



Legislative Research Librarians NEWSLINE

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Winter/Spring 2006

Chair's Column

*Tracey Kimball
Librarian, New Mexico*

*"I'm staying up late. I'm getting up early. I'm getting cranky."
New Mexico Representative Mimi Stewart, on the floor 2/9/06*

You have to love session. A time to fantasize about how smoothly things would go if only...we had a longer session, or maybe a full-time legislature, or biennial sessions, or a unicameral body....

At least, I had those fantasies until I started meeting other legislative librarians through the Legislative Research Librarians and learned that: even with an unlimited session, Oregon's legislature pulled an all-night floor session before adjourning sine die at 6:20 a.m. in late summer last year; Texas' biennial calendar is packed with interim committee meetings and is far from leisurely; and Nebraska's single chamber can still hold tensions between blocks such as rural and urban legislators.

LRL has a lot of exceptional learning opportunities, from networking to formal programs, and we're expecting that this year's programs will stand out. Tennessee legislative librarian Eddie Weeks has started arranging some great tours and sessions for us at the NCSL Annual Meeting in Nashville in August. These will include visiting the State Library and

Archives and hearing about their digitization of documents project.

Marion Rogers and her staff in the Wisconsin legislative library are already brainstorming about sessions and tours for our October Professional Development Seminar.

And even as LRL has taken away my old fantasies, my colleagues have given me new dreams. What if, like some states, we had limits on bill introductions? Or veto override sessions? Or statute revisors? After all, you have to have a dream.

Best of spring to all,

Tracey



**Legislative Research Librarians
Staff Section**

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The Professional Journal of the American Society of Legislative Clerks and Secretaries – *check it out!*

Who among us, while waiting in the dentist's office and leafing aimlessly through magazine collections full of works such as *Modern Anarchism*, *Southern Garden Sheds*, and *Celebrity Shy People*, hasn't wondered, "why isn't there a high quality publication that has information relevant to my life as a legislative staffer?" Well, wonder no more! NCSL does, in fact, have such a publication, the *Professional Journal of the American Society of Legislative Clerks and Secretaries*. However, most legislative staffers have likely been unaware of the *Professional Journal* and how to access it.

The *Professional Journal* is published twice a year and includes articles on a wide variety of topics relating to the legislative process. For example, the Fall 2005 edition contained articles addressing how legislatures can be evaluated (what makes a 'good' legislature and how would we know it when we see it?), the use of consent calendars among states, how term limits affect legislative staffing, and how one state has addressed issues relating to video conferencing of committee meetings.

The difference between the *Professional Journal* and NCSL's *State Legislatures* magazine, which most legislative staffers receive each month, is essentially one of depth and space. While *State Legislatures* contains a lot of information, its focus is on state policy and articles are generally short – often only a couple of pages. In contrast, articles in the *Professional Journal* also include bibliographic references, which enable folks interested in getting more information about a topic to readily identify these resources.

The ASLCS *Professional Journal* committee was created in 1993 and the first edition was published in 1996. While many of its articles have addressed topics related to chamber management, the editors welcome manuscript submissions that would be of general interest to legislative staff, topics such as parliamentary procedures, management and technology. The articles will go through a peer-review process to ensure that they are high quality and of general interest to legislative staff. However, the *Professional Journal* also accepts letters to the editor which provide a forum for discussion.

You can access the *Professional Journal* and view back issues via the ASLCS website at <http://www.ncsl.org/programs/legman/aslcs/JournalIndex.htm> Information about how to submit articles is located on page 3 of each edition. If you have further questions please contact Hobie Lehman, the *Journal* Editor, at hlehman@sov.state.va.us.

PDS Survey Results

In mid-February, LRL listserv members received a questionnaire about Professional Development Seminar (PDS) logistical practices and preferences. Responses received so far show that we think it's best to meet in capital cities, with some preference for varying the geographic location of meetings, although we don't consider it important to be in an airport hub city.

Joint meetings with related NCSL staff groups are slightly more popular than solo meetings, but both have support. Our 2005 meeting with legal services and research staff was repeatedly mentioned as a successful model, and information technology staff were identified as another group with crossover interests.

Budget restrictions and travel were critical factors by a third of those responding. Another 20% said seminar content determines their attendance. A few people have been affected by staffing and scheduling conflicts, and a few others by negative public perception and scrutiny of legislative travel.

It was also suggested that we explore web-based opportunities such as remote access seminars.

Thanks to all who have answered the survey. Your feedback will help to guide our planning for the future. If you didn't have a chance to respond but would still like to participate, please contact Tracey Kimball at tracey.kimball@nmlegis.gov, or 505-986-4600, for a copy of the questionnaire.



