

April 6, 2009

Tax the Rich!



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● The next issue of
 ● Capitol Journal will be
 ● available on April 13th.
 ●

Top Story

With state coffers still at record lows, lawmakers are taking a new look at taxing their wealthiest residents in the effort to balance their budgets.

SNCJ Spotlight

Struggling states tap wealthy residents

Last month, after weeks of negotiations, NEW YORK Gov. David Paterson (D) and legislative leaders agreed on a plan to close the state's \$18 billion budget hole. Like the plans of several other states facing huge budget deficits, it prescribes the use of federal stimulus dollars to help close the gap. It also relies on another strategy struggling states are turning to: raising taxes on high-income residents.

Under Paterson's proposal, NEW YORK's 6.85 percent marginal income tax — levied on every resident earning over \$40,000 a year — would increase



to 7.85 percent for single filers who earn \$200,000 to \$500,000 and married filers who earn \$300,000 to \$500,000, and the tax would climb to 8.97 percent for anyone earning more than \$500,000. The rates would return to 6.85 percent after three years.

The tax-the-rich scheme is, in part, the product of the Democrats' newly acquired monopoly on Empire State government. But it also reflects the popular sentiment that in the current economic crisis, the rich have been getting off too easy.

"Most people are treading water. Others are drowning. That gave politicians the courage to say the rich have to pay their fair share," said Dan Cantor, executive director of the progressive Working Families Party, which pushed for the tax hikes.

Critics say the plan would hurt small-business owners, who often report their business earnings on their personal income-tax returns.

"You eliminate their ability to hire new employees, buy equipment, finance an expansion," said Mike Elmendorf, state director of the National Federation of Independent Businesses.

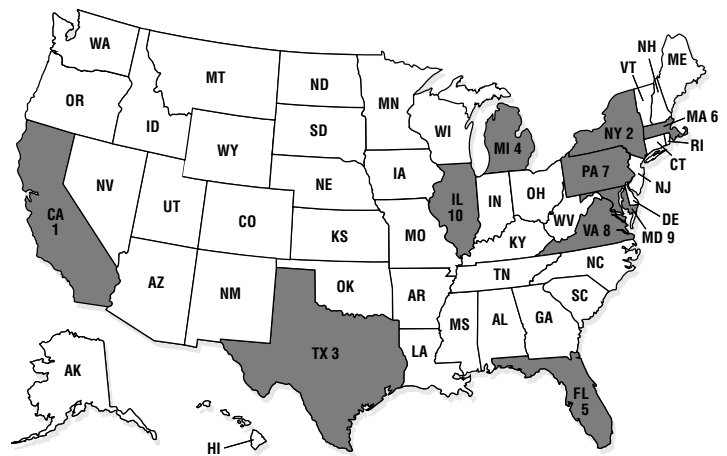
That view is supported by a 2008 analysis by the libertarian Cato Institute, which found that jurisdictions that imposed an income tax to generate revenue had poorer

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economic growth rates than those that relied on other types of taxes.

But it's the populist argument that appears to be carrying the day not just in NEW YORK, but in a growing number of other states as well. Last year, MARYLAND created a new 6.25 percent tax bracket for residents with incomes over \$1 million. Now WISCONSIN

Bird's eye view



Source: Roll Call

Little change in states' congressional clout

Roll Call released its state-by-state ranking of Capitol Hill clout for the 111th Congress last month. And it looks a lot like the one for the 110th, especially at the top of the list. The same 10 states Roll Call judged the most powerful two years ago occupy the top slots this time around. Only the order has shifted slightly, with PENNSYLVANIA jumping from 10th to seventh, and ILLINOIS, MARYLAND and VIRGINIA each moving down one place. The rankings are based on several factors, including delegation size, committee assignments, number of majority party members and amount of per capita federal spending received.





is considering a new tax bracket for individuals earning more than \$225,000 and couples making over \$300,000. And DELAWARE is weighing a one-percent increase — from 5.95 percent to 6.95 percent — on incomes over \$60,000.

Budget pressures even have some states with relatively high, top-tier income-tax rates returning to the well. NEW JERSEY, for instance, is considering boosting its 8.97 percent tax bracket for top earners to 10.25 percent to help plug its \$7 billion budget hole.

