

April 19, 2004

Squeezing every penny



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Top Story

Cash-starved states are increasingly turning to tax amnesty programs to recapture millions of dollars in revenues once thought lost, but some experts wonder if these programs are too little, too late.

Budget & taxes Spotlight

States pursue tax dodgers with the carrot and the stick

Although the national economy is showing signs of recovery, with a number of states reporting business and sales tax collections well above projected levels, most states still face serious fiscal challenges in the near term. According to the National

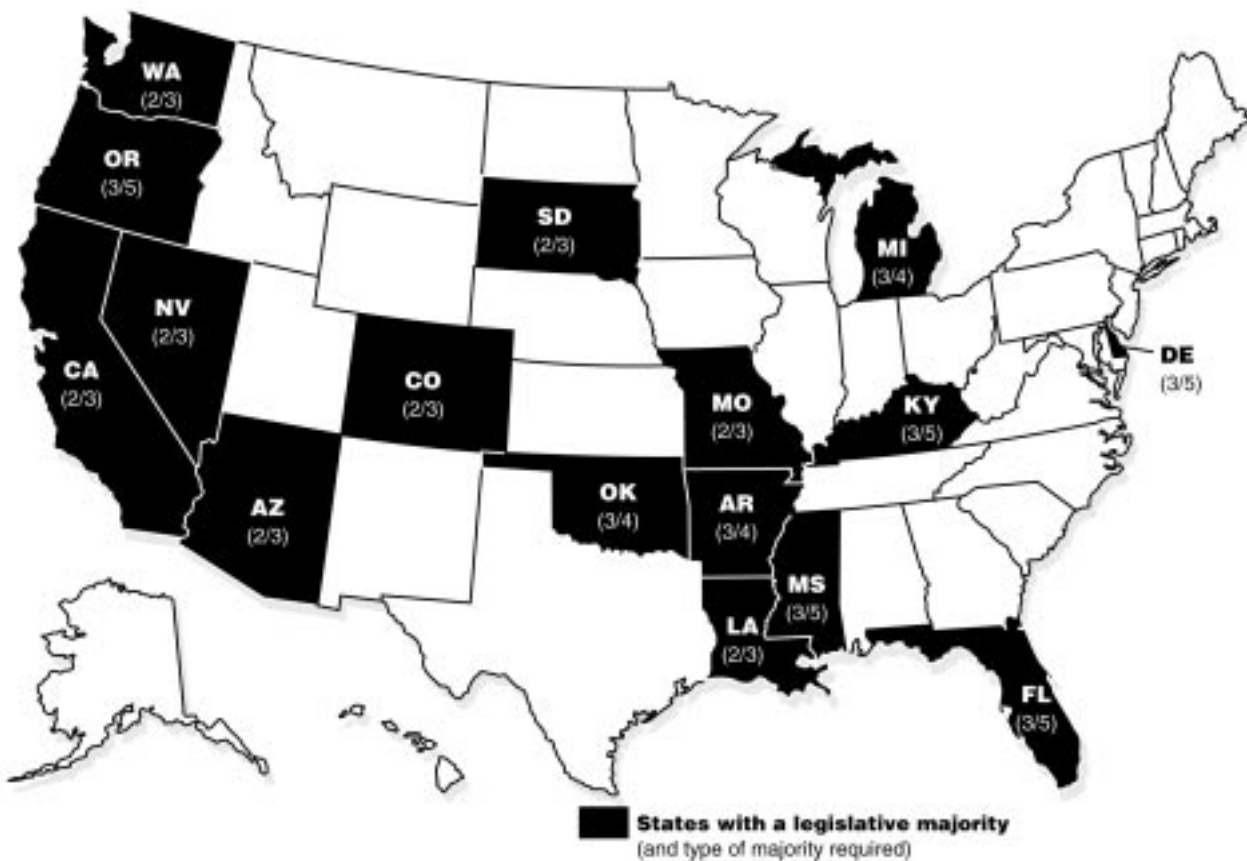
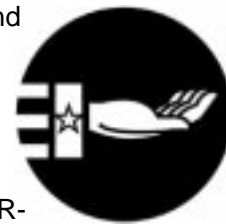
Some experts, however, believe the plan would barely make a dent in the “underground economy.” Roy Crawford, special counsel for tax law firm Heller Ehrman, says most of the money would come “from the chiselers, the people who make \$40,000, but report \$30,000.” But Ehrman suggested the plan would

