

ARTICLES FOR 7-8-16 ROUNDUP

Colorado Attorney General Cynthia H. Coffman Appoints Deputy Attorney General for Natural Resources and Environment Section

DENVER – Colorado Attorney General Cynthia H. Coffman today announced the appointment of Laura Chartrand as Deputy Attorney General for the Natural Resources and Environment Section. Before joining the Attorney General's Office, Chartrand was a policy advisor at the Western Governors' Association, where she advised the governors of 19 western states and 3 U.S.-flag islands on a variety of critical natural resources issues.

“Laura brings a unique blend of leadership skills, legal acumen, and a demonstrated ability to build consensus on complex environmental issues,” said Attorney General Coffman. “Her dedication to preserving and protecting the environment will serve our clients and the people of the State of Colorado well.”

Prior to joining the Western Governors' Association, Chartrand worked as a water resources policy advisor at Tri-State Generation and Transmission Association, Inc. She also spent several years in private practice representing corporations, individual business owners and agricultural interests on a range of natural resources matters, including water resources and quality, public lands, energy development, and endangered species.

Chartrand earned a Juris Doctorate from the University of Denver Sturm College of Law. She received her Bachelor's degree in Sociology from the State University of New York, New Paltz. Prior to her legal and policy work, Chartrand spent nearly fifteen years in higher education and corporate management positions, managing staff of over 100 employees and budgets in excess of \$4.5 million.

Chartrand began her new role on June 27, 2016.

La' James International College to Forgive \$2.1M in Student Debts, Change Business Practices through Consumer Fraud Settlement

Iowa-based cosmetology school to submit to outside oversight; company and principals to pay state \$550,000

DES MOINES – Fort Dodge-based cosmetology school La' James International College will forgive \$2.1 million in student debts, significantly change its business practices, submit to outside oversight, and pay \$550,000, through a settlement with Attorney General Tom Miller.

The settlement, through a consent judgment, resolves a consumer fraud lawsuit filed in Polk County District Court in 2014, alleging La' James engaged in deceptive, omissive, and unfair practices in marketing, enrollment, and instruction. The settlement affects prospective and current students, as well as former students who owe debts to La' James.

“This settlement addresses certain past practices by La' James' that we allege were simply unfair to many of its students,” Miller said. “We heard from students who tried in good faith to better themselves by enrolling in La' James' programs, and found the programs didn't always match the promises,” Miller added. “Looking forward, this agreement will help level the playing field for current and future students, and it puts in place an outside monitor to help ensure future fairness and compliance.”

Prospective Student Transparency

The agreement requires the school to substantially bolster transparency to prospective students, including a one-page disclosure form:

La' James must clearly disclose costs and fees associated with enrollment and tuition on a one-page disclosure form.

The form will include an expected timeline for completing the program, and the percentage of students who successfully completed it within the past three years.

The form must disclose items and materials the school expects students to purchase. The school will allow students to buy required items elsewhere, a change from past practices.

La' James is required to provide a list of current instructors and their qualifications to prospective students who request one.

The school must also provide prospective and current students with a handbook that clearly discloses detailed program requirements, policies, and expectations. The handbook must include the total number of hours the school requires for students to complete the program, attendance and leave of absence policies, and how the school assigns customers at its salons.

Current Students

The agreement will affect student training, instructor staffing, leave-of-absence policies, and refunds:

La' James will change how it allows students to complete their required practical training. The school will no longer require students to recruit customers to receive credit or pay the school for clients. Through the agreement, La' James will allow students to fulfill half of their skills requirements through non-paying customers. The school agrees to provide customers for the remaining half, or allow students to complete remaining skills requirements through non-paying customers or mannequins.

The school agrees not to require students to perform janitorial or sanitation services beyond Iowa Board of Cosmetology Arts & Sciences or Iowa Board of Massage Therapy minimum requirements.

La' James agrees to staff classes with qualified, licensed instructors.

La' James may not remove a student's completed program hours unless allowed by a written policy.

