

# Final Verdict?



October 1, 2007

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● The next issue of Capitol Journal will be available on October 8th.

## Top Story

*The Supreme Court has agreed to take on two of the most controversial and politically charged issues facing states today: voter ID laws and the use of lethal injection to execute condemned prisoners.*

## SNCJ Spotlight

### High court takes on major state issues

With the 2008 presidential election just around the corner, the U.S. Supreme Court announced last week that it will consider one of the most politically charged election-related issues: whether state laws that require voters to show photo identification at the polls discriminate against the poor and minorities.

The battle over the controversial laws, which have been passed in seven states since the contested 2000 presidential election (17 other states have since

required voters to present non-photo ID), has generally been fought along party lines in state legislatures: Republicans favor the laws as a way of combating voter fraud and Democrats contend that they discourage poor people and minorities, who often lack government-issued ID, from going to the polls.

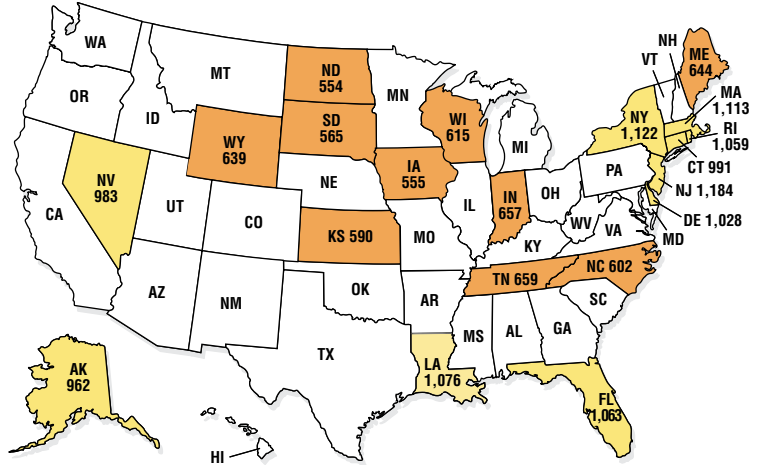
The case accepted by the court last Tuesday, which comes from INDIANA, holds true to that rule. The case was brought by the state Democratic Party, which claims that Republicans “relied on fear and flimsy legal logic to push through a policy that deters voting instead of promoting it,” while the defendant, Secretary of State Todd Rokita (R), maintains that “voter fraud exists, and Hoosiers shouldn’t have to become further victims of it.”

Richard L. Hasen, an expert on elections law at Loyola Law School in Los Angeles, CALIFORNIA, said the partisan divide over the issue extends to the judiciary. The MICHIGAN Supreme Court ruled in favor of that state’s voter ID law on a party-line vote, and the judges on the U.S.

**“Voter fraud exists, and Hoosiers shouldn’t have to become further victims of it.”**

the majority opinion, stated, “Voting fraud impairs the right of legitimate voters to vote by diluting their votes.” Dissenting Judge Terence T. Evans, countered: “Let’s not beat around the bush. The INDIANA voter photo ID law is a not-too-thinly veiled attempt to discourage election-day turnout by folks believed to skew Democratic.”

**Bird’s eye view**



Source: National Association of Insurance Commissioners

Most expensive Cheapest



**Garden State most expensive for auto insurance problem**

Drivers looking for cheap car insurance should bypass NEW JERSEY and focus their attention on the Midwest. According to a new report from the National Association of Insurance Commissioners (NAIC), Garden State residents fork over an average of \$1,184 per year for auto insurance, about \$60 more than their neighbors in NEW YORK and \$355 more than the national average of \$829. It is the 18th time in the last 20 years that NEW JERSEY has had the highest insurance rates in the nation. In contrast, NORTH DAKOTA and IOWA residents enjoy the cheapest auto insurance rates at \$554 and \$555 respectively. The accompanying map shows the most and least expensive states to buy car insurance.

Court of Appeals for the 7<sup>th</sup> Circuit, in upholding INDIANA’s law, voted pretty much in line with whichever party appointed them.

Judge Richard A. Posner, who wrote



If the Supreme Court justices were to strictly follow the party line, INDIANA’s law would be upheld 7-2. But many of the court’s recent high-profile rulings have been a little closer: 5-4.