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Bird's eye view

Supermajority rules when it comes to tax hikes

Persistent fiscal woes forced many states to hike taxes in both 2002 and 2003, with VIRGINIA poised to do so again this week (see Budget & Taxes). But that route is a lot bumpier in the 16 states that require supermajority legislative approval to raise taxes. A supermajority vote was first mandated in ARKANSAS in 1934, but no state followed suit until LOUISIANA in 1966, followed by MISSISSIPPI in 1970 and FLORIDA in 1971. Not all systems are the same, as Arkansas limits the requirement only to taxes on the books in 1934, while states like CALIFORNIA, COLORADO and OKLAHOMA apply the rule to all taxes. The map below shows the states that have a legislative super majority rule, and what type of majority is required.



Notes: Arkansas exempts sales and alcohol; Florida applies only to corporate income tax; Michigan applies only to state property tax.

Source: National Conference of State Legislatures

do little to address the problem of the “carpenters, the gardeners, the people who live in the cash economy.” Still, he conceded, “An incremental gain is a gain.”

A more general concern about amnesties is that if states use them too frequently, tax cheats may intentionally start holding off paying until the next program comes along. To address that issue, Chu included a provision in her bill imposing a 10-year moratorium on future amnesties.

But states have other options besides the carrot of amnesty, and one that has caught on recently is much more of a “stick:” the Internet tax delinquent list. More than a dozen states have electronically published the names of individuals and businesses that owe taxes in an effort to shame them into paying up. The evocative names of some of the Web sites, like LOUISIANA’s CyberShame and SOUTH CAROLINA’s Debtor’s Corner, only add to the spectacle.

The tactic appears to be working. GEORGIA, the latest state to establish a tax delinquent Web site, raked in over \$300,000 in the first six weeks of the site’s launch in February. As an added bonus, the state managed to get eight deadbeat state lawmakers to pay their overdue tax bills. CONNECTICUT, which operates the nation’s longest-running online tax delinquent program — established seven years ago — has brought in more than \$161 million in overdue taxes and anticipates \$21 million more from settlement plans worked out with taxpayers, according to a spokeswoman for the state’s Department of Revenue Services.

Sometimes, even the threat of public humiliation is enough of an incentive to get scofflaws to pay up. Nearly all of the \$10.5 million MARYLAND has received since launching its “Caught in the Web” site in June 2002 came from companies and individuals whose names hadn’t actually been posted on the site yet. The states that operate such sites say they give taxpayers plenty of opportu-

The Week in Session

States in Regular Session:
AK, AL, CA, CO, CT, FL, HI, IL, LA, MA,
MI, MN, MO, MS, NH, NY, OK, RI, SC,
TN, US, VT

States with Projected Special
Session: OR on 6/1/2004

States in Recess:
AR “b”, CA “d”, CA “e”, DE, KS, PA, WI

States in Budget Hearing: NJ

States in Skeleton Session: OH

Currently Prefiling:
MT (Drafts for 2005)

States Adjourned:
GA, ID, IN, KY, MD, ME, NE, NM, PA, SD,
UT, VA, WA, WV, WY

States in Special Session
Adjourned:
CA “a”, CA “b”, CA “c”, CT “a”, CT “b”, DE
“a”, LA “a”, MD “2003 session”, UT “c”,
WA “a”, WA “b”, WA “c”, WI “d”, WI “e”,
WV “a”

Projected Regular Session
Adjournment: AZ, IA

Projected Special Session
Adjournment: AZ “c”, ME “b”, TX “d”,
VA “a”

Letters indicate special/extraordinary sessions
Source: State Net, 4/16/04



nity to pay up before publishing their names. State officials also point out that the sites don't violate privacy laws because tax liens are a matter of public record, and the sites just make that information more readily available to the public.

Other states that have tax delinquent Web sites include CALIFORNIA, COLORADO, ILLINOIS, NEW JERSEY, RHODE ISLAND and WASHINGTON. The states update their sites at varying intervals that do not necessarily coincide with the April 15 federal filing deadline.

