

GOVERNMENT HIGHLIGHTS

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DON'T MISS YOUR CHANCE TO VOTE!

**The deadline for registering to vote in the Pennsylvania
Primary Election on April 22, 2008, is**

MONDAY, MARCH 24, 2008.

**If you have not previously registered, if you have changed your
name or address since you last voted, or if you wish to change
your party, March 24 is the last day for taking care of these
matters—IF YOU WISH TO VOTE IN THE APRIL 22
PRIMARY ELECTION.**

DON'T BE LEFT OUT!

**Voter registration forms are available in the University of
Pittsburgh Office of Governmental Relations, 710 Alumni Hall,
governmental offices, libraries, etc. For more information,
please call: 412 624-6011
or the Allegheny County Division of Elections, 412 350-4500.**

Federal Government Developments

Busy Week for Congress: Now in Recess for Two Weeks

Perhaps in anticipation of the two-week district work period/Easter recess, members of both houses of Congress had a busy time this past week.

The House Democratic leaders were finally able to pass an ethics reform bill by a vote of 220-182. Those voting in favor were 196 Democrats and 33 Republicans, while 159 Republicans and 23 Democrats voted against the bill. The legislation would create a new Office of Congressional Ethics to screen potential complaints against members and pass them on to the existing Committee on Standards of Official conduct.

The House passed by a vote of 212-207 the FY2009 budget resolution (H.Con.Res. 312), the blueprint that serves as non-binding guidance to the 12 appropriations subcommittees. House Science and Technology Chairman Bart Gordon (D-TN) praised the passage of the resolution, in part because it includes an additional \$1.98 billion over the FY2008 appropriated levels for science, space, and technology—an amount that will fully accommodate the commitments made in the America COMPETES Act (Pub.L. 110-69) for the National Science Foundation and the Department of Energy Office of Science. Additional budget authority was also included for energy technology research such as the Advanced Research Projects Agency for Energy (ARPA-E) and the National Institute of Standards and Technology programs, which include help for small manufacturers and technology companies through the Manufacturing Extension Partnership (MEP) and the Technology Innovation Program (TIP).

The Senate passed its own version of the budget resolution (S.Con.Res. 70) on March 14 by a vote of 51-44. Two amendments incorporated in the Senate resolution of great interest to the higher education community are the following: 1) one from Senators Tom Harkin (D-IA) and Arlen Specter (R-PA) that increases the funding level for the National Institutes of Health (NIH) by an additional \$2.1 billion over FY2008 levels and would bring the total increase to \$3 billion. It passed by a vote of 95-4; 2) another--passed by voice vote--from Senators Jeff Bingaman (D-NM) and Lamar Alexander (R-TN) that increases Budget Function 250 by \$600 million to fully fund the National Science Foundation (NSF) and the Department of Energy's Office of Science at the levels included in the President's budget request.

The Senate budget resolution includes an education "reserve" fund to provide support for such items as reauthorization of the Higher Education Act and the expansion and extension of education tax credits and deductions. An amendment offered by Senator Edward Kennedy (D-MA) and approved by voice vote would permit that fund also to be used to raise the borrowing limits on federal student loans.

The two budget resolutions will be reconciled into a final package later this spring.

The House on March 12 passed a one-month extension of the Higher Education Act (HEA). The legislation passed by a vote of 411-4 and will extend the current HEA legislation through April 30. The Senate passed the extension on Friday, March 7. The extension was necessary because the process to reauthorize HEA in both houses has not been completed.

The House and Senate also passed a one-month extension of the Farm Bill. The previous extension authorized the legislation until March 15 of this year. The new expiration date is April 18.

The U.S. Senate on March 13 voted down, 71-29, a proposal to ban earmarks for one year, according to *The Washington Post*. Earmark critics—including the three presidential candidates from the Senate—believe that the practice of directing projects to specific colleges or other entities encourages wasteful spending. Many colleges and universities, however, have relied on the earmarks to build facilities and support programs. The proposal was part of the Senate’s consideration of the FY2009 budget resolution.

The U.S. House of Representatives is out of session until Monday, March 31. The U.S. Senate will remain in pro forma session throughout the two-week break until it reconvenes on March 31.