That same razor’s edge verdict may play out in another major state issue the high court also agreed to take on last week: an appeal from two KENTUCKY death row inmates who claim the drug cocktail used in Bluegrass State lethal injection cases violates the Constitution’s prohibition on cruel and unusual punishment. Their decision will ultimately impact all 37 states that use lethal injection to execute condemned prisoners.

The three-drug cocktail — an anesthetic, muscle paralyzer and a chemical that snuffs out heart function — is designed to render the person unconscious before death occurs. But death penalty opponents have long claimed the mix, if not properly administered, can cause the condemned person to suffer excruciating pain before they die.

There have been at least 927 lethal injection executions since 1972, including 41 this year. But according to the Death Penalty Information Center, at least 10 states have recently suspended executions while they try to sort out what do next. the Death Penalty Information Center’s Richard Dieter says that is likely to expand to all death penalty states until the high court renders a verdict. “I think that the impact is going to be a large-scale hold on executions across the country,” Dieter says.

The court’s involvement has already resulted in at least one stay of execution, as the justices issued a highly unusual reprieve to a condemned TEXAS inmate just hours

**“I think that the impact is going to be a large-scale hold on executions across the country.”**

before he was to be put to death. TEXAS officials had already proceeded with one planned execution last week — the state’s 26th of the year — and Gov. Rick Perry (R) had made it clear there were no plans to postpone number 27. But the inmate, convicted murderer Carlton Turner, Jr., appealed his sentence to the Supreme Court immediately after it agreed to decide the constitutionality of the lethal injection process, and last Thursday justices issued their stay order.

No breakdown was given on how the justices voted, but at least five votes were needed to support the stay appeal. Many observers believe the rapid approval of that

## The week in session

**States in Regular Session:** DC, MA, MI, OH, PA, US

**States in Perfunctory Session:** IL  
“a”-“p”

**States in Veto Session:** IL

**States in Special Session:** FL “c”, PA “a”

**States in Recess:** NH, NJ, NY, WI

**Special Sessions in Recess:** CA “a”, CA “b”, DE “a”

**States Currently Prefiling or Drafting for 2008:** CO, DE, FL, KS, KY, OK

**States Adjourned in 2007:** AK, AL, AR, AZ, CA, CO, CT, DE, FL, GA, HI, IA, ID, IN, KS, KY, LA, MD, ME, MN, MS, MT, NC, ND, NE, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WA, WV, WY

**State Special Sessions Adjourned in 2007:** AK “a”, AL “a”, CT “a”, CT “b”, FL “a”, FL “b”, HI “a”, KY “a”, KY “b”, MN “a”, MO “a”, MS “a”, MT “a”, MT “b”, NC “a”, NM “a”, NV “a”, UT “a”, WI “a”, WV “a”, WV “b”

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS  
(session information current as of 09/28/2007)  
Source: State Net database



appeal could indicate the court’s openness to issuing similar stays before they make a final decision on whether to allow lethal injection to continue. The court is not expected to begin hearing arguments until January 7.

But even without more appeals, some states may implement their own official or de facto moratoriums. A federal judge in ALABAMA is set to hear appeals this week from two more death row inmates who are also challenging lethal injection. In light of that case, ALABAMA Gov. Bob Riley (R) last week granted a 45-day stay of execution of another convicted killer so the state could change its lethal-injection protocol. A Riley spokesperson said the governor wanted to be sure the new injection process would “include additional safeguards to make sure the inmate is unconscious before the lethal drugs are administered.” (WASHINGTON POST, CINCINNATI ENQUIRER, CNN.COM, LOS ANGELES TIMES, NEW YORK TIMES)

— *Compiled by KOREY CLARK and RICH EHISEN*

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## Budget & taxes

**C**ONGRESS PASSES SCHIP BILL: With considerable support from across the aisle, congressional Democrats passed legislation last week that would renew and expand the State Children’s Health Insurance Program.

The measure passed 265-159 in the House, with 45 Republicans joining most of the chamber’s Democrats in supporting the measure, and 67-29 in the Senate, with 18 Republicans voting in favor. But despite the bipartisan support on the Hill, it appears unlikely that the bill will become law as is. President Bush has said repeatedly that he will veto the measure, calling it “part of the Democrats’ incremental plan toward government-run health care.” And although vote in the Senate was veto-proof, the House vote was well short of the two-thirds (290-vote) majority needed for an override.

Bush has offered to boost SCHIP-spending by \$5 billion over the next five years. But that sum is only a seventh of what the House bill calls for to add 3-4 million more children to the program and is insufficient to cover even the current number of enrollees, analysts say.

