

March 19, 2007

Open Government?



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The next issue of Capitol Journal will be available on April 2nd.

Top Story

States have long sought to sustain the concept of open government via the rule of law. But a recent national study shows that actually enforcing those laws is a tough proposition.

SNCJ Spotlight

Sunshine laws scorch few

In conjunction with Sunshine Week this month (March 11-17), a nationwide effort to spur discussion about the importance of open government, the Associated Press conducted a survey of all 50 states about their sunshine laws and the enforcement of those mandates. The results of that survey have certainly given people something to talk about.



The AP found that in some states, there are no criminal penalties for violating open government laws and, consequently, criminal prosecutions are very rare. “In 30 years in MINNESOTA...there have been a tiny, tiny number of criminal prosecutions,” said Minneapolis-based media attorney Mark Anfinson. “I doubt if there have been five.”

While many sunshine laws do stipulate civil penalties for violations, including reimbursement of plaintiffs’ attorney fees, they often require plaintiffs to prove that an official has willfully broken the law, which is difficult to do.

Perhaps even more troubling is the fact that only seven states — CONNECTICUT, HAWAII, IOWA, KENTUCKY, NEBRASKA, NORTH DAKOTA and RHODE ISLAND — were able to provide enough information about their open government complaints to determine their ultimate disposition.

Some of the details those few states provided weren’t particularly encouraging either. For example, between 2004 and 2006, the NEBRASKA attorney general’s office received 106

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complaints. Just eight of those complaints were deemed to be actual violations and none of them resulted in criminal or civil penalties, only public reprimands. Two hundred and nineteen of the 1,893 complaints received by CONNECTICUT’s Freedom of Information Commission during that same two-year period were found to be violations. But only seven led to fines, none more than \$500.

Those findings prompted Bill Chamberlin of the Marion Brechner Citizen Access Project at the University of FLORIDA to remark, “There is largely a culture in state and local government that violating public meetings and open records laws is not the same as committing a crime.”

But those charged with the task of enforcing the laws dispute that view. They say they take the laws very seriously but believe reprimands are sufficient punishment when most violations involve only misunderstandings of the laws rather than willful disregard of them. “We think the carrot is preferable to the stick. We use the carrot in almost every case,” says NEBRASKA Attorney General Jon Bruning. “Our experience is that local officials want to abide by the law, but they often don’t know how.”

The week in session

States in Regular Session: AK, AL, AR, AZ, CA, CO, CT, DC, DE, FL, GA, HI, IA, IL, IN, KS, MA, MD, ME, MI, MN, MS, MT, NC, ND, NE, NH, NJ, NV, NY, OK, OH, OR, PA, RI, SC, TN, TX, US, VT, WA, WI

States in Recess: MO, SD

States Currently Prefiling or Drafting: LA

States Projected to Adjourn: ID, KY, NM

States in Extended Session Projected to Adjourn: WV

States Adjourned in 2007: UT, VA, WY

State Special Sessions Adjourned in 2007: AL “a”, FL “a”, WI “a”

— Compiled By JAMES ROSS
(session information current as of 03/16/2007)
Source: State Net database

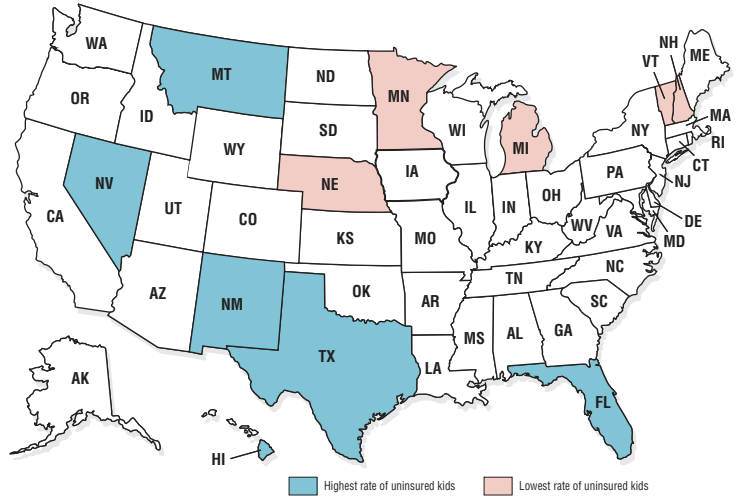


Appropriately enough, one state that takes a tougher stance on sunshine laws is the Sunshine State, FLORIDA. The state threw a county commissioner in jail for 49 days for breaking its open meetings law in 2004 and fined two other local officials \$20,000 for a violation in 2005.

