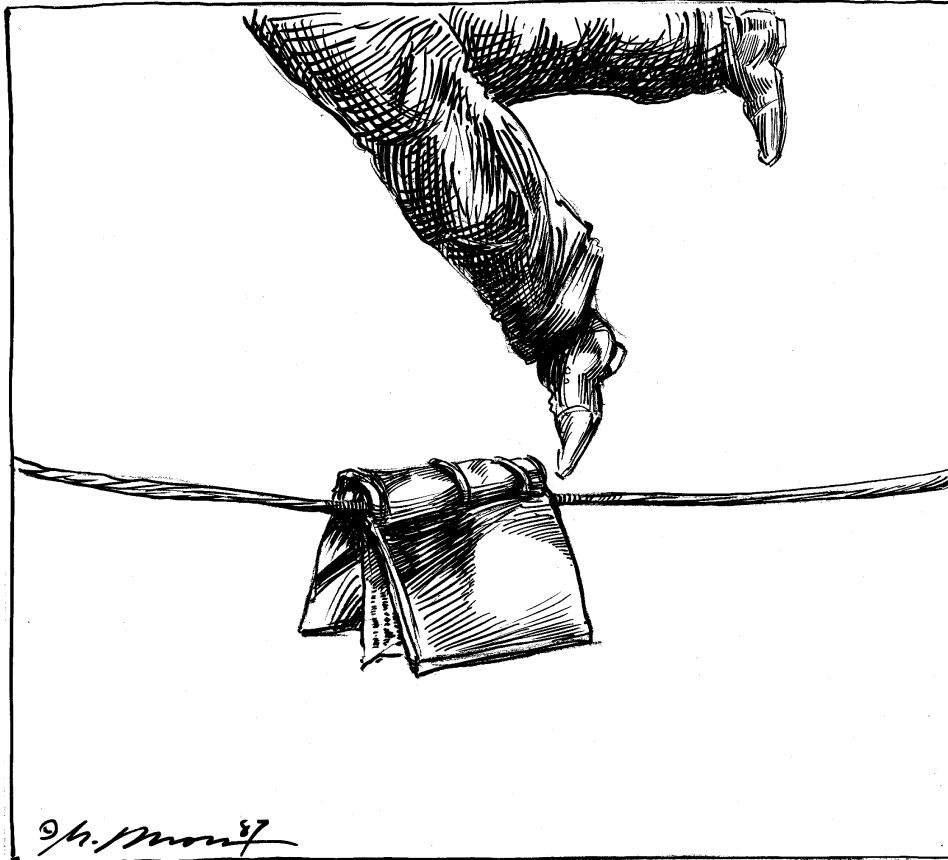


## A textbook case

March 7, 2005



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### Top Story

*For more than a year, the debate over same-sex marriage has raged from the White House to the statehouse. Many states have moved to constitutionally define marriage, a drive that is shifting to the classroom.*

## SNCJ Spotlight

### States taking gay marriage battle to the classroom

**B**olstered by a clean sweep at the polls last November, numerous legislatures across the country have this year been emphatically pushing to constitutionally define marriage as only being between one man and one woman. That drive has also spilled over into the classroom, where some lawmakers and education officials now want school textbooks to reflect that same definition.

References to gay lifestyles have been a source of contention in choosing school textbooks for several years. In TEXAS in 2000, for example, the Santa Fe Independent School District adopted a policy aimed at ridding elementary and middle school shelves of “vulgarity, profanity, references to homosexuality or other deviant behavior.” That resulted in the removal of titles like Judy Blume’s “Just As Long As We’re Together,” Katherine Paterson’s “Bridge to Terabithia” and Jack London’s “Call of the Wild.”

Texas education officials took that policy a step further last November when the State Board of Education asked book publishers to change health textbooks to specifically define marriage as only being between one man and one woman. Board member Terry Leo, who proposed the changes, said they were necessary to prevent “asexual stealth phrases” such as “individuals who marry” from finding their way into the books.