House Budget Committee Chairman’s Mark

Congressman John M. Spratt, Jr. (D-SC), chairman of the House Budget Committee, published on March 5, 2008 the key features of his Chairman’s Mark on the FY2009 Budget Resolution. The resolution is the non-binding budget blueprint document expected to be passed by April 15 of each year. It sets overall budget limits, which can be—but often are not—changed.

Mr. Spratt stated that the Budget Resolution is fiscally responsible, returning to balance in 2012. It complies with the House pay-as-you-go rule (“paygo”) that requires all mandatory spending and revenue provisions to be deficit neutral. It also provides reconciliation protection for a repair of the Alternative Minimum Tax that is fully paid for. It relies on “realistic economic assumptions from the non-partisan Congressional Budget Office.”

In addition, “it **rejects** [emphasis added] the President’s cuts affecting a wide range of services and constituencies, including the following:

- \$150 billion of Medicare cuts over five years and billions in cuts to Medicaid;
- More than \$18 billion over five years in new fees for veterans and military retirees;
- A six-percent cut to the Centers for Disease Control and Prevention, as well as a 16 percent cut to the Health Resources and Services Administration (HRSA), which provides health care access to under-served populations; [and]
- Cutting the Environmental Protection Agency, in large part through cuts to grants that help protect public health and maintain environmental quality.”

The resolution would provide “crucial funding for the Democratic innovation agenda and the America COMPETES Act to balance our competitive edge, increasing funding for math and science education and research.” It also “increases funding for efficient and renewable energy programs Provides substantially more than the President for the

education budget function, which also includes job-training programs. . . .[and] invests in highways, water, and other infrastructure by providing sufficient funding as well as a reserve fund that can facilitate priority new initiatives in a deficit neutral manner.”

House Approves Terrorist Surveillance Bill

By a vote of 213-197 on March 14, the House of Representatives approved its latest version of terrorist surveillance legislation. It updates the Foreign Intelligence Surveillance Act of 1978 by expanding the powers of intelligence agencies to eavesdrop on terrorism and spying suspects and keep up with changing communications technologies. Much to the dismay of the President, the bill requires upfront court approval of most wiretaps, authorizes federal inspectors general to investigate the administration’s warrantless surveillance efforts, and establishes a bipartisan commission to examine the activities of intelligence agencies following the September 11, 2001 attacks. Unlike the Senate bill, the House bill does not provide legal immunity for past actions by phone companies that took part in warrantless wiretapping. Instead, the House bill would send the issue to a secure federal court and give the companies the right to argue their case using information the administration has considered state secrets.

White House Offers Plan to Prevent Future Credit Crises

The White House on March 13 provided the outline of a plan, which primarily relies on state regulators and private industry to tighten their oversight of financial markets and which it hopes will prevent future crises in the credit market. The proposal calls on states to tighten their oversight of financial markets and issue nationwide licensing standards for mortgage brokers. The plan also calls on lenders to provide more complete disclosures about payment terms to home buyers.

NIH to Hold Meeting on Public Access

NASULGC is reporting that the National Institutes of Health (NIH) will hold a meeting on Thursday, March 20, from 10:00 a.m. to 4:30 p.m. in the Main Auditorium of the Natcher Conference Center at the NIH Campus in Bethesda, Maryland. The subject of the public hearing is the implementation of NIH’s revised policy on enhancing public access to archived publications resulting from NIH-funded research. NIH would like to receive public comments on implementation of the new public access policy. A provision included in the FY2008 omnibus appropriations bill established a new requirement that as of April 7, 2008 “all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine’s PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication.” The meeting is open to all who wish to attend.

More information about the meeting is available at:
<http://grants.nih.gov/grants/guide/notice-files/NOT-OD-08-057.html>.

In addition, NIH announced that later this month it will publish in the *Federal Register* a Request for Information (RFI) seeking comments on the Public Access Policy and the effectiveness of the policy's implementation.

