

News From The States

EVENING WRAP

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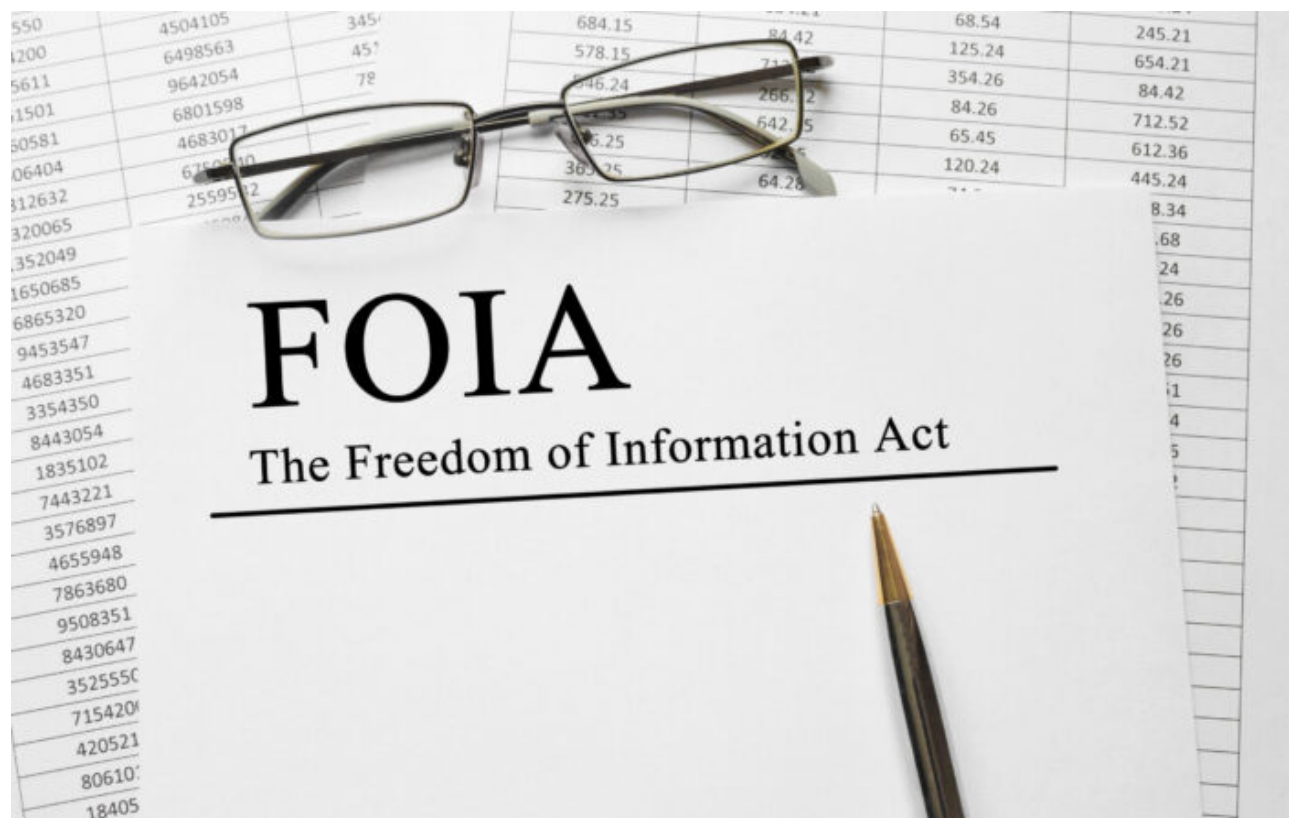
By [Kate Queram](#)

Reporters are, by definition, nosy. I assume this is annoying, but to be honest, I don't really care. For society to function, someone needs to ask hard questions. Someone needs to go poking around. Someone needs to follow up on records requests, and attend meetings, and dig through emails, and root out all the secrets. Because you can't eradicate the dark stuff without shining a light on it first.



The Big Takeaway

Public records laws at the state level are a byproduct of the federal [Freedom of Information Act](#), which was approved by Congress in 1966 and signed into law by a recalcitrant President Lyndon Johnson, who had long opposed the idea. (Fittingly, Johnson signed the bill in private, then issued [a statement](#) undermining most of its provisions. Ah, democracy.) The policy was fairly toothless until 1974, when a post-Watergate Congress amended it to include deadlines for compliance, penalties for withholding information and broader access for the press and the public. By the [mid-1980s](#), most states had adopted [similar provisions](#).



