

# Credit Trap



March 8, 2010

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● The next issue of Capitol Journal will be available on March 15.

## Top Story

*With the economy still struggling and unemployment high, lawmakers in more than a dozen states are considering bills to restrict employers from using a person's credit history in pre-employment screening.*

## SNCJ Spotlight

### States mull blocking pre-employment credit checks

Some time in the next few weeks, OREGON Gov. Ted Kulongoski (D) is expected to ink his name to SB 1045a, a bill that would greatly restrict employers from using a job applicant's credit history in the pre-employment screening process. If so, the Beaver State would become just the third to impose such restrictions. But with at least 16 other states considering similar measures this year, it may not be the last.

Most of the measures now in play mirror statutes in HAWAII and WASHINGTON, the only two states which currently regulate the practice. Both

bar employers from considering an applicant's credit history unless the information is relevant to a specific job, such as a bank teller or other position that involves managing money.

Although federal law requires job applicants to grant written approval for a potential employer to run their credit report, consumer advocates say most people are too desperate for work to refuse. Subsequently, the use of credit checks has steadily increased over the last decade. According to research by the Society of Human Resources Management, in 1998 only about 25 percent of employers ran applicants' credit scores as part of their hiring process for at least some jobs. By 2006 that figure had climbed to 42 percent. The most recent survey shows that 60 percent now evaluate credit history for at least some positions, and 13 percent run checks on all

applicants regardless of the job's duties.

That trend has long caused concern among labor groups and advocates for the poor, who claim the practice can lead to bias against economically disadvantaged and minority job applicants. With the national economy still struggling and unemployment rates sky high, the feeling has increasingly spread to lawmakers.

"We are in the Great Recession and this creates a vicious cycle," says MARYLAND Rep. Kirill Reznik (D), who has authored

HB 175, a measure that would strictly regulate the use of pre-employment credit checks in the Old Line State. "People lose their jobs. That naturally precipitates them getting behind on bills, their credit scores go down, they are trying to find a job to pay off the bills, and employers won't hire them because of their credit score."

Employers, however, contend that evaluating a potential worker's credit history is critical in determining that person's honesty and sense of personal responsibility, regardless of whether the position requires the employee to handle money. Someone with a history of bad debts, they say, is less likely to be a reliable employee. Worse, they contend, even a good person can be tempted to steal when they are loaded up with debts they cannot easily pay off.

Mike Aitken, Director of Government Affairs for the Society of Human Resources Management, cites a 2008 survey by the Association of Certified Fraud Examiners that found the two most common red flags for employees who commit workplace fraud are living beyond their means and having difficulty meeting financial obligations. The same survey estimated American companies lost \$994 billion to workplace fraud in 2008. Employment experts say that possibility not only makes employers worried about what someone might steal, but also what exposure that theft might create for them from civil litigation.

**"If an employer hires an embezzler and did not do a credit report in a sensitive position and the employer was then sued for negligent hiring, the argument would then be: 'How stupid were you for not running a credit report?'"**



“If an employer hires an embezzler and did not do a credit report in a sensitive position and the employer was then sued for negligent hiring, the argument would then be: ‘How stupid were you for not running a credit report?’” says Lester S. Rosen, CEO of ESRcheck, which screens job candidates for companies.

“If a visiting health care worker steals something from a client’s home...that client isn’t likely to sue the offender in civil court” adds Manesh K. Rath, a partner at Keller and Heckman in Washington, D.C., who advises companies about their hiring practices. “The client might instead sue the employer, which is perceived as having deeper pockets and responsibility for hiring the thief.”

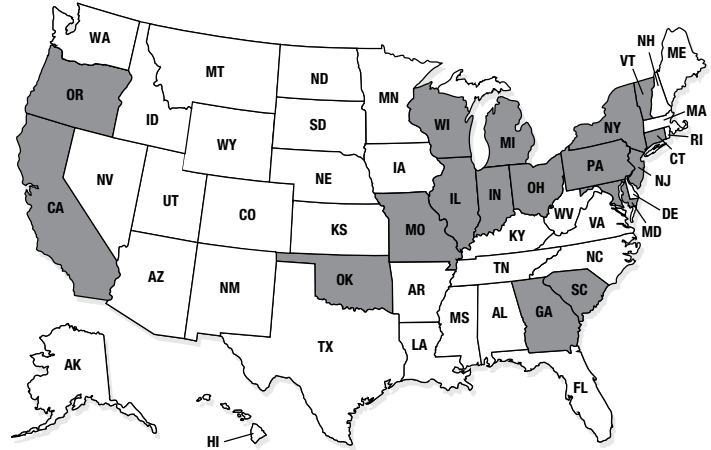
Opponents scoff at the suggestion that a worker’s debt load automatically makes them more likely to steal or be irresponsible.