La' James must establish a leave of absence policy that permits extended absences for justifiable reasons, including medical leaves or financial hardships.

If a student withdraws within two weeks of enrolling, La' James must provide a full refund, except for the \$50 application fee.

Debt Forgiveness for Former Students

La' James will cease attempting to collect \$2,160,000 in debt, fees, and interest from former students who owe money to the school. La' James must notify affected former students within 90 days, and also notify credit reporting agencies.

La' James, Principals Pay \$550,000

La' James will pay the state \$500,000, and principals Cynthia and Travis Becher each will pay an additional \$25,000. The payments will largely go toward partial refunds to current and former students.

Consumer Protection Division to Contact Students Eligible for Partial Refunds

The division will contact eligible current and former students about partial refunds. Current and former students do not need to contact the Consumer Protection Division to be eligible.

Oversight & Duration

Former U.S. Attorney Nicholas Klinefeldt will serve as an independent settlement administrator, at La' James' expense, with authority to oversee La' James' settlement compliance. Klinefeldt will serve for a minimum of three years, and the settlement agreement is in place for at least four years.

La' James International College operates schools in Cedar Falls, Cedar Rapids, Davenport, Fort Dodge, Iowa City, and Johnston, and one location each in Illinois and Nebraska. It is not affiliated with La'James College in Mason City.

La' James and its parent company principals, Cynthia and Travis Becher, admit no wrongdoing in the settlement.

Website to Assist with Missing Persons Cases Unveiled by Attorney General and ACIC

LITTLE ROCK – Arkansas Attorney General Leslie Rutledge today, along with Rep. Bill Gossage and Arkansas Crime Information Center (ACIC) Director Jay Winters, unveiled a website, hosted by ACIC, to assist with the more than 500 active Arkansas missing persons cases. NeverForgotten.ar.gov, which was launched today, enables the public to access information on missing persons cases with an easy-to-use searchable database.

“Since I became Attorney General, I have consistently heard that our State can do a better job of helping the public easily find information about these cases,” said Attorney General Rutledge. “Now, all Arkansans will be able assist our law enforcement community by visiting this public website and obtaining information about missing Arkansans.”

“It is an exciting time as we see Arkansas bringing its resources to bear on locating missing kids and missing adults,” said Rep. Bill Gossage. “Today marks another huge step forward in bringing them home.”

“It is important for all agencies involved in locating missing children and adults to work in a partnership and this website is another step to accomplish that goal,” said Jay Winters, director of the Arkansas Crime Information Center.

“The Arkansas State Police is in a unique position to network with local law enforcement jurisdictions and share information relating to suspected homicide and disappearance cases,” said Col. Bill Bryant, director of the Arkansas State Police. “Our doors at the State Police are always open to family members looking for help in finding the appropriate local jurisdiction and helping local police and sheriffs’ departments re-evaluate these cases that haunt countless families across the State.”

“We are pleased to partner with our State and local partners and participate with the Never Forgotten website,” stated Diane Upchurch, special agent in charge at the FBI Little Rock Field Office. “Working with our State and local partners to locate missing persons in Arkansas is important to the FBI, and we are happy to offer our resources to assist in the search for missing persons.”

“Every missing person matters,” said Colleen Nick, director of the Morgan Nick Foundation. “We continue to stand shoulder to shoulder with our law enforcement community and the Attorney General’s office, unified in the fight to find those who are missing.”

Arkansas has over 500 unsolved missing persons cases, with those missing ranging from ages 2 to 99. Before this website was created, the public had limited access to information found in a full database of missing persons that has been maintained for law enforcement agencies. ACIC's publicly searchable database had only about 50 missing persons listed and included missing persons cases on the agency's website only when a local law enforcement agency submitted a special request.

NeverForgotten.ar.gov will include all missing persons from Arkansas and will be updated regularly. Arkansans who have missing loved ones should share as much information as possible, especially the most recent available photographs with their local law enforcement agency. Local agencies will provide updated information to ACIC to be included on the website.

