

March 31, 2008



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The next issue of Capitol Journal will be available on April 7th.

Top Story

Drug companies spend billions of dollars each year marketing their products directly to doctors, much of it in the form of free meals, travel, education and other gifts, and almost all of it out of the public eye. Now states are looking to change that.

SNCJ Spotlight

States look to limit drug company gifts to doctors

Pharmaceutical companies spend an estimated \$30 billion annually marketing their products, around \$7 billion of which is aimed directly at doctors. To date, only a handful of states require drug makers to reveal how much in gifts, meals, travel and other valuable perks they dole out directly to the medical personnel on the receiving end of that largess. But that could soon change, as more than a dozen states are now considering measures to force drug companies to publicly disclose the freebies they give to doctors each year.



John Kamp, the executive director for the New York City-based Coalition of Health Care Communication (CHCC), which advocates for allowing drug companies to freely share information with doctors, says the concern over gifts to medical personnel is legitimate. But he is also worried that government intervention may ultimately prevent doctors and consumers from getting the information they need to make proper medical choices.

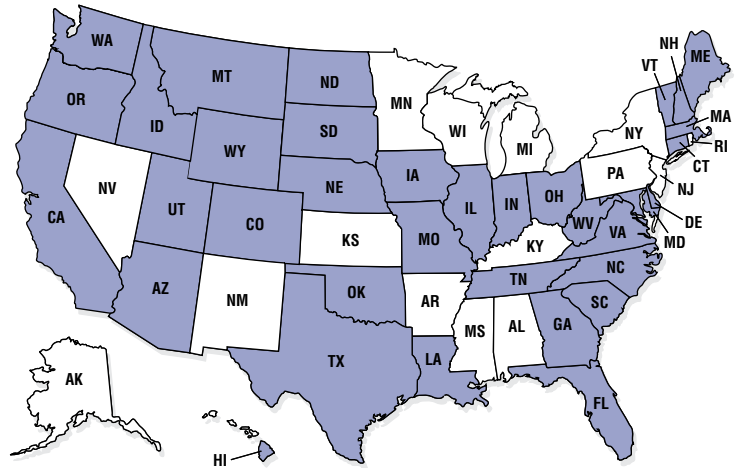
“Disclosure unto itself is certainly not an ill-advised idea,” he says. “But I’m not sure that handing out notepads and pizza are bad things.”

Kamp says he is also very concerned that the slew of state bills are really “gotcha” measures that are intended to “essentially create an enemy so we can destroy it.” He believes that most drug companies do follow the PHARMA marketing code, and that many of the current proposed measures are really intended to simply “interfere with the marketing relationship between drug manufacturers and doctors.”

“Some groups seem to not want doctors to have the most current information on drugs, and that offends me,” Kamp says.

Hams and Kamp both say they would like to see Congress pass federal legislation to regulate pharmaceutical marketing disclosure rather than the states. That could eventually happen, as Congress is now considering SB 2029, a measure to require drug companies to make quarterly disclosure reports to the federal Sect. of Health and Human Services. Those reports would include specifics such as the name of the doctor receiving a payment or gift, the value and purpose of that offering, and what, if anything was received in exchange. The House recently followed suit with a companion bill (HR 5605).

Bird’s eye view



Source: Providence Journal, Sorry Works! Coalition

States that have enacted "I'm sorry" laws

States aid MD apologies

It isn't easy for doctors to say "I'm sorry" when something goes wrong with a patient. Not in a litigious society where any expression of sympathy might be construed in a courtroom as an admission of liability. But some physician groups believe apologies help alleviate patient frustration and may actually reduce the number of malpractice suits that contribute to the high cost of healthcare. Those considerations have contributed to the passage of so-called "I'm sorry" laws in recent years, which prevent physicians' apologies from being used against them in court. Trial lawyer groups argue that the laws could make it harder for individuals who are legitimately wronged to obtain restitution. But that hasn't stopped 35 states from enacting "I'm sorry" laws, 20 of them passed between 2005 and 2007. RHODE ISLAND is currently considering legislation that would make it the 36th state to adopt such a measure.





“We’re very supportive of federal efforts like this,” says Hams.

