

March 28, 2005

Bush battles courts in Schiavo case



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Top Story

The tragic case of Terri Schiavo — the brain-damaged FLORIDA woman at the heart of the national right-to-die issue — has spurred passionate responses from advocates on both sides of the issue - including Gov. Jeb Bush (R).

SNCJ Governor's Spotlight

Courts reject Bush attempts to influence Schiavo custody

The long saga of Terri Schiavo might be winding down, but FLORIDA Gov. Jeb Bush (R) was determined last week to not let it do so without more input from him. Calling it his attempt to do “everything within my power to make sure that Terri is afforded at least the same rights that criminals convicted of the most heinous crimes take for granted,” Bush launched a last-ditch effort to have the Adult Protective

Team of the state's Dept. of Children and Families take custody of Schiavo, the brain-damaged woman who has become a national symbol for those on both sides of the right-to-die issue.

Bush sought to have the agency take custody of Schiavo amidst allegations that she had been abused in her current hospice care. The governor also pointed to a neurologist's claim that, contrary to the prevailing medical opinion of her condition, Schiavo is not in a "persistent vegetative state." The neurologist, William P. Cheshire of the Mayo Clinic in Jacksonville, bases his work on biblical values. He observed Schiavo from her bedside, but did not conduct an examination.

Bush, who has been involved in the Schiavo case for some time, argued that the state had legal grounds to take control over Schiavo's fate away from her husband, Michael Schiavo, who is seeking to have the feeding tube that keeps her alive permanently removed so she can pass away. Mr. Schiavo claims his wife would not have wished to live in her current condition.

But Florida Circuit Judge George Greer, who has also been involved in the Schiavo case for years, rejected Bush's request and issued an order barring her removal from the hospice or the reinsertion of her feeding tube. The decision came at virtually the same time the U.S. Supreme Court rejected a request by Terri Schiavo's parents to intervene on their daughter's behalf and the Florida Senate was turning back a Bush-supported bill that would have barred the removal of feeding tubes from patients in Schiavo's condition.

That effort marked the second time Bush has asked lawmakers to intervene in the case. The first was a hastily-crafted 2003 proposal that gave him the authority to order Schiavo's feeding tube be reinserted. Known as "Terri's Law," the statute was later ruled to be unconstitutional by the state Supreme Court. Bush appealed that decision to the U.S. Supreme Court, which rejected it without hearing the case.

That situation negatively affected at least one state lawmaker this time around. Sen. Dennis Jones (R) said he felt pressured by Bush in 2003 and "voted wrong." Jones vowed this time not to yield to the governor, saying "I certainly wouldn't make that mistake again" before voting against the measure last week.

Bush immediately filed an appeal of Judge Greer's decision with the Florida

The Week in Session

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

States in Special Session: CA "a"

States in Skeleton Session: OH

States in Recess:
IL, MI, PA (Senate)

Currently Prefiling:
LA (Drafts for 2005)

States Projected to Adjourn: GA

States Adjourned in 2005: DC "z", IL "z", KY, MA "z", NM, NY "z", SD, UT, VA, WY

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

Letters indicate special/extraordinary sessions

Source: State Net, 3/25/05

Supreme Court, but was again rebuffed when the court refused to overturn Greer's decision.

Bush's actions drew praise from multiple right-to-life groups that mobilized demonstrations at both Schiavo's hospice and the halls of the Tallahassee statehouse. His efforts also further galvanized him with religious and social conservatives, and incited even greater speculation about a future presidential bid in either 2008 or 2012. But George Felos, Michael Schiavo's attorney, condemned Bush's role in the events.

"The conduct of the executive branch of the state of Florida has been reprehensible in this case," Felos said. (ST. PETERSBURG TIMES, WASHINGTON POST, ASSOCIATED PRESS, PALM BEACH POST, ORLANDO SENTINEL)

INMATE STAFF HAS BLUNT EYEING PANIC BUTTON: One of the first things new MISSOURI Gov. Matt Blunt (R) did after taking office in January was to have Capitol Police install four new panic buttons in the Governor's Mansion. The reason for his concern? It seems that for at least the last 100 years the gov's digs have been partly staffed by inmates from the Show Me State's correctional system. Inmates perform a collection of duties, including cooking, cleaning and maintenance around the house and grounds. Corrections officials say there has never been an instance of an inmate causing a problem, primarily because all program participants must be nonviolent offenders with less than a year to go on their sentence, and must also have served previously in a work release program to prove their trustworthiness. But Gov. and Mrs. Blunt are the parents of a new baby, and like most new parents are determined to err on the side of extreme caution when it comes to the security of their new son. Hence the panic buttons, which will be ready to go before Melanie and William Blunt join the governor in the 134-year-old Mansion later this month. (KANSAS CITY STAR)