“Marriage has been defined in Texas, so it should also be defined in our health textbooks as marriage between a man and a woman,” Leo said at the time.

Those changes drew immediate fire from gay and lesbian groups as well as some textbook publishers, who complained that because Texas is the second largest textbook buyer in the country, their action would unduly influence dozens of other states to follow suit. Books sold in large states like Texas and CALIFORNIA are frequently marketed in other states as well.

A few states have already taken legislative action seeking to copy the new Texas policy. Last month, the ARKANSAS House passed HB 1136, which would have mandated that public school textbooks not be able to promote any form of marriage other than the one-man one-woman version approved in the Razorback State constitution. A Senate committee later rejected the bill, but its author, Rep. Roy Ragland (R), is contemplating bringing it back in an amended form later this session.

The issue is still alive in ALABAMA, where House Bill 30, authored by Rep. Gerald Allen (R), is awaiting action in the House Education Committee. HB 30 would bar the state from spending any public funds “to purchase or promote” books for schools or libraries that contain homosexual characters. Allen

## *The Week in Session*

### States in Regular Session:

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

### States in Special Session: CA "a"

States in Recess: DE, PA (In Budget Hearings), NH, VT

Currently Prefiling: LA(Drafts for 2005)

States Projected to Adjourn: AR

States Adjourned in 2005: DC "z", IL "z", MA "z", NY "z", UT, VA

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

Letters indicate special/extraordinary sessions

Source: State Net, 3/4/05

is also the author of HB1, an amendment to the state constitution that would define marriage as only being between one man and one woman. At this writing, that measure has passed in the House and is under review in the Senate.

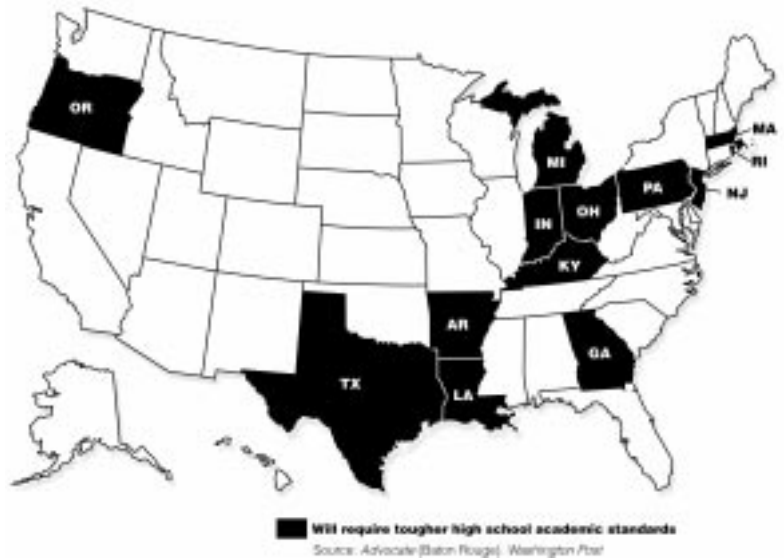
Bills like HB 30 greatly concern Mark Potok, a spokesman for the Montgomery-based Southern Poverty Law Center. “I call (HB 30) a Nazi book burning,” Potok says. “If this bill passes, half the classics of western civilization would be banned, including Plato, Shakespeare and Hemmingway.” Potok says he doubts the bill will ever make it out of the Education Committee, lamenting that, “All this has done is heap ridicule on the state of Alabama from people all over the world.”

Allen deflects that criticism, citing exit polls from the November election that showed moral issues were the number one voter concern as proof the people of his state want bills like HB 30 and HB 1 to become Heart of Dixie law.

“I am not a bigot,” he says. “I share a deep concern with my fellow citizens that the family is not being taken care of.”