A recent Web cast sponsored by the NASULGC and the Association of Research Libraries (ARL), entitled "Institutional Compliance with the NIH Public Access Policy: Ensuring Deposit Rights," is now available at: <http://www.arl.org/sc/implement/nih/webcast/https://webmail.aamc.org/exchweb/bin/redirect.asp?URL+http://www.arl.org/sc/implement/nih/webcast>.

"Broken NIH Pipeline"

A group of university leaders, led by Harvard University President Drew Faust, on March 11 released a report on the harmful effects of flat National Institutes of Health (NIH) funding on retaining the next generation of biomedical scientists and researchers. The report, "A Broken Pipeline? Flat Funding of the NIH Puts a Generation of Science at Risk," was released at a press conference at the National Press Club in Washington and it was subsequently the subject of a hearing held by the Senate Health, Education, Labor, and Pensions Committee. Background materials, including press statements and the hearing testimony, are available at: www.brokenpipeline.com.

Fed Rescues Bear Stearns

In a highly unusual step, the Federal Reserve on March 14 provided emergency funding to the Wall Street investment bank Bear Stearns after it ran out of cash to repay its lenders. The mechanism for the action was a little-known power of the Fed not used since the 1960's to stop the run. In the middle of the night, Bear and J.P. Morgan agreed to a deal in which "Bear" would put up some of its assets as collateral in exchange for cash from the Fed. The transaction would be routed through J.P. Morgan, which has access to the Fed's discount window, since it is a commercial bank. The thinking on Wall Street was that if the Fed permitted Bear Stearns to fail, the rest of Wall Street could have been dragged down with it. This action was followed on March 16 by a decision of J.P. Morgan to acquire rival Bear Stearns for \$236.2 million—or just \$2 a share.

This rescue followed by days a Fed announcement of a \$200 billion lending program for investment banks and a \$100 billion credit line for banks and thrifts. The Fed approved a cut in its lending rate to financial institutions from 3.5 percent to 3.25 percent, effective immediately. It also created a lending facility for big investment banks to secure short-term loans. The Fed is expected this week to reduce short-term interest rates for the sixth time since September—possibly from 3 percent to 2.25 percent.

Meanwhile, President Bush is still resisting any suggestion that the country is in an economic recession. He has called the current financial climate a "slowdown," a "downturn," and "a rough patch," but not a "recession."

Florida Considers Second Primary—Mail-In; New Primary in Michigan?

The Florida Democratic Party is engaged in pursuing a second primary election in the state, now that the two leading Democratic presidential candidates are so close in delegates and the results of the first Florida primary were invalidated by the Democratic National Committee (DNC). The national political group ruled that the Florida primary was held too early in the process. Senator Barack Obama and Democratic members of the Florida Congressional delegation are vigorously opposing a second Florida primary.

Senator Hillary Clinton said that she would absolutely not accept a negotiated apportionment of Florida's delegates. Her win on January 29, if the delegates are counted, would give her a net gain of 38 delegates, cutting the 106 point lead of Obama by a third. Senator Barack Obama's campaign manager David Plouffe said "We have real deep concerns about a mail-in election," including Florida's lack of experience with such elections and the fairness to all voters. Florida and Michigan, whose Democratic primary results were also invalidated by the DNC, have sufficient delegates' votes (366) and stature to potentially sway the deadlocked race.

Michigan may reportedly hold a second primary on June 3, run by state election officials but financed with money raised from private sources. Approval is still needed from a divided state legislature and the Clinton and Obama campaigns.

In the Florida primary, Clinton received 50 percent of the vote and Obama 33 percent. In the Michigan primary, Clinton received 55 percent of the vote, but Obama was not on the ballot.

AAMC Sues Federal Government to Halt Medicaid Reductions

The Association of American Medical Colleges (AAMC) is reporting that it was a member of a coalition of hospital groups that asked a federal court to prevent the Bush Administration from implementing a proposed Medicaid regulation that would cut \$5 billion in funding to safety net hospitals. Led by the National Association of Public Hospitals and Health Systems, the American Hospital Association, and the AAMC, the coalition alleges that the Administration tried to circumvent the will of Congress in order to cut the Medicaid program. The lawsuit claims that the cuts—issued in a final rule by the Centers for Medicare and Medicaid Services—are beyond the scope of the agency's regulatory power under current federal law. Hospital leaders say that if the rule is implemented, some of the medical services all communities rely on will be jeopardized.