Consequently, House Speaker Nancy Pelosi (D-CALIFORNIA) has vowed to continue sending the bill back to Bush until he gives in. “This fight will not end this week or next,” she said. “This legislation will haunt him again and again.... It’s not going away, because the children are not going away.” (LOS ANGELES TIMES, NEW YORK TIMES)

**MI FACING POSSIBLE SHUTDOWN:** MICHIGAN Secretary of State Terri Lynn Land suggested last Tuesday that state residents who need to renew their driver’s



licenses might want to do so now — because pretty soon they may not be able to do so for a while. The state is facing a \$1.75 billion shortfall in the fiscal year that began today (Oct. 1), and in the absence of a balanced budget or a temporary extension, several state services could be shut down. “Because of the state’s uncertain budget situation, those needing Secretary of State services within the next couple of weeks may wish to act now and avoid possible delays,” she said in a statement. It was unclear specifically which services would be affected, because although state departments had been working on contingency plans, Gov. Jennifer Granholm (D) had not made them public (ASSOCIATED PRESS, SOUTH BEND TRIBUNE).

**BUDGETS IN BRIEF: MARYLAND** Gov. Martin O’Malley (D) said last week that he will propose legislation to allow 9,500 slot machines at various locations in four counties across the state, a significant departure from his stance on the issue as a candidate last year, when he advocated permitting a limited number of machines at racetracks to prop up the state’s horse racing industry. Aides said the shift was part of a compromise between O’Malley (D) and lawmakers to close a \$1.7 billion shortfall in next year’s budget (WASHINGTON POST).

— *Compiled by KOREY CLARK*

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# Politics & leadership

**FEDS PLAYED POLITICS WITH CA EMISSIONS PLAN: CALIFORNIA** has been waiting for nearly two years for an EPA waiver to allow it to set greenhouse gas emissions standards for cars and trucks. And over the last four months, the Bush administration has been working behind the scenes to prevent that request from being granted, according to a congressional oversight committee.

The House Committee on Oversight and Government Reform released a series of e-mails and other information last Monday showing that U.S. Secretary of Transportation Mary Peters, with the knowledge of the White House, directed an effort to persuade

**“We’re deeply disappointed to hear of confirmed reports of back-room maneuvering to deny our request.”**

members of Congress and state governors to oppose CALIFORNIA’s waiver request.

In one of the e-mail messages, dated May 22, Jeff Shane, Peters’ undersecretary for policy, told

Department of Transportation staffers that Peters “asked that we develop some ideas a.s.a.p. about facilitating a pushback from governors (esp. D’s) and others opposed to piecemeal regulation of emissions, as per CA’s waiver petition.”



In another message, a DOT staffer informed Peters' chief of staff that the chief of staff at the White House Council on Environmental Quality, Marty Hall, was "OK with (the secretary) making calls" to members of Congress.

From interviews of Hall and others, the House committee learned that five department staffers called 20 to 25 members of Congress, and that Peters personally contacted two to four governors as well as the head of the EPA, Stephen Johnson.

The revelations actually come three months after the committee revealed that it had learned DOT staffers had been calling the Hill, trying to get members to weigh in against the EPA waiver. Which prompted Mary Nichols, chairwoman of CALIFORNIA's Air Resources Board to remark, "We're deeply disappointed to hear of confirmed reports of back-room maneuvering to deny our request."

DOT released a statement defending its actions as "legal, appropriate and consistent with our long-held position on this issue." And a spokeswoman for White House Council on Environmental Quality Chairman James L. Connaughton said, "Outreach by federal officials to state government counterparts and members of Congress on issues of major national policy is an appropriate and routine component of policy development."

But while Rep. Henry Waxman (D-CALIFORNIA), chairman of the House Oversight Committee, concurred that DOT hadn't broken any laws, he was highly critical of Peters' approach. "If Secretary Peters has concerns about whether CALIFORNIA's application meets the legal standards set forth in the Clean Air Act, she should submit comments to EPA making her case," he said. "Instead of taking this action, however, she apparently sought and received White House approval to use taxpayer funds to mount a lobbying campaign designed to inject political considerations into the decision."

Some believe DOT's activities may ultimately help CALIFORNIA's cause. Frank O'Donnell, head of Washington D.C.-based Clean Air Watch, said "these revelations will make it harder for EPA to turn down CALIFORNIA's request because it will appear as if the fix was in from the beginning."