Allen also says he is not suggesting a book burning or digging a hole to dispose of all copies of “The Color Purple” or “Heather has Two Mommies,” but that he would like to stop using public funds to purchase books that “teach alternate lif-

## Bird's eye view



### *Committing to tougher academic standards*

Citing a steady decline in America's high school graduation rates and higher education achievement, more than a dozen governors attending the recent National Education Summit on High Schools in Washington, D.C. have agreed to work together to raise their respective state's high school academic standards. The coalition agreed to take specific steps to make high school curriculums more rigorous, including requiring every student take college prep courses in order to graduate. The governors also pledged to match their graduation standards with the expectations of colleges and employers, and to hold their schools accountable for ensuring students get their diplomas. The Summit was co-sponsored by the National Governors Association and Achieve Inc., a non-profit group that promotes higher high school education standards. The accompanying map shows the 13 states that make up the coalition.



estyles are acceptable. If children are indoctrinated now by textbooks that say gay lifestyles are all right, then 20 years from now it will seem normal.”

Arkansas Rep. Ragland (R) says he has fielded many calls from constituents who accuse him of trying to impose his religious views on society, a charge he denies.

“This bill is really just a preemptive measure,” says Ragland, who compares the issue to the controversy surrounding teen executions. “We have never executed a teenager in the state,” he says. “But until a few days ago (when the U.S. Supreme Court ruled that executing teenagers is unconstitutional), there was no law saying we couldn’t do it if we wanted to. It is the same with textbooks; without a law, there could still be textbooks that don’t adhere to our state constitution. I want to protect taxpayers from paying for that.”

He also notes that he has had just as many phone calls and e-mails in support of his bill, and that the Arkansas constitutional amendment barring recognition of same-sex marriages passed overwhelmingly last November.

Back in Texas, the same Santa Fe Independent School District policy that bans references to homosexuality also calls for district personnel to choose books that: “present various sides of controversial issues so that students have an opportunity to develop, under guidance, skills in critical analysis and in making informed judgments in their daily lives; represent many ethnic, religious, and cultural groups and their contributions to the national heritage and world community; [and] provide a wide range of background information that will enable students to make intelligent judgments in their daily lives.”

It is not always easy to balance those objectives, says Teresa Brown, a librarian for the Santa Fe Elementary North school in Santa Fe. Brown says that while librarians have the power to choose books, they have no control over the selection they are given to choose from.

“I choose books from approved vendors and if a parent has a problem, then a committee is formed to determine if the book is appropriate,” Brown says.

Those vendors are usually approved by local school districts, which is just how the Texas Education Agency (TEA) likes it. The TEA prefers that local districts have the legal ability to choose for themselves the books that will be in the classroom or the library. “Local control is important,” says DeEtta Culbertson, an information specialist for TEA.

Alabama’s Rep. Allen counters that while he is generally in favor of local control, some communities don’t have the leadership to see what is happening and they need some guidelines. “I wish all school districts had the backbone to do the right thing,” Allen says.



# Budget & taxes

**M**ARYLAND HOUSE PASSES SLOTS BILL: A little over a week ago, MARYLAND’s House of Delegates did something it has never done before: pass a bill legalizing slot machine gaming. But many are still skeptical Old Line State residents will be depositing coins and pulling levers any time soon. For the last two years, Gov. Robert L. Ehrlich Jr. (R) has won passage of a slot machine gaming bill in the Democrat-controlled Senate, only to see it killed by Democrats in the House. But the third time proved to be the charm when the House narrowly approved a slots bill on Feb. 25. Unfortunately, that bill differs substantially from the one passed by the Senate earlier in the month, authorizing fewer machines (9,500 versus the Senate proposal’s 15,500), specifying different locations, setting different profit levels for machine operators and stipulating an alternate method of awarding licenses. Ehrlich and Senate President Thomas V. Mike Miller (D) said the House bill needs some changes, but House Speaker Michael E. Busch (D) says any tinkering will doom the bill in his chamber. Commenting on the state of affairs, Miller stated, “I would say we’re at second base,” adding, “A lot of times people get stranded on second base.” (BALTIMORE SUN, DELAWARE STATE NEWS [DOVER], WASHINGTON POST)

