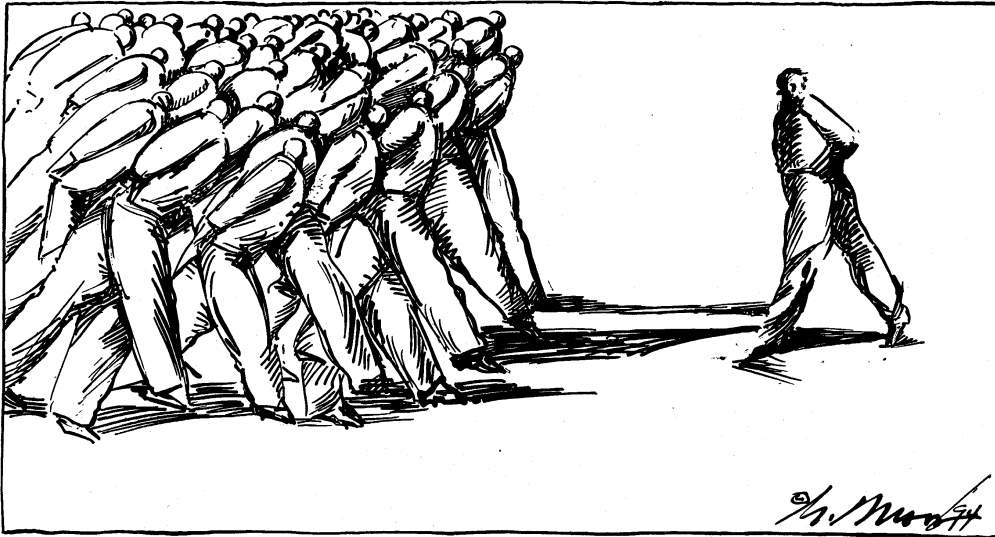


January 31, 2005

## One against many



Budget & taxes	
Small towns no tax shelters	4
Politics & leadership	
New capitol plan spurs old debate in AK	6
Governors	
Supreme Court rejects Bush plea	9
Bird's eye view	3
Hot issues	11
Once around the statehouse lightly	13

### Top Story

*CALIFORNIA Gov. Arnold Schwarzenegger (R) wants to "blow up the boxes" of state government by changing how Legislative and Congressional lines are drawn. But both parties — and even the White House — are lining up against him.*

## SNCJ Spotlight

### Schwarzenegger eager to reshape CA Legislature

**F**ed up with the partisan gridlock in CALIFORNIA's Legislature, Gov. Arnold Schwarzenegger (R) wants the state's legislative and congressional district lines redrawn. He wants someone other than lawmakers to do it. And he wants it done right now, in time for the 2006 election. It's a bold plan that observers say could actually inject some competition into an electoral system that is virtually

closed to non-incumbents — or bring the Legislature to a complete standstill.

Currently, political districts, by law, are readjusted after each decennial census to reflect changes in population. But Schwarzenegger is pushing for a constitutional amendment to allow the lines to be redrawn now instead of after the census in 2010. To try to make the districts more competitive, the amendment would limit how much the number of registered Democrats and Republicans in each district could differ to no more than 7 percentage points. And because the governor is convinced legislators would be incapable of drawing such fair districts themselves, he has proposed turning that job over to a panel of retired judges.

Right now, none of California's 53 congressional districts and just nine of its 120 state legislative districts meet the 7-percent standard the governor's plan calls for. Schwarzenegger pointed out that, in fact, none of the 153 districts contested last November changed political control because of a deal cut in 2001 between Karl Rove, President Bush's chief adviser, and the Democrats protecting the incumbents of both parties. As a result of that agreement, most of the districts were drawn so one major party is so dominant, it is virtually impossible for a candidate from the other party to win. Schwarzenegger made that point a highlight of his recent State of the State speech, asking "What kind of democracy is that?"

But the governor's plan faces some major hurdles. For one thing, most voters don't seem to care about redistricting, something lawmakers are quick to point out. "No one has yet approached me and told me that their No. 1 concern is the way legislative boundaries are drawn," said Assemblyman Tom Umberg (D), chairman of the Assembly Elections and Redistricting Committee. "They seem to be much more concerned about education, transportation and health care."