Kamp generally agrees, noting that “we’re a national economy and these are national companies, so we shouldn’t have 50-plus sets of laws for them to try to live by.” He is less enthused, however, about a tenet in the House bill that would eliminate a drug manufacturer’s entire year’s tax deductions for marketing expenses if that

“There needs to be a major shift in what is considered to be acceptable in the medical profession. There’s a reason why drug companies spend almost \$7 billion on all this marketing to doctors. They do it because it works.”

company is found to be in violation of the law any time during that calendar year. Kamp calls that “the death penalty.”

But for many of the groups that support greater regulation, tough measures against what they see as overly aggressive and uncontrolled drug company marketing are just what the doctor ordered.

“There needs to be a major shift in what is considered to be acceptable in the medical profession,” Hams says. “There’s a reason why drug companies spend almost \$7 billion on all this marketing to doctors. They do it because it works.”

“There needs to be a major shift in what is considered to be acceptable

— *By RICH EHISEN*

Budget & taxes

SOME STATES, CITIES SEEING NO SLOWDOWN: The U.S. economy may be slipping into a recession, but some cities and states are still booming. **NORTH DAKOTA** has so many jobs to fill that it’s holding job fairs in other states. And residential construction is still going strong in **Mobile, ALABAMA**, where a new steel mill is expected to draw thousands of new workers.

“Recessions are not monolithic. They often hit a region or regions hard and leave the rest of the country OK.”

“Recessions are not monolithic”, said Mark Zandi, chief economist and co-founder of Moody’s Economy.com. “They often hit a region or regions hard and leave the rest of the country OK.”

A report released by Moody’s Economy.com in January indicated that 30 states’ economies were growing, 15 were headed for recession, and five — **ARIZONA, CALIFORNIA, FLORIDA, MICHIGAN and NEVADA** — were already in a downturn.



“With a 3.2 percent unemployment rate, we’ve been running ads saying, ‘Come home to Mobile,’” Nodine said. “Six years ago, we were hurting with jobs lost to NAFTA. Now, we’re in a position to be selective in what we pursue, and our main goal is increasing household income.” (CHRISTIAN SCIENCE MONITOR)

NY NOT TAKING CARE OF DAMS: Dozens of dams in NEW YORK with structural and other problems have gone years without being repaired, according to a report released last week by the state’s comptroller, Thomas P. DiNapoli. The problems with one dam in particular — on Rainbow Lake in the Adirondacks — first noted 36 years ago, still haven’t been attended to, the report stated. The report examined 32 dams, all of which had problems going back years, though they were still deemed safe. Some of the dams had gone as long as seven years between inspections, even though the policies of the State Department of Environmental Conservation, the agency responsible for ensuring the safety of the state’s more than 5,000 dams, call for inspection of the biggest dams every two years. “We cannot allow dams to have serious problems that go unaddressed for years,” DiNapoli said. “The longer owners take to correct problems, the greater the deterioration and the cost of these repairs and the increased likelihood that this neglect could lead to failure.” James M. Tierney, the Department of Environmental Conservation’s assistant commissioner for water resources, said that many of the shortcomings in dam oversight were due to staff shortages. Between 2004 and 2007, the department’s dam safety office had less than seven employees, and at one point had only three inspectors for the whole state. (NEW YORK TIMES)

GAS PRICES MAY SALVAGE CA BUDGET: The skyrocketing price of gasoline may be a sore subject for motorists across the country, but it’s a welcome relief for CALIFORNIA lawmakers facing an \$8 billion budget deficit.