The downside of going after unpaid taxes, regardless of which approach is used, is that it doesn't yield much "new money." Generally, the money collected is money the states would eventually have brought in anyway through their typical audit procedures. For example, California's Franchise Tax Board estimates that only about 10% of the money from the amnesty program proposed by Assemblywoman Chu would be "new." But experts say accelerating the collection of unpaid revenue may be just fine for states badly in need of cash. (STATELINE.ORG, SAN JOSE MERCURY NEWS, ASSOCIATED PRESS, PHILADELPHIA INQUIRER, NEWS AND OBSERVER [RALEIGH])

VA HOUSE PASSES WEAKENED COMPROMISE: VIRGINIA's House of Delegates passed a compromise tax plan last week, but not before scaling it back by more than \$220 million, a move lawmakers say only decreases the chances that the plan will bring a speedy end to the state's three-month budget stalemate. The traditionally anti-tax delegates voted 52-46 in favor of the tax package proposed by a group of maverick, moderate Republicans that would raise the cigarette tax and increase the state sales tax by a half-cent. But just before the vote, another key provision increasing the recording tax on real estate transactions was yanked from the measure. As a result of that change, the plan would only generate about \$748 million in revenue, instead of the \$972 million its sponsors had originally anticipated. The revenue reduction moved the plan in the opposite direction from what the Senate wanted: about \$800 million to \$1 billion more than the \$972 million that had initially been proposed. Which means the chamber is likely to amend the bill, sending it back to the House. That eventuality prompted a pessimistic comment about the House compromise plan from Speaker William J. Howell (R): "It's not going to bring closure." (WASHINGTON POST)



SLOTS BILL FAILS AGAIN IN MD: For the second straight year, MARYLAND lawmakers rejected Gov. Robert L Ehrlich’s (R) proposal to legalize slot machines. The proposal died in the same place it did last year, the House Ways and Means Committee. In the final hours of the 2004 session, the committee’s 21 members voted unanimously to kill the measure, which had already been approved by the Senate. Although Ehrlich and other lawmakers said the slots fight wasn’t over, the governor vowed he would not introduce another slots bill himself unless House Speaker Michael E. Busch (D) committed to passing it, saying he’s tired of looking like Charlie Brown, always trying to kick the field goal only to have Lucy pull the ball away at the last second. The General Assembly’s refusal to accept the slots proposal or a tax increase means the state will face a revenue shortfall of over \$800 million next year, which Ehrlich says he will close with cuts in health care and local government assistance. (NEW YORK TIMES, WASHINGTON POST)

KY SESSION ENDS WITHOUT BUDGET: The KENTUCKY General Assembly adjourned its 2004 session last week without approving a budget. Negotiations between the Republican-controlled Senate and Democrat-controlled House stalled mainly over Gov. Ernie Fletcher’s (R) tax reform proposal, which would have increased the tax on cigarettes and alcohol, while eliminating some business taxes and cutting income taxes for some residents. Each chamber blamed the other for the deadlock, House Democrats criticizing the Senate for refusing to budge on its demand that the House accept the governor’s entire tax plan, and Republicans in the Senate accusing House leadership of failing to negotiate on tax modernization in good faith. This is actually the second consecutive budget session — the last coming in 2002 – in which lawmakers failed to pass a spending plan. And Fletcher, who has indicated he will not be calling a special session, will probably do what Gov. Paul Patton (R) did two years ago: come up with his own spending plan. If he does, it could result in a lawsuit challenging his authority to spend money without the Legislature’s approval. (COURIER-JOURNAL [LOUISVILLE])

— *Compiled by KOREY CLARK*

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Across state lines

Not all states share equal tax burden

Besieged by gaping fiscal holes in their budgets, 20 states significantly raised taxes in some form or another last year. These increases dramatically changed the tax burden for their residents, according to a new report issued by Tax Foundation, a Washington D.C.-based research group that has been ranking each state's tax responsibility since 1970.

According to Tax Foundation, NEW YORK takes the title as the most heavily burdened tax state. Empire State residents fork over 12.9% of their income in state and local taxes, just ahead of MAINE, which posted a 12.3% mark. Those states have traded the top two spots back and forth every year since 1994. Other states that finished high in this year's rankings include OHIO and HAWAII, both at 11.3%, and RHODE ISLAND and WISCONSIN, which each registered 11.1%.