Chamberlin thinks that an occasional prosecution isn't such a bad idea. "One of the arguments by many people is that criminalizing obedience to records and meetings laws is too harsh. I happen to think that it's not too harsh, because it's law," he said. "A couple of prosecutions every once in a while wakes people up and they say, 'Hey, my job may be at stake.'" (USA TODAY)

— *Compiled by KOREY CLARK*

Bird's eye view



Source: State Net

Covering kids

Recent struggles in Congress over how much federal funding will be made available for the State Children's Health Insurance Program (SCHIP) has underscored the challenge states face in providing affordable health care to their youngest citizens. According to a new report from the Robert Wood Johnson Foundation, 11 percent of American children — about nine million total — are not covered by health care insurance. The report notes that this is due in part to the growing number of workers with full-time jobs that do not offer health benefits. According to the study, less than half of the parents in families earning less than \$40,000 a year have health insurance offered through their employer, and 75 percent of the nation's uninsured kids live in a home where at least one adult works full time. The accompanying map shows the states with the highest and lowest percentages of uninsured children.



Budget & Taxes

STRICKLAND BUDGET PROPOSES BIG CHANGES: OHIO Gov. Ted Strickland, the Buckeye State's first Democratic chief executive in 16 years, proposed a sweeping set of changes in his first State of the State address to lawmakers last week, including ending the state's school voucher system and altering



the state's property tax system to shift more funding to the neediest school districts. But while lawmakers from both parties praised Strickland's optimistic agenda, several Republican lawmakers questioned the governor's lack of details about how he will pay for it.

Education was Strickland's big ticket item, as he also called for a moratorium on new charter schools and a prohibition on for-profit companies running them. The governor also proposed pumping up the state's K-12 education spending by about \$1 billion while hiking funding for state colleges and universities by 5 percent. The higher education increase would come only if the system agrees to freeze tuition. He also promised more state-aid to help families and students pay for college. Other key proposals included extending low-cost health insurance to more children by raising the income limits for Medicaid, enacting nearly \$300 million in property tax cuts and pumping \$1 billion into alternative energy ventures, such as biofuels, wind power and fuel cell technology.

Strickland will offer specific details on his \$53.5 billion budget to lawmakers this week, but his call to kill the voucher system already has some Republicans up in arms. State Republican Chairman Bob Bennett called Strickland's budget "the definition of a liberal agenda," saying it was "nothing but a giant government handout that in many ways discourages personal responsibility and empowers bureaucracy." Bennett also complained that Strickland's education policy "shamelessly deprives impoverished families of a choice in an effort to reward the political loyalties of the bureaucratic teachers' unions."

Not surprisingly, legislative Democrats saw it differently. Senate Minority Leader Teresa Fedor (D) praised Strickland, saying "I am especially pleased about the governor's plan to rein in charter school abuse and help our public schools, which have been neglected in the last three GOP budgets." House Minority Leader Joyce Beatty also noted that Strickland's agenda will receive strong Democratic support during the budget negotiations, which are set to begin this week. The final budget must be signed by June 30. (CINCINNATI ENQUIRER, COLUMBUS DISPATCH)

BLAGOJEVICH BYPASSES LEGISLATORS ON STUDENT LOAN SELL-OFF: In 2005, Gov. Rod Blagojevich (D) pitched a plan to generate billions of dollars in one-time revenue for the state by selling off its student loan portfolio to private companies. The General Assembly balked at the proposal, however, fearing the move would leave students and their families at the mercy of profit-minded interests.