**CODEY PROPOSES AUSTERE BUDGET:** Acting NEW JERSEY governor Richard Codey (D) unveiled a state budget plan last week that not only includes the largest cut in state spending in more than 50 years, but also calls for substantial increases in taxes and other fees. Proclaiming it a “day of reckoning” that had been produced by “years of spending levels that couldn’t, and cannot, be sustained,” Codey recommended slashing overall spending by \$600 million, while increasing taxes and fees by \$570 million. The hard-line budget proposal, which came just weeks after Codey decided not to run for a full term as governor — having replaced James E. McGreevey (D) in November — drew immediate criticism from lawmakers on both sides of the isle. One of the main points of contention is Codey’s proposal to scale back a popular state property tax rebate program. “If we continue to tax and spend in the manner proposed while cutting property tax relief, we will cease to be a place where working families can live and raise their children,” warned Senate Republican Leader Leonard Lance. But the staunchest opponents of Codey’s plan may be his fellow Democrats in the Assembly, all of whom are up for re-election this year. Assembly Majority

Leader Joe Roberts, although praising Codey for his frankness, made the Democrats' position on the property tax issue pretty clear: "The idea that we would support a budget that completely eliminates property tax relief, I believe, is unacceptable." (NEW JERSEY STAR-LEDGER [NEWARK], NEW YORK TIMES)

**BUDGETS IN BRIEF:** Both houses of **VIRGINIA's** General Assembly passed the state budget plan last week — with no debate — and quietly adjourned, a fairly remarkable departure from last session's budget debacle, which kept the two chambers locked in a bitter feud months past their scheduled adjournment date. With the state's financial situation having improved substantially this year and all 100 members of the House of Delegates facing re-election, lawmakers chose to forego contentious issues, such as the state's overburdened transportation system (**VIRGINIAN-PILOT [NORFOLK]**). • **MICHIGAN** Gov. Jennifer Granholm (D) issued an executive order last Tuesday that officially ends the practice of awarding state contracts without competitive bidding. Granholm had reduced the number of no-bid and sole-bid contracts from 20 percent to 2 percent in her two years in office, and her new directive will eliminate the rest (**ASSOCIATED PRESS, ANN ARBOR NEWS**). • The U.S. Supreme Court has agreed to weigh the issue of whether states may tax motor fuel sold on Indian reservations. Thirteen states — **ARIZONA, CALIFORNIA, CONECTICUT, IDAHO, IOWA, MASSACHUSETTS, MISSOURI, NEW MEXICO, NORTH DAKOTA, OKLAHOMA, SOUTH DAKOTA, UTAH** and **WYOMING** — asked the high court to hear the case, which was brought by the state of **KANSAS** against the Prairie Band Potawatomi tribe (**ASSOCIATED PRESS, RAPID CITY JOURNAL, LAWRENCE JOURNAL-WORLD**). • Last week, **PENNSYLVANIA** Gov. Ed Rendell (D) authorized the transfer of \$68 million in federal highway funds to the financially-troubled mass transit agencies in Pittsburgh and Philadelphia in order to stave off imminent fare increases and cuts in service. But the 11th-hour bailout must still be approved by the Southwestern Pennsylvania Commission, several members of which have expressed opposition to the stopgap measure (**PITTSBURGH POST-GAZETTE**). • **KENTUCKY** moved a step closer to overhauling its tax code for the first time in over a decade when the Republican-controlled Senate unanimously passed the tax reform measure sent to them two weeks earlier by the Democrat-led House. Because the upper chamber made some minor modifications to the House bill, it has now gone to a conference committee (**LEXINGTON HERALD-LEADER, ASSOCIATED PRESS, COURIER-JOURNAL**





folded into the House budget proposal, but other bills, like the daylight-saving time measure could be tougher to revive. At least one Democratic lawmaker, however, expressed the opinion that none of the legislation was dead yet. “This is not the death knell for anything,” said Rep. Chester Dobis. One option that is evidently available to lawmakers is to simply extend the deadline for sending bills to the Senate. (INDIANAPOLIS STAR, JOURNAL GAZETTE [FORT WAYNE])