On the opposite end of the scale were ALASKA (6.3%), NEW HAMPSHIRE (7.5%) and DELAWARE (8.2%), all of which have traditionally placed near the bottom of the rankings.

Tax Foundation defines tax burden as the percentage of income consumed by local and state taxes. This includes property, sales and corporate taxation. The chart below lists each state's ranking, tax burden per capita, tax burden as a percentage of income, income per capita and the number of days residents spent working this year to pay those taxes.

Tax Foundation also reports that April 11 was Tax Freedom Day, the day when Americans have earned enough money to pay off their total federal, state and local tax bill for the year. This marks the earliest such day in 37 years, according to the report. Alaska has the earliest individual state Tax Freedom Day, March 26, while New York's is April 27. To view the full report on state tax burdens or Tax Freedom Day, please visit the Tax Foundation Web site at <http://www.taxfoundation.org/index.html>.

— By RICH EHISEN

Tax Burdens by State in 2004*

State	Tax burden rank	Days spent working to pay taxes	Tax burden as % of income	Tax burden per capita	Income per capita
AK	50	23	6.3	2,287	36,267
AL	41	33	9.1	2,612	28,798
AR	25	35	9.8	2,638	26,788
AZ	20	36	10.0	2,935	29,491
CA	26	35	9.8	3,676	37,456
CO	40	33	9.1	3,391	37,154
CT	9	38	10.6	5,119	48,489
DE	48	29	8.2	3,008	36,665
FL	45	32	8.8	2,938	33,322
GA	18	36	10.0	3,242	32,457
HI	4	41	11.3	3,865	34,173
IA	27	35	9.8	3,211	32,777
ID	11	37	10.4	2,956	28,474
IL	32	35	9.7	3,661	37,695
IN	16	36	10.1	3,241	32,127
KS	22	36	9.9	3,273	32,999
KY	17	36	10.0	2,938	29,343
LA	23	36	9.9	2,882	29,107
MA	36	34	9.4	4,177	44,410
MD	24	36	9.9	4,059	41,079
ME	2	44	12.3	3,907	31,885
MI	13	37	10.2	3,495	34,222
MN	10	38	10.5	4,066	38,829
MO	38	33	9.3	3,058	32,840
MS	19	36	10.0	2,573	25,814
MT	28	35	9.8	2,796	28,666
NC	31	35	9.7	3,009	30,899
ND	33	35	9.7	3,093	31,917
NE	14	37	10.2	3,512	34,499
NH	49	27	7.5	2,906	38,918
NJ	15	36	10.1	4,567	45,099
NM	29	35	9.7	2,671	27,407
NV	30	35	9.7	3,289	33,770
NY	1	46	12.9	5,230	40,685
OH	3	41	11.3	3,777	33,370
OK	39	33	9.2	2,646	28,667
OR	34	34	9.5	3,044	32,162
PA	35	34	9.4	3,432	36,401
RI	5	40	11.1	3,976	35,704
SC	43	32	9.0	2,584	28,772
SD	42	32	9.0	2,880	32,052
TN	47	30	8.5	2,630	31,112
TX	46	31	8.7	2,797	31,967
UT	7	39	10.8	2,915	27,094
VA	37	34	9.3	3,453	37,044
VT	12	37	10.4	3,527	33,981
WA	21	36	9.9	3,729	37,502
WI	6	40	11.1	3,807	34,292
WV	8	38	10.6	2,842	26,882
WY	44	32	8.9	3,162	35,461

* Measuring taxes as a percentage of income. Combined state & local burden by rank.