But Blagojevich was undeterred. In the years since then, he has managed to staff the board that oversees the loans — the ILLINOIS Student Assistance Commission — with personal allies. In December, one of those associates, Andrew Davis, who was responsible for about \$100,000 in contributions to Blagojevich's gubernatorial campaign between 2000 and 2002, was made ISAC's executive director. And shortly thereafter, he began pushing for the commission to sell off the state's federally-backed loans, which account for about 80 percent of the \$3.4 billion portfolio.



Davis contends that with the feds considering adjustments to the program, it's time for the state to get out of that area of the student loan business. "We were making money, but we have many reasons to think we won't be making money in the future," he said. "Let's get out before it's a disaster. He said the state should focus instead on lending to ILLINOIS students, who currently make up only about a quarter of the state's total loan business.

Criticism of the plan has come even from within ISAC itself. A report posted on the agency's Web site last year said a major sell-off would be "an irrevocable mistake" because loan fees and interest provide funding for other programs the agency provides, including financial aid counseling and state grant administration.

Critics outside ISAC haven't been any less forthright. "I wish this [privatization program] had legislative approval," said Rep. Raymond Poe (R), "but the governor stacked the commission, and they're going to totally do what the governor wants to do." (CHICAGO TRIBUNE)

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BUDGETS IN BRIEF: State economists informed **FLORIDA** Gov. Charlie Crist (R) and lawmakers last week that they will have \$1 billion less to spend next fiscal year than previously projected due to the cooling off of the housing market. The head of the legislature's Office of Economic and Demographic Research said the revenue drop will simply return the state to a more normal level of growth (PALM BEACH POST). • **UTAH** Gov Jon Huntsman (R) signs legislation that will dramatically overhaul the Beehive State tax code, moving it from a bracketed individual income tax system with more than 20 deductions and a top rate of 7 percent to a 5 percent single-rate schedule with a handful of tax credits for children, charitable giving and mortgage payments. Officials estimate that when the new structure goes into effect in 2008, it will slash state taxes by \$220 million (SALT LAKE TRIBUNE). • **TEXAS'** push to privatize eligibility for its Medicaid and food stamp programs suffered a major setback last week when the state's social services director, Albert Hawkins, announced that the state was terminating its five-year agreement with the lead contractor, Accenture Ltd., three years early. Hawkins cited disputes over money and the Bermuda-based company's role as the reasons for the move (DALLAS MORNING NEWS). • **GEORGIA** Gov. Sonny Perdue (R) and the state's Republican legislative leaders said last week that they will use Medicaid funds to keep the PeachCare program — which provides health coverage for about 280,000 children of the state's working poor — operating temporarily, while they wait for



additional funding from Congress (ATLANTA JOURNAL CONSTITUTION). • An ARKANSAS Senate committee kills HB 1739, a measure that would have increased the state’s excise tax on cigarettes by 50 cents a pack in order to fund health and anti-smoking programs. Proponents say they will consider reintroducing the bill at a later date (ARKANSAS NEWS BUREAU [LITTLE ROCK]).

– *Compiled by RICH EHISEN & KOREY CLARK*

Politics & leadership

UPHEAVAL IN NJ LEGISLATURE: The NEW JERSEY Senate is undergoing a mass exodus. Eight Republicans and two Democrats — a quarter of the chamber’s 40 members — have already given their notice, and at least one more senator from each party could soon be doing the same.

The Garden State Legislature hasn’t seen such turmoil since 1974, when voters vented their ire over the Watergate scandal by ousting 13 Republicans from the Senate and 27 from the Assembly.

This year, the departures are voluntary. But there appear to be almost as many reasons for them as there are retirees. Some of the senators

are simply old enough for retirement to be a natural step. Others, however, were facing tough primary challenges. And one has been embroiled in a criminal investigation. Republican State Committee Chairman Tom Wilson, meanwhile, attributed the turnover to the cultural shift that has taken place in Trenton. “A lot of these guys who are leaving are from a generation of legislators who remember freely battling on the floor of the Legislature, but when it was over they’d go out and get a steak and a martini,” he said.

The 10 announced retirees have more than 250 years of legislative experience between them. And when that many senior lawmakers “go out the door,” said Sen. Robert Littel (R), one of the departing lawmakers — who also happens to be the longest-serving legislator in the state’s history — “so does their institutional knowledge.”