The EPA has said it will make its decision before the end of the year. But the next major break in the story could come in just a few weeks, with CALIFORNIA Gov. Arnold Schwarzenegger (R) having announced in April that the state will sue if the

## Upcoming elections

09/27/2007 - 10/18/2007

10/02/2007

**South Carolina Special Runoff**  
Senate District 25

10/04/2007

**Tennessee Special Primary**  
Senate District 10

10/09/2007

**Florida Special Primary**  
House District 34

**Massachusetts Special Election**  
Senate Middlesex, Suffolk, Essex  
District (Jarrett Barrios)

**New Hampshire Special Primary**  
House Rockingham District 10

10/16/2007

**Alabama Special Election**  
Senate District 32

**Massachusetts Special General**  
US House (Congressional District  
05 (Martin T. Meehan))

**South Carolina Special Primary**  
House District 94

EPA doesn't act by Oct. 22. (WASHINGTON POST, SAN JOSE MERCURY NEWS)

### CA ELECTORAL REFORM

**MEASURE FOLDING:** A GOP-backed effort to end CALIFORNIA's winner-take-all primary system appeared dead late last week. Days after signatures had begun to be gathered for the proposed ballot measure to award the state's electoral votes on a congressional district-by-district basis instead of to the winner of the statewide vote, its primary backers said they were resigning and the campaign was going to fold. Democrats, aware of how critical all 55 of the Golden State's electoral votes are for any Democratic presidential nominee — and that the alternate primary system would probably cost them at least 20 of those votes — had vowed to make defeating the measure a priority. But they may not have to mount much of a fight. As a Sacramento-based fundraiser for the measure put it, "There has not been the financial support necessary to run a viable campaign, and there wasn't sufficient interest from donors inside or outside the state to qualify the measure for the ballot." There is still a chance the measure could be resurrected, if a major donor comes forward. But supporters would only have until the end of November to collect the 434,000 signatures needed to qualify the measure for the June 2008 ballot. (SACRAMENTO BEE, SAN FRANCISCO CHRONICLE)

**POLITICS IN BRIEF:** Last week, a **FLORIDA** judge blocked a property tax measure — reportedly, the biggest tax-cut question in state history — from the Jan. 29 ballot, on the ground that the language of the measure is "confusing" and "misleading" to voters. The Legislature, which proposed the measure, is expected to appeal the ruling or fix the language in its Oct. 3 special session (PALM BEACH POST). • A **NEW JERSEY** judge, meanwhile, rejected claims by right-to-life groups that the wording of a stem-cell research measure slated for the state's November ballot is misleading. At least one of the groups, NEW JERSEY Right to Life, was considering an appeal (STAR-LEDGER [NEWARK]). • Nine out of 10 **NEW JERSEY** voters surveyed in a new Quinnipiac University poll said they view corruption as a "very serious" or "somewhat serious" issue. But despite the arrest of 10 Democrats last month in a federal bribery sting, a majority of those same voters (54 percent) said they weren't any more likely to vote Republican in the upcoming election. In fact, 48 percent said they would prefer to see Democrats maintain control of the Legislature (STAR-LEDGER [NEWARK]).

## 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: 123**

**Number of Intros last week: 407**

**Number of bills enacted/adopted last week: 139**

**Number of prefiles to date: 39,484**

**Number of Intros to date: 161,179**

**Number of enacted/adopted overall to date: 40,277**

— Compiled By JAMES ROSS  
(measures current as of 09/27/2007)  
Source: State Net database

— Compiled by KOREY CLARK

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# Governors

**R**ENDELL PITCHES PA ENERGY PLAN: PENNSYLVANIA Gov. Ed Rendell (D) linked energy independence to national security last week as he urged Keystone State lawmakers to approve his embattled energy plan. Rendell linked the ongoing war in Iraq with America's energy use, saying that "more and more, energy issues affect our basic economic health and our national security — the issues that are at the core of every nation's well being."

But if Rendell's plan is going to survive in its current form, it will have to somehow outlast competing plans from both House and Senate Republicans. The key to the governor's proposal is an \$850 million Energy Independence Fund, of which \$500 million would go toward clean-energy projects, such as biofuel plants, solar and advanced coal technologies. Another \$100 million would be used to help state firms expand clean-energy production and attract private-sector investors. The plan would also offer incentives to homeowners and small businesses that utilize energy saving technologies like solar panels and efficient appliances.