In addition to Rutledge and ACIC, today's website would not be possible without the partnership of the Arkansas Association of Chiefs of Police, Arkansas Sheriffs' Association, Arkansas State Crime Lab, Arkansas State Police, Federal Bureau of Investigation – Little Rock Division, Morgan Nick Foundation and the National Missing and Unidentified Persons System.

Montana DOJ Using New AMBER Alert Notification System

The Montana Department of Justice (DOJ) announced today it has begun using CodeRED, a hosted emergency notification system, to issue the state's AMBER Alerts and Missing Endangered Person Advisories (MEPAs). At a press conference this morning in Helena, DOJ officials thanked the Town Pump Foundation for its donation, which made the switch to the new alert system possible.

"Thanks to the generous support of the Town Pump Foundation, for a period of three years, we'll be using CodeRED to support our AMBER Alert and MEPA Programs," said Attorney General Tim Fox. "CodeRED provides multiple methods of rapid communication to the public whenever a child has been abducted, which is critically important in situations when every second counts," added Attorney General Fox.

CodeRED is certified by the Federal Emergency Management Agency (FEMA), Integrated Public Alert Warning System (IPAWS) and will allow DOJ to issue Wireless Emergency Alerts (WEA). Previously, WEAs, which generate cell phone tones/texts to the public, were issued for the Montana DOJ by the National Center for Missing & Exploited Children (NCMEC) in Arlington, VA.

"We appreciate the assistance NCMEC has provided, and NCMEC is still our back-up plan, but we hope having the ability to issue a WEA will expedite the alert," said Jennifer Viets, AMBER Alert Coordinator for the Montana DOJ. Viets added, "Regulations tightly restrict the use of WEA, but there is no doubt they are an effective way to reach the public. Traditionally, WEAs were issued only when a good description of the abductor's vehicle was available. The second time we used the WEA to send an AMBER Alert was last year; a Montana citizen was reading the alert on his cell phone, looked up and saw the suspect vehicle parked right in front of him. Officers responded and found the vehicle was still warm. Tire tracks leaving the area helped identify the second suspect vehicle. The alert was updated and several hours later – 200 miles away – a citizen tip came in that led to the recovery of the children and arrest of the kidnapping suspects."

Maureen Kenneally, spokesperson for Town Pump said, "Town Pump is pleased to partner with the Montana Department of Justice once again as we join forces to help keep our young people

safe. We care about the communities we do business in, particularly the children in those areas. Time is of the essence when a child goes missing, and all of us at Town Pump are gratified to know our support of the Code RED system will help law enforcement in their efforts to secure the safe and timely return of abducted children.” Town Pump was the first business organization to partner with the Montana Department of Justice in its efforts to stop human trafficking.

Up until July 1, the Montana DOJ had been using a free web portal to issue AMBER Alerts; however, agency staff noted some technical difficulties. Agency officials noted other advantages to using the CodeRED system, including:

- The same system uses one standard method to issue both AMBER Alerts and MEPAs;
- Its use of Environmental Systems Research Institute (Esri) mapping to target alerts to people in a specific area;
- Alerts can be sent across a variety of different platforms, including automated phone calls, text messaging, TDD transmissions, emails, and RSS feeds.

Additionally, DOJ officials encouraged the public to download the free CodeRED app. While citizens will still receive AMBER Alerts on their phones without having the app, downloading it will enable them to receive more detailed AMBER Alerts, such as those that include photos, as well as cancellation notices when AMBER Alerts have ended. The app also enables users to receive MEPAs on their phones. To download the app, visit DOJ’s website at www.dojmt.gov

The AMBER Alert program is a child abduction recovery plan that began in the Dallas/Fort Worth area in 1996 after nine-year-old Amber Hagerman was abducted and murdered. In response to community concern, radio stations in the area joined with law enforcement agencies to establish a program capable of quickly distributing information about child abductors to the general public. In memory of Amber Hagerman, the program was named the AMBER Plan — America’s Missing: Broadcast Emergency Response.