GOVERNORS IN BRIEF: VERMONT Gov. Jim Douglas (R) has proposed legislation that would allow sexual predators and other violent offenders who have completed their sentences without receiving mental health treatment to be involuntarily committed to a psychiatric facility. The proposal has drawn interest in the Legislature, but several lawmakers have expressed concern that such a law would be unconstitutional (BURLINGTON FREE PRESS). • Saying it infringes on constitutionally-protected free speech, a **CALIFORNIA** court refused to close a loophole in state campaign finance laws that allows politicians to raise unlimited funds through ballot measure committees. That decision could prove to be a major boon for Gov. Arnold Schwarzenegger (R), who is seeking to raise \$50 million to fund proposed ballot measures in a special election in November (SAN FRANCISCO CHRONICLE).

— *Compiled by RICH EHISEN*

Across state lines

The state of the statehouse, 2005

An even dozen new governors have taken office since February of 2004, including one state — UTAH — which has had two chief executives in that time. Three of those governors resigned, although their reasons for leaving office were as varied as the states they represented.

One, former CONNECTICUT Gov. John G. Rowland (R), resigned under threat of impeachment after a corruption scandal rocked his administration. He is currently preparing to go to jail. A second, Democrat James E. McGreevey, gave up his job after revealing he had been involved in a homosexual affair. The third, former Utah Gov. Mike Leavitt (R), left office to become the head of the federal Environmental Protection Agency. Leavitt's replacement, Olene S. Walker, lasted only until the state's GOP primary, when she was ousted in favor of the man voters eventually chose for the job, Gov. Jon Huntsman, Jr.

Legislative changes in several states have made life more challenging for some incumbent holdovers. COLORADO Gov. Bill Owens (R), for example, saw both chambers of the Centennial State Legislature shift from GOP to Democratic control. A shift to the GOP in the INDIANA House gave Republicans control of both chambers of the Hoosier State Legislature, a significant boon to new Gov. Mitch Daniels (R). Similar changes in partisan control of one chamber gave WASHINGTON Gov. Christine Gregoire and MONTANA Gov. Brian Schweitzer, both Democrats, an edge in their states. Others were not so fortunate, such as freshman NEW HAMPSHIRE Gov. John Lynch (D). Lynch inherited a legislature controlled in both chambers by Republicans.

The accompanying chart shows the partisan breakdown for both the legislature and the governor's office in all 50 states.