“There is no science, there is no evidence that supports the idea that an applicant’s credit history is reflective of a person’s propensity to steal or their suitability for employment generally,” says Adam Klein, an employment lawyer at Outten & Golden in New York City. “These are

**“There is no science, there is no evidence that supports the idea that an applicant’s credit history is reflective of a person’s propensity to steal or their suitability for employment generally.”**

Paul Leonard, director of the CALIFORNIA office of the Center for Responsible Lending, says the national credit crunch has also dinged many consumers who have never been late on a bill because a growing number of credit card companies have

## Bird’s eye view



Source: Society of Human Resources Management, National Conference of State Legislatures

States that have introduced bills restricting the use of credit information in employment

### Some states giving pre-employment credit checks pink slip

The use of credit checks to screen job applicants has become fairly common in the American workplace. According to the Society of Human Resources Management, 60 percent of employers run credit checks as part of the hiring process for at least some of their jobs. But two states — HAWAII and WASHINGTON — have already deemed that practice discriminatory when the applicant’s credit history is not directly relevant to the job being sought. And 17 states have introduced 24 bills that would impose similar or other restrictions this session. One of those measures — OREGON’S SB 1045a — has already passed both houses.



basically unrelated concepts...It would be like asking for hat size or if you can sing on pitch.”

Consumer advocates also contend that many credit reports contain factual errors that a job applicant might not even be aware of. Even when errors are found, it can take up to two months to get them fixed, far longer than most employers would be willing to wait to fill a position.



unilaterally reduced credit limits. That, he says, has left card holders caught owing more than their new, lower limit.

Most recent attempts to limit employers' ability to run credit checks have been unsuccessful. CALIFORNIA Gov. Arnold Schwarzenegger (R) has vetoed just such legislation in each of the last two years (AB 2918 in 2008 and AB 943 in 2009) under pressure from the state Chamber of Commerce, which dubbed the bills "job-killers." Similar measures have also failed in TEXAS, OHIO and INDIANA among other states. On the federal level, Rep. Stephen Cohen (D-TENNESSEE) has introduced a bill in the House, HR 3149, that would amend the Fair Credit Reporting Act to ban the use of credit checks in the hiring process, but it has languished in committee since last July.

That track record has so far not discouraged supporters like MARYLAND Rep. Reznik.

"I think we need to help people get back on their feet," he says. "There is no better time for a bill like this than right now, because we are seeing record unemployment. The only way to turn this back around is to get people back to work." (ASSOCIATED PRESS, NEWSVINE.COM, INC.COM, PROGRESSIVE STATES NETWORK, NATIONAL CONFERENCE OF STATE LEGISLATURES, CHICAGO BREAKING BUSINESS NEWS, USA TODAY, MSNBC.COM, STATE NET)

— *Compiled by RICH EHISEN*

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# Budget & taxes

**C**HARITIES' EXEMPTIONS ON CHOPPING BLOCK: In their increasingly desperate search for revenues, state and local officials are beginning to look longingly at a potential source that until now has largely been sacrosanct: tax exemptions for nonprofit groups.

Last fall, the city of Minneapolis subjected charities to the fees businesses and residents pay for streetlights in the hope of generating an additional \$155,000 in revenue, a move Jon Pratt, the executive director of the Minnesota Council of Nonprofits, described as "looking under the sofa cushions."

Now HAWAII legislators are considering a bill that would subject charities to a 1 percent excise tax, KANSAS lawmakers are weighing making charities pay sales taxes, and several counties in the Sunflower State as well as in PENNSYLVANIA are scrutinizing nonprofit groups' exemptions from property taxes. Churches, in most cases, would remain exempt from the measures but not much else.

Nonprofits say the moves are shortsighted and will lead to cutbacks in critical services state and local governments rely on them to provide, such as mental health and emergency foster care.