For more information, go to: <http://www.aamc.org/newsroom/pressrel/2008/080311.htm>.

NASULGC Offers Draft Statement on Animal Research

The National Association of State Universities and Land Grant Colleges (NASULGC), of which the University of Pittsburgh is a member, released the following proposed draft

statement in support of appropriate use of animals in research and the condemnation of harassing, intimidating and using violence against researchers doing such work.

“Proposed Statement on the Use of Animals in Research
NASULGC, A Public University Association”

“As the nation’s oldest higher education association, NASULGC is dedicated to excellence in teaching, research and public service. Through research involving animals, scientists at NASULGC institutions have advanced biomedicine, human nutrition and health, food production, food safety, and animal health and welfare. Scientific research has provided the basis for federal guidelines for the welfare, feeding and housing of domestic animals.

Association members are committed to ensuring that research involving animals conforms to ethical, legal, and safety regulations and to the high standards of animal care and health. This commitment requires effective training and education of investigators, support staff, and students, as well as rigorous regulation and oversight of animal research.

The members of NASULGC consider as fundamental to our core values of academic freedom the rights and responsibilities of our faculty, researchers and students to conduct free inquiry within the boundaries of applicable laws, regulations, and institutional accountability, oversight and review. As part of our responsibilities, we will continue to provide forums for open exchange of ideas about any topic including the ethics of animal research and will protect the rights of those who wish to express particular points of view through campus policies on free expression. However, we also must ensure a safe work and learning environment for all members of our community, for all activities, including research involving the use of animals.

Unfortunately, a few individuals express their opposition to the use of animals by harassing, intimidating or using violence against researchers, their staff, and their families. We find such behavior unacceptable under any circumstances and condemn it.

The members of NASULGC reaffirm their commitment to the rights of free inquiry and expression within the boundaries of high ethical standards and all applicable laws, regulations, and institutional policies. We endorse the use of animals to advance medicine and science when it is done in an ethical and humane way and also encourage the development of appropriate alternative models for research. We also affirm our commitment to protect our faculty, staff members, and students from harassment, threats, and physical harm. We will work within our institutions and with law enforcement authorities to safeguard animals and facilities used for such work, as well as the families and homes of our personnel.”

Other leading academic and science organizations have released similar statements, such as AAU (http://aau.edu/research/STMT_AAU_Animal_Res_10-22-07.pdf) and AAAS (http://www.aaas.org/news/releases/2007/1129board_anires.shtml).

D.C. Cherry Blossom Festival Opens Soon

The National Cherry Blossom Festival will be held in Washington, D.C., from March 29 through April 13, 2008. The annual event commemorates the 1912 gift to the city of Washington of 3,000 cherry trees from Mayor Yukio Ozaki of Tokyo to enhance the growing friendship between the United States and Japan and celebrate the continued close relationship between the citizens of both countries.

In a ceremony on March 27, 1912, First Lady Helen Herron Taft and Viscountess Chinda, wife of the Japanese Ambassador, planted the first two of these trees on the north bank of the Tidal Basin in West Potomac Park. By 1915 the United States government had responded with a gift of flowering dogwood trees to the people of Japan. Three thousand, eight hundred more trees were accepted in 1965 by First Lady Lady Bird Johnson. In 1981, Japanese horticulturalists came to take cuttings from the U.S. trees to replace Yoshino cherry trees in Japan that had been destroyed in a flood. In the fall of 1999, there was the formal planning in the Tidal Basin area of a new generation of cuttings from a famous Japanese cherry tree in Gifu province reputed to be over 1,500 years old.

Presidential Campaigns

--President Bush formally endorsed the presidential candidacy of Senator John McCain (R-AZ) on March 5, following McCain's clinching of the Republican nomination as a result of the three primaries held during the first week of March.

--Senator Barack Obama (D-IL) received the support of nine of the 14 delegates allocated to John Edwards in Iowa. The state held county conventions on March 15 at which 52 percent of the delegates supported Obama, 32 percent for Senator Hillary Clinton (D-NY), some of the Edwards delegates remained in his camp, and others switched to Obama.