Lawmakers themselves are, unsurprisingly, resistant to jeopardizing the "incumbent protection plan," particularly Democratic state legislators who hold a majority in both houses. But some of the strongest opposition to Schwarzenegger's proposal is actually coming from California Republicans who hold powerful committee chairmanships in the U.S. Congress. Tony Quinn, co-editor of the California Target Book, which monitors state and fed-

## *The Week in Session*

### Regular Session:

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

### Special Session: WV "a"

Currently Prefiling (Drafts for 2005): AL, FL, NV, OK

Projected to adjourn: CA "a"

Adjourned in 2005: DC "z", IL "z", MA "z", NY "z", WI "a"

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

Letters indicate special/extraordinary sessions

Source: State Net, 1/28/05

eral political campaigns, said, “The governor’s office is getting calls from outraged congressman who don’t want their precious districts touched.”

Those who favor the idea of taking redistricting away from the Legislature believe it will reduce partisanship. They say the problem with the current system is that it fosters extremist lawmakers who are unwilling to compromise. “Partisanship has gotten worse,” said Leon Panetta, White House chief of staff during the Clinton administration. “Part of it is these safe seats and members that lean more to the extremes because what they’re worried about is challenges from the extreme. That makes it tougher for the compromises you need to build good policy.”

But even those who support changing the process say the governor’s demand for immediate redistricting will keep his plan from getting through the Legislature. Democratic strategist Garry South said, “I favor taking [redistricting] away from the Legislature. I thought what they did in

2001 was unconscionable. Bud I do not favor making this a mid-decade redistricting. He will get no Democratic support for that.” And South added, “If this looks like a sneaky attempt to get more seats for Republicans than they could have gotten in the election of 2004, it’s going to go down.” Sen. Debra Bowen (D), chairwoman of the Senate Elections, Reapportionment and Constitutional Amendments Committee, shared that view. “If you allow redistricting every time someone thinks they have a partisan political advantage, it will be a madhouse up here. It will make what’s going on the rest of the time look sane.”

## Bird’s eye view



### Voters still love term limits



There is no middle ground with term limits — voters love them, politicians love to hate them. Since 1990, 21 states have adopted limits on how long elected officials may serve in office, although six have since had those limits tossed out by the courts. Even so, the effect on legislative careers has been dramatic, with 261 state lawmakers forced out of office in 2004, and 963 overall since 2000, according to the National Conference of State Legislators. Despite the high turnover rate, ARKANSAS, MONTANA, MICHIGAN and OREGON have rejected proposals to abandon term limits, and lawmakers in WYOMING, which in 2004 became the latest state to have its term limits set aside by the courts, are again working on term limit legislation (See *Politics & leadership* on page 8). The map above shows all 21 that have passed term limit laws since 1990.



Some analysts say there's also a major flaw in Schwarzenegger's plan: there isn't a whole lot of room to make California's districts more competitive because the state's population is so balkanized on the basis of partisanship. "You're not going to make Berkeley Republican or San Clemente Democratic," said Rick Hansen an election law specialist at Loyola University School of Law in Los Angeles.

But the governor is determined. He's even suggested that he might consider asking voters to overturn the state's term limits law in return for legislative action on his redistricting proposal, a deal lawmakers just might be willing to make. "Such a trade-off might be feasible," said Assemblyman Umberg. "I think there's an interest on both sides of the aisle in modifying term limits." California's voters, however, may not go for it; an October Field Poll showed that 75 percent of them support term limits. If Schwarzenegger decides that even he can't change the voters' minds about term limits and get lawmakers to act, he's likely to take the redistricting issue to the voters instead. And it would probably be an easier sell. (SAN DIEGO UNION-TRIBUNE)

— *Compiled by KOREY CLARK*

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## Budget & taxes

**S** MALL TOWNS NO TAX SHELTERS: When Alexander Aitken left the suburbs of Washington, D.C. for a small town in VIRGINIA in 1997, he saw his property tax bill plummet from \$4,000 a year to \$1,700. Over the years since, however, as more people have moved into his rural neighborhood, Aitken has watched the assessed value of his house rise — and his property taxes along with it. Last year, the four-bedroom home he built eight years ago for \$350,000 was valued at \$616,300 and his taxes had skyrocketed to \$5,600. And this year, he expects to owe about \$6,500.