Source: Bureau of Economic Analysis and Tax Foundation

Politics & Leadership

DEMOCRATS ENDANGERED IN GA? The Democratic Party has seen its longstanding dominance in the South challenged in recent years, with Republicans wresting control of the statehouses in FLORIDA, SOUTH CAROLINA, TEXAS and VIRGINIA. GEORGIA may soon be added to that list if the GOP has its way. Republicans took over the governor's office and the Senate in 2002, and they believe the House of Representatives is within reach this year, despite currently being outnumbered by Democrats in the chamber 107-72. One reason for their abundant confidence is a recent court-mandated redrawing of the state's legislative districts, which is expected to allow the GOP to pick up several seats in November. But the Republicans are not just waiting around for the election. They've been aggressively lobbying House Democrats to switch to the GOP, hoping to duplicate their achievement in 2002, when four Democratic senators switched parties and gave them control of the Senate. Gov. Sonny Perdue (R) has admitted to meeting with 25 Democratic legislators in the past few weeks, and although none of them have publicly announced their intention to join the GOP, Perdue says he's got a few commitments. There's plenty of reason to suspect the governor is telling the truth. The conservative, rural Democrats he is courting split with their party during the session and sided with Republicans on key issues like same-sex marriage and tort reform. And according to Merle Black, a political science professor at Emory University, the only thing that would keep rural Democrats in the party is "a perception that the Democrats will remain in power, so you could be a part of an effective majority," a perception that's "very shaky" at the moment. (ATLANTA JOURNAL-CONSTITUTION)

FL SESSION IN JEOPARDY? Legal experts say a technical violation of the state Constitution by FLORIDA lawmakers could leave every bill considered in the remaining weeks of the session, including the proposed \$56-billion budget, open to legal challenge. The problem is the result of the House and Senate's failure to adopt concurring resolutions as required by the Constitution when they took a week off for the Passover and Easter holidays earlier this month. Now, experts say, if the Legislature passes a law that someone opposes, there will be constitutional grounds to challenge it in court. And they say the only way to fix the problem is to call a special session, refile all of the bills and basically start

over. While many lawmakers denied there was a problem, one was a bit more candid. “If we’ve done something wrong, we’ll come back and do it over again,” said Senate Rules Chairman Tom Lee (R). “I don’t have to run for election this year.” (ST. PETERSBURG TIMES)

— *Compiled by KOREY CLARK*

Governors

WORKERS’ COMP IN CALIFORNIA: Gov. Arnold Schwarzenegger’s (R) “action, action, action” agenda took another step forward last week as a late night meeting with the governor and a Senate-Assembly conference committee produced a unanimous 6-0 vote on SB 889, legislation to overhaul the state’s troubled workers’ compensation system. The agreement came just one day prior to the governor’s self-imposed April 16 deadline, keeping him from going ahead with his plans to put a similar measure before voters in November. The new legislation — which is hundreds of pages long — would radically change much of a system that is generally considered to have the nation’s highest costs to employers and lowest benefits to injured workers. Basic elements include standardizing benefits for most injuries, eliminating benefits for employees who refuse a new job offer from their employer and requiring injured workers to choose treating physicians from an employer-approved pool of doctors. Although the unanimous committee vote virtually assured SB 889s approval in both chambers, Democrats immediately announced plans to introduce another bill this week that would regulate rates charged by insurance companies for a two-year trial period. Schwarzenegger, who made overhauling workers’ comp a key part of his campaign, has repeatedly said he does not support rate regulation, preferring to let the market lower prices through increased competition. (SACRAMENTO BEE, LOS ANGELES TIMES, ASSOCIATED PRESS)

WILL VIETNAM HELP CHOOSE INDIANA GOV? America’s participation in the Vietnam conflict ended more than three decades ago, but for INDIANA Gov. Joe Kernan (D) the battle has started all over again. Last week Kernan started airing television ads that highlight his time as a Navy pilot and former prisoner of war in Vietnam as he began his quest to win his first full term as the Hoosier State governor. The campaign’s 60-second TV ads, which show a grainy

black and white photo of the then 26-year-old Kernan wearing the striped pajamas of a POW, has forced the two men seeking to challenge him in November to address their own actions during that time. Republicans Mitch Daniels, a former member of the Bush administration, and Eric Miller both were in college in 1969, the year Kernan entered the Navy after graduating from Notre Dame. Miller, who had previously turned down an appointment to West Point, enlisted in the Indiana National Guard in 1970, while Daniels never entered into military service. Some observers wonder about the relevance of military experience in a gubernatorial race, but Kernan says his background shows his experience, leadership skills and ability to handle pressure. But political scientist Bill Blomquist of Indiana University questions whether the public agrees, noting that both President George H.W. Bush (R) and Sen. Bob Dole (R) were decorated World War II veterans who lost elections to Democrat Bill Clinton, a man who avoided the draft during Vietnam. (INDIANAPOLIS STAR)

Quote ...

