

June 16, 2008

Gay Marriage



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 ● The next issue of
 ● Capitol Journal will be
 ● available on June 30th.
 ●

Top Story

More than 100,000 same-sex couples are expected to apply for marriage licenses when a new CALIFORNIA law goes into effect this week. According to a new study, that could mean big bucks for the Golden State economy.

SNCJ Spotlight

Will gay marriage boost ailing Golden State economy?

When CALIFORNIA Gov. Arnold Schwarzenegger (R) joked recently that the state Supreme Court's decision to legalize gay marriage would mean big bucks for his financially strapped state, most observers took it as just another "Arnold being Arnold" moment. But with same-sex couples from across the state and around the country now lining up to take their wedding vows — and perhaps spend big bucks in the process — Schwarzenegger may soon have the last laugh.

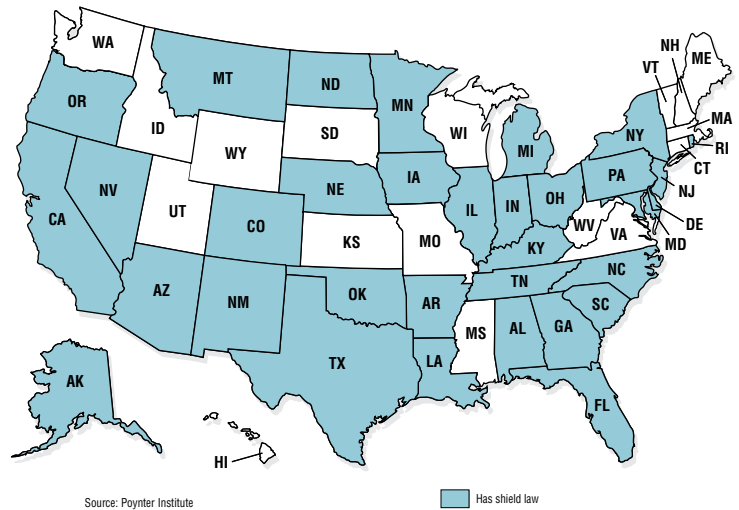


According to a new study from the University of California Los Angeles, more than half of CALIFORNIA's estimated 100,000 same-sex couples are expected to apply for marriage licenses when the new law goes into effect this week. The study also estimates that as many as 68,000 out-of-state couples could travel to CALIFORNIA to take advantage of the new law. MASSACHUSETTS — the only other state with legal same-sex marriage — does not allow out-of-state couples to marry if their union would not be legal in their home state, a caveat CALIFORNIA does not have. And while many couples will keep it simple, others are expected to celebrate their big event in style.

All of which, the UCLA study says, could generate as much as \$684 million for the CALIFORNIA economy over the next three years, creating 2,200 jobs along the way. More than \$70 million of that amount would go directly to state and local government coffers, with \$64 million in additional tax revenue for the state and another \$9 million in marriage-license fees for counties.

The bulk of the spending is expected to be on the usual wedding accoutrements, including cakes, decorations, clothing, jewelry, etc, but the benefits could also spread out to other industries as well. For instance, some Southern California wedding planners say that in the weeks right after the court decision, same-sex customers who were planning civil union ceremonies immediately switched to wedding plans instead. With that, many of those couples adjusted their budgets significantly upward to include home and landscape renovations in order to accommodate larger services or lavish parties to celebrate the event. Many in the wedding industry see this as just the first entre into what could be an enormously lucrative and previously untapped market.

Bird's eye view



State shield laws

Last May, the HAWAII Legislature approved HB 2557, a law which would make the Aloha State the 34th to give journalists at least partial protection from being forced to reveal their sources.



Gov. Linda Lingle (R) is expected to sign the measure into law. But many journalism advocates are pushing for a federal shield law, which has been creeping forward in Congress. That measure, the Free Flow of Information Act (S 2035), has been approved in the House, but has not been brought up for a vote in the Senate. Both presidential candidates, Democrat Barack Obama and Republican John McCain, have voiced support for the measure.