— *By RICH EHISEN*

Current Legislative Lineup, March 2005

State	Governor	House			Senate		
		Dem	Rep	O/V	Dem	Rep	O/V
AK	Frank H. Murkowski (R)	14	26		8	12	
AL	Bob Riley (R)	62	41	2	25	10	
AR	Mike Huckabee (R)	72	28		27	8	
AZ	Janet Napolitano (D)	22	38		12	18	
CA	Arnold Schwarzenegger (R)	48	32		25	15	
CO	Bill Owens (R)	35	30		18	18	
CT	M. Jodi Reil (R)	99	52		24	12	
DE	Ruth Ann Minner (D)	15	26		13	8	
FL	Jeb Bush (R)	36	84		14	26	
GA	Sonny Perdue (R)	81	99		22	34	
HI	Linda Lingde (R)	41	10		20	5	
IA	Tom Vilsack (D)	49	51		25	25	
ID	Dirk Kempthorne (R)	13	57		7	27	1
IL	Rod Blagojevich (D)	65	53		31	27	1
IN	Mitch Daniels (R)	48	52		17	33	
KS	Kathleen Sebelius (D)	42	83		10	10	
KY	Ernie Fletcher (R)	57	43		15	21	2
LA	Kathleen Blanco (D)	66	36	3	24	15	
MA	Mitt Romney (R)	136	21	3	34	6	
MD	Robert Ehrlich Jr. (R)	98	43		33	14	
ME	John Baldacci (D)	76	73	3	19	16	
MI	Jennifer Granholm (D)	52	58		16	22	
MN	Tim Pawlenty (R)	66	68		35	31	1
MO	Matt Blunt, Jr. (R)	65	97	1	10	22	2
MS	Haley Barbour (R)	77	45		29	23	
MT	Brian Schweitzer (D)	50	50		27	23	
NC	Mike Easley (D)	63	57		29	21	
ND	John Hoeven (R)	27	67		15	32	
NE*	Dave Heineman(R)						49
NH	John Lynch (D)	148	252		8	16	
NJ	Richard Codey (D)	47	33		22	18	
NM	Bill Richardson (D)	42	28		24	18	
NV	Kenny Guinn (R)	26	16		9	12	
NY	George E. Pataki (R)	103	46	1	27	35	
OH	Bob Taft (R)	40	59		11	22	
OK	Brad Henry (D)	44	57		26	22	
OR	Ted Kulongoski (D)	27	33		18	12	
PA	Edward Rendell (D)	92	111		18	29	3
RI	Don Carcieri (R)	60	15		33	5	
SC	Mark Sanford (R)	50	74		20	26	
SD	Mike Rounds (R)	19	51		10	25	
TN	Phil Bredeesen (D)	53	46		16	17	
TX	Rick Perry (R)	63	87		12	19	
UT	Jon Huntsman, Jr. (D)	18	56		8	21	
VA	Mark Warner (D)	38	60	2	16	24	
VT	James Douglas (R)	84	59	7	21	8	
WA	Christine Gregoire (D)	55	43		26	23	
WI	Jim Doyle (D)	39	60		14	19	
WV	Joe Manchin III (D)	68	32		21	13	
WY	Dave Freudenthal (D)	14	46		7	23	

*Nebraska has a non-partisan, unicameral legislature; o/v= Other, Vacant
Source: Statenet

Budget & taxes

TABOR'S TRIUMPHS AND TRIALS: Thirteen years ago, COLORADO lawmakers wrote a provision into the state's Constitution limiting state revenue increases to population growth plus inflation and requiring any excess revenue to be returned to taxpayers. Numerous other states liked the Taxpayer's Bill of Rights — or TABOR — amendment so much, they instituted revenue or spending caps themselves. And national anti-tax groups are currently pushing TABOR-like amendments in 16 more: ALASKA, ARIZONA, CALIFORNIA, FLORIDA, IDAHO, KANSAS, MAINE, MINNESOTA, MISSOURI, NEW HAMPSHIRE, NEW MEXICO, NORTH CAROLINA, OHIO, OREGON, TENNESSEE and WISCONSIN. Meanwhile, the state that set the trend is struggling with a structural deficit caused in large part by its own TABOR amendment. The drastic drop in revenues following the Sept. 11, 2001 terrorist attacks reset TABOR's refund baseline figure so low that lawmakers in the state have decided some changes to TABOR are needed if the state is ever going to dig itself out of its budget hole. Last week, Gov. Bill Owens (R) and legislators agreed on a plan that would suspend TABOR refunds over the next five years in exchange for a slight cut in the state income tax, which will go before the voters in November. The challenge with his state's TABOR amendment hasn't dampened Owens' enthusiasm for the idea, however. In fact, he recently campaigned for the TABOR amendment introduced in Kansas. But voter approval of the changes to Colorado's amendment could be a big blow to the national TABOR movement. As one Republican consultant put it, "The damage is greater if they lose Colorado, because they're saying Colorado is the example." (STATELINE.ORG, DENVER POST)

BUDGETS IN BRIEF: WASHINGTON Gov. Christine Gregoire (D) proposed a \$25.8 billion state budget last week that avoids major cuts in services and closes a projected \$1.6 billion hole by raising taxes on cigarettes and bringing back a revised version of the estate tax, which was ruled unconstitutional by the state Supreme Court last month. Although several lawmakers criticized the governor's plan for failing to deal with the state's structural deficit, observers say it probably does enough to assure passage by the Democratic majorities in both houses (SEATTLE POST-INTELLIGENCER). • **KENTUCKY** Gov. Ernie Fletcher (R) vetoed thirteen items in the state budget passed by the Legislature. The vetoes mainly concerned minor issues, with the exception of one that would