Aitken's experience is being shared by people all across America, as the country's booming real estate market keeps pushing home prices higher and assessors keep raising their valuations. Pete Sepp, a spokesman for the National Taxpayers Union, says, "Property taxes are higher than they've been in the past two decades. Not since the mid-'70s have property taxes been so burdensome."

States have traditionally helped keep their residents' property tax bills under control by providing money to cities and counties for education and other needs, allowing local governments, in turn, to roll back the taxes. But with the eco-



conomic troubles of recent years, much of that state aid has been cut, and cities and counties have been reluctant to part with any local tax revenues.

Last year, the country seemed to be on the verge of a major overhaul of the property tax system, with more than half of the states considering either cuts or limits. But that national movement fizzled, the most significant failure coming in MAINE, where a measure to radically cut property taxes — much like CALIFORNIA’s Proposition 13 did in 1978 — was defeated by a 2-1 margin.

But reformers haven’t given up. Aitken has formed an organization called Virginians Over-Taxed on Residences, which is pushing to limit future property tax increases to 2% per year, or the rate of inflation, whichever is lower. And other efforts are under way in ILLINOIS, IOWA, NEVADA and even MAINE. (USA TODAY)

**CALIFORNIA CODDLES CORPORATIONS:** Last Tuesday, CALIFORNIA’s State Board of Equalization voted to give 18 companies \$80 million in tax refunds for manufacturing equipment they purchased in 2003, a decision that angered several consumer advocacy groups. Their gripe? None of the companies have actually paid any corporate income taxes over the last few years because they’ve accumulated so many tax credits, they haven’t owed any taxes. “The state is hemorrhaging real cash. These are refunds for taxes not even paid. It’s scandalous,” said Senate Appropriations Committee Chairwoman Carole Migden (D), who is also a former chairwoman of the State Board of Equalization. Even the board’s own attorneys had urged members not to grant the refunds, stating in a memo in the summer of 2003 that the manufacturing equipment credit was never intended for companies that didn’t owe any income taxes. But board members claim they were following the intent of the law. And the companies argue that while they may not have paid corporate income taxes, they did pay millions in sales taxes on the equipment they purchased. In spite of those arguments, consumer groups say they may take the issue to the courts. (LOS ANGELES TIMES)

**BUDGETS IN BRIEF:** In a dramatic shift in IOWA’s economic development policy, Senate Republicans proposed eliminating the state income tax for residents under the age of 30. Senate Republican Leader Stewart Iverson said the plan would make Iowa much more attractive to young workers, a group that left the state in record numbers during the 1990s (QUAD-CITY TIMES). • The DFL-controlled MINNESOTA Senate passed a bonding bill that would fund just under \$1 billion in building projects around the state. The amount significantly exceeds the \$816 million Republican Gov. Tim Pawlenty proposed or



what the GOP-controlled House is expected to offer, but all three sides say they are eager to resolve the issue in time for construction to begin in the Spring (MINNESOTA PUBLIC RADIO [ST. PAUL], BUSINESS JOURNAL [MINNEAPOLIS-ST. PAUL]). • **NEW YORK** Transportation Commissioner Joseph Boardman said last week that the state may have to privatize some major roads or bridges to fund much-needed transportation improvements and maintenance. Such a move would place the state among a growing group of governments turning to private interests for help in meeting their transportation demands, most notably Chicago, which leased its Skyway — a 7.8-mile toll bridge — to a private consortium for \$1.83 billion (TIMES UNION [ALBANY]). • The U.S. Supreme Court refused for the second time to hear arguments against a **NEVADA** Supreme Court ruling that allowed the Legislature to raise taxes in 2003 without the two-thirds majority mandated by the state’s constitution. The decision will likely bring an end to the legal battle over the Legislature’s controversial action (LAS VEGAS REVIEW-JOURNAL). • **FLORIDA** has spent only \$700 million on reducing class sizes since enacting its class-size amendment in 2000, which is far below the \$1.7 billion state economists had predicted the law would cost the state over the first two years. That news has led some critics to accuse Gov. Jeb Bush (R) and lawmakers of disingenuously using the class-size amendment to justify cuts to other services (PALM BEACH POST). • **TENNESSEE** Gov. Phil Bredesen (D) is calling for a task force to determine how to assist the community health facilities most likely to be impacted by the 323,000 people who will be cut from the TennCare program later this year (TENNESSEAN [NASHVILLE]). • **LOUISIANA**’s State Bond Commission held up a plan by Agriculture Commissioner Bob Odom to build an \$85 million sugar cane syrup mill with public money, pending completion of a feasibility study. Odom had won approval for a similar plant in 2003 (TIMES-PICAYUNE [NEW ORLEANS]).