According to the state Board of Equalization, tax receipts from the sale of gasoline have risen from \$2.1 billion in 2003, when a gallon of regular unleaded cost \$1.88 on average, to \$3.8 billion in 2007, when a gallon of that same gas cost \$3.12. If the price reaches \$4 a gallon this year, which doesn’t seem all that unlikely at this point, state and local governments could bring in nearly \$5 billion. (SAN FRANCISCO CHRONICLE)

MA CASINO BILL CRAPS OUT: MASSACHUSETTS Gov. Deval Patrick’s (D) casino gambling bill (H 4307) went down to defeat in the House last week. The

Upcoming elections

03/27/2008 - 04/17/2008

04/05/2008

Louisiana Second Special Primary

US House (LA 1st Congressional District)

04/08/2008

California Special Primary

US House (Congressional District 12)

04/15/2008

Florida Special Election

House District 55



governor said House Speaker Salvatore DiMasi (D) strangled the bill by allowing a committee vote that prevented amendments during the full House debate. “You know, the fix was in pretty early,” said Patrick. He added: “I certainly felt like the opportunity to have an open, fact-based debate on a thoughtful, serious and popular proposal did not occur, and why it did not occur, you’ve got to ask the speaker about that. I can tell you that we were assured it would. And I don’t believe that promise was kept.” DiMasi parried those remarks: “People that don’t win in these situations really don’t think that the process works for them, because they didn’t get what they wanted.” (BOSTON HERALD)

“You know, the fix was in pretty early.”

BUDGETS IN BRIEF: Two weeks ago, the **GEORGIA** House passed legislation that would eliminate the state’s car tag tax and its property tax on homes, reducing taxes overall by about \$760 million a year. Last Tuesday, the Senate proposed a 10 percent reduction in the state’s income tax rate over five years, a roughly \$1.2 billion-per-year tax cut. Gov. Sonny Perdue (R) censured both chambers Wednesday for playing an election-year game of one-upping each other (ATLANTA JOURNAL-CONSTITUTION). • **VIRGINIA** Gov. Tim Kaine (D) signed a bill last week establishing a process for issuing refunds to residents who paid taxes levied by the Northern Virginia Transportation Authority, which were recently ruled unconstitutional by the state’s Supreme Court (WASHINGTON POST). • **PENNSYLVANIA** Gov. Ed Rendell (D) has decided to scrap his plan to give rebates of up to \$400 to low-income residents this year, a centerpiece of his economic stimulus package. The governor said lawmakers, including Democrats, opposed the idea because it didn’t reach enough people (PHILADELPHIA INQUIRER). • The **IDAHO** House passed a measure that would reduce taxes on business equipment as much \$120 million a year. Gem State companies have been urging the cut for years because the tax discourages investment (IDAHO STATESMAN [BOISE]).

— *Compiled by KOREY CLARK*

Politics & leadership

ANTI-AFFIRMATIVE ACTION MEASURES MOVING: On the same ballot where they’ll find the name of either the first black or female major-party presidential candidate, voters in five states may see a measure seeking to eliminate racial and gender preferences in public education, hiring and contracting.

Earlier this month, affirmative action opponents submitted 128,744 signatures (well over the 76,047 signatures required) to qualify a measure for the November



ballot in COLORADO. And similar efforts are currently under way in ARIZONA, MISSOURI, NEBRASKA and OKLAHOMA.

The initiative drives are being spearheaded by Ward Connerly, the conservative black Republican who has become the country’s most prominent affirmative action foe.

“Without any doubt, we have to understand that race preferences are on the way out,” he said.

Connerly maintains that the success of Barack Obama and Hillary Clinton demonstrates that preferences are no longer needed to counter the effects of “institutional racism and institutional sexism.” He said he has contributed \$500 to Obama’s campaign in recognition of his efforts “to take race out of the body politic.”

“I am not surprised he would lift up the performance of Barack to say that race no longer matters in American life. That’s a gross overstatement of the lives of most Americans.”

Obama actually opposes Connerly’s stance on affirmative action, however, and Wade Henderson, president of the Leadership Conference on Civil Rights, criticized Connerly’s reference to Obama as an attempt to “seize on any factoid to justify his assault on equal opportunity.”

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The five-state, anti-affirmative action push comes 16 months after MICHIGAN voters approved the Connerly-sponsored Proposition 2, ending preferences in the public sphere there.

“As we feared, Connerly’s attack on equal opportunity in MICHIGAN has metastasized,” said Henderson.

A number of organizations are using legal challenges and grass-roots efforts to try to keep the Connerly-backed measures off the ballot. They’ve tied up the MISSOURI initiative, for instance, in a court battle over the measure’s wording. But backers of the initiative said they’re on pace to obtain the 140,000 to 150,000 signatures needed

to qualify a version containing language written by a judge, pending an appeal.