UTAH Attorney General Mark Shurtleff urged justices to delay the law’s effective date, saying “Absent a stay of the mandate in this case, that number [of lawsuits] will certainly be very large indeed...And unnecessarily so if a majority of California’s voters favor in November the proposed ballot measure.” Two conservative groups — Liberty Counsel in FLORIDA and the Alliance Defense Fund in ARIZONA also

asked for a stay until after the possible November vote

The high court, however, rejected both of those challenges. Undaunted, Liberty Counsel filed another suit last week with the 1st District Court of Appeal in San Francisco, arguing that the wording of the Supreme Court ruling allows the

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lower court to set the terms and schedule for implementing the decision. As of this writing, no ruling has been issued on that challenge.

But AGs may have less to fear than they think. A coalition of gay advocacy groups, from the American Civil Liberties Union to Lambda Legal, issued a six-page memo last week asking gay couples who marry in CALIFORNIA to refrain from

taking the issue to court when they return to their own state.

The memo further warned that the U.S. Supreme Court has traditionally refused to embrace major social change until a

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high number of states have already acted, and that the battle for marriage must be a strategic, state by state, court by court affair. “Bad rulings will make it much more difficult for us to win marriage, and will certainly make it take much longer,” the memo said.

For now, only two states will recognize gay marriages performed in CALIFORNIA. NEW YORK Gov. David Paterson (D) has already ordered the Empire State to recognize all marriages conducted in locales where they are legal, while RHODE ISLAND also recognizes those unions.

But while some gay couples are clearly preparing to make the most of their window of opportunity, others appear to be playing it closer to the vest, at least for now. The San Francisco Convention & Visitors Bureau, for instance, says it has yet to see the deluge of hotel or travel bookings some others claim to be getting, which many would take as odd for one of the most gay-accessible cities in the world.

But David Paisley, a consultant to the hotel and travel industry on gay and lesbian market research, says the bulk of the gay community may also be inclined



to wait and see what voters do in November before putting in the time and money for something that may get taken away again just a few months down the road. “If the window [for gay marriage] opens, hopefully it opens forever,” Paisley says. “So there’s no urgency right now.”

But others also note that it could be logistics more than the ballot measure that keeps some gay couples from tying the knot before November. June is traditionally the busiest month for weddings, with many venues and other wedding services booked at least a year ahead. That makes it tough for anyone who tries to squeeze a major event in over the next few months.

There is also some reason to believe that Californians are losing interest in barring gays from marriage. Although Proposition 22, the 2000 initiative that banned same-sex unions in CALIFORNIA (that initiative was not a constitutional amendment), passed with more than 60 percent of the vote, a recent Field Poll shows that 51 percent of voters now approve allowing same-sex couples to wed. Nationally, a Gallup/USA Today survey shows even greater acceptance of same-sex unions, with 63 percent of those polled saying such a union should be strictly a private decision.

Regardless of which way CALIFORNIA voters go in November, most observers believe the gay marriage issue will ultimately be decided by the nation’s highest court. “Eventually the U.S. Supreme Court is going to have to rule on whether states have to recognize same-sex marriages from Massachusetts and California,” says Duke University law professor Erwin Chemerinsky. “What [gay marriage advocates] want is to postpone that as long as possible because attitudes are changing quickly, and the more marriage equality gets entrenched, the more it is going to be widely accepted.”

(NEW YORK TIMES, LOS ANGELES TIMES, SACRAMENTO BEE, USA TODAY, STATELINE.ORG, THE FIELD POLL, STATE NET, WALL STREET JOURNAL, SAN FRANCISCO CHRONICLE, ABC NEWS.COM)

— *Compiled by RICH EHISEN*

Politics & leadership

GOP FACING MORE CONGRESSIONAL LOSSES: The 2006 elections were not good for congressional Republicans, who lost control of both houses after suffering heavy losses to Democrats. But the bad times may not be over, with some predicting further GOP losses in both chambers in November.