**POLITICS IN BRIEF: CALIFORNIA’s** Democratic legislative leaders have offered to relinquish their power to draw legislative districts to an independent panel if Gov. Arnold Schwarzenegger (R) agrees to wait until 2010 to redraw the lines. Schwarzenegger is pushing to create new maps in time for the 2006 election, and has proposed taking the issue to voters in a special election this fall (LOS ANGELES TIMES). • Last week, a **TEXAS** court began deliberating whether the state’s 2002 legislative races, which gave the GOP control of the House for the first time since the 1870s, were conducted illegally. The case is the civil counterpart to a criminal investigation that has already produced several indictments against corporations and Republican operatives tied to U.S. House Majority Leader Tom Delay (DALLAS MORNING NEWS, ASSOCIATED PRESS, SAN ANTONIO EXPRESS-NEWS). • Juneau selected the winner of its competition to design a new Capitol building. City leaders are hoping the design will help cement Juneau’s status as **ALASKA’s** capital city, but it doesn’t appear to be helping their cause. Neither the futuristic winning design — which features a translucent, 150-foot, egg-shaped dome — nor the three other finalists were especially popular with residents. “I would rather move the capital to Anchorage than look at one of these eyesores the rest of my life here,” said one (ANCHORAGE DAILY NEWS). • Last Monday, the **OKLAHOMA** Senate went live on the Internet with streaming audio and video. Initiating the Webcast cost the chamber nothing, because an existing surveillance camera and computer server were used (OKLAHOMAN [OKLAHOMA CITY]).

— *Compiled by KOREY CLARK*

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# Governors

**W**ESTERN GOVS WANT CHANGES TO ESA: Citing a need to “modernize” a 30-year-old law, the Western Governors Association (WGA) last week formally called on Congress to make a series of “common-sense changes” to the federal Endangered Species Act. The WGA represents governors from 18 western states and three U.S.-flag Pacific islands. In a letter



sent to OKLAHOMA Sen. James Inhofe (R), who chairs the Senate Committee on Environment and Public Works, and VERMONT Sen. James Jeffords (I), the Committee's ranking minority member, the WGA asked Congressional leaders to give states more latitude in interpreting and enforcing the ESA statutes. The request mirrors an earlier call from some Congressional leaders seeking to alter the Act. Specific requests included allowing individual states to delist a species if it has reached acceptable numbers there, regardless of how it is doing in other states, and allowing states to participate in picking the scientists who review evidence used to designate species' as endangered. The letter drew immediate opposition from environmental groups, which claim the ESA already directs the federal government to work closely with states on conservation issues. Another specific request that agitated eco-groups was the letter's emphasis on ensuring the use of "objective, peer-reviewed science" in making ESA decisions. "Everyone agrees that (the ESA) should be implemented on the basis of good science," said Greg Loarie, an attorney with the environmental law firm EarthJustice. "The problem is that current proposals replace real science with political science." (DAILY HERALD [PROVO], BILLINGS GAZETTE, WESTERN GOVERNORS ASSOCIATION)

**PERRY BACKS TX NO CHILD CHALLENGE:** TEXAS Gov. Rick Perry (R) broke ranks with the Bush administration last week on its No Child Left Behind (NCLB) education policy. Perry, normally one of the law's biggest supporters, said he supports Lone Star State education commissioner Dr. Shirley Neeley's challenge to the federal law over standardized testing of special-education students. The NCLB statute requires that schools exempt no more than 1 percent of their students from testing because of learning disabilities, with any students in excess of that number counted as "failing." Texas applied for a waiver from the U.S. Dept. of Education, but was flatly denied. That rejection apparently did not sit well with them, as Texas education officials exempted nearly 10 times that number anyway, an act of defiance that could endanger some of the more than \$1 billion in federal funding the state receives annually. Perry stood by Neeley's decision to exceed the waiver limit, saying "She makes the daily decisions, and I support her and the Texas Education Agency." Texas is just one of many states to thumb its nose at NCLB mandates of late, most notably in the UTAH House, which passed legislation that gives priority to state education laws over federal statutes. (HOUSTON CHRONICLE)