State News

From Debbie Tavenner, Ohio

Ohio passed Amended Substitute S. B. 167 relating to eminent domain. It establishes a moratorium and a legislative study committee. Here is the title of the bill:

To establish, until December 31, 2006, a moratorium on the use of eminent domain by any entity of the state government or any political subdivision of the state to take, without the owner's, private property that is in an unblighted area when the primary purpose for the taking is economic development that will ultimately result in ownership of the property being vested in another private person, to create the Legislative Task Force to Study Eminent Domain and Its Use and Application in the State, and to declare an emergency.

FYI-an issue of First Reading from the Legislative Research Unit in Illinois carried an article in its January 2006 issue titled "Eminent Domain: State Responses to Kelo." It of course concentrates on Illinois, but it has a little about other states. For Ohio, however, the date of the moratorium is wrong. The bill says 2006, but the article says 2007. 2007 was never in an earlier version of the bill, so I am not sure where that came from.

From Susan Gilley, Oklahoma

(paraphrased from articles in the Jan 27, 2006 issue of The Journal Record by Janice Francis-Smith)

Oklahomans have been very active in seeking ways to limit eminent domain. Statutory and constitutional provisions have been proposed. We will almost certainly have at least one state question on the issue since constitutional amendments have been proposed by both an initiative petition and a legislative referendum. The initiative petition, currently

pending signature certification, prohibits governments from using eminent domain when it intends to transfer ownership of the property to a private interest.

Following the U.S. Supreme Court ruling in *Kelo v New London*, a legislative committee was formed. The co-chairmen, one Senator and one Representative have pre-filed two bills to protect Oklahoma property owners' rights. Senate Bill 1852 would prohibit a government from seizing private property solely for the sake of economic development. House Joint Resolution 1057 proposes a state question that would make that provision a constitutional amendment. According to the House sponsor, the legislation still allows the courts to determine which projects qualify as public use, but limits the definition somewhat.



Other issues raised during the committee meetings will continue to be studied, such as a clear definition of "blight," timely notice to property owners that their property is being considered for an eminent domain proceeding, and a clear definition of the "just compensation" governments must offer property owners.

Another House member has pre-filed a bill that would set the minimum assessed value of a property in an eminent domain proceeding according to the prior year's county tax assessment.

Several campaign finance reform

measures have also been proposed. House Bill 3130 would ban contributions from federal political action committees (PACs) to any candidate running for legislative or statewide office. House Bill 2449 would prohibit campaign contributions during the legislative session and also contributions to candidate committees and political action committees for the purpose of supporting or opposing specific candidates. House Joint Resolution 1068, a state question to amend the constitution would require congressional redistricting by an independent commission of judges, not legislators.

From Marilyn Johnson, North Dakota

North Dakota's 2005-06 interim Judicial Process Committee is holding public hearings across the state on appropriate public uses for the power of eminent domain. At the same time supporters of an initiated constitutional amendment which would prohibit state and local governments from condemning private property for economic development projects are circulating petitions for signatures. Could be a ballot measure if they're successful.

In the legislative library, staff can subject and word search newspaper clip files from 1981- online. Standing committee records from the 2005 session are both in paper and on disc. Slick to send minutes/testimony by e-mail now.

From Susan Zavacky, Pennsylvania

Pennsylvania, undoubtedly like other states, has attempted to tackle the issue of eminent domain in light of the Supreme Court decision. There have been a flurry of bills introduced. If you wish their num-

bers, let me know. As for energy related activity, the Governor began a program, at the beginning of the heating system, called "Stay Warm PA". You can view the website at www.staywarmpa.com. There are the usual bills addressing energy - but the Stay Warm PA program was new this year - a direct result of the higher gasoline prices and the speculation that some people in PA would have trouble paying their heating bills this winter. We've been lucky - January was a record breaking warm month. Speculation is that February won't be as kind. We'll see if that's so - and if this program will bring massive relief.

Finally, Pennsylvania, again like other states, is trying to figure out a way to reform property taxes. We've been at this for many years, but this session it has become the #1 issue on the plate. If you wish details, let me know!

From Joyce Grimes, South Carolina

EMINENT DOMAIN: With the U.S. Supreme Court decision that broadened governments' ability to take private land for public purposes using eminent domain, South Carolina is actively considering a multitude of bills addressing the court's ruling in June that local governments could seize private property and give it to another private owner if the action is of public benefit. Both legislative bodies are working to protect S.C. property owners.

POWER CUTOFFS: Bills that would prevent utility companies from disconnecting service when it is extremely hot or cold; limits any liability of utilities and caps actual damages.

CHILD RESTRAINTS: Parents

ticketed for not having their young children properly restrained in cars; unrestrained child injured in an accident, person violating the law can be fined \$500 or sent to jail for 30 days.

SALES TAX: Review of all sales tax exemptions.