Tim Asher, a former college admissions officer, who is leading that initiative campaign, contends

that a better way to achieve diversity is through programs that target disadvantaged people of all races.

“We need to get beyond race in this country and make sure that everyone is treated equally under the law,” he said.

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“The parks is a voluntary job, and it’s just a job you do, when they need you. It was fun...They make changes, and that’s their prerogative. It’s not like I need a day job.” (LOS ANGELES TIMES)

POLITICS IN BRIEF: The **FLORIDA** Legislature unanimously approved a resolution last week apologizing for the state’s role in sanctioning slavery. Gov. Charlie Crist (R), affectionately known as “**FLORIDA**’s first black governor” by some black lawmakers, indicated that he was open to the idea of reparations if slave descendancy could be established, although the resolution did not address that issue. But one black lawmaker, Sen. Al Lawson (D), said reparations are unlikely because they are too controversial and would cost the state too much money (ST. PETERSBURG TIMES). • Also in **FLORIDA**, the Taxation and Budget Reform Commission gave the go-ahead for a November ballot measure that would remove a 100-year-old limit on state funding for religious organizations. The initiative will ask voters for permission to strip a provision from the state Constitution used by a court in 2004 to strike down former Gov. Jeb Bush’s controversial school voucher program, which directed public money into parochial schools (ST. PETERSBURG TIMES).

— *Compiled by KOREY CLARK*

Governors

KANSAS GOP PUSHES NEW POWER PLANT PROPOSAL: As expected, KANSAS Gov. Kathleen Sebelius’ (D) vetoed legislation last week that would have allowed two coal-fired power plants to be built in the southwest section of the Sunflower State. The veto forced legislative Republicans, who supported building the plants, to weigh either an attempted veto override — which would require two-thirds majority votes in each chamber — or a new bill that would address the governor’s concerns. With enough override votes apparently not assured in the House, they chose the latter option, introducing a new bill to authorize the plants just three days after Sebelius struck down the original measure.

In her veto message, Sebelius reiterated that she is willing to accept a compromise allowing one of the proposed plants to be built if it comes with a commitment to use advanced technology to capture greenhouse gas emissions and develop wind power. As such, the new proposal places restrictions on the plants’ carbon dioxide emissions and contains new provisions designed to encourage increased use of wind energy. But the measure also still has several elements that contributed to the veto, including stripping some power from state secretary of health and environment Rod Bremby, who had previously blocked the two plants because of their potential carbon dioxide



emissions. The new proposal would still allow Bremby to approve the rules governing the plants, but it would also prevent him from holding them to pollution standards that are tougher than those imposed by the federal government, without legislative approval.

Sebelius spokesperson Nicole Corcoran said the governor's office is still studying the new measure, but noted the new bill "will most likely meet the same fate" as the previous one. "All the worst features of the original bill remain," Corcoran said. (KANSAS CITY STAR, WASHINGTON POST, CBS NEWS)

EXECUTIVE ORDERS: TENNESSEE Gov. Phil Bredesen (D) issues EO 54, which creates the Governor's Task Force on Energy Policy, charged with developing a state energy plan ("the Plan") to make Tennessee a national leader in energy efficiency and conservation, use of alternative fuels and renewable energy sources, and development of clean-energy technology that can provide economic and environmental benefits to its citizens (STATE NET). • **NEVADA** Gov. Jim Gibbons (R) issues an executive order creating the "Nevada Open Government Initiative" as a free internet portal and easily searchable database of financial transactions related to government budgets and expenditures (STATE NET).