In July 2002, a special session of Montana’s Legislature directed the DOJ to implement a similar program here. Through a voluntary partnership between the Montana Broadcasters Association, the MT DOJ, the Montana Department of Transportation, the Montana Lottery, the Montana National Weather Service, and local law enforcement, Montana’s statewide AMBER Alert program was developed.

Since 2003, the Montana DOJ has issued 30 AMBER Alerts. All 46 children involved were located; tragically, four of them were deceased.

A statewide test using the new Code Red system is tentatively set for October 10 at 10:00 am. Details regarding the test will be released in early October.

More Than 1,300 Suspected Child Sexual Predators Arrested During Operation Broken Heart

MADISON, WI – The Wisconsin Department of Justice’s Internet Crimes Against Children (ICAC) Task Force participated in Operation Broken Heart, which joined 60 other ICAC Task Forces nationwide in identifying and arresting suspected child sexual predators during April and May 2016.

During Operation Broken Heart, the Wisconsin ICAC Task Force made 87 arrests of suspected child predators and 129 community presentations on Internet safety. Dozens of Wisconsin law enforcement agencies who are members of Wisconsin’s ICAC Task Force participated in

Operation Broken Heart. Nationally, the operation resulted in 1,368 arrests and the task forces conducted about 2,300 presentations.

“Children in Wisconsin and all across the U.S. are safer because of Operation Broken Heart’s success,” said Attorney General Brad Schimel. “When I was elected Wisconsin Attorney General, I made protecting our State’s most vulnerable a priority. I’m proud of the work the ICAC Task Force has done to investigate those individuals who use the Internet to exploit children.”

The national crackdown targeted offenders who: (1) possess, manufacture, and distribute child pornography; (2) engage in online enticement of children for sexual purposes; (3) engage in the commercial sexual exploitation of children (commonly referred to as child prostitution), and (4) engage in child sex tourism (traveling abroad for the purpose of sexually abusing foreign children). The Operation included more than 3,000 federal, state, and local law enforcement agencies across the United States.

The ICAC Task Force Program was launched in 1998 to help federal, state, and local law enforcement agencies enhance their investigative responses to individuals who use the Internet, online communication systems, or computer technology to exploit children, to date, the ICAC Task Forces have reviewed more than 611,000 complaints of child exploitation, which resulted in the arrest of more than 66,000 individuals. In addition, since the ICAC program’s inception, more than 535,000 law enforcement officers, prosecutors, and other professionals have been trained on techniques to investigate and prosecute ICAC-related cases.

COLORADO SUPREME COURT HANDS ATTORNEY GENERAL CYNTHIA H. COFFMAN A KEY VICTORY IN HER FIGHT AGAINST DECEPTIVE FORECLOSURE PRACTICES

DENVER—Attorney General Cynthia H. Coffman won an important victory today in her fight to hold the largest foreclosure law firm in Colorado accountable for allegedly charging grossly inflated costs in foreclosure proceedings. In *State v. The Castle Law Group, LLC*, the Colorado Supreme Court held that Attorney General Coffman can introduce critical evidence at trial to demonstrate that the Castle Law Firm used affiliated businesses to artificially inflate foreclosure-related costs.

Attorney General Coffman alleges that the Castle Law Group and its principals, in concert with affiliated foreclosure-related businesses, systematically charged inflated and deceptive costs for routine services necessary to complete home foreclosures, while falsely representing that those costs were “actual, reasonable and necessary.” The inflated costs—estimated to exceed \$12 million—were passed on to homeowners, lenders, investors, and taxpayers. Attorney General Coffman alleges that all of the defendants shared in these illegal profits.

“We intend to prove at trial that these defendants took advantage of the foreclosure process to line their pockets,” Attorney General Coffman said. “This case is about ensuring the fairness and integrity of the foreclosure process, including for homeowners at risk of losing their homes. I look forward to proving my allegations at trial and holding these defendants accountable.”