— *Compiled by KOREY CLARK*

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# Politics & leadership

**N**EW CAPITOL PLAN SPURS OLD DEBATE IN AK: Earlier this month, the City and Borough of Juneau, ALASKA selected four finalists in an international architectural competition to design a new state Capitol building in time for the state’s 50th anniversary in 2009. But that action has rekindled debate over an issue that is almost as old as the state itself: whether

the Capitol belongs in Juneau at all. Juneau became the capital when Alaska was still a territory, owing to its commercial prominence as a busy gold mining town. With the construction of the Alaska Highway during WWII and the Trans-Alaska Pipeline in the 1970s, however, Juneau has been eclipsed by the cities of Anchorage and Fairbanks. What's more, getting to Juneau, which is situated on the state's panhandle, can be somewhat of an ordeal for residents of the state's interior. Flights into Juneau Airport are frequently diverted due to bad weather. And reaching the capital by car requires a several-hundred-mile journey through the Yukon Territory and into British Columbia, followed by a ferry ride. Numerous attempts have been made over the years to move the capital, including a ballot measure in 2002, but they have failed largely because of concerns about the potential cost of such an undertaking. House Rules Chairman Norm Rokeberg (R) has seized on the Capitol design competition, though, as an opportunity to take another shot, reintroducing a bill to initiate a statewide competition to host the Capitol. "I believe my legislation is the only way we can break the stalemate politically so that we can have a new Capitol or legislative hall," he said. Another lawmaker has proposed legislation that would require voter approval to construct a new Capitol. Juneau Mayor Bruce Botelho said he expected there would be some "icebergs in the way" of his plans for a new Capitol when he initiated them, but he seemed confident of his ability to "chart around them." Others weren't so optimistic. Sen. Ralph Seekins (R), for example, said he thought Juneau's design competition had "opened a Pandora's box." (STATELINE.ORG)

## *Upcoming Elections* (1/24/2005 - 2/7/2005)

01/25/05 Alabama Special Election  
House 065  
Senate 024

01/29/05 Louisiana Special Primary  
House 096

02/05/2005 Texas Special Election  
House 121

**AT THE POLLS:** Last Tuesday, Pebblin W. Warren defeated Katy Smith Campbell by a 2-1 margin in the Democratic runoff for **ALABAMA** House District 82. The seat became vacant in October when Rep. Johnny Ford (R) resigned to become mayor of Tuskegee. Warren, who's worked for the Alabama Department of Post Secondary Education for nearly 16 years, will face Republican Lacy Ward, a doctoral student at Tuskegee University, in the general election on March 8 (ASSOCIATED PRESS, BIRMINGHAM NEWS). • In the race for **ALABAMA** Senate District 24, Rep. Bobby Singleton (D) soundly defeated Republican James E. Carter. In one county of the solidly Democratic district — Tuscaloosa — Singleton garnered 95 percent of the vote, winning 1,665 to 86. Singleton will replace Sen. Charles Steele (D), who resigned in August after

becoming national vice president of the Southern Christian Leadership Conference (ASSOCIATED PRESS, BIRMINGHAM NEWS). • **OHIO** voters will face a record 73 school ballot issues in next month's special election, according to the advocacy group Ohio Coalition for Equity and Adequacy in School Funding. The elevated volume — the average number of school levies is 35 — continues a trend that began two years ago when Gov. Bob Taft (R) reduced aid to schools (BEACON JOURNAL [AKRON]).