Meanwhile, under an agreement reached by CALIFORNIA Gov. Arnold Schwarzenegger (R) and the Democrat-controlled Legislature in February, the state’s 10.3-percent tax on incomes over \$1 million will be a quarter percent higher for the next two years. But it’s not just Golden State millionaires who will take the hit. With a \$42 billion budget deficit to contend with, the state’s leaders imposed the .25-percent hike on every tax bracket. (WALL STREET JOURNAL, TIMES UNION [ALBANY])

— *Compiled by KOREY CLARK*

Budget & taxes

STATES TEAMING UP TO SAVE BIG BUCKS: MINNESOTA’s Gophers and WISCONSIN’s Badgers may be intense rivals on the court and field, but the recession has the two states teaming up to save their taxpayers millions. With both states facing budget deficits of roughly \$5 billion over the next two years, their respective governors — Tim Pawlenty (R) and Jim Doyle (D) — unveiled a report last week laying out such cooperative, cost-cutting measures as allowing WISCONSIN to piggyback on a MINNESOTA contract cutting shipping costs for small packages and letting oversized trucks travel through both states with a single permit.

“The economy has mandated that we all change, whether we like it or not. That really drives people to look for new innovations, new ways to share, to do the same level of services or more services with (fewer) resources,” said Steve Dahl,

a financial-management expert at Deloitte Consulting LLP.

MINNESOTA and WISCONSIN aren’t the first or the only states to adopt a teamwork strategy. States

across the country have been eking out savings by working together for years. Early this decade, for instance, states joined forces to reduce the cost of prescription drugs. And last year, 46 states used their combined buying power to purchase \$2.57 billion worth of computer equipment at up to a 75 percent discount.

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States have also encouraged governments within their own borders to team up. For example, in 2007, state officials in DELAWARE helped schools, fire departments and other local jurisdictions buy electricity through a reverse auction, saving them \$13 million.

This year, at least nine states introduced proposals calling for local government streamlining, such as buying cafeteria food for multiple school districts and combining the payroll departments of multiple city halls.

The potential cost savings isn't the only incentive for such measures. Proponents say cooperation can improve service and even public safety. For instance, in 2001, SOUTH DAKOTA bought radios for firefighters, police and paramedics statewide, allowing them all to be on the same frequency and communicate more easily in emergencies.

Streamlining government isn't always easy, however, as MINNESOTA demonstrated this year when Pawlenty proposed combining the purchasing of information technology, food services, textbooks and supplies for the state's 490 school districts and charter schools in his January state-of-the-state speech. A measure (SF 10) introduced by Sen. Terri Bonoff (DFL) seeking to create such a school purchasing system failed on its first Senate floor vote, though the bill was amended and is under reconsideration.

The measure ran into opposition not only from Republicans, but from school officials who said they were already doing much of the cooperative work Pawlenty had called for and didn't want the state meddling in their affairs.

"This has been a great case study of resistance to change," said Bonoff. (STATELINE.ORG)

STICK BETTER THAN CARROT FOR COLLECTING UNPAID TAXES?

Last month, NEW JERSEY Gov. Jon Corzine (D) signed a state tax amnesty (AB 3819) into law. Garden State taxpayers will be able to pay their past due bills — dating back to 2002 — without penalty between May 4 and June 15, after which they'll face a 5 percent penalty on top of any penalties, interest or collection fees already accrued. Anyone under criminal investigation or charged in a state tax matter is ineligible to participate. As state Sen. Stephen Sweeney (D) put it, the program "is not all carrot and no stick."

NEW JERSEY has had plenty of success with tax amnesties in the past. Each of the state's previous three amnesties — in 1987, 1996 and 2002 — generated revenues that exceeded predictions, sometimes by hundreds of millions of dollars. The largest haul, \$359 million, came in 1996, when just \$70 million was expected. Based on an analysis of 100 programs in 43 states going back to 1982 by the Federation of Tax Administrators, only NEW YORK and ILLINOIS have collected more.

While few states may have enjoyed the level of success NEW JERSEY has, amnesty programs generally work.

“Historically, amnesties meet or exceed collection expectations,” said Bert Waisanen, a fiscal analyst for the National Conference of State Legislatures.

Despite that fact, the state of PENNSYLVANIA has tried amnesty only once, in 1995-96. It prefers a very different approach: publicly exposing tax scofflaws on an Internet list.

