

February 16, 2004

Six for the road



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*Now on the
State Net Web site*

2003 State Session
Recaps showcasing
legislative statistics
for each state.

Top Story

State Net lost a dear friend last week with the passing of Capitol Journal editor Melanie Smith. In this week's Once Around, A. G. Block recalls a very special person and colleague.

SNCJ Governors Spotlight

Govs secret visit to Iraq angers many

Although most of the big headlines of late have been directed at the rapidly shrinking contingent of candidates seeking the Democratic nomination for president, an equally active group of state chief executives continue to make news themselves.

No event grabbed more attention than the extremely clandestine trip taken to Iraq last week by six governors — Democrats Kathleen Blanco of

ANALYSTS PAN WY TUITION SAVINGS PLAN: Four years ago, WYOMING's 529 college savings plan was considered one of the best in the nation. But a forthcoming article on 529 plans in *Morningstar FundInvestor* will name Wyoming's plan one of America's five worst. The plans, named for Section 529 of the Internal Revenue Code, are designed to help people save money for college by allowing them to invest in stocks and bonds without having to pay taxes on their earnings. However, according to *morningstar.com* analyst Langdon Healy, the Wyoming plan saddles participants with "excessively high expenses" that sap the returns on their investments and make it much harder for them to reach their tuition savings goals. Healy said analysts consider a 529 plan reasonably priced if its total ongoing expense ratio is below 1%. The expense ratio for Wyoming's plan is more than double that — 2.21%. Healy said his

criticism of Wyoming's plan was not an indictment of 529 plans in general, pointing out that UTAH and NEVADA both have good, inexpensive plans. Wyoming Treasurer Cynthia Lummis said the state is currently considering whether to replace its plan or terminate it and advise participants to roll their investments over into another state's plan. (CASPER STAR-TRIBUNE)

NY MOVES CLOSER TO TIMELY BUDGETS: The NEW YORK Assembly passed legislation designed to reform the state's budget process last week. Although the bill differs substantially from budget reform legislation passed by the Senate last month, the action brings the state a step closer to ending its habit of missing budget deadlines. Both the Assembly and Senate bills include provisions shifting the start of the fiscal year from April 1 to May 1, in recognition that the governor and legislative leaders rarely manage to agree on a revenue estimate until after the majority of residents have filed their income tax returns in April. But the major similarities between the two measures end there. While the Senate bill would give the state comptroller the final word on revenue estimates, the Assembly bill would establish an independent budget office to provide objective, non-binding estimates. The Senate bill also provides for a default budget in the event the Legislature fails to meet the May deadline, a provision the Assembly bill lacks.

The Week in Session

States in Regular Session:

AK, AL, AZ, CA, CO, CT, GA, HI, IA, ID, IL, IN, KS, KY, MA, MD, MI, MN, MO, MS, NE, NH, NJ, NM, NY, OK, PA, RI, SC, SD, TN, US, UT, VA, VT, WA, WI, WV, WY

States in Skeleton Session: OH

States in Special Session:

ME "b", WI "d"

States in Committee Hearings: DE

States in Recess:

AR "b", CA "d", CA "e"

Currently Prefiling:

FL, LA, MT(Drafts for 2005), WY

States Adjourned:

AZ "b", CA "a", CA "b", CA "c", CT "a", CT "b", DE "a", FL "e", MD "2001 session" z, ME, NC "a", NC "b", NJ "2001 session" z, NM "a", TX, UT "c", WA "a", WA "b", WA "c"

Letters indicate special/extraordinary sessions

Source: State Net, 2/9/04



Despite the major differences between the measures, lawmakers are still confident an agreement can be reached. A conference committee has already been appointed and legislative aides expect it will take at least two weeks for the committee to finish its work. (NEW YORK TIMES)