**POLITICS IN BRIEF:** A bill seeking to eliminate term limits for **WYOMING** legislators was expanded in the Senate last week to include all statewide officials. The proposal was introduced to conform Equality State law with a state Supreme Court decision last year declaring the state's 1992 term limits law unconstitutional. That law barred legislators from serving more than 12 consecutive years in the House or Senate (BILLINGS GAZETTE). • The first bill introduced in the **PENNSYLVANIA** Legislature — Senate Bill 1 — was a lobbyist disclosure act. Pennsylvania is the only state in the nation that doesn't currently require lobbyists to register or disclose information about their expenditures (PITTSBURGH POST-GAZETTE). • Ted Halaby announced last week he will not seek a second term as chairman of **COLORADO's** Republican Party. Many blamed Halaby for the Republicans' loss of both the House and Senate in November (DENVER POST). • After two weeks of negotiating with Democrats, the **NEW YORK** Senate's Republican majority adopted new rules without bipartisan support. Among other things, the rules will end the practice of empty-seat voting, with some exceptions, including committee votes and votes on agreed-upon non-controversial legislation (NEW YORK TIMES, TIMES UNION [ALBANY]). • Also in **NEW YORK**, Robert F. Kennedy Jr. announced that he has decided not to run for state attorney general in 2006. In a lengthy interview at his home in Mount Kisco, New York last Monday, Kennedy said his decision was the result of discussions he'd had with family members over the last few weeks and had nothing to do with the possibility of running against his soon-to-be-ex-brother-in-law Andrew M. Cuomo. "All the family members who had not been in political office urged me to run and the ones who had served in office urged me not to," Kennedy said (NEW YORK TIMES). • Just two days into **WEST VIRGINIA's** first special session under Gov. Joe Manchin (D), a spokesperson for the governor indicated that a second special session might be held to consider salaries for teachers and other school employees. Whether that will happen depends on what is accomplished during the current special session and the regular 60-day session, which begins on Feb. 9, the spokesperson said (CHARLESTON DAILY MAIL).

— *Compiled by KOREY CLARK*

# Governors

## SUPREME COURT REJECTS

**BUSH PLEA:** The U.S. Supreme Court dealt FLORIDA Gov. Jeb Bush (R) a stinging defeat last week when it refused to hear his request to intervene in a right to die case that has drawn national attention. Bush wanted the high court to invalidate a state Supreme Court ruling that said he did not have the right to keep a severely brain-damaged woman alive against the wishes of her husband. The woman, Terry Schiavo, has survived for 15 years with the help of a feeding tube. Schiavo's husband, Michael Schiavo, has battled with his wife's family for years, seeking to remove the tube to carry out what he says is his wife's wish to never be kept alive by artificial means, a claim they dispute. Michael Schiavo has twice had his wife's feeding tube removed, but authorities have stepped in both times to force it to be reinserted before she died. The second time was courtesy of Bush, who in 2003 pushed a hastily written law through the Sunshine State Legislature that gave him the power to order the reinsertion. Last fall, the state Supreme Court ruled that law to be unconstitutional. The U.S. Supreme Court's decision not to hear the case effectively removes any authority Bush has to intervene, but the case itself is far from over. An order from a state judge to remove the tube has been stayed, pending the outcome of multiple lawsuits brought forth by Terry Schiavo's parents. (ST. PETERSBURG TIMES, LOS ANGELES TIMES)

**OLD GOVERNORS NEVER DIE:** They just write books. Or at least that is what former NEW JERSEY Gov. Christie Whitman (R) has done, penning a new tome that is harshly critical of GOP politics in the Garden State. The book, "It's My Party Too," claims that social fundamentalists are waging a form of guerilla warfare against the state's moderate Republicans by continually nominating arch conservative candidates who too often fail to win elections. The result, she claims, is that they are threatening to make the New Jersey GOP irrelevant. Whitman, who served as the state's chief executive from 1994-2001, also asserts that those same Republicans never forgave her for vetoing a 1996 law that would have outlawed partial-birth abortion, a move that came close to getting her censured by the Republican National Committee. She also does not spare some current members of the Bush

## Quote...

"We're just hoping at this stage in the proceedings that the courts will finally say, 'No more delay. It is time to have Terri's wishes carried out.'"