“The threat of appearing on the list is what’s most effective,” said Elizabeth Brassell, a spokeswoman for the state’s Department of Revenue.

Since debuting the list in April 2006, PENNSYLVANIA has recovered about \$87 million in taxes, interest, and penalties and set up payment plans for about \$21 million more, Brassell said. She added that about two-thirds of the businesses placed on the list have met their obligations.

More than 20 states — including NEW JERSEY — have used the same approach. And some experts say it likely yields more revenue than amnesty in the long run.

What amnesties “are particularly good at is bringing in cash,” said Verenda Smith, a spokeswoman for the nonprofit Federation of Tax Administrators. But she said, “If you were to wait and get money with penalties and interest, you would get more money.”

There’s also the risk that revenue might decline if taxpayers come to expect amnesties. After offering them in 1985, 1987, 1998, and 2001, tax collectors in LOUISIANA “are crying tears” as taxpayers just sit back and wait for the next one, said Smith.

“It’s like an early-retirement program: You think you’ve seen the last of them, but they keep coming back,” said Mary E. Forsberg, a former financial analyst for NEW JERSEY’s Office of Legislative Services. (PHILADELPHIA INQUIRER)

BUDGETS IN BRIEF: The federal Office of Management and Budget sent a letter to U.S. Sen. Lindsey Graham (R-SOUTH CAROLINA) last week informing him that only SOUTH CAROLINA Gov. Mark Sanford (R) can request \$700 million in budget aid for the state. Graham had written the White House last month seeking clarification on whether the provision in the \$787 billion American Recovery and Reinvestment Act allowing state legislatures to request money refused by their states’ governors violated the U.S. Constitution’s 10th Amendment (POST AND COURIER [CHARLESTON]). • NEW YORK Gov. David Paterson (D) and legislative leaders finally agreed on a plan to stem the state’s estimated \$17.7 billion budget shortfall. The \$131.8 billion budget calls for roughly \$6.2 billion in federal stimulus spending, \$5.2 billion in cuts and \$6.3 billion in new revenue, including a tax increase on high-earning residents (TIMES UNION [ALBANY]). • An ongoing study of government spending in CONNECTICUT by the University of Connecticut has found that, among other things, the state spends 10 percent of its total telecommunications budget — more than \$2.3 million — on unused phone lines and that it could cut \$6 million from its \$15 million annual printing budget by eliminating unnecessary copiers, printers and printing (DAY [NEW LONDON]).

— Compiled by KOREY CLARK

Politics & leadership

FEDS DROP STEVENS CONVICTION: Last fall, the longest serving Republican in the U.S. Senate, Ted Stevens (R-ALASKA), was convicted of failing to disclose \$250,000 worth of goods and services he received, mostly renovations on a chalet he owned by a longtime friend, Bill Allen, who'd made a fortune providing services to ALASKA's oil industry. Days later Stevens lost his bid

“After careful review, I have concluded that certain information should have been provided to the defense for use at trial.”

for an eighth term to Anchorage mayor Mark Begich (D) by less than 4,000 votes, about 2 percent of the total number cast. Stevens' sentencing has been delayed since then by charges of prosecutorial misconduct. And last week U.S. Attorney General Eric Holder asked the judge in the case to throw out Stevens' conviction.

“After careful review, I have concluded that certain information should have been provided to the defense for use at trial,” Holder said in a statement. “In light of this conclusion, and in consideration of the totality of the circumstances of this particular case, I have determined that it is in the interest of justice to dismiss the indictment and not proceed with a new trial.”

Judge Emmett Sullivan had repeatedly criticized prosecutors in the case for misconduct, at one point holding them in contempt. Things eventually got so bad that

“I always knew that there would be a day when the cloud that surrounded me would be removed. That day has finally come. It is unfortunate that an election was affected by proceedings now recognized as unfair.”

the Justice Department actually replaced the trial team. With a hearing scheduled to explore the prosecutors' conduct, Holder decided to review the case himself.

He discovered that, among other things, prosecutors had failed to turn over to the defense notes from a 2008

interview with Allen that raised significant doubts about the charges against Stevens. That, combined with Stevens' age — 85 — and the fact that he's no longer a member of the Congress, as well as Holder's own desire to send a message to the other prosecutors in the department, led him to pull the plug on the case.