EARLY CHILDHOOD EDUCATION: Fund school districts in response to a judge's mandate to increase funding for early childhood education.

OTHER SIGNIFICANT ISSUES: Worker's Compensation, billboard removal, charter schools, cold drugs

From Eddie Weeks, Tennessee

The Tennessee General Assembly is in Extraordinary Session for the 56th time in the history of the state, the fifth time since 1990.

A grand total of zero public chapters have been passed in those last four extraordinary sessions.

The governor called the General Assembly into Extraordinary Session on January 10 on the topic of governmental ethics, following the FBI's indictment of four current and two former members on charges related to Operation: Tennessee Waltz.

Two of the then-current members have since resigned; the other two are still participating in the ethics session while under federal indictment.

From Marian Rogers, Wisconsin

First of all, we'd like to say: the staff of the Theobald Legislative Library look forward to hosting the PDS in October 2006! It's too early to announce an agenda, but we anticipate an interesting array of topics and things-to-see-and-do. Madison is a beautiful city and a wonderful place

to visit. We hope to see you then!

The 2005 Wisconsin Legislature has been busy with several hot topics. The condemnation of property was addressed in several bills, including removing the authority of non-governmental bodies to condemn property (AB-457), and prohibiting condemnation unless expressly authorized by statute (AB-682 and SB-437).

Energy issues were included in the budget bill (AB-100) and several other bills. The issues include: modifying renewable energy requirements for electric utilities and cooperatives (AB-841 and SB-459), tax credits for purchasing or investing in energy efficient equipment (AB-744 and AB-585), and qualifying certain wind farms as wholesale electric companies for certain purposes (AB-245 and SB-115). Requiring a minimum amount of ethanol in automotive gasoline is also a heavily debated topic (AB-15 and SB-15).

Carrying concealed weapons (SB-402) was the hottest piece of legislation this session. Both houses passed it, Governor Doyle vetoed it, and a veto override in the Assembly failed by 2 votes. A similar bill last session also passed, was vetoed, and the veto override failed.

Although Wisconsin physicians have not been subjected to exorbitant malpractice premiums, medical malpractice insurance became an issue in Wisconsin when (on July 14, 2005) the Wisconsin Supreme Court struck down the state's medical malpractice cap on noneconomic damages. This court decision prompted the Wisconsin Legislature to address the issue through a Speaker's Task Force on Medical Malpractice Reform www.legis.state.wi.us/assembly/as m 2 3 / n e w s / m e d m a l / medmalhome.htm The Legislature

passed AB-766 to reestablish new limits for noneconomic damages, but the bill was vetoed by the Governor in December 2005. An attempt to override the veto failed. The Wisconsin Legislative Council hosted a continuing legal education seminar on Medical Malpractice Caps in September 2005. The materials distributed at this seminar are posted here: www.legis.state.wi.us/lc/New_Noteworthy/Seminars/seminar.htm

The LRB has recently published Tap the Power bibliographies featuring eminent domain, ethanol (E-10), and medical malpractice: www.legis.state.wi.us/lrb/pubs/tapthepower.htm and Wisconsin Brief 06-1 on eminent domain: www.legis.state.wi.us/lrb/pubs/wb/06wb1.pdf

We will wrap-up the Wisconsin news with the notice that Dr. H. Rupert Theobald, retired Chief of the Wisconsin Legislative Reference Bureau (1964-1994), passed away on December 9, 2005. Throughout his 30-year tenure as chief, Dr. Theobald was known for his expertise in parliamentary procedure, redistricting, and was an early advocate for the use of



Legislative Staff Achievement Award

It's time to recognize the outstanding service provided by legislative libraries and librarians throughout the states. We need your help in identifying candidates for the annual LRL awards.

Please send us the name of a person or institution - it can be yourself or your library - using the criteria listed below as a guide, along with a description of specific accomplishments and LRL involvement.

Fax or email your nomination by **Monday, May 15, 2006** to Janna Goodwin (303-364-7800 or janna.goodwin@ncsl.org). While there is no monetary award, it is a privilege to be recognized and listed as exceptional representatives of our profession.

The award will be presented at the NCSL Annual Meeting in Nashville, Tennessee, August 14-18, 2006. Many of you are the only legislative librarian in your state, and you provide tremendous services. There may be no other LRL member that knows enough about your job to nominate you - so go ahead and write up your successes. Isn't it about time you got some recognition from your peers?

Don't put this off too long don't wait until the deadline. Think about it and send a nomination to a member of the committee now, or by May 15th. See criteria at <http://www.ncsl.org/programs/lis/lrl/LSAA05.htm>

Happy Retirement, Joyce!