— **George Felos, attorney for Michael Schiavo, who is seeking the removal of a feeding tube that has kept his severely brain-damaged wife alive for 15 years.**

White House, whom she worked with for three years as the head of the federal Environmental Protection Agency. Whitman saves her harshest words for presidential adviser Karl Rove and Vice-President Dick Cheney, who she says used their influence to keep more moderate Republicans — like her — under control. (TRENTON TIMES)

**CODEY LITERALLY READY TO FIGHT:** Whitman isn't the only one in a fighting mood in NEW JERSEY. Acting Gov. Richard Codey (D) was apparently angry enough at a radio host who made disparaging remarks about postpartum depression that he went to the station and threatened to "take him outside." Codey has been a strong supporter of improved mental health care in the Garden State, and has openly discussed his wife's battle with postpartum depression after the birth of their son 20 years ago. Both parties demanded an apology, but neither side complied. Radio host Craig Carton instead promised an on-air campaign to get Codey removed from office. Meanwhile, Codey has a much more serious battle at hand — this one with Democratic U.S. Sen. John Corzine, who has been vigorously picking up endorsements from top Democratic leaders for his anticipated gubernatorial campaign this fall. Although Codey has enjoyed very strong public approval since taking over for former Gov. James E. McGreevey (D) — he has cut Corzine's early lead in a potential Democratic primary from 40 points down to just 10 — a quartet of advisers is now telling him that Corzine's enormous personal wealth and organizational structure is too much to overcome. That has led to speculation that Codey will announce as early as this week that he will not seek the governor's office in the Democratic primary in November. (STAR LEDGER [NEWARK], TRENTON TIMES)

**WA GOP CLAIMS 300 ILLEGAL VOTES:** Washington Republicans say they have confirmed that at least 240 convicted felons voted in the recent gubernatorial election. They also discovered 44 ballots cast in the names of dead people,

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## ... unquote

"Terri is awake, she is aware. She would be here today if the courts would allow her to be. It's just pathetic what they've done to her. It's judicial homicide."

— **Robert Schindler, Terri Schiavo's father.**  
(ST. PETERSBURG TIMES)

10 who voted more than once in Washington and six who voted in both Washington and another state on Nov. 2. GOP Chairman Chris Vance said the 300 votes in question are in addition to another 437 provisional ballots Republicans claim were erroneously counted in three Evergreen State counties. Democrats defended the provisional ballots, saying "most" came from properly registered voters. The GOP has filed suit to invalidate the election of Gov. Christine Gregoire (D), who was declared the winner by 129 votes after a hand recount. Two earlier machine counts showed Republi-



can Dino Rossi as the winner. Dems have filed a motion for dismissal, which will go before the judge on Feb. 4. The case is widely expected to end up in the state Supreme Court. (SEATTLE POST-INTELLIGENCER)

— *Compiled by RICH EHISEN*

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# Hot issues

**B**USINESS: A **WYOMING** Senate committee rejects SF 51, a proposal to raise the Equality State minimum wage from \$5.15 to \$8.75. Opponents said the hike would be harmful to business (BILLINGS GAZETTE). • Still in **WYOMING**, the House also rejects HB 13, which would have given \$70 million in pay hikes to state workers (BILLINGS GAZETTE). • Meanwhile, a **VERMONT** Senate panel also rejects raising the minimum wage, but it does endorse a proposal to attach an automatic cost of living increase for future years. That measure now goes to the full Senate (RUTLAND HERALD). • A **COLORADO** Senate committee narrowly approves a bill that would add “sexual orientation” and “gender variance” to the list of groups protected from on the job discrimination. It heads to the full Senate for review (DENVER POST).

**CRIME & PUNISHMENT:** Saying prisons “are not meant to be arcades,” **MISSOURI** Gov. Matt Blunt (R) bans video games in Show Me State prisons. An earlier newspaper report showed some prisoners had access to video games with titles like “Grand Theft Auto” and “Hitman: Contracts” (KANSAS CITY STAR). • The U.S. Supreme Court rules that police can use drug sniffing dogs during routine traffics stops. The high court’s decision overturns an **ILLINOIS** Supreme Court ruling that said dog sniffs were unconstitutional (CHICAGO SUN-TIMES). • A **VIRGINIA** Senate committee kills a bill that would have imposed a moratorium on executions in the Old Dominion State. There are at least five other death penalty-related bills before Virginia lawmakers this session (VIRGINIAN-PILOT [RICHMOND]). • The **OREGON** Senate votes 29-1 to endorse SB 40, which says that accused sex offenders can no longer plead insanity as a defense. It now goes to the House (CORVALLIS GAZETTE-TIMES). • An **INDIANA** House committee unanimously approves HB 1057, which would make it illegal to have an open container of alcohol in the passenger section of a car. The bill would impose a \$25 fine, but the citation would not be reportable to an insurance carrier and does not count as points against a person’s license (FORT WAYNE GAZETTE). • Still in **INDIANA**, the Senate unanimously endorses SB 164, which requires a person