Stevens' lawyers praised the action, saying it was “justified by the extraordinary evidence of government corruption in the prosecution of Senator Stevens.”

Stevens himself said: “I always knew that there would be a day when the cloud that surrounded me would be removed. That day has finally come. It is unfortunate

that an election was affected by proceedings now recognized as unfair. It was my great honor to serve the State of Alaska in the United States Senate for 40 years.” (NATIONAL PUBLIC RADIO, NEW YORK TIMES)

FEW BIG CHANGES IN STATES’ CONGRESSIONAL CLOUT: Not much has changed in Congress the last two years, as far as which states wield the most power goes, according to the official newspaper of Capitol Hill, *Roll Call*.

The 10 states with the most clout in *Roll Call*’s ranking of the 111th Congress, released last month, are the same ones with the most clout in the 110th. (See Bird’s eye view in this issue.) The only significant change was PENNSYLVANIA’s jump from 10th spot to seventh, due largely to the ascension, in mid-2007, of Rep. Robert Brady (D) to the chairmanship of the House Administration Committee.

The two states that moved the most overall were OKLAHOMA, which climbed from 43rd spot to 33rd, largely on the strength of Rep. Frank Lucas’ (R) new post as ranking member of the Agriculture Committee and Rep. Tom Cole’s (R) assignment to the Appropriations Committee, and NEW MEXICO, which fell 10 positions, from 19th to 29th. That change is hardly surprising, given that the state lost 36 years of seniority with the retirement of Sen. Pete Domenici (R) last year and that all three of its House Members are new.

The forced retirement of another Congressional institution, Ted Stevens, dropped ALASKA’s clout rating eight slots, from 17th to 25th. Other notable movers were OHIO (which fell from 11th to 15th), LOUISIANA (28th to 34th), COLORADO (32nd to 37th), OREGON (35th to 40th), DELAWARE (45th to 49th), INDIANA (which rose from 21st to 17th) and NORTH CAROLINA (which rose from 23rd to 19th). (ROLL CALL)

TX STATE EMPLOYEES BEING WINED AND DINED BY LOBBYISTS: TEXAS industries regulated by the state have spent more than \$1.6 million this decade lobbying government employees who aren’t even elected officials, according to state ethics records. The lobbying activities include the purchase of liquor for environmental regulators by a chemical company lobbyist, meals for transportation officials by a construction trade group and tickets for the state’s oil-and-gas regulatory agency by a pipeline lobbyist. Among the biggest spenders was the Associated General Contractors of Texas, a group representing many of the state’s road-building companies, which has spent over \$700,000 on executive-branch employees.

The lobbyists say they’re just building relationships and discussing policy the way they do with members of the Legislature.

“Obviously, we don’t want state employees having to make decisions on issues that impact particular companies and the community as a whole without receiving input,” said Jack Gullahorn, president of the Public Advocacy Association of Texas, a state lobbying group.



Critics, however, contend the lobbying gives businesses an unfair advantage in the state’s policy process.

“In many instances, the decision as to how much gravy gets doled out to whom is made by agency bureaucrats,” said Tom “Smitty” Smith, director of Public Citizen’s TEXAS office.

But all the free food, drinks and entertainment for executive-branch workers is legal, as long as the employees don’t accept it in exchange for favorable action, and the lobbyists disclose the spending.

(HOUSTON CHRONICLE)

US APOLOGY DOESN’T ENTITLE NATIVE HAWAIIANS TO STATE LAND:

In 1993, the U.S. government officially apologized for the “illegal overthrow” a century earlier of HAWAII’s native monarch by a group of American businessman, with the aid of U.S. armed forces. But according to a unanimous ruling by the U.S. Supreme Court last week, the Congressional Apology Resolution of 1993 does not give native Hawaiians claim to 1.2 million acres of state lands, as HAWAII’s Supreme Court ruled last year. The high court said the “Apology Resolution” was just that and nothing more. It did not “create substantive rights” to the state’s lands. The ruling leaves it up to the state to determine what to do with the disputed land (LOS ANGELES TIMES).