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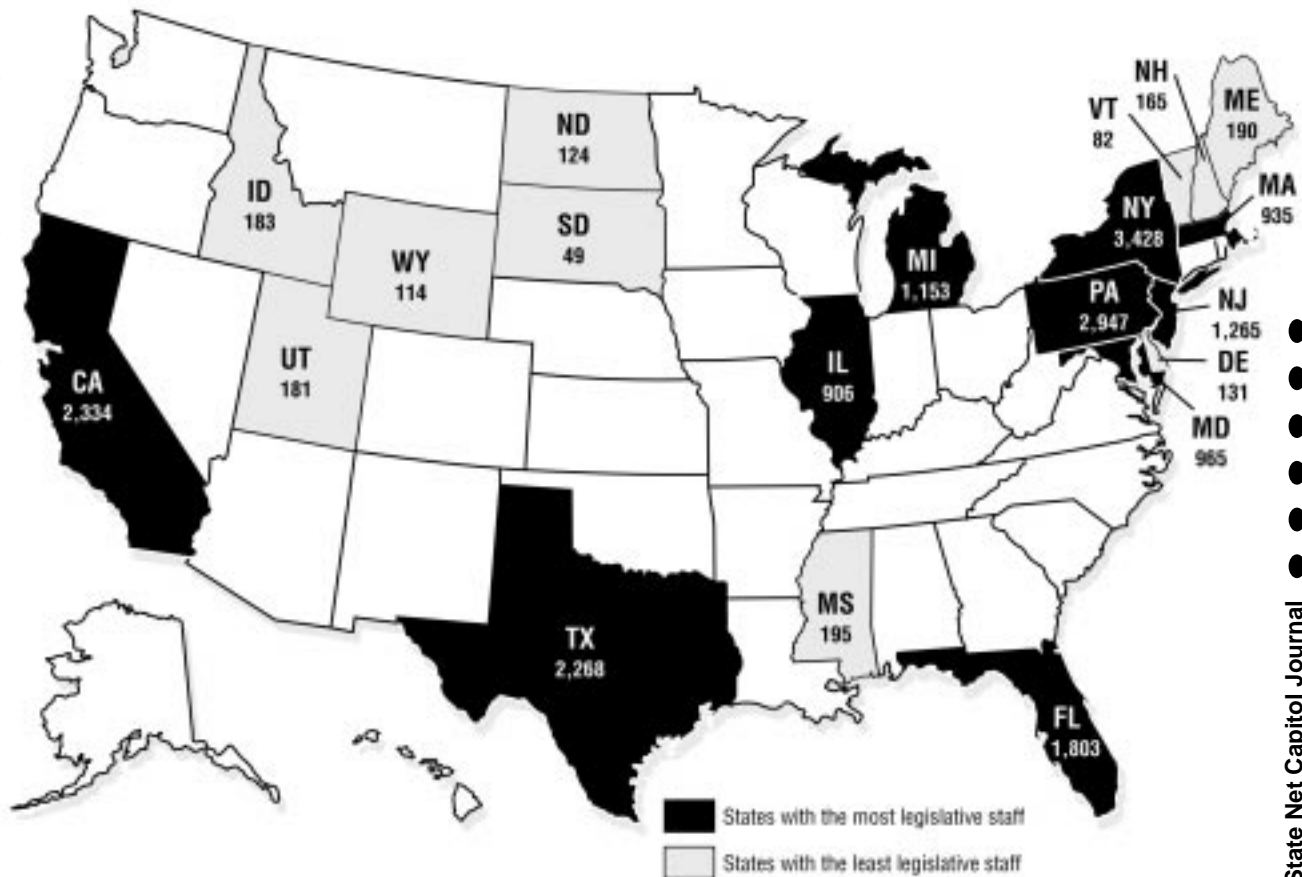
Bird's-eye view

Big government?

State government has become a growth industry over the last 25 years, according to a survey recently taken by the National Conference of State Legislatures. NCSL's research shows that state legislatures employ almost 8,000 more full time staffers than they did in 1979, an increase of around 30%. Over this span legislatures have increased permanent staff by an incredible 66%, while reducing the number of session-only workers by around 3,000. Not surprisingly, large states like NEW YORK and PENNSYLVANIA employ the largest staffs, while SOUTH DAKOTA and VERMONT have much fewer permanent employees. The map below shows the 10 state legislatures with the most and fewest staff.



Source: National Conference of State Legislatures



State Net Capitol Journal



BUDGETS IN BRIEF: The budget plan announced last week by MICHIGAN Gov. Jennifer Granholm (D) called for a 75-cent per pack increase in the state's cigarette tax to alleviate the \$1.3 billion shortfall expected next year. According to the state's Department of Treasury, the increase would generate an additional \$295 million in revenue (ASSOCIATED PRESS, ANN ARBOR NEWS, DETROIT FREE PRESS). • MAINE's secretary of state approved petitions for a statewide initiative on a property tax cap, ending a seven year effort by the Maine Taxpayers Action to bring the issue before the state's voters. Modeled after CALIFORNIA's Proposition 13, the proposal would cap property taxes at 1% of assessed valuation (BANGOR DAILY NEWS). • GEORGIA's Department of Revenue published its Internet list of delinquent taxpayers last week. The department's goal is to recover \$97-135 million of the \$1.6 billion on its books, dating back to 1988 (ATLANTA JOURNAL-CONSTITUTION). • KANSAS Gov. Kathleen Sebelius (D) warned lawmakers that she will call a special session if they fail to resolve the problems with the Sunflower State's school funding system, declared unconstitutional in December. The warning came after a week of hearings failed to produce any consensus on the issue (WICHITA EAGLE).