have let lawmakers kick the administration out of the Capitol Annex and claim the building for themselves. But key legislators said even that issue would be resolved peacefully (COURIER-JOURNAL [LOUISVILLE]). • According to a new report from the Nelson A. Rockefeller Institute of Government, state tax revenues for the last quarter of 2004 were 7.8 percent higher than the same period last year, making it the strongest 4th quarter since 1991. The report attributed the growth primarily to a relatively high rate of inflation and recently-enacted state tax increases (STATELINE.ORG). • **ARIZONA** Gov. Janet Napolitano (D) took just 20 minutes to veto the Republican-controlled Legislature’s \$8.2 billion budget plan. While Napolitano contended the budget was balanced “on the backs of children,” legislators called the governor’s abrupt veto “pure politics,” pointing out that she couldn’t possibly have read the 300-page budget document in that amount of time (ARIZONA REPUBLIC [PHOENIX]). • Narrow majorities in **MINNESOTA**’s GOP-controlled House and DFL-led Senate prevented either chamber from passing a 2006-07 budget plan. As a result, lawmakers could be heading into the Easter break with few major achievements, and ultimately conclude a session as unproductive as last year’s, despite bipartisan vows to the contrary (MINNEAPOLIS STAR TRIBUNE).

— *Compiled by KOREY CLARK*

Politics & leadership

CIVILITY AND RESPECT COME TO MT: At about this same time a decade ago, the speaker of MONTANA’s House, Rep. John Mercer (R), offered the Democratic minority a deal: accept the budget the GOP had proposed or see their own key bills killed by the Republicans. The Dems response to that threat, voiced by Rep. Ray Peck, the Democratic Minority Leader at the time, was fairly blunt: “I don’t make deals and I don’t give a (expletive) about deals. If you want bipartisan votes, then you have got to treat us in a bipartisan way.” Mercer tauntingly replied that that wasn’t going to happen as long as his party controlled the chamber, as the voters had decreed. Such in-your-face exchanges have occurred pretty much every year since then when the House has taken up the budget bill that accounts for 90 percent of the state’s spending. But this year things were different; during two days of lengthy debate over dozens of proposed amendments to the budget bill, there was virtually no open hostility expressed by either party. “We did it with civility and respect,” said Rep. Gail Gut-

sche (D). “We worked together on this.” And Republican Rick Ripley commented that it was “the least contentious House Bill 2 debate I’ve been part of.” Lawmakers on both sides of the isle were also in agreement about the reason for the new spirit of congeniality. With the chamber now split 50-50, cooperating is the only way to get anything done. That doesn’t mean the two parties didn’t have their differences on the budget. They just confined them to their caucus meetings instead of bringing them to the House floor. There was one public outburst the day after the House approved the budget, however. Rep John Balyeat (R) chastised the Democrats on the House floor for supporting what he called an embarrassing and illegal budget. But he later apologized. (BILLINGS GAZETTE)

NJ VOTERS TO CONSIDER LT GOV: NEW JERSEY is one of a handful of states that does not currently have a lieutenant governor. Until recently, that hasn’t posed much of a problem; from 1935 to 2001, no Garden State chief executive vacated the office. But with the state’s last two elected governors having resigned — Christie Whitman in 2001 and, more famously, James E. McGreevey last November — the state’s lawmakers have decided it’s time to institute an official backup for the post. Last week, the New Jersey Legislature approved a measure that would allow voters to determine if they want a Number 2. “New Jersey voters deserve this opportunity to decide once and for all whether this state should have or should not have a lieutenant governor,” said Assembly Speaker Albio Sires (D), adding, “The problem-plagued system we now have for filling gubernatorial vacancies may soon be a thing of the past.” Sires was referring to the state’s controversial, 160-year-old gubernatorial succession scheme which dictates that vacancies be filled by the Senate president, who is also permitted to continue presiding over the upper house — which happens to be the current state of affairs under McGreevey’s replacement, acting governor and Senate President Richard J. Codey (D). That constitutional consolidation of power has drawn criticism from many lawmakers, who welcomed the opportunity to remedy the issue. “The separation of powers between the executive and legislative branches is a major concern with the current line of succession...we will make sure those two branches of government remain independent,” said Sen. Shirley Turner (D). Not every lawmaker supported the idea, however. Senate Minority Leader Leonard Lance (R) says the current system provided a means to fill vacancies with an individual who is “extremely well-versed in the governance of this state,” and argued that the separation of powers issue could be resolved by simply requiring the Senate president to give up that post before becoming governor. But Codey struck a deal with Assembly Speaker Sires and backed the lieutenant governor amendment, casting his vote for the proposal when the Senate voted on it last Monday. With little reason not to expect him

to now sign the measure, it will probably go before voters in November. (STAR-LEDGER [NEWARK], INQUIRER [PHILADELPHIA])