“Nonprofits are really hurting in this economy,” said Tim Delaney, chief executive of the National Council of Nonprofits. “Their revenues are down, too, and demand for the services they provide, services that government expects them to provide, is way up.”

Speaker of the HAWAII House of Representatives Calvin K. Y. Say (D) maintained that his proposal to lift the excise tax exemption for nonprofits didn’t single them out.

“They would be one of many others that would lose various exemptions,” he said. “Repealing exemptions spreads the pain more evenly than raising the rate paid by those already subject to excise taxes.”

The big change is that with the budget problems states are now facing, charities have become fair game.

“I’ve tried this before, and I’ve always gotten criticism for it,” said Say. “But in this environment today, all options are being considered much more seriously.” (NEW YORK TIMES)

**BUDGETS IN BRIEF: NEVADA** lawmakers and Governor Jim Gibbons (R) agreed last week to a plan to close an \$887 shortfall in the state’s current two-year budget. The plan (SB 36) includes slashing 6.9 percent from K-12 and higher education budgets and cutting spending by about 10 percent for most state agencies, meaning four 10-hour-day work weeks for most state workers (STATELINE.ORG). • **OREGON** will give corporations \$626 million in tax subsidies this biennium without any system in place to determine whether the foregone revenue is accomplishing the state’s goals, the nonprofit Oregon Public Interest Group reported last week (STATESMAN JOURNAL [SALEM]). • The **NEW MEXICO** Legislature passed SB 10a, a revenue package last week that would raise about \$240 million through various measures, including an eighth of a cent increase in the gross receipts tax. The legislation now goes to Gov. Bill Richardson (D) (NEW MEXICO INDEPENDENT). • The **ARIZONA** Senate approved SB 1349, a bill that would allow local governments, private companies and Native American Indian tribes to temporarily take over the management of state parks. In response to budget cuts, the state plans to close 13 state parks (ARIZONA REPUBLIC [PHOENIX]). • **MISSOURI** lawmakers warned last Tuesday that the \$23.8 billion budget Gov. Jay Nixon (D) presented to them six weeks ago may have overestimated revenues by as much as \$1 billion (KANSAS CITY STAR).

## 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:** 650

**Number of Intros last week:** 4,946

**Number of Enacted/Adopted last week:** 1,002

**Number of 2010 Session Prefiles to date:** 15,227

**Number of 2010 Intros to date:** 60,018

**Number of 2010 Session Enacted/Adopted overall to date:** 5,857

**Number of 2009-10 bills currently in State Net Database:** 167,772

— Compiled By JAMES ROSS  
(measures current as of 3/4/2010)  
Source: State Net database

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# Politics & leadership

**SUPREME COURT TAKES UP 2ND AMENDMENT:** Two years ago the U.S. Supreme Court struck down a ban on hand guns in the District of Columbia, asserting that the 2nd Amendment protected an individual's right "to keep and bear arms" in the federal jurisdiction. The ruling in *D.C. v. Heller*, however, left open the question of whether that right extended to states or local jurisdictions. But a case now before the high court may finally answer the question and, by all indications, in the affirmative.

During oral arguments last Tuesday in *McDonald v. Chicago*, James A. Feldman, a lawyer for the city, argued that gun restrictions "have been a state and local decision" for 220 years and that cities should be permitted to set "reasonable regulations of firearms." He noted that Chicago's 28-year-old ban on hand guns allowed residents to have rifles and shotguns in their homes.

But most of the same justices who comprised the majority in *D.C. v. Heller* signaled their inclination to strike down Chicago's ban — and by extension similar state and local regulations nationwide — on 2nd Amendment grounds.

Justice Anthony M. Kennedy said the right to possess a gun was of "fundamental character" like the right to freedom of speech.

"If it is not fundamental, then *Heller* is wrong," he said.

Chief Justice John G. Roberts Jr., likewise, called the 2nd Amendment an "extremely important" right. And Justices Antonin Scalia and Samuel A. Alito Jr. both maintained that the right the court upheld in *D.C. v. Heller* applied nationwide. The fifth member of the majority in that case, Justice Clarence Thomas, didn't comment during last week's session, but he has been a consistent 2nd Amendment advocate.