**GOVERNORS IN BRIEF:** MAINE Gov. John Baldacci (D) introduced a bill that would add sexual orientation as a class protected against discrimination in employment, education and housing. If passed, the bill would amend the Maine

Human Rights Act, which already bars discrimination based on race, gender and disabilities (BANGOR DAILY NEWS). • **ALASKA** Gov. Frank Murkowski (R) last week proposed a limit on state employees' personal holdings in companies they deal with on official business. The proposal would bar lawmakers from owning more than 1 percent of voting or equity interest in such a company, owning more than \$10,000 of the company's fair market value or being on the company's board of directors (JUNEAU EMPIRE). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) says he will not continue seeking to replace the state employees' pension system with private retirement accounts as long as a new system can be devised that produces a cost savings for taxpayers and predictable costs for the state. Schwarzenegger has threatened to take his plan to move government workers hired from 2007 forward into 401(k)-style accounts in place of fixed payments guaranteed at retirement (LOS ANGELES TIMES).

— *Compiled by RICH EHISEN*

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## Hot issues

**B** **USINESS:** The **NEW MEXICO** House overwhelmingly endorses HB 65, legislation that would, among other things, limit payday loans — short-term cash advances against the borrower's paycheck — to no more than \$1,000 and give loan recipients 24 hours to change their minds. It heads to the Senate (SANTA FE NEW MEXICAN). • The **COLORADO** House backs HB 1179, which would double damage awards to workers who have not been paid what their bosses owe them. The Centennial State receives approximately 6,000 claims from workers every year saying they have not paid wages due them. The measure moves to the Senate (ROCKY MOUNTAIN NEWS). • A federal court halts the U.S. Dept. of Agriculture from opening the border to Canadian live cattle. Canadian cattle have been barred from importation into the states since May of 2003, when bovine spongiform encephalopathy, or mad cow disease, was discovered in a herd in Alberta (BILLINGS GAZETTE).

**CRIME & PUNISHMENT:** The U.S. Supreme Court abolishes capital punishment for juvenile offenders, ruling that executing offenders who were under the age of 18 when they committed their crimes constitutes cruel and unusual punishment. The high court's ruling came in the case of a **MISSOURI** man who was sentenced to die for a murder he committed when he was 17. The ruling also overrides laws in 20 states that allow for the execution of juvenile offenders (WASHINGTON POST). • An **ARIZONA** House committee approves HB 2175, a measure



that would require anyone purchasing pseudoephedrine-based cold and allergy products to present identification and to sign a police log book. It moves to the full House (ARIZONA DAILY STAR). • The **NEW MEXICO** House unanimously endorses HB 282, legislation that would require all people convicted of drunken driving to have an ignition interlock installed in their vehicle for a minimum of one year. Interlocks are breathalyzer devices that prevent drivers from starting their car if they are intoxicated. It moves to the Senate (SANTA FE NEW MEXICAN). • The **MONTANA** House approves legislation that says brandishing a firearm is not a crime, as long as it is in self-defense and the holder does not actually shoot anyone. It fires off to the Senate (BILLINGS GAZETTE).

**EDUCATION:** The **UTAH** Senate approves HB 135, legislation that would place state education goals ahead of federal requirements. The measure was sent to Gov. John Huntsman Jr. (R), who called a special session of the Legislature rather than signing it into law. Huntsman called the special session in order to give his office, state education leaders and federal officials more time to negotiate the matter (DAILY HERALD [PROVO]). • The U.S. Dept. of Education rejects a **CONNECTICUT** request to be exempted from expanded testing requirements dictated by the No Child Left Behind Act. Connecticut education officials say the cost of the extra testing will exceed federal funding given to the state by \$40 million (HARTFORD COURANT).