But Rendell wants to pay for his plan by issuing bonds that would be paid off over 30 years. Senate Republicans vehemently oppose that, preferring their own \$530 million proposal to borrow \$250 million up-front, and spend an additional \$40 million annually for seven years for alternative-energy projects and residential conservation. (PHILADELPHIA INQUIRER)

## CA WILL CUT OFF CO'S THAT DO BUSINESS WITH IRAN:

CALIFORNIA Gov. Arnold Schwarzenegger (R) announced he will sign AB 221, legislation that requires the Golden State's \$200 billion public employee pension fund to divest from companies doing business with Iran. Schwarzenegger likened the measure to similar legislation he signed last year to cut ties with companies doing business with the Sudanese government, which has been accused of committing genocide in its Darfur region. "California has a long history of leadership and doing what's right with our investment portfolio," he said. But doing so will not come without a price. CALIFORNIA has an estimated \$24 billion invested in such companies, meaning divestiture could cost the state more than \$120 million in taxes, commissions and other expenses (SAN JOSE MERCURY NEWS, LOS ANGELES TIMES)

**GOVERNORS IN BRIEF: MASSACHUSETTS** Gov. Deval Patrick (D) announced his administration's strategy for improving homeland security operations in the Bay State. That proposal includes a trio of large-scale evacuation centers, a statewide text-messaging alert system and the consolidation of evacuation plans of Boston with other towns (BOSTON GLOBE). • **ALABAMA** Gov. Bob Riley

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(R) introduced a plan to overhaul property insurance on the state's Gulf Coast. The proposal includes restructuring and expanding beach pool coverage, offering tax breaks to homeowners who upgrade their properties to reduce the possibility of storm damage and allowing condominiums to use captive insurance, which provides a form of self-insurance. Lawmakers will consider the package when the new legislative session begins in February (BIRMINGHAM PRESS-REGISTER). • **WASHINGTON** Gov. Christine Gregoire (D) announced a \$400,000 emergency program to begin electronically monitoring up to 150 of the state's most dangerous sex offenders. The program is expected to start with five high-risk offenders this year, grow to 50 by the middle of 2008 and 150 by 2009 (SEATTLE TIMES). • **NORTH DAKOTA** Gov. John Hoeven (R) has begun preparations to seek an unprecedented third term as the Flickertail State governor. An official announcement is expected later this year (BISMARCK TRIBUNE). • **WYOMING** Gov. Dave Freudenthal (D) said the state must cut back on sprawling residential development to help preserve the rapidly depleting sage grouse population. Officials fear that the bird's ongoing decline will lead it to being placed on the federal Endangered Species List. Grouse populations have dropped by as much as 85 percent in some areas of the Coyote State (CASPER STAR-TRIBUNE). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) unveiled a \$9 billion plan to restructure the Golden State's water supply system. The plan includes building two new dams and a new intrastate canal to ensure drinking water for the 23 million residents of Southern **CALIFORNIA**. Lawmakers are currently in special session to deal with ongoing threats to the state's water supply (SACRAMENTO BEE).

— *Compiled by RICH EHISEN*

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## Hot issues

**B**USINESS: A federal appeals court upholds an **ILLINOIS** law banning the slaughter of horses for human consumption. The Prairie State is home to the nation's last horse slaughtering plant, which had challenged the law. The company has not decided if it will appeal the ruling (CHICAGO TRIBUNE). • Still in **ILLINOIS**, Gov. Rod Blagojevich (D) signs legislation that bars companies from advertising, promoting or marketing flavored malt beverages, or "alcopops," to children. The new statute specifically bars ad campaigns for the drinks, which typically contain about 4 to 7 percent alcohol, from using cartoons or youth-oriented photos. It also bans billboards within 500 feet of schools, public parks, amusement parks and places of worship (CHICAGO TRIBUNE). • **CALIFORNIA** lawmakers approve SB 63, which would require food packaging to clearly identify if that product was made from a cloned animal. It is now with Gov. Arnold Schwarzenegger (R) for review (SACRAMENTO BEE). • Also in **CALIFORNIA**, regulators ban the sale



of in-home ozone purifiers. Officials cited studies that show the purifiers actually worsen medical conditions like asthma they are alleged to help prevent. The new rules take effect in 2009 (LOS ANGELES TIMES).