Assemblyman Joseph Cryan (D) pointed out that the turnover in the Senate is also likely to have a ripple effect in the Assembly. “It’s a natural progression when you have Senate seats [opening], you will have turnover in the lower house too,” he said. “There will be more turnover in our house [the Assembly] than people realize.”

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Alan Rosenthal, a political scientist at Rutgers University, conceded that the turnover would change “the nature of the place because some very expert, senior people are leaving,” but he doesn’t think it will create too much of a problem because there will still be plenty of experienced lawmakers around next year to make sure things get done.

In the meantime, with so many senior lawmakers not having to face reelection and possibly thinking about their legacies, there’s a unique opportunity for the Legislature to accomplish big things this year. “Forget about January,” said former Sen. William Gormley (R), who retired last month. “A lot of good things can happen now.” (PHILADELPHIA INQUIRER)

VA SENATE LOSING MODERATE LEADERSHIP: VIRGINIA Senate President and Finance Committee Chairman John H. Chichester (R) announced last Monday that the 2007 legislative session which ended last month — his 29th — would be his last. The senator, who turns 70 in a few months, said he wants to spend more time with his wife, who suffered a stroke five years ago.

Since becoming president of the Senate seven years ago, Chichester has been the leader of a group of moderate Republicans known as the Gang of 5, who have basically set the agenda for the chamber and aligned themselves with the Democrats on occasion, such as in 2004, when the General Assembly passed a record \$1.5 billion tax increase.

Chichester’s departure, along with that of another moderate Republican, Sen. Russell H. Potts, who announced he would not be seeking reelection last month, could bring big changes to the Senate, if the Democrats fail to pick up the four seats they need to take control of the chamber in this fall’s elections. “The departure of both John Chichester and Russ Potts means there will be different personalities,” said conservative GOP Sen. James K. “Jay” O’Brien Jr. “Because of the more liberal direction those two men have, the Senate by necessity or default will be more conservative. How much remains to be seen.” (WASHINGTON POST)

GOP LOSES MAJORITY IN TN SENATE: TENNESSEE Sen. Mike Williams announced last week that he was leaving the Republican Party and becoming an independent. The switch stripped the GOP of its 17-15 majority in the chamber but not its control of the speakership. Ron Ramsey, who in January became the state’s first Republican elected speaker since Reconstruction, will remain in that post. Williams, who is up for reelection in 2008, said he made the move because he’d had enough of what he referred to as the “gridlock politics” of the Senate’s Republican majority. He added, however, that he was not planning to caucus with the chamber’s Democrats. “I will look at each issue solely on its merits and how it affects the state of TENNESSEE,” he said. (TENNESSEAN [NASHVILLE])



Nelson, who said the AG’s opinion relegates Perry’s HPV order to being merely “a friendly suggestion.”

It was the second time in a month that Perry’s authority has been questioned. In February, a state district judge issued an injunction blocking Perry from issuing an order to speed up the permit process for building coal-fire power plants. The TEXAS House last week approved a bill that would override Perry’s order and make any such vaccination

requirements subject to legislative approval, a measure expected to also easily pass in the Senate. Lawmakers say they will move forward with the bill because the state Health and Human Services Commissioner already has the power to require the HPV vaccinations on his own, with or without the governor’s directive.

“You’re the governor of the state of TEXAS, your chest swells and if disaster strikes, you get in the helicopter, cameras come and you feel reasonably authoritative. Then the Legislature comes back into town, and it’s a different story.”

Political observers have long questioned Perry’s use of executive orders in a state where the governor’s office is fairly weak, particularly in relation to the authority granted to the Legislature. A recent ranking of gubernatorial power by the University of NORTH CAROLINA, for instance, rates the TEXAS governorship as only moderately powerful in relation to lawmakers, far less than in states like MARYLAND, MASSACHUSETTS and ALASKA. Even so, the ability to set down decrees is hard to resist, according to Southern Methodist University political science professor Cal Jillson.