The trial court had held that Attorney General Coffman could not seek reimbursement and penalties for the deceptive profits retained by the affiliated businesses rather than the law firm itself. The Colorado Supreme Court disagreed, concluding that, according to the allegations in

the case, the affiliated businesses “themselves also benefitted from the common scheme,” and the defendants could be held accountable for the amounts retained by those businesses. The Colorado Supreme Court also determined that the defendants are not immune from claims that their costs were deceptive merely because they disclosed the inflated costs to lenders and the public. The case will now go back to Denver District Court for trial.

U.S. District Court Issues Injunction Against Department of Labor “Persuader Rule”

Proposed rule violates attorney-client privilege and would have chilling effect on First Amendment

SALT LAKE CITY July 5, 2016 – In the latest in a series of judicial reversals of federal overreach, a district court has issued a national injunction against a Department of Labor (DOL) administrative rule in a case in which Utah joined with Texas, Arkansas, Alabama, Indiana, Michigan, Oklahoma, and South Carolina, as well as several private plaintiffs.

Instituted on March 24, the rule—known informally as the “persuader rule”—purported to reinterpret a section of the Labor-Management Reporting and Disclosure Act (LMRDA) that has long exempted from federal oversight communications between lawyers and clients during union-organizing campaigns. The persuader rule would have narrowed that exemption to exclude from it “indirect communications” by management-side consultants and lawyers during union-organizing campaigns—including speeches or scripts provided to supervisors to share with employees and intended to sway employees against unionizing. Besides redefining the statutory exemption to exclude such communications, the rule also required attorneys and consultants to report those communications to DOL, which would compile them and make them publicly available on its website, where they could be used against the employers by third parties.

The management-side attorneys and consultants subject to the rule argued in the request for the injunction that the rule would impose onerous reporting requirements when they act as indirect persuaders for employers that oppose unionization—reporting requirements that could interfere with their confidential relationship with employers. In particular, the rule would have required attorneys to violate attorney-client privilege, would have had a chilling effect on attorneys’ ability to provide advice to clients, and would have infringed on First Amendment speech rights.

“We are pleased that the court has enjoined the persuader rule,” said Tyler Green, Utah Solicitor General. “The injunction recognizes a key tenet of our federal system: There are limits to what federal agencies can do. Here, DOL not only exceeded those limits in the persuader rule, but did so toward particularly harmful ends—infringing and chilling confidential communications between attorneys and their clients.”

In response to a request for a preliminary injunction by Utah and nine other states in conjunction with legal and business groups, Judge Sam Cummings, of the U.S. District Court for the Northern District of Texas Lubbock Division, issued an order this week preventing the new persuader rule from taking effect. The judge recognized that the rule forces employers to report any “actions, conduct or communications” undertaken to “affect an employee’s decisions regarding his or her representation or collective bargaining rights,” and would have required attorneys advising employers about labor elections to report their activities to the DOL for posting on public web sites, effectively breaking the confidentiality of the attorney-client privilege.

In his order, Judge Cummings said that these requirements threaten to chill protected speech—and the “chilling of speech protected by the First Amendment is in and of itself an irreparable injury[.]”

Attorney General And Human Rights Commission Release Guidance On The Use Of Gender In Pricing Of Goods And Services

Today, the Vermont Attorney General’s Office and the Vermont Human Rights Commission issued Guidance on gender-based pricing, which is the practice of charging different prices for goods or services based on the consumer’s gender. Gender-based pricing occurs right here in Vermont – from services such as haircuts and dry cleaning to goods such as personal hygiene products and children’s toys.

According to Attorney General Sorrell, “many Vermont businesses may not realize that they are engaging in illegal gender-based pricing, and many Vermonter consumers may not realize that they have been subjected to the unfair practice. We have produced the Guide to raise awareness and help eliminate all gender-based pricing in Vermont.”

A 2015 study produced by the New York City Department of Consumer Affairs found that similar products were priced the same for women and men only 40% of the time, women’s products carried higher price tags 42% of the time, and men’s carried higher price tags 18% of the time. The 2015 study referenced an earlier study which found that women pay a “gender tax” of approximately \$2,191 more than men each year as a result of gender-based pricing.