Don't leave home without it!
(Photo by Michail_Petrov-96/Getty Images)

But transparency is still a mixed bag. No one really hovers over state agencies to ensure they comply with public records laws, so violations tend to go unnoticed until a journalist or citizen has difficulty obtaining information. Even then, there's little recourse. [Fewer than a third of states](#) have offices to mediate open government disputes, leaving most people with no real option beyond civil litigation — an expensive, time-consuming and generally unfun process with no guarantee of success. Technically, the law assures you a certain amount of transparency, and that will almost always get you in the door. But it's generally your responsibility to keep pushing.

That dynamic shifted a bit during the pandemic as agencies and governing boards embraced virtual meetings, allowing viewers to stream the proceedings in real-time or watch recordings later. For some states, the switch was temporary. In Rhode Island, for example, public bodies were required to provide remote access only until it was safe to resume in-person meetings. By [March 2022](#), multiple boards had dropped it, [the Rhode Island Current reported](#).

Key among those was the 12-member board overseeing the Rhode Island Commerce Corporation, a quasi-public economic development agency that helps businesses secure financing, grants and tax incentives. The agency

oversees a budget of more than \$23 million, including \$8 million in state funding. And as of 2022, it no longer streams or records board meetings. The only public record of each gathering is a bare-bones transcript derived from meeting minutes, which usually appears online weeks later. To really understand what's happening, you need to be there.



*A transcript would probably not describe this cash-stuffed briefcase. At least, not as well as I would.
(Photo by Sean Gallup/Getty Images)*

No one seems to care about that, according to Matt Touchette, a spokesman for the agency. The board has never considered streaming its meetings, in part because no one has complained that they don't, he said.

"Rhode Island Commerce conducts public meetings in-person as required by state law," he added.

Technically, sure, they're complying with state law, critics said. But doing the very least is hard to justify in this, the year of our lord 2024, when everyone owns a small supercomputer capable of live-streaming at the touch of a button. Commerce, which oversees the state's [universal broadband plan](#), would seem particularly well equipped to handle the task, according to Mike McNally, a former board member.

“That is ironic,” he said. “I don’t know why they don’t. It will lead people to mistrust Commerce by default, because they’ll think something sinister is going on.”



*If no one knows about a public meeting, is it still public?
(Photo by Getty Images)*

Senators in Alaska put their faith in government transparency Monday, voting 17-0 to advance a bill that would allow the Department of Natural Resources to stop publishing certain public notices in local newspapers, [the Alaska Beacon reported](#). As written, [the proposal](#) would apply only to records relating to “the sale, appropriation or removal of water,” actions that are typically required of mining projects. But the change could still damage transparency, both limiting exposure and reducing newspaper revenue at a perilous time for independent reporting, newspaper publishers said.

“Newspapers certainly are concerned that not everyone has internet coverage, and it’s going to just further depress the finances of a money-losing business that’s important to communities,” said Larry Persily, owner and publisher of the Wrangell Sentinel. “Public notices are one of the few remaining revenue streams we have left.”

Still, he knew it was coming. Mandatory publication has been a mainstay of

American government [since 1789](#), when print media was the only game in town. (A golden era.) But as newspaper circulation declines, states have begun to [move away](#) from that model, allowing agencies to post notices [online](#) rather than on paper. In most places, the only real roadblock is a lack of widespread, reliable internet access, which lawmakers said is no longer an issue in Alaska. Frankly, Persily said, it's a wonder the bill wasn't passed sooner.

"I'm actually surprised it took this long," he said.



And FOIA requests.

(Photo by Vitalii Vodolazskiy/Adobe Stock)

Let me leave you with a clear-eyed view of the importance of transparency.

Eleven children died last year under the care of the Kansas Department for Children and Families, according to records obtained by the Kansas Reflector via a request filed under the state's open records law following the 2023 sexual assault and death of a 5-year-old girl in a homeless camp. Three deaths were classified as "natural." Two died by suicide. One was exposed to a lethal dose of fentanyl. Another died in a car accident. A third drowned. One 17-year-old was shot to death after running away, [the Reflector reported](#).

Each death was investigated by the department and the state attorney general,

who oversees an annual child death review report compiled by a board of health professionals, educators, attorneys and law enforcement officers, said Laura Howard, secretary of the Kansas Department for Children and Families.

“If we see trends or things we need to address, we’ll do that,” said Howard. “I think sometimes the things we’ve seen that are health-related unfortunately have to do with children who have very, very serious disabilities and come into our care in very fragile circumstances. So obviously, if we see anything that would indicate that we needed to be doing something differently in terms of health care, we would address that.”

The agency has been on the defensive since October, when records revealed that child welfare workers had [received nine requests](#) to intervene in 5-year-old Zoey Felix’s case prior to her death. Police quickly detained and charged a man in connection with the murder, triggering a state statute that limited Howard’s ability to [release detailed information](#) about the agency’s response. [A proposed bill](#) would amend the law, requiring the agency to publicly release information on child fatalities once criminal charges are filed. Howard testified in support of the measure Monday, telling a Senate committee the transparency would help tamp down rumors and conjecture in high-profile cases.