— *Compiled by KOREY CLARK*

Upcoming elections

4/2/2009 - 4/23/2009

04/04/2009

Louisiana Special Election

Senate District 16

Louisiana Special Primary

House District 97

04/07/2009

Illinois Special

US House (Congressional District 05 (Rahm Emanuel))

Wisconsin General Election

Constitutional Officers: Superintendent of Public Instruction

04/14/2009

Alabama Special Primary

Governors

GOVNS TOLD ED FUNDING HINGES ON NEW DATA: U.S. Education Secretary Arne Duncan told the nation’s governors that billions of federal dollars are heading their way, but he expects new information about the performance of their public schools if they want to receive the balance of the federal education aid available in the president’s economic stimulus package.

In a letter sent to all 50 governors, Duncan said \$44 billion in stimulus money was being made immediately available to states. In order to qualify for a second phase of financing later this year, however, Arne said governors will need to provide him with detailed educational information.



such tickets to a state trooper who let him off with a warning in a traffic stop. Dolan denied any wrongdoing, but Strickland ordered that promotional giveaways be stopped until he has implemented new policies and procedures for their use. The governor also wants to see proof that the ticket giveaways are an effective marketing tool and that Dolan has adequate controls to avoid their misuse. (CLEVELAND PLAIN DEALER)

JUDGE REJECTS CA PRISON HEALTH

REQUEST: A federal judge rejected CALIFORNIA Gov. Arnold Schwarzenegger’s (R) request to return control of the Golden State prison health system to the state. U.S. District Judge Thelton Henderson said that while health care has improved under federal management since 2006, he has “no confidence that such improvements would continue, or even be maintained” if the federal receiver that Henderson appointed, J. Clark Kelso, was removed and the state regained control of the system. Schwarzenegger and state Attorney General Jerry Brown (D) contend that Kelso’s \$8 billion plan to build seven health centers for 10,000 prisoners and improve some existing medical centers is excessive. Brown said the state would appeal the decision. (SAN FRANCISCO CHRONICLE)

GOVERNORS IN BRIEF: A political blogger in ALASKA filed an ethics

complaint against Gov. Sarah Palin (R) over the governor wearing clothing with a corporate logo during a snowmobile race. In a press release, Palin called the complaint “asinine political grandstanding” (ANCHORAGE DAILY NEWS). • **CALIFORNIA** Gov. Arnold Schwarzenegger (R) nixed speculation that he will run for the U.S. Senate after his term is up in 2010. Schwarzenegger said, “I’m not running for anything...until you change the Constitution,” a reference to the Constitution’s ban on foreign-born residents becoming president (LOS ANGELES TIMES). • **TENNESSEE** Gov. Phil Bredesen (D) proposed selling tens of millions of dollars in bonds to pay for upgrading state buildings to be more energy efficient. He said savings from the upgrades would pay for the renovations (TENNESSEAN [NASHVILLE]). • **NEW JERSEY** Gov. Jon Corzine (D) said he is in favor of allowing illegal immigrants to pay in-state tuition at Garden State colleges. He does not, however, support a state commission’s recommendation to allow undocumented residents to obtain driver’s licenses. Corzine called the driver’s license suggestion

The week in session

States in Regular Session: AK, AL, AR, AZ, CO, CT, DC, DE, FL, HI, IA, ID, IN, KS, KY, MA, MD, ME, MN, MO, MT, NC, ND, NE, NH, NM, NV, NY, OH, OK, OR, RI, SC, SD, TN, TX, US, VT, WA, WV

States in Recess: CA, IL, MI, MS, PA, WI

Special Sessions in Recess: CA “c”

States in Reconvened Session: VA

States in Budget Hearings: NJ

States Currently Prefiling or Drafting for 2009: LA

States Projected to Adjourn: AR, GA, ID, KS,

States Adjourned in 2009: KY, NM UT, VA, WY

State Special Sessions Adjourned in 2009: AZ “a”, CA “a”, CA “b”, CT “a”, DE “b”, FL “a” IL 2007-08 Special Sessions “a”-“z”

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS
(session information current as of 4/3/2009)
Source: State Net database

“well intentioned,” but said the matter needs to be resolved via “comprehensive policy at the federal level” (PHILADELPHIA INQUIRER). • **SOUTH CAROLINA** Attorney General Henry McMaster (R) issued an opinion that the Palmetto State Legislature cannot bypass Gov. Mark Sanford (R) to accept \$700 million in federal stimulus money. Sanford has agreed to accept the money only if the state can use it to pay down current debt, but the Obama Administration has twice denied the request. Last week, lawmakers delayed several Sanford-backed measures in retaliation for Sanford not accepting the federal cash (STATE [COLUMBIA]).