Gender-based pricing violates Vermont’s Public Accommodations Act, which prohibits a place of public accommodation from treating people unequally based on, among other things, sex, sexual orientation, and gender identity. The Human Rights Commission is charged with enforcing the Public Accommodations Act. Executive Director Karen Richards said: “As a nation, more than 50 years after passage of the Equal Pay Act, we still have not reached pay equity for men and women. Here in Vermont, women make approximately 85 cents for every dollar earned by a man, are over-represented in lower paying jobs and under-represented in higher paying jobs. This ‘gender tax’ on goods and services exacerbates the pay inequity and further erodes the ability of women, particularly single women, to adequately support their families.”

Additionally, gender-based pricing violates Vermont’s Consumer Protection Act, which prohibits unfair or deceptive acts or practices in commerce. Attorney General Sorrell, whose office is charged with enforcing the Consumer Protection Act, said: “As the State’s primary enforcer of the Consumer Protection Act, I want to make it clear that gender-based pricing is an unfair practice in commerce. The Guide provides businesses with practical information on gender-based pricing and tips for eliminating the practice from existing pricing schemes.”

The Guide also offers information for consumers on what to do if they encounter gender-based pricing. Among other options, consumers are encouraged to file a Complaint with the Human Rights Commission. The Human Rights Commission will share all complaints with the Attorney General’s Office.

The Guide is available on the Attorney General’s website.

Stop Bashing G.M.O. Foods, More Than 100 Nobel Laureates Say

By NIRAJ CHOKSHI

More than 100 Nobel laureates have a message for Greenpeace: Quit the G.M.O.-bashing. Genetically modified organisms and foods are a safe way to meet the demands of a ballooning global population, the 109 laureates wrote in a letter posted online and officially unveiled at a news conference on Thursday in Washington, D.C.

Opponents, they say, are standing in the way of getting nutritious food to those who need it.

“Greenpeace has spearheaded opposition to Golden Rice, which has the potential to reduce or eliminate much of the death and disease caused by a vitamin A deficiency (VAD), which has the greatest impact on the poorest people in Africa and Southeast Asia,” the laureates wrote in the letter.

Proponents of genetically modified foods such as Golden Rice, which contains genes from corn and a bacterium, argue that they are efficient vehicles for needed nutrients. Opponents fear that foods whose genes are manipulated in ways that do not naturally occur might contaminate existing crops. And, they say, the debate distracts from the only guaranteed solution to malnutrition: promoting diverse, healthy diets.

“Corporations are overhyping ‘Golden’ rice to pave the way for global approval of other more profitable genetically engineered crops,” Wilhelmina Pelegrina, a campaigner with Greenpeace Southeast Asia, said in a statement. “This costly experiment has failed to produce results for the last 20 years and diverted attention from methods that already work.”

Richard J. Roberts, one of two winners of the 1993 Nobel Prize in Physiology or Medicine, spearheaded the letter-writing effort to set the record straight.

“There’s been a tremendous amount of misinformation being put out by Greenpeace,” he said. Some plant scientists have been “attacked so fiercely” over their views that they’ve gone silent, Dr. Roberts said.

In the letter, the laureates — all but 10 of whom earned their prizes in the fields of physics, chemistry or medicine — contend that G.M.O.s have consistently been found to be safe. The Washington Post covered the group’s efforts on Wednesday.

“Scientific and regulatory agencies around the world have repeatedly and consistently found crops and foods improved through biotechnology to be as safe as, if not safer than those derived from any other method of production,” the group of laureates wrote. “There has never been a single confirmed case of a negative health outcome for humans or animals from their consumption. Their environmental impacts have been shown repeatedly to be less damaging to the environment, and a boon to global biodiversity.”

In a report released in May, the influential National Academies of Sciences, Engineering and Medicine found that genetically engineered crops appear to be generally safe to eat and safe for the environment. It resisted broad proclamations, however, calling such sweeping statements “problematic” because of a variety of factors that affect such an analysis.