SINE DIE: For NEW MEXICO Gov. Bill Richardson (D), the 2005 legislative session didn't quite live up to the success of the previous one in 2003. The governor got the tax breaks he wanted, including a \$2,500 per person tax exemption and the elimination of the single parent penalty, but only after he agreed to slow down the tax cuts he'd secured last session. Richardson also won legislative approval for state-funded preschool, but was only granted half of the funding for it that he was seeking. In addition, the governor managed to fend off Republican efforts to tighten the state's voter identification standards and pass an election reform bill that was much less restrictive than the GOP's proposals. Observers and lawmakers say the governor's mixed success this year, in comparison to 2003 — when Richardson himself declared he'd achieved 97 percent of his agenda — was the result of a significant change of style. Instead of last session's "in your face" Richardson, this year it was Richardson the negotiator (ALBUQUERQUE TRIBUNE).

AT THE POLLS: Former Petersburg, VIRGINIA Mayor Rosalyn R. Dance (D) beat out two other candidates in last Tuesday's special election to fill a vacant seat in the House of Delegates. The opening in the 63rd District was created when Fenton L. Bland Jr. (D), resigned in January, after pleading guilty to conspiracy to commit bank fraud (RICHMOND TIMES-DISPATCH). • Attorney Paul D. Walley earned a spot in an April 5 runoff to fill the seat in the MISSISSIPPI House previously held by his former law partner, Randy "Bubba" Pierce, who was appointed to the judiciary by Gov. Haley Barbour (R). Walley received the most votes of the nine candidates in last week's special election, in which no party affiliations were specified. His runoff opponent had not yet been determined at press time (ASSOCIATED PRESS). • Although the upcoming special election in MISSOURI to fill two vacant Senate seats will do nothing to alter the GOP's tight control over Show Me State government, the April 5 races are increasingly being cast as referendums on the heavy budget-cutting currently taking place in the Capitol. As one local Republican consultant put it, "It's not about the math, it's the message (ST. LOUIS POST-DISPATCH).

POLITICS IN BRIEF: GEORGIA's GOP-controlled Senate approved a mid-decade redrawing of the state's Congressional district map last week. Republicans say the new plan fixes the convoluted boundaries drawn up by the Democrats in 2001, when they controlled the Legislature. Although the plan was already passed by the Republican-led House, it was going back there for a minor language change

before being sent to Gov. Sonny Perdue (R), who is expected to sign it (MACON TELEGRAPH, ATLANTA JOURNAL-CONSTITUTION). • Last week, a **MARYLAND** Senate committee held up 90 of Gov. Robert L. Ehrlich Jr.'s (R) nominations to state boards for the second time this month. Senate President Thomas V. Mike Miller Jr. (D) said the delay tactics are a response to the governor's appointment of two new members to the state Board of Elections that the Senate leader claims are Democrats in registration only (WASHINGTON POST). • Acting **NEW JERSEY** Gov. Richard J. Codey (D) signed the state's new "pay-to-play" ban into law last Tuesday. The law will bar anyone who makes a contribution to a candidate for governor or the Legislature from receiving a government contract worth more than \$17,500. The law exempts donors to federal campaigns, in order to avoid conflict with federal provisions and jeopardizing hundreds of millions of dollars in highway funding for the state (NEW YORK TIMES, STAR-LEDGER [NEWARK]). • **OKLAHOMA** Senate President Pro Tem Cal Hobson (D) stepped down from his leadership post last week after being urged to resign by his caucus over an alcohol problem for which he has previously received treatment in 2003 and 2004. The veteran legislative leader will be replaced by Sen. Mike Morgan (D), chairman of the Senate Appropriations Committee (ASSOCIATED PRESS, DAILY ARDMOREITE, OKLAHOMAN [OKLAHOMA CITY]). • According to a study by Electiononline.org, a nonpartisan clearinghouse, 62 percent of the 1.6 million provisional ballots cast in the 2004 election were counted, but the percentage varied considerably from state to state. **ALASKA**, for instance, tallied 97 percent of its provisional ballots, while **DELAWARE** counted only 6 percent (WASHINGTON POST).