— Compiled by RICH EHISEN

Hot issues

BUSINESS: The **MISSISSIPPI** Senate upholds Gov. Haley Barbour’s (R) veto of HB 803, legislation that would prevent the government from taking private land for use by another private entity. The House overwhelmingly voted to override the measure, but the Senate sustained the veto after Barbour personally lobbied for their support (COMMERCIAL APPEAL [MEMPHIS]).

• The **ARKANSAS** House endorses HB 2160, which would bar retailers from selling toy guns that are made to look like real weapons. The bill shoots over to the Senate (ARKANSAS NEWS [LITTLE ROCK]). • Still in **ARKANSAS**, the House unanimously approves a motion to recall HB 1451, legislation that would charge milk wholesalers 30 cents for every 12 gallons of milk sold and use the proceeds to subsidize dairy farmers when milk prices fall below production costs. The bill was already with Gov. Mike Beebe (D), who wants to use a different funding source for the subsidy (ARKANSAS NEWS [LITTE ROCK]). • **UTAH** Gov. Jon Huntsman Jr. (R) signs SB 187, which, among other things, overturns a Beehive State law that required consumers to fill out applications and pay fees before entering a bar (SALT LAKE TRIBUNE). • The **WEST VIRGINIA** Senate approves SB 419, which would require fast-food chains with outlets in at least 10 other states to post calorie counts for their food items. The measure is now with the House (REGISTER-HERALD [BECKLEY]). • The **MARYLAND** Senate approves SB 844, which would allow the state to regulate utilities providing energy to residential and small commercial customers. Under the proposed bill, the state could also set electricity rates and order utilities to build power plants. The measure is now in the House (BALTIMORE SUN). • The **WEST VIRGINIA** Senate passes SB 488, which requires a parent or guardian to provide written consent when anyone between the ages of 14 and 18 uses a tanning salon, and to accompany anyone under 14 who is seeking an artificial tan. The measure, which also requires that protective eyewear be used in the tanning process, is now in the House (CHARLESTON DAILY MAIL).

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CRIME & PUNISHMENT: The **NEW HAMPSHIRE** House endorses HB 556, which would abolish the death penalty in favor of life without parole. The Granite State House simultaneously endorsed HB 520, which calls on lawmakers to perform an in-depth study of the state’s current death penalty laws. Both measures are now in the Senate (UNION LEADER [MANCHESTER]). • **VIRGINIA** Gov. Tim Kaine (D) vetoes five measures to expand the Old Dominion’s use of capital punishment. Two of the measures, SB 961 and HB 2358, would have made certain murder accomplices eligible for the death penalty, while SB 1069, SB 1409 and HB 2638 would have added the murder of fire marshals and auxiliary police officers to the list of capital crimes. The General Assembly meets this week to consider possible overrides (ROANOKE TIMES). • The **IOWA** Senate approves Senate File 119, which would expand the scope of judicial restraint in domestic abuse cases to include pets or animals. It is now with the House (QUAD CITY TIMES [DAVENPORT]).

EDUCATION: The **ARIZONA** Supreme Court rules that the Grand Canyon State’s school voucher program is unconstitutional because it violates a ban against appropriating public money for religious or private schools (ARIZONA REPUBLIC [PHOENIX]). • The **INDIANA** Senate unanimously approves HB 1462, legislation that requires schools to run a national criminal background check before hiring anyone who will work on school grounds, including bus drivers and independent contractors. It returns to the House (INDIANAPOLIS STAR). • **KENTUCKY** Gov. Steve Beshear (D) signs HB 383, which requires high school coaches to complete first-aid and sports-safety training on heat stroke and cold emergencies, and requires high school coaching staffs to have at least one member who has completed the safety training attend each practice and game by the start of next school year (COURIER-JOURNAL [LOUISVILLE]).