convicted twice of possessing child pornography to register as a sex offender. It moves to the House (NORTHWEST INDIANA NEWS).

**EDUCATION:** An **INDIANA** Senate committee approves legislation that would define schoolyard bullying and force Hoosier state schools to adopt policies prohibiting it. It now heads to the full Senate (JOURNAL & COURIER [LAFAYETTE]). • The **WYOMING** House votes down a bill that would have raised the maximum age for compulsory school attendance from 16 to 18. Wyoming has the sixth highest dropout rate in the nation (BILLINGS GAZETTE).

**ENVIRONMENT:** A **WYOMING** Senate committee gives the nod to Senate File 41, which would establish a \$75 million state trust fund to preserve wildlife habitat. It now goes to the full Senate (BILLINGS GAZETTE). • An **ARIZONA** House committee okay's HB 2357, a bill that would exempt collectible cars that are at least 15 years old from meeting state vehicle emissions standards. It roars off to the full House (ARIZONA REPUBLIC).

**HEALTH:** The **ARKANSAS** House endorses a measure that would allow used prescription medications from Razorback State nursing homes to be redistributed at free clinics. The state estimates that \$5 million worth of prescription drugs are destroyed every year. The bill now goes before the Senate (LOG CABIN DEMOCRAT [CONWAY]). • The **VERMONT** Senate gives its unanimous approval to a proposal to allow Green Mountain State residents to purchase prescription drugs from pharmacies in Canada, Ireland and the United Kingdom. The measure now goes to the House, where it is also expected to pass (RUTLAND HERALD). • A **SOUTH DAKOTA** House panel endorses a bill that would ban smoking in nearly all Coyote State workplaces. The measure closes loopholes and exceptions in current smoking restrictions adopted in 2002. It heads to the full House (ARGUS LEADER [SIOUX FALLS]). • A **COLORADO** House committee approves HB 1042, which requires all hospitals to inform sexual assault victims of the availability of an emergency contraception pill to prevent pregnancy. It moves to the full House (DENVER POST).

**SOCIAL POLICY:** The **UTAH** Senate okay's SB 83, which makes it more difficult for state officials to intervene when a parent refuses to get medical treatment for a sick or injured child. SB 83 says such action does not constitute neglect unless the state can convincingly prove the decision was not reasonable. It moves to another Senate committee (SALT LAKE TRIBUNE). • The U.S. Supreme



Court lets stand a lower court’s ruling that **SOUTH CAROLINA**’s license plates bearing the “Choose Life” slogan are unconstitutional. The earlier ruling said the plates violate the First Amendment because abortion rights supporters were not given a similar platform to express their beliefs. The high court’s decision means the Palmetto State will have to either stop issuing the Choose Life plates or to also offer plates that espouse the pro choice viewpoint (WASHINGTON POST).

**POTPOURRI:** The **SOUTH DAKOTA** Senate votes unanimously to support HCR 1002, which mandates that the words “under God” be kept in the Pledge of Allegiance. The resolution, which previously passed the House by a 63-5 vote, does not have the force of law and does not require approval by Gov. Mike Rounds (R) (ARGUS LEADER [SIOUX FALLS]). • The **INDIANA** House just says yes to House Joint Resolution No.4, which adds the right to “hunt, fish and harvest game” to the Hoosier State constitution (INDIANAPOLIS STAR). • A federal court reverses a lower court’s decision that had given ownership of an original copy of the Bill of Rights to **NORTH CAROLINA**. The document is believed to be one of 14 known copies ordered by George Washington. Taken from the capitol building by Union soldiers in 1865, the document was in the process of being sold at auction in 2000 when it was instead confiscated by the FBI. Federal authorities want it returned to North Carolina, but the private holder who had the document at the time of the FBI action wants to sell it instead. The case now heads back to a federal district court (NEW YORK TIMES).