**CRIME & PUNISHMENT:** The U.S. Supreme Court agrees to decide the constitutionality of the three-drug cocktail used in **KENTUCKY** and most of the other 35 states that use lethal injection to execute condemned prisoners. The decision to hear the case came just days after a federal judge ruled **TENNESSEE**'s new lethal injection procedure unconstitutional because it may cause "unnecessary pain" (TENNESSEAN [NASHVILLE]). • In other death penalty news, a **NORTH CAROLINA** court rules that the state's medical licensing board overstepped its authority when it threatened to punish any Tar Heel State doctor that participated in a state-sponsored execution. The court said any decision to bar physician participation in executions must come from lawmakers (WINSTON-SALEM JOURNAL). • **ALABAMA** Gov. Bob Riley (R) also took action on the death penalty by ordering prison officials to change the Heart of Dixie's lethal injection procedure to provide additional safeguards to make sure inmates are unconscious before they are administered the drugs that end their life. Details of the change are still being determined (CHICAGO TRIBUNE). • **CONNECTICUT** Gov. M. Jodi Rell (R) indefinitely halts parole for violent offenders in the Constitution State penal system. Rell further orders that high risk parolees be returned to custody until they can be fitted with electronic monitoring devices (HARTFORD COURANT) • In an effort to reduce the state's overcrowded prisons, **CALIFORNIA** Gov. Arnold Schwarzenegger (R) signs SB 959, legislation that will allow thousands of low-level offenders to serve out their sentences in home detention. Those prisoners will be monitored with electronic ankle bracelets (LOS ANGELES TIMES).

**EDUCATION:** The University of **MISSOURI** system announces it will expand its emergency notification system to allow students, staff and faculty to receive emergency bulletins by phone, e-mail, and text and instant messages on their cell phones, pagers, fax machines and portable electronic devices (NEWS TRIBUNE [JEFFERSON CITY]).

**ENVIRONMENT:** A federal court tosses a lawsuit brought by **CALIFORNIA** officials that charged the auto industry with creating a global warming-related "nuisance." The court ruled that the issue has international scope and implications and thus should be decided by Congress and the executive branch of government (LOS ANGELES TIMES). • Still in **CALIFORNIA**, the state utilities regulators approve a plan that will allow the state's four large investor-owned utilities to earn

## Upcoming stories

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

- **Scrap metal**
- **Retail health clinics**
- **Family leave**



up to \$323 million for persuading their customers to cut energy use and pay as much as \$500 million in penalties if they don't. Regulators believe the program will produce \$2.4 billion in energy savings before 2008 while cutting 3.4 million tons of carbon dioxide from the Golden State's infamously polluted air (SAN JOSE MERCURY NEWS). • **A NEW JERSEY** court invalidates the Garden State's 2005 plan to manage black bears, which included having a hunting season on the bruins. Hunting advocates are considering an appeal (STAR-LEDGER [NEWARK]).

## In case you missed it

Many states and the federal government have taken steps to crack down on predatory mortgage lending and to help harried homeowners avoid foreclosure. And as we show in our September 10 issue, some states are turning to an old standby to get their point across: education.

In case you missed it, you can find the article on our Web site at [http://state-net.com/capitol\\_journal/09-10-2007/html](http://state-net.com/capitol_journal/09-10-2007/html).

**HEALTH & SCIENCE:** Law enforcement officials in **MARYLAND** enact regulations that will require potential gun buyers to sign a waiver releasing their mental health records to state police. The new rules apply to anyone who has been ordered into treatment by a court or who has checked into a state psychiatric hospital for at least 30 days (WASHINGTON POST). • **CALIFORNIA** lawmakers endorse AB 682, which would make HIV screening part of every routine medical exam. It is now with Gov. Arnold Schwarzenegger (R) for review (SACRAMENTO BEE).