ENVIRONMENT: The **IOWA** Senate endorses SF 343, legislation that would allow local governments to regulate the use of lawn chemicals. Current Hawkeye State law bans municipalities from passing tougher chemical regulations than those imposed by the state. The measure is now in the House (DES MOINES REGISTER). • President Barack Obama signs US HB 146, legislation that sets aside more than 2 million acres in nine states — **CALIFORNIA, IDAHO, UTAH, COLORADO, OREGON, VIRGINIA, WEST VIRGINIA, NEW MEXICO** and **MICHIGAN** — as protected wilderness. The measure also designates more than 1,000 miles of rivers in **VERMONT, MASSACHUSETTS, WYOMING, ARIZONA, OREGON, CALIFORNIA, UTAH, VIRGINIA** and **IDAHO** as wild and scenic (IDAHO STATESMAN [BOISE]). • The **CALIFORNIA** Senate endorses SB 14, which would require utilities to receive one-third of their power from renewable energy sources by 2020. It moves to the Assembly (CAPITOL WEEKLY [SACRAMENTO]).



HEALTH & SCIENCE: The **WEST**

VIRGINIA Senate approves SB 672, which would increase the fees the state pays to doctors for a variety of mental health conditions. It is now with the House (CHARLESTON DAILY MAIL). • The **IDAHO** House endorses HB 216, legislation that would allow a pharmacist to refuse to dispense medication or care that violates his or her conscience. It moves to the Senate (IDAHO STATESMAN [BOISE]). • **SOUTH DAKOTA** Gov. Mike Rounds (R) signs HB 1240, a bill that bans smoking in all public places except motel rooms and a limited number of cigar bars and smoke shops (RAPID CITY JOURNAL). • The **NORTH CAROLINA** House approves HB 2, legislation that would bar smoking in most workplaces and restaurants. The measure, which would exempt bars, moves to the Senate (CHARLOTTE OBSERVER).

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: 529

Number of Intros last week: 3,639

Number of 2009 Session Enacted/Adopted last week: 2,033

Number of Prefiles to date: 28,978

Number of Intros to date: 121,323

Number of 2009 Session Enacted/Adopted overall to date: 12,079

— Compiled By JAMES ROSS
(measures current as of 4/2/2009)
Source: State Net database

IMMIGRATION: The **GEORGIA** House endorses SB 67, a bill that would require driver's license applicants to take the written exam in English. It now returns to the Senate (AUGUSTA CHRONICLE).

SOCIAL POLICY: The **IOWA** Supreme Court rules that the state's same-sex-marriage ban violates the constitutional rights of gay and lesbian couples. The ruling makes the Hawkeye State the third to legalize same-sex unions, after **MASSACHUSETTS** and **CONNECTICUT** (WALL STREET JOURNAL). • The **NEW HAMPSHIRE** House approves HB 436, which would legalize same sex marriage in the Granite State. It moves to the Senate. Gov. John Lynch (D) has said he will veto the measure if it gets to his desk (CONCORD MONITOR). • The **VERMONT** Senate and House also endorse SB 115, legislation that would legalize same-sex nuptials. It moves to Gov. James Douglas (R), who is expected to veto the proposal (ADDISON COUNTY INDEPENDENT [MIDDLEBERRY]). • **KANSAS** Gov. Kathleen Sebelius (D) signs SB 238, a measure that requires abortion clinics to provide women a chance to see an ultrasound image and hear the heartbeat of her fetus, and compels clinics to display signs informing women they cannot be coerced into having an abortion (TOPEKA CAPITAL-JOURNAL). • The **WEST VIRGINIA** House rejects HJR 5, a proposed constitutional amendment that would have defined marriage as being only between one man and a woman (CHARLESTON DAILY MAIL).



POTPOURRI: The **IDAHO** House approves HB 229, which would bar the state from confiscating citizens’ guns even in cases of “extreme emergency” including martial law, invasion or insurrection. It is now in the Senate (SPOKESMAN-REVIEW [SPOKANE]). • **COLORADO** Gov. Bill Ritter (D) signs HB 1091, legislation requiring all new and sold homes in the Centennial State to have a carbon monoxide alarm on each floor (DENVER POST). • The **OREGON** Senate approves SB 391, legislation that would ban the ownership of wild or exotic pets, including alligators, bears, crocodiles, lions, monkeys, and tigers. It has moved to the House (STATESMAN-JOURNAL [SALEM]). • The **ARKANSAS** Legislature gives final approval to HB 1895, which prohibits local governments from charging consumers the so-called “accident tax,” a fee charged for police department response services at the scene of a traffic accident. The bill has been sent to Gov. Mike Beebe (D), who is expected to sign it into law (INSURANCE JOURNAL [SAN DIEGO]). • The **ILLINOIS** House approves legislation HB 71, which would bar Prairie State drivers from sending text messages, downloading ring tones and surfing the Web while behind the wheel. Violators would face fines and, for repeated offenses, jail time. It drives on to the Senate (CHICAGO TRIBUNE). • Still in **ILLINOIS**, the Senate rejects SB 1351, which would have required motorcyclists to wear a helmet (DAILY HERALD [ARLINGTON HEIGHTS]). • The **TEXAS** House gives its approval to HB 670, legislation that would require journalists to testify about confidential sources only if a judge was convinced all reasonable efforts to obtain the information from an alternative source had been exhausted, and that the testimony wasn’t being used to obtain peripheral, nonessential or speculative information. The measure has moved to the Senate (AUSTIN AMERICAN-STATESMAN).