— *Compiled by KOREY CLARK*

Politics & Leadership

COURT REJECTS GA REMAP: A panel of federal judges in GEORGIA rejected House and Senate district maps drawn in 2001, derailing the 2004 session of the General Assembly and threatening to do the same to the state's upcoming primary election. The judges ruled the maps, which had been drawn by the Democrats back when they controlled both houses of the Legislature, violated the principle of "one person, one vote" because there was too much variation in the number of voters in each district. The ruling came in response to a lawsuit filed by a group of Republican voters who claimed they had been disenfranchised by the Democrat-drawn maps, which packed them into fewer districts in an effort to consolidate Democratic control of the General Assembly. The judges have only given lawmakers until March 1 to submit new maps. If they fail to do so, the court said it will draw interim maps. Republicans were elated over the ruling, believing that more evenly drawn maps will give them an opportunity to extend their 30-26 majority in the Senate and increase their number in the House, where they now hold 73 of the 180 seats. However, the ruling comes in the middle



of a legislative session dominated by divisive budget issues and just a few months before the state's July primary election, creating a major time crunch. Democrats said they will probably move in two different directions at once, exploring an appeal of the court decision while at the same time working on new maps. (ATLANTA JOURNAL-CONSTITUTION, MACON TELEGRAPH)

AZ REMAP TOO NON-PARTISAN: Bucking the national trend of legislative redistricting toward partisan protectionism, ARIZONA's Independent Redistricting Commission released a preliminary legislative map last Monday that was faulted for focusing too much on increasing partisan competition. The map was the first created by the commission since a county court ordered it to redraw the map it approved in 2001, paying more attention to increasing competition between Democrats and Republicans. The new map meets that mandate, creating 23 districts that give candidates from either party a fair shot at winning, as opposed to the four competitive districts of the old map. But Commission Chairman Steve Lynn said the map will have to be reworked because it fails to meet a number of requirements of the federal Voting Rights Act, including minority protections and district compactness. The commission has begun work on another map that takes all of those other requirements into account, which it intends to debut at its next meeting on Feb. 21. (ARIZONA DAILY STAR)

VA HOUSE CURBS OPEN MEETINGS LAW: VIRGINIA's House of Delegates passed a measure last week exempting the General Assembly from the state's Freedom of Information Act, the 1969 law requiring meetings of state or local officials to be open to the public. The bill, which was sponsored by House Majority Leader H. Morgan Griffith (R), succeeded by a narrow margin, with twelve members of the Republican majority joining all but one of the chamber's Democrats in opposing it. The predominantly GOP move came in response to a written opinion issued last month by the state's Republican attorney general, Jerry W. Kilgore, questioning the legality of the secret caucus meetings held daily by both parties to discuss strategy. If the bill — HB 1357 — passes the Senate, it will go to Gov. Mark Warner (D), who appears inclined to veto it, a spokesperson for the governor saying the Warner administration "believes we don't need to be moving away from open government." (WASHINGTON POST)

SENATOR CALLS FOR PARTISANSHIP: A NEBRASKA senator wants to end the Legislature's 70-year-old "populist experiment" with non-partisanship. Sen. Mark Quandahl proposed a constitutional amendment last week that would require identification of legislative candidates' party affiliation. Currently, legis-

lative members are elected on a non-partisan ballot that does not include information about their party affiliation. The Cornhusker State adopted its non-partisan system, along with its one-of-a-kind unicameral legislature, in 1934 at "the height of the populist movement," Quandahl told the Legislature's Executive Board. He believes that identification of legislative candidates' party affiliation would provide the equivalent of "truth in labeling." The measure — LR222CA — has the support of State Chairman David Kramer, who seconded Quandahl's opinion, stating that identifying party affiliation is "the best way for voters to know what team people play on." (LINCOLN JOURNAL STAR)

— *Compiled by KOREY CLARK*

Hot Issues

B **USINESS:** The **WASHINGTON** Senate approves SB 5728, legislation that would impose strict caps on "pain and suffering" damages in Evergreen State civil suits. It moves to the House (SEATTLE POST-INTELLIGENCER). • The **SOUTH DAKOTA** Senate rejects SB 133, dubbed the Motor Fuel Fair Competition Act. The bill would have made it illegal for retailers to sell gasoline at prices below their cost (RAPID CITY JOURNAL). • A **COLORADO** House committee approves HB 1209, legislation that restricts the ability of local governments to use economic arguments in designating rural land as blighted. It moves to the full House (DENVER POST).

CIVIL RIGHTS: A bill legalizing sodomy between consenting adults passes a **VIRGINIA** Senate panel. The legislation is designed to bring the Old Dominion State in line with a landmark U.S. Supreme Court ruling that says banning the practice is unconstitutional. It moves now to the full Senate (VIRGINIAN-PILOT [NORFOLK]). • A **SOUTH DAKOTA** House committee snuffs out HB 1289, a bill that would have barred recognition of civil unions and other "quasi-marital" relationships in the Coyote State. It was voted down 12-1 (RAPID CITY JOURNAL).

