • The **OREGON** House approves HB 2702-A, which requires the state to develop a plan for all government documents to use plain language, simple sentences and be of readable layout and lettering size. It moves to Gov. Ted Kulongoski (D) for review (STATESMAN JOURNAL [SALEM]).

— Compiled by *RICH EHISEN*

Upcoming stories

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

- **Hiring illegal workers**
- **Who's liable for data security breaches?**
- **Predatory lending**

Once around the statehouse lightly

FOR THE BIRDS I: Residents complained bitterly, but their grumps and groans fell on deaf ears. TEXAS State University planned to proceed with the nation's largest "body farm," fencing off a 17-acre site as a forensic anthropology research facility. That meant placing cadavers — some buried; some not — hither and yon inside the fence to study how they decompose. According to the *Austin American-Statesman*, research gleaned from the facility would help law enforcement better cope with outdoor crime scenes. Neighbors were outraged, but no amount of wailing and whining could move the university off its goal. Nevertheless, the plan has been scuttled. Seems the facility was too close to the San Marcos Municipal Airport, and aviation authorities worried that planes might be at risk from the large number of buzzards expected to inhabit the vicinity. Not making this up, folks.

FOR THE BIRDS II: In another bit of wailing and whining from another kind of bird, celebrity whatever Paris Hilton was sentenced to 45 days at CALIFORNIA'S Century Women's Correctional Facility for driving with a suspended driver's license. Hilton and her entourage were outraged by the penalty, issued by a traffic court judge after the hotel heiress was cited for the umpteenth time. Her license originally had been yanked for driving under the influence, but she continued to motor along — comforted by advice from her manager, who since has been sacked and re-hired. Pleading ignorance and innocence, Hilton has launched an effort to overturn the judge's ruling. Her tactic, according to the *Los Angeles Times*: a pardon from a fellow celebrity, Governor Arnold Schwarzenegger. Legal experts doubt Schwarzenegger will comply, despite a ham-handed internet petition that is effusive in its praise for the governor. An administration spokesman warned that the governor only acts in "very extraordinary circumstances." Being a public ditz does not likely meet the administration's threshold for "extraordinary."

LOOPHOLE OF THE WEEK comes from TEXAS where the *Houston Chronicle* reports that an anti-smoking bill was passed with so many exemptions that it may be useless. Designed to ban smoking in public places, the measure includes a passage that appears to permit smoking if the owners of a property decide to allow it. That means the operator of a bar or restaurant would not be the final authority if he or she did not actually own the property. The bill — as amended last week — also exempts a raft of other locales.



LOOPHOLE NEEDED in ILLINOIS, however, where the Associated Press reports that the Chicago City Council has refused theaters an exemption to the city’s 18-month-old smoking ban. The exemption wasn’t sought on behalf of patrons; it was meant for actors on stage, who smoke when their character calls for it. A panel of six alderman rejected the exemption on a 4-2 vote. A spokesman for the theater community said that actors will ignore the ban, which he characterized as “telling an artist which paint to use.”

HEEL-COOLING DEPARTMENT: Mitch Daniels will be able to attend the meeting. He just won’t be allowed in the room when his colleagues make their pitch. That’s because the National Football Association has banned politicians from taking part in live presentations meant to secure the 2011 Super Bowl. Daniels, the governor of INDIANA — along with Indianapolis Mayor Bart Peterson — will have to wait elsewhere while other reps pitch their city. NFL owners consider the politicians a distraction, reports the *Indianapolis Star*. Dallas and Phoenix are the Hoosiers’ competition, but the governors of TEXAS and ARIZONA won’t be allowed in the room, either.

— *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), Jeff Kinnison (CA), Linda Mendenhall (IL),
Lauren King (MA) and Ben Livingood (PA)

Graphic Design: Vanessa Perez

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