“When you’ve been called governor for five or six years, you tend to forget that the office is mostly ceremonial and advisory,” Jillson says. “You’re the governor of the state of TEXAS, your chest swells and if disaster strikes, you get in the helicopter, cameras come and you feel reasonably authoritative. Then the Legislature comes back into town, and it’s a different story.”

Perry’s office acknowledged that the state constitution does restrict the governor’s executive order authority. But they also pointed out that Lone Star State agencies have always carried out Perry’s orders, and that the governor is confident they will continue to do so. (DALLAS MORNING NEWS, AUSTIN AMERICAN-STATESMAN, STATELINE.ORG)

GOVERNORS IN BRIEF: CALIFORNIA Gov. Arnold Schwarzenegger (R) is drawing political heat for asking donors to pony up as much as \$250,000 to secure up to four meetings with him as well as an invitation to attend an exclusive

dinner at his home. Those donors would also be allowed to participate in conference calls with the governor and other “well-known Californians from the public and private sectors.” Critics complain that not only does the request constitute a record price tag for gubernatorial access, it also comes shortly after Schwarzenegger called for a ban on lawmakers’ fundraising during the Golden State’s budget season (SACRAMENTO BEE).

- **UTAH** Gov. John Huntsman (R) signed a resolution urging Congress to block children from access to online porn by establishing a separate “family content” channel on the Internet (DAILY HERALD [PROVO]).
- **FLORIDA** Gov. Charlie Crist (R) called last week for the Sunshine State to take greater measures to slow global warming.

Crist, who said he was inspired by former vice president Al Gore’s environmental documentary *An Inconvenient Truth*, said **FLORIDA** should be doing at least as much to reduce greenhouse gasses as **CALIFORNIA**, the first state to legislatively cap those emissions (PALM BEACH POST). • **PENNSYLVANIA** Gov. Ed Rendell (D) urged lawmakers to move the state’s presidential primary to Feb 5. Rendell called it “manifestly unfair” for Keystone State voters to “have virtually no say in choosing the respective parties’ nominees because our primary is so late.” The primary is currently held on April 22. At least 20 states have already moved or are actively seeking to move their primary to Feb. 5 (PITTSBURGH POST-GAZETTE). • **WEST VIRGINIA** Gov. Joe Manchin (D) has asked for details about all-terrain vehicle accidents to be made public in his effort to convince Mountain State lawmakers to more closely regulate ATV’s (CHARLESTON DAILY MAIL). • Over the objections of state labor officials and restaurant owners, **MISSOURI** Gov. Matt Blunt (R) declared last week that the Show Me State’s new minimum wage law does apply to servers whose pay is augmented by tips. Blunt’s action makes the roughly 62,000 waiters and waitresses eligible to receive a minimum of \$3.25 an hour, half the state’s minimum wage of \$6.50 per hour for non-tipped workers (ST. LOUIS POST-DISPATCH). • **LOUISIANA** Gov. Kathleen Blanco (D) called for a Congressional investigation into reports that the U.S. Army Corps of Engineers installed 34 defective drainage pumps at three New Orleans drainage canals right before the start of the hurricane season in 2006. The Corps allegedly installed the pumps in spite of internal warnings that they were defective and likely to fail in a storm (ASSOCIATED PRESS).

In the hopper

State Net tracks tens of thousands of bills in all 50 states, US Congress, and the District of Columbia, at any given time. Here’s a snapshot of what’s in the legislative works:

Number of prefiles last week: 925

Number of Intros last week: 7,901

Number of bills enacted/adopted last week: 1,304

Number of prefiles to date: 28,635

Number of Intros to date: 113,684

Number of enacted/adopted overall to date: 7,397

— Compiled By JAMES ROSS
(measures current as of 03/15/2007)
Source: State Net database