"This is not about a mob mentality. It is the wish of God-fearing people that insist on basing their values on a divine law, rather than a misguided culture that man has created."

—IOWA Sen. Ken Veenstra (R) denying charges that his opposition to an openly gay appointee to the state's school board system was based on "lynch mob mentality."

VILSACK CLASHES WITH SENATE OVER GAY APPOINTEE: The IOWA Senate dealt Gov. Tom Vilsack (D) a bitter defeat last week by rejecting his appointment of Jonathon Wilson, an openly gay Des Moines lawyer, to a state board that oversees schools. Earlier in the week Vilsack had challenged lawmakers to approve the choice, saying that those who voted against Wilson would do so only out of bigotry. But after an emotional and often-heated debate, Wilson fell 12 votes shy of the 34 necessary for confirmation from the 50-member Senate. The

... unquote

"I am deeply, deeply troubled, as a spiritual person, whenever anyone uses God as a method to discriminate against people."

—IOWA Sen. Matt McCoy (D) reacting to Veenstra's references to God in voting against Wilson's appointment. (DES MOINES REGISTER)

vote fell almost entirely along party lines, with all of the chamber's 19 Democrats approving the appointment and all but three of the Republicans voting to oppose. Republicans defended their stance, saying they were only responding to concerns raised by their constituents. Sen. Ken Veenstra (R) accused Wilson of promoting "a gay agenda, an agenda of special rights," while Sen. Nancy Boettger (R) said voters did not want "any hint of pushing the gay lifestyle through

our school system.” Vilsack said he will now consider what other options might be available for placing Wilson on the Board without the Senate’s approval. (DES MOINES REGISTER)

GOVERNORS IN BRIEF: A new Southern Media and Opinion Research poll says more than 59% of participants think **LOUISIANA** Gov. Kathleen Blanco (D) is doing a “good” or excellent job. Just over 3% said she is doing a “poor” job (NEW ORLEANS TIMES-PICAYUNE). • **MASSACHUSETTS** Gov. Mitt Romney (R) warned county clerks not to marry gay couples who have come from states that ban same-sex marriage. Romney says he is trying to ward off what could be hordes of out-of-state residents flocking to the Bay State in hopes of getting hitched once those unions become legal on May 17 (BOSTON HERALD). • **COLORADO** Gov. Bill Owens (R) endorsed political neophyte Peter Coors, the head of the Coors Brewing empire, in the hotly contested race for a seat in the Centennial State’s U.S. Senate contingent. In doing so, Owens withdrew his endorsement of conservative Republican Bill Schaffer, a former U.S. Representative (DENVER POST). • **NEW MEXICO** Gov. Bill Richardson (D) has asked the Federal Elections Commission to delay taking action to close loopholes in the Bipartisan Campaign Reform Act until after the presidential election in November. Critics claim the Act allows advocacy groups not formally affiliated with a candidate or party to use unregulated money to buy campaign ads and conduct other campaign-related business (SANTA FE NEW MEXICAN). • **KANSAS** Gov. Kathleen Sebelius (D) announced that she is not interested in being a candidate for the vice-presidential nomination on the Democratic presidential platform (LAWRENCE JOURNAL-WORLD). • A **SOUTH CAROLINA** Senate Committee approved a bill that would limit governors to a single six-year term rather than two four-year terms. It heads to the Senate for consideration (CHARLESTON POST & COURIER). • The **CONNECTICUT** House and Senate overwhelmingly approved legislation that would keep thousands of documents private until the committee investigating Gov. John G. Rowland (R) decides whether to recommend his impeachment. It moves to Rowland, who has not indicated if he will sign it into law (ASSOCIATED PRESS) • **ARIZONA** Gov. Janet Napolitano (D) announced that all future state contracts will require that the work be performed in the United States (ARIZONA REPUBLIC).