Even if the court does decide to extend its ruling in *Heller*, it may still leave another big 2nd Amendment question unanswered: whether guns can be carried in public as well as kept at home. Chief Justice Roberts said the justices needn't rule on whether there's a Constitutional right to carry a "concealed" weapon. And Justice John Paul Stevens, who dissented in *Heller*, said the court could rule that Chicagoans had a right to have a gun at home and, at the same time, say they didn't have "a right to parade around the street with a gun," although the other justices reportedly didn't embrace that idea. Just what the justices do embrace isn't likely to be known for several months. (CHICAGO TRIBUNE)

**TEA PARTY COMES UP SHORT IN TX PRIMARIES:** Tea Party activists may have helped elect MASSACHUSETTS Republican Scott Brown to the U.S. Senate last month, but the conservative insurgency appeared to have less success in TEXAS' primary elections last Tuesday. In addition to Tea Party gubernatorial candidate Debra



Medina coming up short against Gov. Rick Perry (R), Tea Party-favored candidates failed to unseat GOP incumbents for Congress, such as U.S. Reps. Pete Sessions, Michael Burgess and Kenny Marchant. And they didn't fare much better in legislative primaries. In the GOP primary for House District 66, for instance, Mabrie Jackson received more votes than her two challengers — earning herself a spot in an April 13 runoff — despite being criticized by Tea Party activists for not being conservative enough. The Tea Partiers' top choice, Wayne Richard, finished last. Still, the insurgents did shape much of the debate during the campaign season, particularly in the gubernatorial race, with the candidates tripping over each other to sound the most conservative on spending, taxes and illegal immigration. (DALLAS MORNING NEWS)

## Upcoming elections

3/4/2010 - 3/25/2010

03/09/2010

### Mississippi Special Runoff

Senate District 36

### New Hampshire Special Election

House Coos County District 2

03/16/2010

### New York Special Election

Senate District 13

03/23/2010

### Florida Special Primary

House District 4

### Georgia Special Runoff(if needed)

House District 19

**CA SWEARS IN 1ST GAY ASSEMBLY SPEAKER:** The swearing-in ceremony last week for CALIFORNIA's new Assembly Speaker was undoubtedly a little different from the 67 that preceded it. Rubber ducks adorned legislators' desks and a chorus belted out a Broadway show tune. But the untraditional ceremony marked an unprecedented occasion: the ascension of the first openly gay legislator to a leadership post in the Golden State Legislature. In a speech to a packed chamber, John A. Perez, a forty-year-old Democrat and former labor leader from Los Angeles, laid out his legislative priorities, which include passing a ballot measure to restore simple majority rule on budget bills — which currently require a two-thirds vote — and barring lobbyists and legislators from texting each other during floor sessions and committee hearings. (LOS ANGELES TIMES)

**POLITICS IN BRIEF: ARKANSAS** Lt. Gov. Bill Halter (D) announced last week that he will challenge U.S. Sen. Blanche Lincoln (D) in the state's May primary. Lincoln's opposition to including the "public option" in the health care reform bill passed by the Senate last year inflamed liberal Democrats (WASHINGTON POST). • Voters in **ARKANSAS, NORTH CAROLINA, SOUTH CAROLINA** and **TENNESSEE** will vote on right-to-hunt initiatives this year, and other states, including **CALIFORNIA**, are considering adding such measures to their ballots as well. A constitutional right to hunt is already granted to the residents of 10 states, most recently **OKLAHOMA**, where voters passed a right-to-hunt amendment in 2008 (CHRISTIAN SCIENCE MONITOR).

— Compiled by **KOREY CLARK**

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# Governors

**C**ALLS GROW FOR PATERSON TO QUIT: The walls appear to be closing in on embattled NEW YORK Gov. David Paterson (D). Less than a week after announcing he was discontinuing his campaign to seek a full term in November, Paterson has been rocked by serious allegations of misconduct that have fostered speculation he may be forced to resign.

Paterson had for months been under increasing pressure from Democrats both in NEW YORK and nationally — including President Obama — to not seek re-election. The governor resisted those entreaties, publicly insisting he was moving ahead with his campaign. But that all changed last Friday when he abruptly announced he was dropping out of the race after details emerged about his handling of a domestic violence dispute involving one of his top aides.