— *Compiled by KOREY CLARK*

Hot issues

B **USINESS:** An **INDIANA** House committee approves SB 381, a measure that would deregulate the Hoosier State telephone industry in areas that have at least three providers of local phone service. The bill moves to the full House (INDIANAPOLIS STAR). • The **NORTH DAKOTA** Senate rejects legislation that would have made the Flickertail State the first in the nation to license Internet poker. A measure to place the matter directly before voters is still pending in that chamber (WALL STREET JOURNAL). • The **KANSAS** House endorses legislation that would shield restaurants and food manufacturers from lawsuits brought forth by consumers who claim the food served in those establishments "supersized" them. The bill moves to Gov. Kathleen Sebelius (D) for review



(WICHITA EAGLE). • Still in **KANSAS**, a Senate committee approves a measure that would allow Sunflower State retailers to sell alcohol on Sundays. It moves to the full Senate (LAWRENCE JOURNAL-WORLD).

CRIME & PUNISHMENT: The **FLORIDA** Senate okay's SB 436, which would allow Sunshine State residents to shoot home intruders and carjackers if the home or vehicle owner believes they are in danger. It fires off to the House (TALLAHASSEE DEMOCRAT). • **IOWA** Gov. Tom Vilsack (D) signs SF 169, which will require Hawkeye State pharmacies to place pseudoephedrine-based cold and allergy products behind the sales counter, and to obtain identification and signatures from purchasers. Pseudoephedrine is also a key ingredient in making illegal methamphetamine, or "crank" (DES MOINES REGISTER). • The **GEORGIA** Senate

Quote...

"Since the Romans, a man's home has been his castle."

FLORIDA Sen. Durrell Peaden (R) explaining the motivation for his bill that would allow Sunshine State residents to shoot home intruders.

... unquote

"We've never said, that I'm aware, that the street is your castle. I don't want to turn every barroom fight into a deadly shootout. That sounds a little 'Wild-Westy' to me."

Florida Sen. Steve Geller (D), expressing his concerns over an element in Peaden's bill that would also let people on the street use deadly force if threatened. (TALLAHASSEE DEMOCRAT)

unanimously endorses a similar measure, sending it to Gov. Sonny Perdue (R). Senate Bill 216 would also set a limit on the amount of any pseudoephedrine-based product that could be sold at one time (ATLANTA JOURNAL CONSTITUTION). • A **TEXAS** Senate committee approves SB 87, a measure that would make it easier for people who have been wrongfully imprisoned to receive financial compensation from the state. It gets released now to the full House (HOUSTON CHRONICLE). • An **OKLAHOMA** House panel approves SB 513, which would require computer technicians to notify authorities if they find child pornography while working on a customer's computer. It moves to the full House (NEWSOK.COM).

EDUCATION: A **MINNESOTA** Senate committee endorses legislation that would allow the Gopher State to end its adherence to federal No Child Left Behind standards if the statute's requirements are not made easier to meet. Nullifying the law could cost the state as much as \$224 million in annual federal education funding. The measure moves to the full Senate (MINNEAPOLIS STAR TRIBUNE). • **UTAH** Gov. Jon Huntsman Jr. (R) vetoes HB 42, which would have stopped



schools from recommending that students take behavior modification medication (DAILY HERALD [PROVO]). • The **IOWA** House okay’s HF 742, legislation that would allow home-schooled students to take driver’s education training from their parents. It drives on to the Senate (DES MOINES REGISTER).

Upcoming Elections
 (04/04/2005)

04/02/05 Louisiana Special Election
 (General if needed)
 House 029, 036, 066

ENVIRONMENT: The **ARIZONA** Senate rejects SB 1140, which would have renewed funding to the state Dept. of Environmental Quality (DEQ). Failure to fund the DEQ would place environmental programs currently regulated by Grand Canyon State authorities under federal control (ARIZONA REPUBLIC). In an effort to bring their suddenly burgeoning deer population under control, the **IOWA** Senate unanimously approves legislation that would allow the state to issue more hunting licenses, raise fees for out-of-state hunters and fund efforts to process excess deer meat for the needy. It prances off to the House (QUAD CITY TIMES). • The **GEORGIA** House endorses SB 283, which would allow developers to extract rare river logs from two Peach State rivers for use in high end furniture. The measure would authorize “deadhead logging” for two years. It moves to Gov. Sonny Perdue (R) for review (ATLANTA JOURNAL CONSTITUTION).