Hot issues

B **USINESS:** The **KENTUCKY** House approves changes made in the Senate to HB 305, a measure that would raise the Bluegrass State minimum wage to \$7.25-per-hour by July 2009. The bill now goes to Gov. Ernie Fletcher (R) for review (LEXINGTON HERALD-LEADER). • Still in **KENTUCKY**, the House unanimously endorses legislation that will require state inspectors to conduct at least six inspections of Bluegrass State coal mines each year, up from three currently. It moves to Gov. Ernie Fletcher (R), who says he will sign it into law (BOSTON GLOBE). • The **NORTH DAKOTA** Senate approves a measure that would make it illegal to operate a tattoo parlor or tanning salon without a state license. The Senate also endorsed a companion bill that would require parental permission for anyone under age 18 seeking to use either establishment. The measure moves to the House (BISMARCK TRIBUNE). • The **NORTH DAKOTA** Senate approves HB 1346, which would allow restaurants to seal and package unfinished bottles of wine for their customers to take home. The measure moves to Gov. John Hoeven (R) for review (BISMARCK TRIBUNE). • **FLORIDA** officials approve a plan to allow the state-run Citizens Property Insurance Corp. to compete in the open market to sell fire and theft policies in high risk areas of the Sunshine State. Officials say allowing the insurer to sell the higher-profit policies will allow it to cut windstorm premiums by as much as 6 percent statewide. The plan must now go before lawmakers for approval (PALM BEACH POST). • The **OREGON** Senate approves legislation that would allow employers to fire medical marijuana users that fail a drug test. It moves to the House (STATESMEN JOURNAL [SALEM]).

CRIME & PUNISHMENT: A federal appeals court reaffirms a 2005 U.S. Supreme Court ruling that allows federal authorities to prosecute medical marijuana users and suppliers, regardless of whether their state law allows it (LOS ANGELES TIMES). • The **TEXAS** Senate unanimously approves a measure that would overturn a Lone Star State law that requires residents to first retreat before using deadly force against an attacker. The measure would apply to anyone defending their home, automobile or business, and would exempt the shooter from civil liability. It fires off to the House (DALLAS MORNING NEWS). • In an effort to ease chronic overcrowding, **ARIZONA** forges a pact with **INDIANA** that will see Grand Canyon State send the Hoosier State 1,200 medium security male inmates for a minimum of one year (ARIZONA REPUBLIC [PHOENIX]). • **FLORIDA** Gov. Charlie Crist (R) signs legislation that requires Sunshine State judges to place repeat violent offenders back in jail if they violate their probation. A judge will then determine if the offender should be returned to a penitentiary (MIAMI HERALD). • **NEW MEXICO** Gov. Bill Richardson (D) signs legislation that bars cockfighting in the Land of Enchantment. **LOUISIANA**

is now the only state where cockfighting remains legal (SANTA FE NEW MEXICAN).
• A **MONTANA** House committee snuffs out legislation that would have abolished the death penalty in the Treasure State (GREAT FALLS TRIBUNE).

EDUCATION: An **OREGON** Senate committee approves legislation that would bar school officials from endorsing or distributing anabolic steroids or other performance-enhancing supplements to students. It goes to the full Senate (STATESMAN JOURNAL [SALEM]). • **NEW MEXICO** Gov. Bill Richardson (D) signs legislation that creates a six-year pilot program that will extend the school year for some kindergarten through third grade students in high-poverty school districts by up to two months. The program is intended to determine if the extra classroom time will help close the achievement gap between disadvantaged students and other students (SANTA FE NEW MEXICAN). • The **OKLAHOMA** House okay's a proposal that would require public colleges and universities to offer in-state students a chance to lock in tuition rates for the student's freshman year and for the next four continuous years. It graduates to the Senate (DAILY ARDMOREITE).

ENVIRONMENT: A federal appeals court rejects plans by an **ARIZONA** ski resort to extend its ski season by clearing 100 acres on a peak that Native American tribes consider sacred, and then using treated wastewater to make snow on that peak. The 9th U.S. Circuit Court of Appeals ruled that doing so would violate the federal Religious Freedom Restoration Act of 1993, saying it was akin to using wastewater in Christian baptisms. The court also said that federal forest officials had not adequately addressed the potential health risks of drinking water tainted by runoff from snow made with treated wastewater. The resort has vowed to appeal (ASSOCIATED PRESS).