“The inability to provide that basic data, I think, leads to a lot of speculation,” she said.

Facts and figures

- [Colorado lawmakers pass bill to narrow open meetings law for Legislature](#)
- [Audit faults Maryland Aviation Administration for handling of contested convenience store contract, financial record-keeping](#)
- [Missouri House Speaker Dean Plocher draws new scrutiny over series of Capitol meetings with out-of-state vendor](#)
- [Tennessee Republican, Democrat team up to move harassment investigations to new liaison, attorney general](#)



State of Our Democracy

Democrats and Republicans can agree, at least, on this: They do not much care for Robert Hur, the special counsel who investigated President Joe Biden’s

handling of classified documents.

Of course, they don't agree on why. For Republicans, it's the fact that Hur declined to press charges even after determining Biden's actions likely broke federal law. For Democrats, it was Hur's decision to include in his report a description of Biden as "an elderly man with a poor memory."



*A nice little Monday.
(Photo by Win McNamee/Getty Images)*

But on their ire, they do agree, and that was enough to fuel five hours of questions during a U.S. House Judiciary Committee hearing Monday, [per our D.C. bureau](#). We learned nothing new from this spectacle, but we did get to watch politicians peacock on camera at Hur's expense, which is, at this point, as close as we ever come to viewing democracy in action.

Hur, bless his heart, still tried to avoid the drama, telling the panel he would decline to answer questions that strayed beyond seeking to clarify the information in the report. The panel, in turn, ignored that directive in favor of browbeating him with his own words. First up: U.S. Rep. Jim Jordan, an Ohio Republican and MAGA lackey who attempted to compare Biden's situation with the ongoing classified documents case against Donald Trump.

“Joe Biden kept classified information,” he said, as if this was something that had not been outlined in a public report we all read weeks ago. “Joe Biden failed to properly secure classified information. Joe Biden shared classified information with people he wasn’t supposed to. Joe Biden broke the law. But because he’s a forgetful old man who would appear sympathetic to a jury, Mr. Hur chose not to bring charges.”

This is, obviously, a false equivalency. When Biden discovered classified material he immediately alerted the Department of Justice, which is different than, say, hoarding boxes and boxes of national secrets in a gilded bathroom and then refusing for months to return them, all but forcing the FBI to raid your Florida compound. But this hearing was *televised*, you see, so who even cared? Not Jim Jordan! Also not Rep. Tom McClintock, a California Republican who later proclaimed Trump was “being prosecuted for exactly the same act that Joe Biden committed.” Probably also not Biden, who has yet to be indicted!

Which was, more or less, what Democrats said. Comparing Trump and Biden is probably not the big win you think it is, Rep. Jamie Raskin (D-Md.) told Republicans. As for Hur’s commentary on Biden, well. Rep. Adam Schiff (D-Calif.) was not a fan.

“You made a choice,” he said. “It was a political choice. It was the wrong choice.”

- [Arizona Republicans want to make it easier for lawsuits to block ballot initiatives](#)
- [Louisiana legislation targets mail-in absentee voting as it gains in popularity](#)
- [Senate panel delays vote on Republican nominee to Maryland elections board](#)
- [Deep red Utah wants to keep voting by mail](#)



From The Newsrooms

Environment

- [Honeywell and other companies want exemptions to Minnesota law banning ‘forever chemicals’](#)
- [River runs past, but water isn’t for New Mexico](#)
- [Utah bets on selling coal power at a](#)

- [Is Nevada's Wildlife Commission on the brink of extinction?](#) [premium price, but other western states may not want it](#)

Health Care

- [Bill to provide overdose remedies in Georgia's public buildings hijacked to ban puberty blockers](#)
- [Lawmakers fail to override veto of Nebraska safe syringe programs](#)
- [Nevada health providers warn of private equity's 'endless pursuit of profits over patients'](#)
- ['A system on the verge of collapse' — Money for people with disabilities slashed in West Virginia budget](#)

Gov & Politics

- [Retiring Colorado Rep. Ken Buck to resign from Congress](#)
- [Kansas GOP blames Biden-beating exhibit at fundraiser on 'poor judgement' of outsider](#)
- [Maine Capitol Police taking proactive security precautions amid tense political climate](#)
- [NC GOP changes to Board of Elections are unconstitutional, judges rule](#)



One Last Thing

The royal family is [fully in crisis](#). Where is [Kate Middleton](#)? Why do they keep [releasing photos](#) that only make everything [more suspicious](#)? How is it possible that the palace does not have a photoshop expert on retainer? Can I have a tiara if I solve the mystery? *Will I ever sleep again?*



*Me explaining the saga to my husband, who RUDELY could not care less.
(via [Giphy](#))*

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