According to published reports in the *New York Times*, Paterson helped pressure a woman into not seeking a protection order against that aide, David Johnson. Paterson has denied any wrongdoing, but one of his top officials, Deputy Secretary for Public Safety Denise O’Donnell, immediately resigned, claiming she had been lied to about the role of the State Police in contacting the alleged victim in the case.

That was followed shortly afterwards by the resignation of State Police chief Harry Corbett, who cited the “pressure” of dealing with the media coverage of the case.

**“Sometimes leadership is knowing when you can’t lead any more.”**

The incident immediately drew calls for Paterson to quit. Marci Pappas, president of the New York chapter of the National Organization for Women, lauded Paterson’s previous record on women’s issues, but said, “it is now time for the governor to step down.”

Some lawmakers also questioned whether Paterson can still effectively run the already-fractured Albany statehouse, urging him to hand over at least his budget negotiating duties to Lt. Gov. Richard Ravitch (D).

“This is about leadership,” said Sen. Craig Johnson (D). “And sometimes leadership is knowing when you can’t lead any more.”

Things only got worse for Paterson from there, as the state Commission on Public Integrity formally accused him of illegally soliciting World Series tickets for himself, aides, his son and his son’s friend and then lying to the Commission about it while under oath. Paterson told the Commission that he always intended to pay for the tickets, which had a face value of \$425 each, but the panel accused him of backdating a personal check to back up that explanation. The Commission has forwarded its findings to Attorney General Andrew Cuomo and Albany County District Attorney David Soares. Both offices said they are reviewing the matter. Cuomo — who is



widely expected to seek the Democratic nomination for governor himself — is already investigating Paterson’s role in the domestic abuse case.

A third high-ranking administration member, communications director Peter Kaufman, also resigned last week, saying he could no longer “in good conscience continue in my current position.” The resignation came as a collection of African-American leaders was preparing to meet to discuss a response to the situation. According to Associated Press reports, those leaders were intent on crafting a message asking Paterson to quit.

Throughout all of the high drama, Paterson has remained resolute that he will not step down.

“I feel when the facts are displayed and the truth comes out, I’ll be vindicated,” he said last Wednesday. “I, at all times, upheld the oath of my office, and never, at any point, attempted to influence or coerce anyone to do anything they didn’t want to do.”

Should Paterson change his mind and surrender his office, Lt. Gov. Ravitch would become acting governor. Ravitch refused comment on his boss’s troubles last week, saying only that, “I hope very much that he does not resign.” (ALBANY TIMES-UNION, NEW YORK TIMES, ASSOCIATED PRESS, WALL STREET JOURNAL, BUFFALO NEWS)

**PERRY WINS TX GOP PRIMARY:** Incumbent Gov. Rick Perry used a tide of anti-Washington sentiment to handily beat U.S. Sen. Kay Bailey Hutchinson (R-TX) for the Republican gubernatorial nomination last week. Perry, who will be seeking an unprecedented third term in office, called it a win for American conservatism. Although he derided Hutchinson throughout the campaign as a “Washington insider,” he publicly urged her to complete her term in Congress. Perry will face former Houston mayor Bill White (D) in November. (DALLAS MORNING NEWS, WALL STREET JOURNAL, NEW YORK TIMES)

**RITTER DOWN BUT NOT OUT AFTER CRASH:** COLORADO Gov. Bill Ritter (D) spent several days in a Denver hospital last week after suffering a separated shoulder and a half dozen broken ribs in a bike crash. Ritter, an avid cyclist, suffered the injuries while riding with three friends. Doctors noted that Ritter also had some facial lacerations, and credited his use of a bike helmet for his injuries not being worse. Ritter noted the same thing, telling aides in the hospital to “always wear your helmet if you’re riding a bike. Anybody who rides a bike without a helmet is just nuts.” Ironically, the accident came just days before the Centennial State House approved HB 1147, a bill that would require bike riders under age 18 to wear a helmet. (DENVER POST)

## Upcoming stories

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

- **State food stamp struggles**
- **Budget updates**
- **No Child Left Behind**



**GOVERNORS IN BRIEF: WYOMING** Gov. Dave Freudenthal (D) has decided to not seek a third term. Doing so would have required him to challenge the state's term limits law (ASSOCIATED PRESS). • **MASSACHUSETTS** Gov. Deval Patrick (D) asked state health officials last week to look into placing a limited ban on bisphenol A (BPA), a chemical found in plastic food and drink containers. Some studies have linked BPA to health issues in small children. Patrick gave the state Department of Public Health until May to prepare a draft of new BPA regulations (BOSTON GLOBE).