CRIME & PUNISHMENT: An **OKLAHOMA** Senate committee approves legislation that would make cold pills containing pseudoephedrine a regulated substance that could only be sold by a licensed pharmacist. The bill would also require purchasers to show photo identification. Pseudoephedrine is the primary ingredient in making methamphetamine. The bill moves to the full House (SHAWNEE-NEWS STAR). • Citing unconstitutionality, a federal judge in **IOWA** strikes down



was picked because he is the current chair of the National Governors Association, while Pataki claimed his invitation came as a result of his state's suffering in the Sept. 11 2001, terrorist attacks. State Dept. officials say the balance of the group was chosen to achieve geographic diversity and bipartisanship, although it was noted that four of the six represented states — Minnesota, Oregon, New York and Hawaii — cast their support for Democrat Al Gore during the 2000 presidential election. (STATELINE.ORG, HONOLULU ADVERTISER, MINNEAPOLIS STAR TRIBUNE)



BENSON TECH GURU OPTS OUT: Lawmak-

ers in NEW HAMPSHIRE are fuming over the resignation of technology expert Bob Anderson, the Granite State's highest paid employee and the man hand picked by Gov. Craig Benson (R) to consolidate and modernize the state's computer operations. Anderson, who worked for Benson at the tech company the governor ran prior to being elected in 2002, was brought on board amidst promises his efforts would save the state \$11 million. But Anderson resigned his \$150,000 a year position on the exact day he was supposed to provide legislators with final evidence of those savings, leading Senate President Tom Eaton to claim lawmakers "were duped."

Anderson had long acknowledged a shaky relationship with the Legislature,

... unquote

"The issue is not really about security, it's about manipulating the coverage. To not consider print reporters and only to consider TV and TV images feels wrong."

Kate Parry, senior politics editor for the St. Paul Pioneer Press. (STATELINE.ORG)

\$11 million mark.

A spokesperson for Benson said the governor stands by his decision to hire Anderson, and is still committed to rooting out savings from within the state's technology department. (FOSTER'S DAILY DEMOCRAT)

decriing the promise of the \$11 million in savings as "a monkey on my back." Lawmakers eventually asked him to provide monthly updates on how Anderson was cutting state technology spending, but when Anderson offered only a report that indicated \$4 million in future savings, Eaton told Benson the process was not working. Anderson's final report abandoned his normal approach to cutting spending and instead called for each state department to cut their computer budget by 15% in order to realize the

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Once around the statehouse lightly

Melanie Smith (1957-2004)

State Net and Capitol Journal lost a colleague last week and, even more, a friend. Melanie Smith, editor of Capitol Journal for the past four-plus years, died February 7 after a two-year battle with breast cancer.

Melanie was a collector. She collected dogs, cats, music, figurines, books, snow globes, movies and friends. But her special love was animals, any animal. In addition to the two dogs and three cats that shared her Sacramento bungalow, her front porch was a kitty smorgasbord for neighborhood strays. There was always food out. It is said she even left kibble for a rat that took up residence in her garage last summer. She was forever rescuing homeless dogs and cats, then cajoling friends — or friends of friends — to adopt them. Injured birds were a specialty, some of which had fallen prey to her cats.

She was a marvelous pianist, an aspiring vocalist and an avid fan of comedian Eddie Izzard, offbeat mystery novels, the Ashland Shakespeare Festival and “Lord of the Rings.” She smiled easily and had a wonderfully wry sense of humor.

On the surface, Melanie was shy, quiet and very private. But over the past two years, those who worked with her realized that she was made of more fiber and steel than anyone could have imagined. She fought her cancer ferociously, never giving in, ever willing to endure the next treatment, the next attempt to turn back a virulent and aggressive disease. She endured many setbacks, but her discouraging moments were fleeting and confronted with dignity. She also was not afraid to be afraid, and she fought the inevitable right up to the last day of her life.

Melanie was devoted to her work and to this publication, always striving to maintain its high quality and to make it a sprightly read. She stayed on the job at Capitol Journal for most of her two-year battle, through chemotherapy and radiation and a mastectomy, taking a leave of absence only last November. She was a daily inspiration to those of us exposed to her courage as she waged a lonely and terrible war.

Melanie Smith was born in Glendale, in Southern California, on May 19, 1957, and raised in the small Los Angeles-area town of Tujunga. She earned a Bachelor of Arts degree in English from UCLA in 1980 and a Masters in English Literature from California State University, Sacramento, in 1994. She began work at State Net in 1992 as a part time employee in the company’s database division, and, in August 1999, became the guiding light of its flagship national publication. She also served as associate editor of Capitol Journal’s sister publication, California Journal magazine.