--On March 15, California's Democratic Party finalized the delegate counts from its February 5 primary. Clinton picked up two more pledged delegates, raising her state total to 204; Obama gained five, raising his total to 166. The Associated Press published new delegate counts which include the Iowa and California changes: Obama with 1,617 delegates and Clinton with 1,498.

--Pennsylvania's primary election is April 22.

--Senator Clinton prevailed in the Ohio primary on March 5, winning by large margins in most rural counties. She also was the winner in the Texas and Rhode Island primaries.

Other Federal Developments

--A new National Intelligence Estimate on Iraq is scheduled to be completed this month, but leaders of the intelligence community have not decided whether to make its primary conclusions public. The document is intended as an update of last summer's assessment and will be delivered to Congress before testimony in early April by Army General David H. Petraeus, the top commander in Iraq, and U.S. Ambassador Ryan C. Crocker.

--Juliet Eilperin of *The Washington Post* reported recently that the Environmental Protection Agency (EPA) weakened one part of its new limits on smog-forming ozone after an unusual last minute intervention by President Bush, according to EPA documents. According to Eilperin, "The president's order prompted a scramble by Administration officials to rewrite the regulations to avoid a conflict with past EPA statements on the harm caused by ozone." U.S. Solicitor General Paul D. Clement reportedly warned administration officials last week that the rules contradicted the EPA's past submissions to the Supreme Court, forcing Administration lawyers to craft new legal justifications for the weakened standard.

--The U.S. Department of Education has agreed to raise the combined aggregate Stafford loan limit for health professions students from \$189,125 to \$224,000. Secretary of Education Margaret Spellings last month sent a letter to Dr. Darrell G. Kirch, M.D., the President and CEO of the Association of American Medical Colleges (AAMC), announcing the increase and promising to provide additional information in the near future. This increase is entirely in unsubsidized Stafford loans and will permit medical students to borrow at a 6.8 percent interest rate. For more information, go to: <http://www.aamc.org/advicact/library/educ/corres/2008/022808hploanlimits.pdf>.

--The plan of the Environmental Protection Agency (EPA) to close several of its 26 research libraries has been criticized by the Government Accountability Office (GAO) in a recent report. GAO concluded that in the two years since the plan was implemented in order to comply with a \$2 million funding shortfall requested by the White House, access to the materials and services may have been hurt. According to Christopher Lee of *The Washington Post*, "The libraries provide technical information and documentation for enforcement cases and help EPA staff members track new environmental technologies and the health risks associated with dangerous chemicals." EPA closed physical access to three regional office libraries in Chicago, Kansas City, and Dallas, and to the headquarters library and the Chemical Library in Washington. Operating hours were reduced at libraries in Seattle, San Francisco, New York, and Boston.

--The Bush Administration recently offered a new argument why it does not require Congressional approval to complete a long-term security agreement with Iraq: Congress had already endorsed such an initiative through its 2002 resolution authorizing the use of force against Saddam Hussein. The State Department's Bureau of Legislative Affairs argued that the 2002 measure, along with a Congressional resolution passed just after September 11, 2001, permit indefinite combat operations in Iraq.

--The House of Representatives on March 5, by a roll call vote of 268-148, approved the Paul Wellstone Mental Health and Addiction Equity Act of 2007, which requires equal health insurance coverage for mental and physical illnesses when policies cover both. The Senate in September passed a narrower version of the bill.

--The U.S. Supreme Court this week will hear oral arguments on whether the handgun ban in the District of Columbia violates the Second Amendment. None of the nine justices has ever ruled directly on the amendment's meaning. There has been little definitive interpretation of the amendment for more than 200 years.

People on the Move

--New York Governor (D) Eliot L. Spitzer abruptly resigned his gubernatorial position last week when allegations were made public of nearly ten years of consorting with prostitutes. Spitzer made a public apology at a press conference and said he would be spending time on trying to heal his family. Lieutenant Governor David A. Paterson, who is legally blind, was sworn in as governor following the Spitzer resignation. Spitzer had made a national name for himself as the hard-charging New York City prosecutor of financial and other types of wrongdoing. Spitzer won election in November 2006 with 69 percent of the vote, the most ever in a New York gubernatorial race. Spitzer could face criminal prosecution.