GOVERNORS IN BRIEF: Responding to a plea from New York City mayor Michael Bloomberg, **NEW YORK** Gov. David Paterson (D) introduced a bill into the Empire State Legislature to charge drivers a fee to enter the busiest parts of Manhattan on weekdays. Paterson said the measure addresses two of the city's most pressing issues: reducing congestion and raising significant revenue for mass transit improvement (NEW YORK TIMES) • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) vetoed SB 867, which would have allowed state-subsidized in-home child care providers to unionize. Schwarzenegger said the bill would worsen the state's structural budget deficit (SACRAMENTO BEE). • **OREGON** Gov. Ted Kulongoski (D) said he will again ask lawmakers to raise the state cigarette tax to pay for extending health care coverage to 116,000 uninsured Beaver State children. Last year, voters handily rejected a ballot initiative that would have raised the cigarette tax by 84.5 cents a pack (OREGONIAN [PORTLAND]). • **MICHIGAN** Gov. Jennifer Granholm (D) said she has no intention of using gubernatorial authority to remove embattled Detroit mayor Kwame Kilpatrick from office. Under Wolverine State

In the hopper

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

Number of prefiles last week: 720

Number of Intros last week: 1,157

Number of bills enacted/adopted last week: 878

Number of prefiles to date: 17,266

Number of Intros to date: 66,062

Number of bills enacted/adopted overall to date: 8,372

— Compiled By JAMES ROSS
(measures current as of 03/27/2008)
Source: State Net database



law, the governor has the power to remove a public official from office without a criminal conviction. “There is a legal statute that says that the governor can remove an official if the governor is satisfied that they are guilty,” said Granholm, a former federal prosecutor. “So my satisfaction of being guilty is when they are convicted” (DETROIT FREE PRESS).

— *Compiled by RICH EHISEN*

Hot issues

BUSINESS: A federal court strikes down a **NEW YORK** law that would fine airlines up to \$1,000 per passenger if they fail to supply water, fresh air, electric power and working restrooms to passengers stuck on planes during lengthy delays. The court ruled that the law violated federal law (NEW YORK TIMES). • The **ARKANSAS** Attorney General orders all Razorback State payday lenders to cease operations or face a lawsuit. The AG issued the order based on recent state Supreme Court rulings that ruled loan rates charged by the lenders to “unconscionable” and deceptive (ARKANSAS NEWS BUREAU [LITTLE ROCK]) • A federal appeals court strikes down a **MINNESOTA** law that restricts the sale or rental of “adults only” or “mature” video games to minors. The court ruled that violent video games are protected free speech under the First Amendment of the Constitution (MINNEAPOLIS STAR TRIBUNE). • The **MISSISSIPPI** House endorses SB 2929, which would require metal buyers to record identifying information of the person selling the metal. It moves to a joint House-Senate conference committee (CLARION LEDGER [JACKSON]). • Scrap metal sales is also the issue in **TENNESSEE**, where House lawmakers unanimously approve HB 2433, legislation that would require junk metal sellers to supply buyers with a photo identification and thumbprint. Metals buyers would also have to be registered with the state. The measure moves to Gov. Phil Bredesen (D) for review (CHATTANOOGA TIMES FREE PRESS). • **INDIANA** Gov. Mitch Daniels (R) signs HB 1042, legislation that requires businesses that sell sexually explicit material to pay a \$250 fee and register with the secretary of state, which would then pass the information to municipal or county officials so they can monitor the businesses for potential violations of local ordinances. It goes into effect on June 30 (INDIANAPOLIS STAR). • The **FLORIDA** House approves HB 502, legislation that would allow workers to bring guns to the workplace as long as the owner has a permit and the weapon stays locked in a vehicle. It fires off to the Senate (ORLANDO SENTINEL).



CRIME & PUNISHMENT: The **MARYLAND** Senate endorses HB 370, legislation that would allow authorities to collect DNA samples from people who have been charged with violent crimes and burglary. It returns to the House to address changes made in the Senate (WASHINGTON TIMES). • **WASHINGTON** Gov. Christine Gregoire (D) signs HB 2713, which adds several misdemeanor and gross misdemeanor sex crimes to the list of offenses that require offenders to submit a sample of their DNA authorities for comparison to evidence found at other crime scenes. Currently, only felony convictions require the DNA sample (TACOMA NEWS TRIBUNE). • **INDIANA** Gov. Mitch Daniels (R) signs legislation that bars convicted sex offenders from perusing social networking Web sites like MySpace and Facebook. Violators face up to three years in prison (NORTHWEST INDIANA TIMES [MUNSTER]). • The **NEBRASKA** Legislature rejects LB 1063, which would have eliminated capital punishment in the Cornhusker State (LINCOLN JOURNAL STAR). • The **COLORADO** House gives preliminary approval to HB 205, which would grant new trials to criminal defendants in cases where DNA evidence was thrown out despite a court order requiring it be saved for testing. It faces another vote before it can move to the Senate (DENVER POST).