— *Compiled by RICH EHISEN*

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Hot Issues

B **USINESS:** The **OKLAHOMA** Senate approves HB 2661, a controversial tort reform measure that caps both noneconomic damages and attorney’s fees for cases involving medical malpractice and defective products. It exempts cases of wrongful death. The bill moves to Gov. Brad Henry (D) (OKLAHOMAN [OKLAHOMA CITY]). • A **FLORIDA** Senate committee approves SB 1394, legislation that would prevent people from filing lawsuits that claim restaurant food made them fat. The bill, which has already been approved in the House, heads to the full Senate (ST. PETERSBURG TIMES). • **ARIZONA** Gov. Janet Napolitano (D) signs HB 2570, a bill that allows Grand Canyon State bars to serve liquor until 2:00 a.m. Stores will also be able to sell alcohol until that later hour (ARIZONA REPUBLIC).

CRIME & PUNISHMENT: The **MARYLAND** General Assembly approves the Maryland Spam Deterrence Act, which outlaws many of the methods senders of spam e-mails use to hide their identity. It also criminalizes sending e-mail to random addresses obtained from the Web. The measure heads to Gov. Robert Ehrlich Jr. (R), who is expected to sign it (BALTIMORE SUN). • A **COLORADO** Senate committee approves HB 1189, a measure that would require violent offenders to serve at least 75% of their sentence before becoming eligible for parole. The bill has already passed through the House and is now headed to the Senate floor (DENVER POST). • The **TENNESSEE** House approves a bill that would impose a \$1,000 fine on people who lie about their physical condition in order to obtain a handicapped placard for their car. It moves to the Senate (TENNESSEAN [NASHVILLE]). • The **MISSISSIPPI** House approves HB 6161, which would establish a task force consisting of both law enforcement and tax officials who could use tax evasion laws as a tool to go after drug dealers. The measure has been dubbed the “Al Capone bill” in reference to prohibition-era gangster Al Capone, who was reputed to have killed more than 20 people, but who was eventually sent to jail only for tax evasion. It heads now to Gov. Haley Barbour (R) (CLARION-LEDGER [JACKSON]).

EDUCATION: The **COLORADO** House Education Committee unanimously approves SB 189, a bill that would make the Centennial State the first in the nation to establish a school voucher system for college students. The bill

would apply to in-state undergraduate students, but would also allow those attending private universities to receive half of the annual \$2,400 stipend. It moves to the full House (DENVER POST). • Still in **COLORADO**, the Senate Education Committee also approves SB 208, which would designate any school where the number of violent incidents equals 10% of the school's population as "persistently dangerous." Such a tag would allow parents to send their kids to other schools within the district under federal No Child Left Behind laws. It moves now to the full House (DENVER POST). • **WISCONSIN** Gov. Jim Doyle (D) signs legislation that will allow parents to access information on library activities of their children under the age of 16. The law pertains to all publicly funded libraries (SHEBOYGAN PRESS). • A **FLORIDA** Senate committee unanimously passes SB 3036, a measure that would allow Sunshine State parents to choose between pre-kindergarten programs offered by the state and those in the private sector. It moves to another committee (ST. PETERSBURG TIMES).



ENVIRONMENT: The **MARYLAND** General Assembly approves legislation that would require state environmental officials to establish a collection system for used computer monitors, cell phones and other electronics by 2006. It heads to Gov. Robert Ehrlich Jr. (R) (BALTIMORE SUN). • **IOWA** Gov. Tom Vilsack (D) vetoes House File 2523, a bill that would have set limits for air pollution on all Hawkeye State livestock confinements. Vilsack says he vetoed the bill because it was too lenient toward the industry (DES MOINES REGISTER). • The **CALIFORNIA** Assembly Transportation Committee approves AB 2628, a measure that would allow drivers of certain hybrid vehicles to motor along in the freeway car-pool lanes even when alone. The new rules would apply to those hybrids that get at least 45 miles per gallon and meet the Golden State's strictest partial-emission standards. It heads now to the Assembly Appropriations Committee (SACRAMENTO BEE).