--The south-central Illinois Congressional seat held for 20 years by Congressman Dennis Hastert (R-IL), former Speaker of the House until the Democratic majority took over, has now been won by Bill Foster, a Harvard-trained Ph.D. physicist who spent most of his career at Fermilab and a Democrat. Notable during the Foster campaign was the endorsements by numerous Nobel Prize winners. The *Chicago Tribune* quoted Foster as saying in his victory speech: "Back in the laboratory, this is what we'd say was a pretty successful experiment." The district has consistently voted Republican prior to Foster's election.

--G. Wayne Clough, president of the Georgia Institute of Technology since 1994, has been named the 12th secretary of the Smithsonian Institution, the largest museum complex in the world. Clough succeeds banker Lawrence M. Small, whose controversial decisions and expenditures were a factor in his resignation. Clough, a civil engineer, won the post over Acting Secretary Cristian Samper, who has been highly regarded in this role. Clough is expected to take over July 1.

--The full Senate on March 14 confirmed Douglas H. Shulman as the Commissioner of the Internal Revenue Service.

--U.S. Ambassador to Iraq Ryan C. Crocker plans to retire from the Foreign Service and leave Baghdad as early as January 2009, shortly after the date when General David H. Petraeus is expected to rotate out of Iraq.

--Comptroller General David M. Walker stepped down from his position—and from the leadership of the Government Accountability Office (GAO)—on March 12 and will become the president and chief executive of a new foundation that will urge solutions to the nation’s growing fiscal and demographic problems. The group, founded by Peter G. Peterson, co-founder of the Blackstone Group, and funded with an initial \$1 billion from him will perform research and engage in projects to address the federal budget deficit, federal entitlement programs, and social problems.

--Admiral William J. “Fox” Fallon, the top U.S. commander in the Middle East, abruptly announced his resignation on March 11, reportedly due to differences of opinion with the Bush Administration.

--U.S. Congressman John P. Murtha (D-PA) is expected to coast to his 19th term, now that his only challenger was taken off the ballot. Former Army officer Bill Russell (R) was removed from the ballot after a state judge ruled he did not have sufficient signatures on his nominating petitions to win. The petitions reportedly had 993 valid signatures, seven short of the required number.

Local and Commonwealth Government Developments

Hail to Pitt—the New Big East Champions!

Congratulations to Pitt basketball coach Jamie Dixon and his Pittsburgh Panthers for their 74-65 victory over the Georgetown Hoyas in the final round of the Big East basketball championship in New York’s Madison Square Garden last weekend. Winning all four of their games—over Cincinnati, Louisville, Marquette and Georgetown, the Pitt Panthers will take on the Oral Roberts University basketball team on March 20 in Denver in the first round of the NCAA tournament.

Energy to Move Forward

The Pennsylvania House last week voted in favor of borrowing \$850 million to encourage use of cleaner energy sources. The 126-74 vote sent the bill to the Senate, which late last year approved a different version that requires much less borrowing. It would expand solar manufacturing and use of advanced coal technologies and electricity conservation, as well as underwrite related research.

Republicans attacked the bill as reckless borrowing and a means by which Governor Ed Rendell, a Democrat, can dole out money to favored firms and projects. Democratic backers said both parties in the House and the Senate will be able to influence which projects get funded, and that the state is not currently overloaded with debt.

Majority Whip Keith McCall (D-Carbon) said every dollar will leverage \$6 to \$12 in private investment, an estimated \$3.5 billion in the coming decade. He predicted the program will create 13,000 jobs and 22,000 spinoff jobs.

Last month, the House amended the bill to add money for wind power, environmentally friendly buildings, more efficient home heating systems and pollution-control equipment at smaller coal-burning power plants. The Senate on December 12 voted 44-5 for a \$650 million bill that would provide tax credits, rebates, loans and grants to cut electricity bills and pollution and boost renewable and cleaner energy production. Governor Rendell criticized the Senate version as "woefully short," saying it would spend too little money to compete with other states.