— *Compiled by RICH EHISEN*

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## Hot issues

**B**USINESS: The **ARIZONA** Senate endorses SB 1288, which would bar home mortgage loans with negative amortization, those where the monthly payment does not pay even the interest on the note. The bill, which would also limit loans with large balloon payments and prohibit early payoff penalties, moves to the House (ARIZONA DAILY SUN [FLAGSTAFF]). • The **INDIANA** Senate concurs with the House on SB 75, a bill that allows Hoosier State microbreweries to sell up to two cases of beer for carryout on Sundays. The measure also allows retailers to sell liquor during voting hours on Election Day. It moves to Gov. Mitch Daniels (R) for review (EVANSVILLE COURIER & PRESS). • The **SOUTH DAKOTA** Senate and House endorses HB 1002, a measure that would allow the sale of liquor on Sundays and Memorial Day. It moves to Gov. Mike Rounds (R) for review (RAPID CITY JOURNAL). • The **OKLAHOMA** Senate approves SB 1712, which would regulate commercial dog and cat breeders with 11 or more adult females. It moves to the House, which later in the week adopted HB 2745, a bill that would create a voluntary licensing system for those breeders. That measure moves to the Senate (TULSA WORLD). • The **WYOMING** Senate rejects HB 93, which would have raised the penalty for an employer who violates workplace safety laws resulting in the death of an employee from the current maximum fine of \$70,000 up to a maximum of \$250,000. The bill also would have increased penalties for nonfatal workplace safety violations (CASPER TRIBUNE). • The **WEST VIRGINIA** Senate approves SB 118, which would require teens between 14 and 18 to get written permission from their parents before using a tanning salon. It has moved to the House (CHARLESTON DAILY MAIL). • **WISCONSIN** Gov. Jim Doyle (D) signs SB 271, a bill that bans the use of bisphenol-A (BPA) in bottles and cups for children age 3 and younger. The measure also requires those products to be labeled “BPA free” (MILWAUKEE JOURNAL SENTINEL). • The **SOUTH CAROLINA** House overwhelmingly approves HB 3489, a bill that would limit juries to awarding no more



than \$350,000 in punitive damages to winners of civil lawsuits. It needs one more vote to move to the Senate (THE STATE [COLUMBIA]).

**CRIME & PUNISHMENT:** The **IDAHO** Senate endorses SB 1317, a bill that would make running a cockfighting operation a felony punishable by up to five years in prison and \$50,000 in fines. It moves to the House (OREGONIAN [PORTLAND]). • The **MISSISSIPPI** House fails to take up SB 2623, a Senate-approved bill that would have made animal cruelty a felony in the Magnolia State. The bill is now dead for the year (CLARION LEDGER [JACKSON]). • The **OKLAHOMA** House approves HB 2965, legislation that would increase the maximum penalty for a first-time child molestation conviction to life without parole, with repeat offenders facing a possible death penalty. It moves to the Senate (OKLAHOMAN [OKLAHOMA CITY]). • Still in **OKLAHOMA**, House lawmakers endorse HB 2732, a bill that would make it a felony to knowingly expose another person to a sexually transmitted disease. Violators would face up to five years in jail for exposing an adult and up to life imprisonment for exposing a child. It moves to the Senate (TULSA WORLD). • **WASHINGTON** corrections officials announce they will cease using the standard three-drug cocktail for lethal injection execution in favor of a single-drug system. The change makes the Evergreen State the second, after **OHIO**, to switch to the single-drug execution method (CLEVELAND PLAIN DEALER). • The **KENTUCKY** House approves HB 143, a bill that would bar someone under 18 from transmitting a nude image of himself or herself or another person under 18 years of age to another person by computer or electronic means. It moves to the Senate (LOUISVILLE COURIER-JOURNAL).

## In case you missed it

States have for years lavished their public workers with generous pension and health care plans. But few have done even an adequate job of funding those long-term obligations, and now states are scrambling to reform their pension systems.