— *Compiled by RICH EHISEN*

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# Once around the statehouse lightly

**L**ET ’EM EAT CAKE. The cake in question was chocolate and brought forth upon the dais to celebrate the birthday of Edwin Simcox, former **INDIANA** secretary of state. The problem, *The Indianapolis Star* points out, was the venue — an organizational meeting of the Legislature’s House Utilities and Energy Committee. As a last “item” on the agenda, the committee chair began a celebration of Simcox’ 60th birthday, complete with said cake and a rousing rendition of “Happy Birthday” from committee members and assembled lobbyists. Killjoys in the audience — namely, representatives of Common Cause and the Citi-

zens Action Coalition — noted that the little party, held in the Capitol as part of a committee hearing, smacked of “all that’s wrong with how business is done at the Statehouse.” Why such a frown? Simcox is not a member of the committee. He’s a lobbyist and president of the Indiana Energy Association.

**MAKE IT REAL.** If the TEXAS State Bar is to be believed, some of the best drama on television these days comes in the form of ads by Lone Star law firms. But according to the *Houston Chronicle*, new rules under consideration by the State Bar will crack down on “embellishments” in that advertising. For instance, law firms no longer will be able to hire actors to portray satisfied clients — they must find a real satisfied client to tout big settlements. That is, if they can find a real satisfied client. If and when new rules go into effect, ads must reveal exactly how much a client received from a settlement. If a firm won \$1 million but the client collected only \$200,000, the ad must fess up. Trial lawyers are grumpy, complaining that the new rules hamper their ability to attract new business.

**HOME LIFE.** Several of them, in fact. According to The Associated Press, TENNESSEE state Sen. John Ford has admitted that he lives in two different homes, with two different women and two different broods of children. The unusual home life surfaced during a Juvenile Court hearing last year over child support — not child support for either of these two families but for yet another daughter sired a decade ago with a third woman. By the way, Ford’s claim that he lives in two separate homes is unusual for a political reason. Neither home is in the Memphis Democrat’s district.

**WHAT’S THAT YOU SAY?** Some might label the effort racist, but a NORTH DAKOTA Republican has sponsored legislation to allow college students to drop a class without academic or financial penalty if the instructor “does not speak English clearly and with good pronunciation.” As *InForumNews* notes, the bill — sponsored by Rep. Bette Grande of Fargo — would also force a dean to reassign an

## In the Hopper

State Net’s database tracks tens of thousands of bills in all 50 states at any given time. Here’s a snapshot of what’s in the legislative works:

- **Number of 2005 prefiles last week: 1,790**
- **Number of 2005 Intros lastweek: 9,974**
- **Number of bills enacted/ adopted lastweek: 89**
- **Number of 2005 prefiles to date: 21,221**
- **Number of 2005 Intros to date: 26,070**
- **Number of enacted/adopted overall in 2005: 262**

— Compiled By GINA HUMMELL  
(Measures current as of 1/21/05)  
Source: State Net

instructor to a non-teaching position if 10 percent of his or her students complain that they can't understand the lectures. University officials argue that procedures already in place prevent the problem, but Grande disagrees, saying that she receives a lot of complaints. One complaint registered with a university provost, however, focused on a professor from, uh, Boston. Not that anyone would have trouble understanding a native from Nordakota.

**STUPID PET TRICK.** Cockfighting is illegal almost everywhere because it is considered inhumane to toss two hopped-up roosters in a small pen and have the birds claw at each other until one of them dies. But folks in OKLAHOMA are worried about the Sooner State's gamefowl industry, and *The Oklahoman* reports that a Democratic state senator has introduced a bill to allow a "safe and insane" version of the sport. If Frank Shurden has his way, dueling roosters would be fitted with gloves and electronic sensors and would "box" without harming the birds. "Who's going to object to chickens fighting like humans do?" says Shurden. He neglected to mention that humans get to choose whether to box; roosters do not.

— *By A.G. BLOCK*