**ENVIRONMENT:** A federal court rules that **FLORIDA** environmental officials must require dairy farms to get permits before discharging cattle waste into groundwater. The decision upholds the ruling of a lower court, which said the Sunshine State Dept. of Environmental Protections had wrongly allowed more than 50 dairy farms to send waste into groundwater without proper permits (ST. PETERSBURG TIMES). • The **NEW MEXICO** Senate approves SB 337, which would allow private Land of Enchantment game parks to grow from the current limit of 3,200 acres to a maximum of 15,000 acres. Game in the state's 28 game parks are

## *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: 584

Number of 2005 Intros last week: 7,285

Number of bills enacted/adopted last week: 1,441

Number of 2005 prefiles to date: 26,526

Number of 2005 Intros to date: 99,287

Number of enacted/adopted overall in 2005: 4,758

— Compiled By GINA HUMMELL  
(Measures current as of 3/3/05)  
Source: State Net



privately owned, and state hunting licenses are not required to shoot them. The measure gallops off to the House (SANTA FE NEW MEXICAN).

**HEALTH & SCIENCE:** The ARKANSAS House unanimously endorses HB 1442, which would require nursing aids to receive training in how to care for Alzheimer’s patients. It moves to the Senate (ARKANSAS NEWS BUREAU). • A GEORGIA Senate committee approves HB 197, a measure that requires Peach State doctors to offer women seeking an abortion information on the medical risks associated with the procedure as well as alternatives like adoption. It must clear another committee before making it to the Senate floor (ATLANTA JOURNAL CONSTITUTION).

**SOCIAL POLICY:** A TENNESSEE House committee endorses HJR 24, which would ban recognition of same-sex marriages conducted in other states. It walks down the aisle to another committee (TENNESSEAN [NASHVILLE]). • The UTAH House okay’s SB 227, a measure that will bar illegal immigrants from acquiring a Beehive State driver’s license. The licenses will be replaced by a “driving privilege card” that looks different than a standard driver’s license. It would not be usable as identification. The measure heads to Gov. John Huntsman Jr. (R) for consideration (SALT LAKE TRIBUNE). • The U.S. Supreme Court begins hearing arguments on whether government buildings can legally display a copy of the Ten Commandments. The hearing stems from cases originating in TEXAS and KENTUCKY, where plaintiffs have sued to have various forms of the religious symbol — one a six-foot red granite monument — removed from public buildings.

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## Quote...

“People are really tired of getting on the road and seeing people talking on the phone and not watching the road.”

— WASHINGTON Sen. Tracy Eide (D) explaining the motivation for her bill that would force motorists to use a hands-free device if talking on their cell phone while driving.

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## ... unquote

“This is a Big Brother approach to cell phones, telling us we can’t be trusted with a cell phone in our car.”

— WASHINGTON Sen. Tim Sheldon (D), who opposes the bill. (SEATTLE POST-INTELLIGENCER)

The high court’s decision is expected this summer (NEW YORK TIMES).

**POTPOURRI:** A WASHINGTON Senate committee rings through on SB 5160, legislation that would require Evergreen State motorists to use a hands-free device if they talk on their cell phones while driving. The measure now goes to the full Senate (SEATTLE POST-INTELLIGENCER). • A







**Editor:** Rich Ehisen — [capj@statenet.com](mailto:capj@statenet.com)

**Associate Editor:** Korey Clark — [capj@statenet.com](mailto:capj@statenet.com)

**Contributing Editor:** A.G. Block — [capj@statenet.com](mailto:capj@statenet.com)

**Editorial Advisor:** Lou Cannon

**Correspondents:** Richard Cox (CA), Steve Karas (CA),  
Bruce McKeeman (CA), Kelli Walter (FL), Linda Mendenhall (IL),  
Lauren King (MA) and Ben Livingood (PA)

**Graphic Design:** Richard Hansen, Heather Conway

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