Consumers Union, a policy division of the nonprofit Consumer Reports, has approached the issue with caution, calling for labeling and federal scrutiny to better understand foods that contain genetically modified components.

In 2014, the Pew Research Center found an enormous gap between the public and scientists on the issue. Just 37 percent of adults in the United States said genetically modified foods were safe to eat, while 88 percent of scientists connected to the American Association for the Advancement of Science said the same.

PUBLIC LANDS/FREE SPEECH

Several states have tangled with free speech issues in their Adopt-a-Highway programs. On July 5, the Georgia Supreme Court let stand a lower court ruling against the State's attempt to block a Ku Klux Klan group from participation in the Adopt-a-Highway program (S16A0367. State of Georgia et al. vs International Keystone Knights of the Ku Klux Klan, Inc.). Volunteers who pick up litter along highways are recognized as sponsors on Adopt-a-Highway signs on the public right of way. In 2012, Georgia denied a Klan group's application on grounds that the Adopt-a-Highway program is for "civic-minded organizations in good standing." Rejecting that reasoning, the trial court in Georgia said viewpoint-based discrimination was not allowed under the Georgia Constitution. The Klan unit was represented by the American Civil Liberties Union. Meanwhile, a handful of states have explored plans to allow commercial advertising on highway right of way (public land) to supplement transportation funding, which would require federal signoff. Urging caution, Congressman Ted Poe (R-TX) points to disputes over hate speech as a potential headache for States.

Amber alerts and Taco Bell ads? That's an accident waiting to happen

Mariel Garza Mariel GarzaContact Reporter

Desperation does spur creative thinking. Like this: One state lawmaker wants to turn electronic Caltrans freeway signs into advertising billboards in between Amber Alerts and road condition reports.

The proposal, outlined in Sen. Bob Huff's (R-San Dimas) SB 1397, would raise an estimated \$200 million a year. That sounds like a windfall until you realize that the feds specifically prohibit advertising on freeway signs. Without a waiver, the state could lose 10% of its federal transportation funding, or about \$350 million. Don't worry: Huff's bill would not force Caltrans to move forward without that waiver.

To his credit, Huff has been scrambling to come up with money to fix the state's roads without reaching into the pocket of drivers. But he might have gone too far with this bill. While I appreciate the concern for my personal financial health, it's my physical health I'm concerned about here. There are already way too many distractions for drivers on California's freeways. I shudder to think even one more thing competing for my attention until my car knows how to drive itself and I can text without fear of slamming into another car.

A study sponsored the National Highway Traffic Safety Administration and the state of Virginia in 2006 found that 80% of accidents were caused by drivers who turned their attention away from the road for just a few seconds. (The italics are mine for dramatic effect.)

Then there's the thorny content issue. Though the messages on the state's 832 freeway signs when there's no kidnapping crisis can be vaguely patronizing ("Serious Drought Help Save Water" Really? I hadn't heard), at least they are not offensive. What if someone wants to buy an ad to say something disgusting about aborted fetuses or how Candidate X beats her kids? Imagine the traffic backup as people slow down to get a good look.

Caltrans sign

A Caltrans sign lets eastbound motorists on the Santa Monica Freeway near Robertson Boulevard how long it will take to reach downtown Los Angeles. (Los Angeles Times)
Oh yeah, it could happen. Although ads shilling alcohol, tobacco, guns and porn wouldn't be allowed, politically inclined ads are fair game. That would put the state government in the precarious position of either allowing objectionable — and possibly traffic-stopping — content on the freeway signs or curbing free speech. Sacramento airport officials found themselves in this very quagmire a couple years ago after an uproar over ads with political messages led to the ban on political ads, which led to the stickier question of what constitutes political speech.

Does it really make sense to even start down this road for a measly \$200 million year?
Legislators haven't thought so in the past, thwarting a few similar freeway sign ideas by lawmakers including former Gov. Arnold Schwarzenegger.

I have to agree. In fact, I'll go further. I would I would pay not to see ads on freeway signs.
(Hmmm. Perhaps that's the revenue stream Huff ought to pursue.)

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