In case you missed it, the article can be found on our Web site at [http://www.statenet.com/capitol\\_journal/03-01-2010/html](http://www.statenet.com/capitol_journal/03-01-2010/html)

**EDUCATION:** The **ARIZONA** Senate approves SB 1286, a measure that would give Grand Canyon State public schools letter grades in their achievement profiles. The system would replace the current use of word labels such as “excelling,” “performing” and “failing” to label schools based on test results and other data. It moves to the House (ARIZONA DAILY SUN [FLAGSTAFF]).

**ENVIRONMENT:** An **IOWA** Senate panel endorses SF 2296, a bill that would discourage people from baiting or feeding wildlife 50 yards beyond a cabin or residence. The measure is designed to combat the spread of chronic wasting disease, which can seriously harm domestic livestock and pets. It moves to the full Senate (QUAD CITY TIMES [DAVENPORT]). • The **ARIZONA** Senate approves SB 1349, which would allow local governments, private companies and Native American tribes to temporarily take over operations and management of state parks. It moves to the House (ARIZONA REPUBLIC [PHOENIX]).



**HEALTH & SCIENCE:** The **ARIZONA** Senate approves SCR 1044, a referendum that would allow voters to decide whether to ban all research on human cloning in the Grand Canyon State. It moves to the House (**ARIZONA CAPITOL TIMES [PHOENIX]**). • **WISCONSIN** lawmakers endorse AB 614, legislation that would require health care providers to supply patients with the median-billed charge on the services they provide. Badger State hospitals would be required to list charges for treating the 75 conditions they handle most frequently. Insurers also would have to provide an estimate of out-of-pocket costs. The bill now moves to Gov. Jim Doyle (D) for review (**WISCONSIN STATE JOURNAL [MADISON]**). • The **SOUTH DAKOTA** Legislature gives final approval to SB 96, which would allow certified nurse midwives to attend home births in the Coyote State. It moves to Gov. Mike Rounds (R) for review (**SIoux CITY JOURNAL**).

**SOCIAL POLICY:** The **ARIZONA** Senate approves SB 1306, a bill that requires prospective human egg donors to receive specific information about the procedure, ranging from the effects of the drugs used to stimulate egg production to risks of the surgical procedure for harvesting them. It moves to the House (**ARIZONA DAILY SUN [FLAGSTAFF]**). • The **OKLAHOMA** House endorses HB 2780, which would require a woman be given a description of ultrasound images of her unborn child and be offered those images before getting an abortion. It moves to the Senate (**OKLAHOMAN [OKLAHOMA CITY]**). • Also in **OKLAHOMA**, the House approves HB 3284, which would require doctors to report detailed information about abortions to the state Health Department, including the age, marital status and education level of patients. It moves to the Senate (**OKLAHOMAN [OKLAHOMA CITY]**). • The **WEST VIRGINIA** Senate approves SB 597, a bill that would require abortion providers to offer women having the procedure the chance to view an ultrasound of the fetus before it's aborted. The bill is now in the House (**CHARLESTON DAILY MAIL**).

**POTPOURRI:** The **WISCONSIN** Senate approves SB 44, a bill that would require gun dealers to check the mental health histories of handgun buyers before selling them firearms. It moves to the Assembly (**MILWAUKEE JOURNAL SENTINEL**). • The **WYOMING** Legislature approves HB 95, which asserts that

## The week in session

**States in Regular Session:** AK, AL, AZ, CA, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, MA, MD, ME, MI, MN, MS, NE, NH, NJ, NY, OH, OK, PA, PR, RI, SC, SD, TN, US, UT, VA, VT, WA, WI, WV