HEALTH & SCIENCE: The **TEXAS** House endorses legislation that says inoculation against the human papilloma virus (HPV) cannot be required as a condition for school entry. The measure would also grant lawmakers sole authority to require future vaccinations. If eventually passed in both chambers, the measure would overturn Gov. Rick Perry's (R) recent executive order that all sixth grade girls receive the vaccine. It moves to the Senate (DALLAS MORNING NEWS). • In contrast, the **NEW MEXICO** House approves a proposal that would require sixth grade girls to receive the HPV vaccine before entering school. Gov. Bill Richardson (D) says he will sign the measure into law (USA TODAY). • Meanwhile, the **WASHINGTON** House approves legislation that would require all public and private schools to give parents of sixth-graders information on HPV symptoms, causes and places to get vaccinations, but would not require girls to be vaccinated. It moves to the Senate (SEATTLE POST INTELLIGENCER). • Still in **WASHINGTON**, Gov. Christine Gregoire (D) signs SB 5093, legislation that will extend state-sponsored health care coverage to about 38,000 more Evergreen State children. The state currently provides



coverage to approximately 575,000 low-income kids (SEATTLE POST INTELLIGENCER). • The **ARIZONA** House approves HB 2757, which would allow health insurance providers to offer less-inclusive health care policies to individual policyholders who don't want or cannot afford more extensive plans. It moves to the Senate (ARIZONA DAILY STAR [TUCSON]). • The **IDAHO** Senate endorses a measure that would bar smoking in Gem State bowling alleys. The proposal now rolls over to Gov. C.L. "Butch" Otter (R) for review (IDAHO STATESMAN [BOISE]). • **NEW MEXICO** Gov. Bill Richardson (D) signs legislation that bans smoking in all workplaces, including restaurants and bars. It takes effect June 15 (ALBUQUERQUE TRIBUNE). • The **IOWA** Senate endorses a proposal to allow local governments to enact anti-smoking laws that are tougher than state statutes. It moves to the House (DES MOINES REGISTER). • A **WEST VIRGINIA** House committee rejects a Senate-approved proposal to bar adults from lighting up inside a car with anyone under age 14 present (REGISTER-HERALD [BECKLEY]).

Upcoming stories

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

- **HPV update**
- **Security breach protection**
- **Credit scoring**

IMMIGRATION: The **NEVADA** Assembly unanimously approves legislation that criminalizes disbursing a hoax substance that appears to be a weapon of mass destruction, a toxin or a lethal chemical, biological or nuclear agent. AB 137 also increases the penalty for making hoax terrorist threats, raising the maximum penalty from the current six years to 20. The measure moves to the Senate (LAS VEGAS SUN).

SOCIAL POLICY: A **MINNESOTA** Senate committee approves SF 960, which would allow local governments to extend health benefits to the same-sex partners of their employees. It moves to the full Senate (MINNEAPOLIS STAR TRIBUNE). • The **ARKANSAS** Senate approves SB 959, a measure that would bar gay or unmarried couples from adopting children or serving as foster parents. It moves to the House (ARKANSAS NEWS BUREAU [LITTLE ROCK]). • **NEW MEXICO** Gov. Bill Richardson (D) signs legislation that requires employers to provide nursing mothers with time and a private place in which to use a breast pump (SANTA FE NEW MEXICAN). • The **IDAHO** Senate unanimously approves HB 194, a proposal that would make it a crime to "maliciously and willfully disturb the dignity or reverential nature" of any funeral or memorial service in the Gem State. Approximately 30 states have passed similar measures, aimed primarily at a **KANSAS**-based church that has carried on aggressive protests at military funerals across the country. The church claims soldiers' deaths are God's punishment on the U.S. for tolerating homosexuality. HB 194 marches solemnly off to Gov. Butch Otter (R) for review (IDAHO STATESMAN [BOISE]).



POTPOURRI: The **OKLAHOMA** House approves HB 1686, legislation that would require anyone under 18 to wear a helmet while riding an all terrain vehicle (ATV) on public land. It would also bar carrying passengers unless the ATV is designed to do so. It moves to the Senate (**OKLAHOMAN** [**OKLAHOMA CITY**]).