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

THE DEFINITION OF AIRBALL: Everyone knows that President Barack Obama is crazy for basketball. With former Chicago Bulls superstar Michael Jordan entering the Basketball Hall of Fame this year, it seemed natural that the ex-Chicagoan would want to attend the induction ceremonies in Springfield, MASSACHUSETTS. Ditto for Bay State Gov. Deval Patrick, another hoops-loving Windy City alum. The Hall even set aside four tickets for the Obamas, but as the *Boston Herald* reports, the first family isn’t likely to use them. That is because the ceremonies are scheduled for September 11th, a date when all Americans, including the president,



will likely be focused elsewhere. An incredulous state Sen. Stephen J. Buoniconti, who represents Springfield, said the community was hoping for a big economic boost from Obama’s attendance. “I honestly don’t know who made this decision,” Buoniconti said. “But I would hope they thought long and hard about it. This is a major disappointment for us.”

In case you missed it

The federal government is pouring billions of dollars into the states, but as SNCJ columnist Lou Cannon reported on March 23, state tax hikes and other actions may blunt that effort’s ability to alleviate the recession.

In case you missed it, the article can be found on our Web site at

http://www.statenet.com/capitol_journal/03-23-2009/html

100 AND COUNTING: As a young woman in the 1930s, Sally Gordon watched workers build the NEBRASKA statehouse. Last month, Gordon celebrated her 100th birthday in that same building, where she has worked as an assistant sergeant-at-arms for the last 26 years. As the Associated Press reports, hundreds of people turned out to honor Gordon while lobbyists serenaded her with songs like “Red Coat Sally,” sung to the tune of “Mustang Sally,” a reference to the red coats worn by sergeants-at-arms. President Barack Obama also sent her a letter of congratulations, but Gordon, who previously worked as an aide to former governors Ralph Brooks, Frank Morrison and Norbert Tiemann, doesn’t see her longevity as that big of a deal. “When I don’t work, I just go crazy,” said Gordon. “I’m a desperate housewife, and I’m allergic to housework.” Afterward Gordon, who has no plans to retire, went back to work.

A REAL WOLVERINE: MICHIGAN Gov. Jennifer Granholm says she is no stand-up comedian, but you wouldn’t know it from her appearance at last month’s Washington D.C. Gridiron Dinner. The event allows reporters and politicians a chance to needle each other in good fun, and as the Associated Press reports, Granholm didn’t let anyone down. She saved her best shot for ALASKA Gov. Sarah Palin, whom Granholm said “really set back the cause of hot governors.” Granholm sent an ancillary zinger toward PENNSYLVANIA Gov. Ed Rendell, who was seated next to her, adding, “You know where I’m coming from, Ed Rendell.” When asked by a reporter if she would like to apologize to Palin, Granholm declined, saying the event was “all in good fun.”

GOVERNOR CHEAPSKATE: Former NEW YORK Gov. Eliot Spitzer may have been a serial purveyor of high priced call girls, but the woman who ran the high-end prostitution ring that led to Spitzer’s downfall says he was also a penny-pincher who regularly badgered her to get cheaper rates. As *Newsday* reports, madam Kristin Davis says Spitzer was also resistant to using protection, and wasn’t above resorting to “begging, pleading and commanding” and eventually losing his temper in order to get his way. Davis said his anger issues eventually got Spitzer blacklisted, but he started using a false name in order to get “dates.” The former governor had no comment.

— By RICH EHISEN

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