**States in Recess:** MO

**States in Special Session:** CA "f", CA "h", WI "b"

**States in Budget Hearings:** DE

**States Currently Prefiling or Drafting for 2010:** LA, MT, ND

**States Projected to Adjourn:** IN, VA, WV

**States in Special Session Projected to Adjourn:** CA "f", CA "h", WI "b"

**States Adjourned in 2010:** AR, NM, WY

**State Special Sessions Adjourned in 2010:** AZ "a", CA "e", NM "a", NV "b", OR "a", TN "a"

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS  
(session information current as of 3/5/2010)  
Source: State Net database

firearms made, sold and kept only in the Equality State are exempt from all federal gun laws. It is now with Gov. Dave Freudenthal (D), who has indicated he will sign it into law (CASPER TRIBUNE). • Also in **WYOMING**, lawmakers endorse SB 20, which bars drivers from using a cell phone to send or receiving text messages or e-mails while behind the wheel. It also moves to Freudenthal, who is expected to sign it (CASPER TRIBUNE). • The **MASSACHUSETTS** Senate adopts HB 4475, a bill that would also ban drivers from sending or receiving text messages while behind the wheel. The measure, which would also require drivers 75 or older to pass physical and cognitive tests to obtain a driver's license, returns to the House (NEWS TELEGRAM [WORCESTER]). • Meanwhile, the **ARIZONA** Senate rejects SB 1334, which would have barred texting while driving (ARIZONA REPUBLIC [PHOENIX]). • The **UTAH** Senate adopts SB 113, a bill that would bar teens from talking on a cell phone while driving. It moves to Gov. Gary Herbert (R) for review (SALT LAKE TRIBUNE). • The **COLORADO** House endorses HB 1147, which would require Centennial State children age 17 or younger to wear a helmet while riding a bike. It rolls off to the Senate (COLORADOAN [FORT COLLINS]).

— Compiled by RICH EHISEN

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## Once around the statehouse lightly

**HATS OFF TO YOU:** Every state has old laws that now seem downright silly. Take, for instance, the WEST VIRGINIA statute that outlaws the wearing of hats in theaters. Or the one that bars displaying a red or black flag. While there was likely once a good reason for such unusual mandates, Mountain State lawmakers say they now want these and other archaic laws off their books. As the *Charleston Daily Mail* reports, the state Senate last week endorsed SB 457, a bill that would remove several such laws, including statutes that bar public swearing, adultery and “lewd cohabitation.” The measure would also discard a law against dueling. While that might not seem so smart, former prosecutor and current Senate Judiciary Committee Chairman Jeffrey Kessler says other laws still cover that bit of ill-advised anger management, noting “It would be wise not to ask me to a duel.”

**GREAT GOOGLEY MOOGLY:** Topeka, KANSAS has long been known primarily as the home of Sunflower State government. But for the rest of this month, Topeka Mayor Bill Bunten wants folks to forget all that. Bunten has unofficially rechristened the city as “Google, KANSAS, the capital city of fiber optics.” As *CNN*



reports, the proclamation is an effort to convince technology giant Google to choose the city as a test site for its new super-fast Internet service. While Bunten says he is serious about the desire to bring Google to the city, he admits the name change is “just fun.” Meanwhile, the *San Jose Business Journal* reports that officials in Duluth, MINNESOTA, another potential Google site, have promised to name all first born males in the city “Google Fiber,” with all first born females dubbed “Googlette Fiber.”

**THE LOST HIGHWAY:** In 1999, Mark McGwire was the toast of the sports world. The hulking St. Louis Cardinals first baseman had just set the all-time single-season home run record, and Show Me State lawmakers were dubbing a five-mile stretch of Interstate 70 the Mark McGwire Highway. Of course, that was years before “Big Mac” admitted to having used performance enhancing drugs in his quest to achieve sports immortality. So it was no surprise last week when the MISSOURI Senate endorsed SB 841, a bill to remove McGwire’s name from that section of I-70 in favor of its old name, the Mark Twain Highway. As the *Kansas City Star* reports, the effort was championed by Sen. Ryan McKenna, the force behind re-naming the highway after McGwire back in 1999. McKenna vows to never support naming a public entity after a living person again. Dead men, after all, tell no tales.

**NOW WE’LL DO THE BENCH PRESS:** To 72-year-old CALIFORNIA Attorney General and newly-minted gubernatorial candidate Jerry Brown, age is just a number. To prove his point, Brown recently challenged a far younger member of the fourth estate to a chin-up contest. As the *Los Angeles Times* reports, the scribe managed just six. With all eyes on him now, Brown, wearing a shirt, tie and slacks, reeled off a dozen with nary a sweat. Afterward Brown summed up his performance by simply saying, “I’ve been working out.” Which, one would think, the reporter might have gleaned before accepting the challenge. How many people, after all, have a chin-up bar located in their office?

— By RICH EHISEN

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