Road Repair Funding Introduced

Two state House leaders have proposed a bipartisan alternative to fund much-needed road and bridge repairs in Pennsylvania that involves shifting money from the Motor License Fund that currently funds state police. Right now, state police get \$500 million a year from the Motor License Fund, which is controlled by the state Department of Transportation. The Motor License Fund gets its money from the state gasoline tax, motor vehicle license and registration fees and other fees.

Last week, House Democratic Whip Keith McCall of Carbon and Republican Whip David Argall (R-Nesquehoning) of Schuylkill called for phasing out that \$500 million at a rate of \$50 million per year over 10 years. Instead, state police would gradually be funded out of the state's \$28 billion General Fund, which in recent years has been showing healthy surpluses of several hundred million dollars a year. The \$500 million a year from the Motor License Fund supplies about two-thirds of the total state police budget.

By no longer paying for state police with Motor License Fund money, the Pennsylvania Department of Transportation would gain, over the 10-year period, an extra \$2.75 billion to spend on important transportation needs, such as fixing ailing highways and bridges. At the end of the 10 years, PennDOT would get a steady \$500 million a year for those projects.

None of the new money would go for mass transit needs, but mass transit is already benefiting from Act 44, which was passed last summer and will guarantee at least an additional \$250 million a year for trolleys, buses and commuter trains. Act 44 will raise Pennsylvania Turnpike tolls by 25 percent in January and also seeks to levy first-time tolls on Interstate 80. Federal approval for Interstate 80 tolls still is needed. Governor Ed Rendell is pushing another alternative for raising transportation funds -- leasing the turnpike, for up to 99 years, to a private operator.

All the ideas are a way to give PennDOT the additional funds it needs for roads and bridges; 23 percent of the 25,313 bridges are now classified as structurally deficient and in need of repairs.

House Intergovernmental Affairs Committee Hearing Held at Pitt

State Representative W. Curtis Thomas, chairman of the House Intergovernmental Affairs Committee, hosted the **third of five public hearings** on the federal Real ID Act which requires implementation of uniform licensing and identification system nationwide. The first hearing was held on Thursday, March 13, 2008 on the Oakland campus of the University of Pittsburgh in William Pitt Ballroom.

The Real ID law requires minimum nationwide standards for state drivers' licenses and non-drivers' identification cards. At the March 13th hearing Representative Thomas stated that about 9 million Pennsylvanians will be affected by Real ID. The hearings are meant to educate government officials and residents about the possible impact of Real ID on Pennsylvanians, and to encourage various agencies to work together so the implementation of Real ID does not create a burden for residents.

Chairman Thomas said he is pleased Pennsylvania requested and was granted an extension to comply with the Act, as will allow stakeholders additional time to analyze the final regulations and take a closer look at the best path for Pennsylvania to follow regarding the federal mandate.

Smoking Ban Heats Up

House-Senate negotiators are closing in on a proposal to ban, or at least dramatically limit, smoking in most public places and work places around the state, such as restaurants, bars, taverns, clubs and casinos. Senate Democratic leader Bob Mellow (D-Peckville) of Scranton, a member of the House-Senate conference committee that is writing the smoking ban, agreed it is time for action. He is hoping to enact a bill before the summer recess starts June 30th.

The six-member panel held two hearings last week at the Capitol to take final testimony regarding where cigarette smoking should be banned or allowed. Speakers included state Health Secretary Calvin B. Johnson, Lebanon County Commissioner Larry Stohler, SmokeFree Pennsylvania Director Bill Godshall, and Dr. Walter Tsou of the SmokeFree Philly Coalition.

The second day presenters included pro-smoking advocates from several of the state's new racetrack/casinos, plus the American Lung Association, the Pennsylvania Tavern Association, the Pennsylvania Restaurant Association, a bar in West Chester, the American Cancer Society and the Bowling Proprietors Association.