- **SOUTH DAKOTA** Gov. Mike Rounds (R) signs legislation that would add close friends to the list of people who can be consulted to help make decisions about medical care for incapacitated people. The law still requires various family members to be consulted first (**RAPID CITY JOURNAL**).
- **CALIFORNIA** Gov. **ARNOLD Schwarzenegger** (R) signs legislation that moves the Golden State’s 2008 presidential primary to Feb. 5. Only four states — **IOWA, NEW HAMPSHIRE, NEVADA** and **SOUTH CAROLINA** — will hold earlier primaries. Several other states, however, are also considering moving their primaries to February (**LOS ANGELES TIMES**).
- The **NEW JERSEY** Assembly also approves legislation to move the Garden State primary to Feb. 5. It now goes to Gov. Jon Corzine (D), who is expected to sign it into law (**NEW YORK TIMES**).

— Compiled by **RICH EHISEN**

Once Around the Statehouse Lightly

MUSCLING UP: Historically, the State Senate has been the more adult of **CALIFORNIA’S** two houses of the Legislature. Last week, however, began with less than the usual decorum. As *Capitol Weekly* reported, three Democratic senators arrived for work on Monday to find the locks to their office doors changed, and none of the three — or their staffs — able to get in. The lockout had been ordered by President pro Tem Don Perata, the Oakland Democrat who heads the Senate. Seems the three had offended the liberal Perata by attending a fund raiser on behalf of moderate Democrats in the Assembly. All three were back into their suites by the end of the day, after having kissed Perata’s ring. The *Weekly’s* informal poll of political insiders later characterized the ploy as “dumb,” “petty” and “heavy handed.” “Gives a whole new meaning to the name ‘Don Perata’ doesn’t it?” one insider quipped to *State Net Capitol Journal*. Meanwhile, in **OREGON**, Senate President Peter Courtney invoked the rarely used power of sending state troopers to corral two Republican lawmakers who purportedly boycotted a floor session. The governor agreed to the maneuver, reports the *Oregonian*, but Courtney later had to apologize. The “offending” senators were tracked down at an Oregon State baseball game where they had just presented the defending NCAA champions with a legislative resolution.

ROAD WARRIOR: Up in the north, the state of MINNESOTA is justly proud of the men and women who have represented it over the years. Two of its U.S. senators ran for president in the past 40 years, and although both lost, Hubert Humphrey and Walter Mondale are remembered fondly by their former constituents. Humphrey has an airport and a sports facility named for him in Minneapolis. And now, it is Mondale's turn. As noted by the *Rochester Post-Bulletin*, the Gopher State Legislature has decided to name a scenic three-mile connector between I-35 and Highway 53 in Duluth "Walter F. Mondale Drive." Mondale lost his bid for the presidency in 1984 when incumbent Republican Ronald Reagan returned to office in a landslide, but this highway marks a victory over his old foe. Two years ago, this same Legislature refused to name the Twin Cities beltway for Reagan.

PLAIN SPEAKING is hard; plain writing even harder. But bureaucrats in OREGON will have to try if a bill now working through the Legislature is signed into law. The measure, reports the *Oregonian*, requires that every state agency designate a "plain language" coordinator to make sure that documents meant for public consumption are "reader friendly" — short sentences, short words and *no* acronyms. The bill's sponsor, Democratic Rep. Chuck Reilly, argues that clear writing will save the state money by prompting fewer complaints and customer-service calls. He wants to do away with language like this: "Nothing in this section, or in section 1 of this 2007 Act, supercedes a specific statute that requires plain language standards for a particular agency or a particular document that are different from those established by section 1 of this 2007 Act." That sentence is from, uh, Reilly's bill. Similar mandates recently have been enacted by gubernatorial fiat in WASHINGTON state and FLORIDA.

CLOSER TO THEE: The 2007 Legislative Directory available from the state of IDAHO packs a wealth of information into 78 short pages: addresses, phone numbers, a reference on the legislative process. And in case the directory doesn't answer every question, the *Idaho Statesman* notes, the book also includes a phone number for legislative information. Call that number, and you get: "Hi, there. If today were the last day of your life, would you be ready to meet God?" A patch with the correct number — (208) 332-1000 — is available from Legislative Services.

— *By A.G.BLOCK*



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