Upcoming stories

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

- **Spin Life insurance**
- **Family leave**
- **The plastic bag dilemma**

EDUCATION: A federal judge rules that a voter-approved **MICHIGAN** referendum barring race and gender affirmative action in public university admissions and government and public school hiring and contracting is constitutional. Opponents vowed to appeal the ruling (DETROIT FREE PRESS). • The **ARIZONA** House approves HB 2392, a bill that would require the Grand Canyon State to opt out of meeting federal No Child Left Behind requirements. Doing so would cost the state about \$600 million annually in federal education funds. The proposal faces a final House vote before it can move to the Senate (ARIZONA REPUBLIC [PHOENIX]).

ENVIRONMENT: Environmental officials in **ALASKA** issue new interim requirements for cruise ships' discharge, allowing higher levels of copper, zinc, ammonia and nickel than will be allowed when permanent standards go into effect in 2010. Cruise companies had complained that the previous interim standards were too strict (JUNEAU EMPIRE). • **NEW JERSEY** Gov. Jon Corzine (D) signs legislation that bans horseshoe crabbing in the Garden State. The move is an effort to help save a declining species of migratory shore bird that feeds on the crabs (PHILADELPHIA INQUIRER).

HEALTH & SCIENCE: The **PENNSYLVANIA** House approves SB 1137, which among other things would create a program offering subsidized medical



coverage to adults earning up to 200 percent of the federal poverty level. It moves to the Senate (PITTSBURGH POST-GAZETTE). • The **MAINE** House approves LD 2012, a proposal to ban smoking inside a care if there are children under age 16 present. It moves to the Senate (BANGOR DAILY NEWS). • **NEBRASKA** Gov. Dave Heineman (R) signs LB 606, which prohibits the use of state money, facilities or resources to conduct research that destroys human embryos or that creates cloned embryos for research or reproduction. The law will also help fund in-state stem cell research that does not involve cloning (OMAHA WORLD-HERALD).

IMMIGRATION: An **ALABAMA** Senate committee endorses SB 426, a bill that would require employers to verify proof of legal status for each of their employees. Violators would face fines and possible a loss of their business license. It moves to the full Senate (BIRMINGHAM NEWS).

SOCIAL POLICY: The **MARYLAND** Senate endorses a bill that would grant domestic partners the same medical visitation and decision-making rights as married couples. It moves to the House (CAPITAL NEWS SERVICE [ANNAPOLIS]). • A **CALIFORNIA** Assembly committee rejects AB 1940, which would have allowed all women in their third trimester of pregnancy to park their cars in spaces normally reserved for the disabled (SAN JOSE MERCURY NEWS). • A federal court upholds a decision by **WISCONSIN** officials to restrict the license of a pharmacist who refused to fill a prescription for birth control pills and would not direct the customer to another outlet where she could get the prescription filled. The case is expected to be appealed (MILWAUKEE JOURNAL SENTINEL). • The **ARIZONA** House approves HB 2269, which would bar nurse practitioners from performing abortions. It moves to the Senate (TUCSON CITIZEN). • Still in **ARIZONA**, lawmakers approve HB 2263, which outlines the specific criteria a judge should consider when deciding if there is “clear and convincing” evidence that a minor is mature enough to have an abortion without a parent’s consent. The Senate also endorses HB 2769, which would enact state law to match a federal statute that makes late-term abortions illegal. Both measures move to Gov. Janet Napolitano (D) for review (ARIZONA REPUBLIC [PHOENIX]).

POTPOURRI: The **MARYLAND** Senate tentatively approves a measure that would bar drivers from talking on or sending text messages from their cell phone while behind the wheel. The measure faces another vote before it can moves to the House (WASHINGTON TIMES). • The **NEW HAMPSHIRE** Senate endorses legislation that would bar drivers from sending text messages while driving.