The committee will hold a final meeting March 31st, said Senator Stewart Greenleaf (R-Montgomery) another panel member. Senator Greenleaf, who has pushed for 10 years to enact a strong smoking ban in public places, hopes the panel will adopt its smoking limitation bill at that session. That proposal, of course, still would need approval by the full House and Senate. A bill that comes out of a conference committee is unusual in one respect -- it has to be either voted up or down as is, meaning legislators can not amend it

even if they do not like all aspects. Senator Greenleaf hopes the House and Senate will take final votes on the bill by May and send it to Gov. Ed Rendell for signature. But given the controversial nature of the subject, some legislators think that timetable could be overly optimistic.

Last summer, the House approved a tough anti-smoking bill that would have prohibited smoking in virtually all public places. But the bill was amended in the Senate to allow smoking at casinos, at neighborhood taverns where less than 20 percent of revenue was derived from food sales, as well as private clubs and new upscale nightspots called "cigar bars," which sell high-end cigars and liquor.

When the House and the Senate failed to agree on one version, leaders decided to send the matter to a conference committee, a frequent tactic on thorny issues. Based on conversations with legislators, here is some of the current thinking of what issues are still at odds and how the final bill could be shaped:

- Casinos: The final bill will probably permit smoking in at least a portion of casinos -- perhaps on 25 percent (or more) of the gaming floor.
- Private clubs, such as the Elks, Moose, Fraternal Order of Police, Veterans of Foreign Wars and others: Members think smoking could be allowed here, since they are not open to the public, and in some clubs, people pay money to belong.
- Private homes: Smoking is likely to be permitted in a person's private home, as long as the homeowner does not take care of pre-school children or ailing elderly people.
- Cigar bars would be excluded.

Hiding the Keys

Pittsburgh City Councilman Ricky Burgess refocused his push to reduce the number of publicly owned cars taken home by city employees at a special meeting on the subject last week. Mr. Burgess said his legislation, which originally would have cut the number of take-home cars from 59 to as few as eight, will be amended to exclude public safety vehicles. That means 31 cars assigned to the police, fire and emergency medical services bureaus could still go home with the commanders, assistant chiefs and captains to whom they are assigned, if Mayor Luke Ravenstahl and the bureau chiefs see fit.

Instead, Mr. Burgess wants 15 public works employees, plus a total of eight managers from the Bureau of Building Inspection, Parks Department and Finance Department, to explain why they need 24-hour city rides.

Mr. Burgess noted that the city's Act 47 recovery plan, passed in 2004, estimated that new rules governing take-home cars would result in a reduction from 83 vehicles in 2003 to 29. Instead, the number bottomed out at around 50 before rising again.

Johnstown Flood Waters Finally Subside

Pittsburgh Mayor Luke Ravenstahl last week endorsed legislation that would steer \$240 million a year in state money to municipalities with large concentrations of tax-exempt property, including \$24 million to Pittsburgh. The endorsement came just before a morning hearing of the state House Local Government Committee in Council Chamber at which Rep. Bob Freeman (D-Northampton) outlined legislation to shift revenue from the Johnstown Flood Tax, an 18 percent levy on state liquor store sales enacted after the 1936 deluge. Representative Freeman said he wants to move the bill out of committee within months, after tweaking the formula for awarding the aid.

Municipalities "are failing, by and large, because they don't have a tax base anymore, and the biggest contributor to that is [growth of] tax-exempt nonprofits," he said in a meeting with the Post-Gazette editorial board prior to the hearing. "Since the inception of the [flood] tax was to help the victims of a natural disaster, it would be helpful to earmark it to victims of a municipal financial disaster."

Such a move would reduce the state surplus, he acknowledged. But he argued that it would keep more municipalities from slipping into Act 47 distressed status, as Pittsburgh has done, and thereby help the state in the long term.

He said Pittsburgh and Philadelphia each would get 10 percent of the flood tax revenue, which is the maximum share allowable under the proposed formula. Harrisburg would get \$11.5 million, Mahoning Township \$3.1 million, Easton \$970,000, Gettysburg \$702,000, and Clarion Borough \$574,000, to name a few.

The city of Pittsburgh will continue along a parallel track of negotiating with tax-exempt institutions for voluntary contributions that totaled \$13.98 million over the last three years. The Pittsburgh Public Service Fund, a consortium of some 100 tax-exempt institutions, has agreed to discuss a new deal.

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