HEALTH: The **FLORIDA** Senate gives tentative approval to SB 1064, legislation that would make it easier for health care regulators to discipline doctors who overprescribe drugs. It would also make it a felony for Medicaid patients to sell their medications illegally. It has strong support in both the Senate and House (ORLANDO SENTINEL). • The **CALIFORNIA** Supreme Court rules that the state cannot impose stricter health warning requirements than those mandated by

the federal government for nicotine products designed to help smokers quit lighting up. The decision is in response to a state ballot measure that required companies that manufacture the products to have warning labels about their nicotine content (REUTERS).

SOCIAL POLICY: The **ARIZONA** Senate wavers on and then drops a plan to officially urge Congress to pass a constitutional amendment banning same-sex marriage. The proposal cleared the House as well as an initial vote in the Senate before failing by one vote to secure final approval (ARIZONA REPUBLIC). • The **KENTUCKY** Senate approves a proposed constitutional amendment that would ban same-sex marriages and deny legal recognition of civil unions. It will now go before voters in November (LEXINGTON COURIER-JOURNAL). • The **OKLAHOMA** Senate adopts HB 1821, a bill that would require birth certificates for children adopted outside of the state by same-sex couples to carry the name of only one parent. It moves back to the House (OKLAHOMAN [OKLAHOMA CITY]).

POTPOURRI: The **TENNESSEE** Senate rejects a bill that would have required drivers to restrain dogs riding in truck beds or face a \$50 fine (TENNESSEAN [NASHVILLE]). • An **ARIZONA** House committee reloads a bill that would allow patrons to carry guns into restaurants that serve alcohol. The measure had originally stalled, but was resurrected to pass 11-3 on its way to the full House (ARIZONA REPUBLIC). • A **LOUISIANA** House committee gives the green light to HB 188, a bill that would prevent Pelican State drivers from obtaining electronic devices that can change traffic lights. It passes to the House floor for debate (NEW ORLEANS TIMES-PICAYUNE).

In the Hopper

State Net's database tracks tens of thousands of bills in all 50 states at any given time. Here's a snapshot of what's in the legislative works:

- **Number of prefiles/intros this week:** 2,436
- **Number of prefiles/intros overall in 2004:** 98,178
- **Number of bills enacted/adopted this week:** 1,321
- **Number enacted/adopted overall in 2004:** 11,584
- **Total number of measures in State Net database:** 169,308

— Compiled By GINA HUMMELL
(2003-04 data current as of 4/9/04
Source: State Net)

— Compiled by RICH EHISEN

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Once around the statehouse lightly

CROSS REFERENCE. Lloyd Parks wanted it both ways. The mayor of Gould, ARKANSAS, is a Republican running for the state Legislature. But one job apparently wasn't enough for Parks who, The Associated Press tells us, also registered to run as a justice of the peace in Lincoln County. The double dip is legal, but Parks still had a problem because he neglected to read the fine print on the nominating form. As a result, his name was set to appear on the ballot as the Democratic candidate. That situation didn't sit well with the Democratic Party, which last week booted him off the ballot.

FIDO PROFILING. Racial profiling is a taboo these days, but apparently "doggy profiling" is in full flower, especially in COLORADO. According to the *Rocky Mountain News*, the city of Denver put 410 pit bulls to death last year although only 17 of the mutts had ever bitten anyone. The statistic surfaced when the Centennial State Legislature debated a bill (HB 1279) that makes it easier for dog-bite victims to recover damages from an owner even if the attack is the dog's first bite. A sponsor of the bill, Sen. Maj. Ldr. Mark Hillman (R) lamented Denver's policy, saying "the city of Denver ... has put to death a large number of dogs for no other reason than they looked like pit bulls."

A GOVERNMENT UNTO ITSELF. It consists of 35 square miles in central FLORIDA and has been in existence since 1967. And, reports the *St. Petersburg Times*, that may be the last time anyone in state government delved into the inner workings of the Reedy Creek Improvement District. But thanks to a 4-2 vote of the Sunshine State's Joint Legislative Auditing Committee, the Reedy Creek government will be subject to a review. The significance? Reedy Creek is a government run by Walt Disney World, which provides all district services except law enforcement. The state wants to see how the district operates in the event Walt Disney World is sold.

HOMETOWN TOUCH. It couldn't be just any voice. When the MISSOURI Dept. of Transportation sought a new voice for its traffic hotline, it wanted to make sure that information about accidents, traffic tie-ups and gridlock was delivered by



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