**IMMIGRATION:** A federal judge tosses out a lawsuit by **COLORADO** officials that claimed the federal government has not done enough to curb illegal immigration. The judge said the matter was not one to be decided by the courts, and that the state had no legal standing to sue. State officials say they will not appeal the decision (DENVER POST). • **NEW YORK** Gov. Eliot Spitzer (D) issues new rules that will allow the Empire State DMV to accept a current foreign passport as proof of identity for obtaining a driver's license. The new rules will override the current policy that also requires a valid yearlong visa or other evidence of legal immigration. The changes, which do not require legislative approval, will be phased in beginning in December (NEW YORK TIMES). • **UTAH** officials end their policy of allowing foreign nationals to use a hunting license to obtain a concealed weapon permit. Beehive State safety officials say they changed the policy because it is impossible to conduct criminal background checks on foreign applicants (DESERET MORNING NEWS [SALT LAKE CITY]). • The federal Dept. of Citizenship and Immigration Services adds a new photo-screening tool to the agency's E-Verify program, which allows employers to check the validity of a job applicant's legal right to work in the U.S. The new tool will enable employers to compare an applicant's documents with images stored in the federal databases (STATESMAN JOURNAL [SALEM]). • The U.S. Dept. of Homeland Security files suit against **ILLINOIS** in hopes of blocking a new state law that bars Prairie State employers from using the E-Verify program until the agency certifies that the



databases used to verify workers' eligibility are 99 percent accurate. The law is set to go into effect in January 2008 (NEW YORK TIMES).

**SOCIAL POLICY:** The **MARYLAND** Supreme Court upholds a state law that bans same-sex marriage. The high court ruled that the Old Line State law defining marriage as between a man and woman has the "legitimate interest" of promoting child-rearing in traditional households (WASHINGTON POST).

**POTPOURRI: CALIFORNIA** Gov. Arnold Schwarzenegger (R) signs legislation that bars teenage drivers under 18 from using cell phones while driving, even if they do so with a hands-free device. The measure, which takes effect on July 1 2008, also prohibits teens from sending text messages and working on laptop computers while behind the wheel (LOS ANGELES TIMES). • **A PENNSYLVANIA** House committee approves HB 1065, which would bar pet owners from tethering their dogs overnight. Violators face fines and the loss of their pet. It moves to the full House (PHILADELPHIA INQUIRER).

— Compiled by RICH EHISEN

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# Once around the statehouse lightly

**T**HE DEFENSE CALLS...**GOD:** NEBRASKA State Sen. Ernie Chambers is mad as Hell and he isn't going to take it any more. To wit, the *Lincoln Journal Star* reports that Chambers has filed a lawsuit against God, accusing the Christian deity of causing "fearsome floods...horrendous hurricanes, terrifying tornadoes" as well as "widespread death, destruction and terrorization of millions upon millions of the Earth's inhabitants." Although Chambers, an avowed agnostic, seeks an injunction against God, he says his real point is to take a stand against frivolous lawsuits by showing that anyone is subject to being sued...even the omnipotent. But hey, God already knew that.

**RIDE THE WHAT?** Residents of Seattle's Cascade district are not overly pleased that the city is installing a new \$50 million trolley car service in their working-class neighborhood. Nothing against public transit, they say, but they would have preferred the money be spent on something they say they need much more, affordable housing. In mild protest, reports the *Seattle Post-Intelligencer*, residents have taken to calling the South Lake Union Streetcar by a new name: the South Lake Union Trolley, or the SLUT for short. A local coffee shop made hay recently by



selling 100 T-shirts with the slogan, “Ride the SLUT” emblazoned across the front. The shirts sold out in days.

**CUTTING THE FAT:** For the better part of the last two weeks, anyone entering the MICHIGAN statehouse has been greeted by a 10-foot-tall, pink pig. The fiberglass porker, dubbed “Mr. Perks” by its handlers, the MICHIGAN Taxpayers Alliance, was parked in front of the Lansing Capitol building as a protest against the possibility that lawmakers would approve tax hikes as they try to close the state’s enormous budget gap. But as the *Detroit Free Press* notes, due to a miscommunication over when Mr. Perks needed to be moved along his merry way, the anti-tax pig overstayed his welcome and officials had it towed to a state impound lot. After Mr. Perks spent a night in the pen, the MTA forked over a \$150 fine and the towering sow — older, wiser and now sporting a rap sheet — was back on duty the following day.

**BY COMPARISON, DESSERT ISN’T SO BAD:** The CALIFORNIA Department of Public Health wants everyone to eat more healthy, nutritious meals. To help spur folks to bring their lunch rather than buy fat-laden burgers and other fast food, the agency recently handed out more than 50,000 canvas lunchboxes. The lunchboxes even contained a positive slogan: “Eat fruits and vegetables and be active.” But as the *Los Angeles Times* reports, some of those lunchboxes also contained something quite the opposite of healthy — large doses of lead. The agency has recalled all 56,000 of the tainted containers.

— By RICH EHISEN



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