In case you missed it

In the March 17 issue of SNCJ, columnist Lou Cannon took an insightful look at how the contentious issue of illegal immigration has seemingly fallen off the radar for the remaining presidential hopefuls, leaving it to the states to work out for themselves.

In case you missed it, the article can be found on our Web site at

http://www.statenet.com/capitol_journal/03-17-2008/html



Violators would face a \$100 fine. It moves to the House (UNION LEADER [MANCHESTER]) • The ARIZONA Senate rejects a measure that would have prevented unmarried domestic partners from receiving coverage as dependents under state employee and retiree benefits (TUCSON CITIZEN). • WISCONSIN Gov. Jim Doyle (D) signs legislation that requires flags flown over any Badger State public building to be made in America. There is no penalty, however, for flying a foreign-made flag (ASSOCIATED PRESS). • The TENNESSEE House endorses HB 2868, a proposal to remove limits on how many toll roads or bridges may be built in the Volunteer State. It moves to the Senate (CHATANOOGA TIMES FREE PRESS).

— Compiled by RICH EHISEN

Once around the statehouse lightly

LET'S PRETEND: Former Texas state Senate staffer Todd Gallaher is nothing if not totally committed to his work. The problem for Gallaher, who until recently worked for TEXAS state Sen. Bob Deuell (R), is that he is clearly not as committed to ethical behavior. As the *Dallas Morning News* reports, Gallaher resigned recently after admitting he had impersonated a *Morning News* reporter in an attempt to gather information on an ethics investigation into Deuell. That faux pas came just weeks after Gallaher had been suspended for impersonating a Democratic state representative in order to influence a south TEXAS sheriff's election. Gallaher denies he was pretending to be Rep. Juan Garcia (D) when he sent out embarrassing pictures of one of the candidates from the e-mail address *repjuangarcia@hotmail.com*, insisting it stands for Republican Jaun (sic) Garcia, a superhero character he created years ago. Whatever. In any case, Gallaher is out on his ear and the state attorney general is mulling charges against him.

FEELING GOOD ABOUT FAILING: Failure is bad, but being labeled a failure is worse. So say MASSACHUSETTS education officials, who, as the *Boston Globe* reports, want to come up with new euphemisms for those Bay State schools that are now officially labeled as “underperforming.” That moniker, officials say, plays havoc on teacher and student morale. Thus, they prefer to label those institutions with the much more generic title of “Commonwealth priority.” Schools that are really tanking would go from being considered “chronically underperforming” to being deemed “priority one,” or perhaps “high needs.” For many observers, the whole situation



can be labeled as “silly.” Or, as 17-year-old Zachary Tsetsos, the only student on the MASSACHUSETTS Board of Education, puts it, “Why are we spending time on this?” From the mouths of babes.

FLUSHED AWAY: If you have ever been angered to discover just a bit too late that your bathroom stall is devoid of toilet paper, don’t look to FLORIDA lawmakers for, uh, relief. As the *Orlando Sentinel* reports, the Sunshine State House recently flushed HB 437, which would have required restaurants to ensure their lavatories always have an adequate supply of toilet tissue on hand. Pols say the measure, which would have also mandated that said bathrooms be well ventilated and have plenty of soap and hot water, was unnecessary. Which I suppose depends on where you’re sitting at any given time.

HUNTING FOR DOLLARS: States these days try all kinds of interesting ways to get deadbeat parents to come clean on their back child support, including taking away business and driver’s licenses until the tab is cleared. But ILLINOIS officials have found that holding back another kind of license is even more inspiring. As the *Chicago Tribune* reports, Prairie State officials have begun preventing deadbeat parents from obtaining hunting and fishing permits. Officials there say the six-month old program has produced almost \$130,000 in back support payments from parents who had to pay up or miss the hunting and fishing season. A similar program has also paid big dividends in MAINE, where one frustrated hunter came off with \$30,000 in back payments to avoid relinquishing a coveted moose hunting license. The urge to smoke some hot lead into Bambi’s backside is clearly a strong motivator.

— By RICH EHISEN



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