HEALTH & SCIENCE: The **OREGON** Senate signs off on SB 756, which would require health insurers that cover prescription drugs to include prescribed contraceptives in their coverage. It goes to the House (OREGONIAN [PORTLAND]). • Also in **OREGON**, the House passes legislation requiring cities with more than 10,000 people to add fluoride to their drinking water. It flows off to the Senate (STATESMEN JOURNAL [SALEM]). • **NEBRASKA** lawmakers okay LB 306, a measure that requires all doctors and dentists to be fingerprinted and submit to a criminal background check before receiving a license to practice their craft. It goes to Gov. Dave Heineman (R) (OMAHA WORLD-HERALD). • The **GEORGIA** House approves SB 90, which would snuff out smoking in most enclosed public places that allow minors. It must return to the Senate (ATLANTA JOURNAL CONSTITUTION). • The **MONTANA** House also tackles burning butts, endorsing HB 643. The measure would ban smoking in businesses and other public places. It faces another vote in the House this week (MISSOULIAN). • An **ARKANSAS** House panel passes a measure that would bar smoking in or even near state buildings. It wafts off to the full House (ARKANSAS NEWS BUREAU).



ers to grab the animal. The owner considered himself and others “guardians of the breed.” Another opponent says the proposed legislation infringes on dog owner rights. Reality translation: An owner should be able to whack off a part of his pet’s anatomy without state interference.

WEIGHTY ISSUE OF THE WEEK

comes from TEXAS where the Legislature took up the dispute over cupcakes in the classroom. As *The Dallas Morning News* reports, the brouhaha developed after the Texas Agriculture Commissioner devised rules meant to ban junk food in schools. Although the commish issued a “cupcake clarification” in August, some districts have prevented children from bringing cupcakes to class as a way to celebrate birthdays. The parent of one of those kids was Texas state Rep. Jim Dunnam. The Waco Democrat

complained that he was considered a villain in his daughter’s school because he serves in the Legislature, so he introduced a bill to legalize the treats. The commish won’t object — and sprinkled delights may yet be saved. Now, about the budget ...

FIT TO BE TIED. When NEW MEXICO state Sen. John Ryan attempted to attend a joint session of the Legislature, he was stopped at the door. The reason, reports *The Albuquerque Tribune*, is that Ryan was improperly attired. Although both houses require members to wear a tie, the Senate permits Western bolos among its sartorial repertoire. Unfortunately, the House does not, and the joint session was to be held in the House. A local clothier came to Ryan’s — and the bolo’s — defense, arguing that bolos are acceptable, even with tuxedos. The House was not to be impressed. So now, the New Mexico Legislature has a tie police. And how will the House explain it when Lawmaker X is denied entry to the floor because he or she is wearing a perfectly sedate bolo, while Lawmaker Y gains the floor decked out in a well-knotted Windsor bearing the leering image of Garfield the Cat? It was an issue brought starkly to the fore recently when one representative wore a tie made of wood panels.

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: 972

Number of 2005 Intros last week: 5,099

Number of bills enacted/adopted last week: 2,247

Number of 2005 prefiles to date: 29,249

Number of 2005 Intros to date: 121,226

Number of enacted/adopted overall in 2005: 9,588

— Compiled By GINA HUMMELL
(Measures current as of 3/24/05)
Source: State Net



IN ARNOLD’S FOOTSTEPS. Although CALIFORNIA today is universally recognized as the home of celebrity politicians, NEW JERSEY may soon challenge for the title. According to nj.com, efforts are afoot to convince comedian Joe Piscopo to run for governor. Okay, the “effort” is the brainchild of Doug Friedline, who ran Jesse Ventura’s successful campaign for governor of MINNESOTA a few years back. And, okay, Piscopo has denied any interest in the job. But the story will not die, and Friedline apparently is willing to keep the embers glowing in the event that Piscopo changes his mind. Still, Piscopo’s candidacy wouldn’t even dent California’s pre-eminence in the field. After all, a recent poll showed the leading 2006 Democratic challenger to Gov. Arnold Schwarzenegger is affectionately known to the world as “Meathead” — actor-director Rob Reiner.

— *By A.G. BLOCK*

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