Joyce Grimes, longtime librarian of the South Carolina Legislative Council and beloved member of LRL, will be retiring on March 31 after 35 years in the legislature. She writes:

I've especially enjoyed my association with NCSL and our section. Thank you for the thoughtfulness, kindness, support and friendship. The librarians are a generous group and one that I felt especially proud to be a part of. I truly value my association with NCSL Librarians. Retirement is going to be such a wonderful opportunity. I'm looking forward to adjusting my approach to life--enjoying my gardening, art; but most of all having more time for family and friends. Please share my best wishes for continued successes to all NCSL Librarians.

Congratulations, Joyce!



Notable Document Award Nominees Sought!

The NCSL's Legislative Research Librarians Section Notable Document Award will be presented at the NCSL Annual Meeting in Nashville. The purpose of the award is to:

- Formally recognize excellence in documents that explore topics of contemporary interest to legislators and staff by presenting substantive material in an outstanding format.
- Advertise the extensive range of information available to legislators and staff.
- Increase participation by legislative research librarians in the States Information Network.
- Encourage deposit of documents with NCSL and the Council of State Governments (CSG) by subject-appropriate publishing organizations.

The winning documents will be highlighted at the NCSL annual meeting and will be announced in the LRL Newsline, State Government Research Checklist, State Legislatures, and State Government News.

Legislative research librarians should submit titles for consideration based on the following criteria, using the attached nomination form.

The document:

- Clearly and prominently displays title, author, publisher, and date.
- Contains a title that reflects actual content.
- Appears relevant to identifiable readership.
- Significantly contributes to knowledge of concern to legislators.
- Is innovative in presentation of material.
- Contains strong bibliographic/footnote entries.
- Presents information accurately and clearly in an organized fashion.
- Offers graphics that are readily grasped.
- Was published within the last two years.
- Compares state activities in an arena of contemporary legislative interest in a comprehensible manner.
- Expands understanding of government processes, functions, or relationships.
- Attempts to provide balance and perspective from various sides in the political spectrum.

There is no limit to the number of titles you can nominate; **6 copies** of each document should be submitted with a nomination form. (If this is a problem and deters you from nominating an item, send **1 copy**, and we will contact the issuing agency for the rest)

Please be aware that documents produced by or under the auspices of NCSL's Legislative Research Librarian Section are not eligible for the award.

A "document" for purposes of this award is defined as one produced by a federal, state, or local government agency, by a foundation, consulting firm, or quasi-public or private sector non-profit organization. Format includes print, microfilm, CD-ROM, periodical/serial, or URL.

There should be a nomination form inserted in this newsletter. If there isn't, you can download the form from LRL's homepage, www.ncsl.org/lrl or contact Janna Goodwin, 303-364-7700 or janna.goodwin@ncsl.org for a copy.

NCSL Publications

Reports

- Nine State Profiles for Legislative Institute
- Helping Young Children Succeed
- Positive Youth Development
- *Balancing Health Needs and Resource Series: Aging in Place: State Policy Trends and Options*
- 2006, Leader and Media Guide
- Chronic Diseases and Health Costs: A Snapshot for State Legislatures
- The No Child Left Behind Act and High School Reform
- Financial Literacy
- Technology and K-12 Education
- State-Tribal Series: Criminal Jurisdiction and Law Enforcement

LegisBriefs

- **Dental Workforce**
March 2006, Vol. 14, No. 18
- **Child Psychiatrist Shortage Looms**
March 2006, Vol. 14, No. 17
- **New Efforts To Finance Prekindergarten**
March 2006, Vol. 14, No. 16
- **Environmental Covenant Laws**
March 2006, Vol. 14, No. 15
- **Solving Traffic Congestion**
March 2006, Vol. 14, No. 14
- **Sudden Unexplained Infant Death Initiative**
March 2006, Vol. 14, No. 13
- **Licensing Of Electrical Professions**
February 2006, Vol. 14, No. 12
- **The Child Support Guideline Review Process**
February 2006, Vol. 14, No. 11
- **Grandparent And Relative Caregivers: Medical Consent And Educational Enrollment Laws**
February 2006, Vol. 14, No. 10
- **School Choice**
February 2006, Vol. 14, No. 9
- **Sales Tax Relief For Working Families**
February 2006, Vol. 14, No. 8
- **Eminent Domain And Economic Development**
February 2006, Vol. 14, No. 7
- **Engaging Young People In Legislatures**
January 2006, Vol. 14, No. 6
- **Workforce Development Staff Competencies**
January 2006, Vol. 14, No. 5
- **Prescription Drug Monitoring Programs**
January 2006, Vol. 14, No. 4
- **Physical Education Activity For Children And Teens**
January 2006, Vol. 14, No. 3
- **Animal Identification**
January 2006, Vol. 14, No. 2
- **Revolving Loan Funds for Small Business Development**
January 2006, Vol. 14, No. 1

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NCSL Annual Meeting * August 15-19, 2006
Nashville, Tennessee



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