“A lot of Republicans thought that 2006 was the low point, and that simply isn’t the case,” said Nathan Gonzales, political editor for the nonpartisan Rothenberg Political Report, which has predicted Democrats will pick up eight to 12 seats in the House and three to five seats in the Senate.



against the governor. The memo, which ran 14 pages, compared corruption under the Blagojevich to a cancerous tumor that must be cut out. “One thing we learned from the [imprisoned former Republican Gov.] George Ryan case is that we should excise a tumor when it is first discovered; not leave it in the body to continue to spread and do further harm,” the memo stated. A spokesman for Madigan said the state’s Democratic Party, which Madigan chairs, sent the memo to a “bunch of candidates” who had requested information about impeachment. The state’s other top Democrat, Senate President Emil Jones Jr., didn’t support the action. “I think it’s wrong for the Democratic Speaker and Democratic Party Chairman to promote the impeachment of a Democratic Governor,” he said. “Impeachment is unwarranted in my opinion, and should not be used as a political tool.” (CHICAGO TRIBUNE)

POLITICS IN BRIEF: LOUISIANA Gov. Bobby Jindal (R) said last week he would let a bill (SB 672) that would triple legislators’ pay and which had already passed the Senate and been approved by a House committee become law without his signature. The governor said he didn’t want to give legislators any reason to sidetrack health care, education and tax initiatives he wants passed before the end of the session on June 23 (ADVOCATE [BATON ROUGE]). • **ALASKA** legislators are heading out on a tour of the state to get some face time with citizens before deciding whether to support a proposed \$500 million natural gas pipeline deal with a Canadian company. Hearings are tentatively scheduled over the next month in Fairbanks, Anchorage, Palmer, Soldotna, Barrow and Ketchikan (ANCHORAGE DAILY NEWS). • Eight incumbent **SOUTH CAROLINA** legislators were turned out of office in last Tuesday’s primary elections. Among the more notable casualties were six-term Rep. Bob Leach (R), who was defeated by retired businessman Bill Wylie in the GOP primary for District 21 and six-term Rep. Fletcher Smith (D), defeated by Greenville City Councilwoman Chandra Dillard in the Democratic primary for District 23 (WYFF4 [GREENVILLE]). • A **NEW YORK** Supreme Court justice ordered the Legislature last week to give the state’s 1,250 trial judges their first salary increase in 10 years. Justice Edward H. Lehner gave lawmakers 90 days to implement the raises, but the judges may have to wait considerably longer if lawmakers appeal the decision (NEW YORK TIMES).

— *Compiled by KOREY CLARK*

Governors

PATRICK TO PITCH NEW KIND OF SCHOOL: In a move that could lead to a major showdown with Bay State teachers unions, MASSACHUSETTS Gov. Deval Patrick (D) is poised to propose a new kind of public school that



would, in the words of one school official, “radically transform” the current system.

Patrick’s plan would create “readiness schools” free of most state curriculum and hiring guidelines, similar to private charter schools. The new system would in theory adapt course offerings, clothing policies and even the length of the school year to each community’s particular needs. The schools would be governed by local boards rather than by districts and the state.

Some education groups have voiced tentative support for the idea, including the powerful Massachusetts Teachers Association, which boasts nearly 108,000 members. “We are open to other ways of doing things,” said MTA president Anne Wass. “Certainly we’re not negative. We’re willing to work with the administration on this.”

But other unions are also waiting to hear more details before they come down one way or the other. “We’re open to new ideas, but we’re interested in protecting collective bargaining rights,” said Thomas Gosnell, president of the 27,000-member American Federation of Teachers Massachusetts.

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While the readiness schools share many similarities with charter schools, they would have different governance. Most charter schools are governed by the state, while local school committees would oversee readiness institutions. The new schools could also be created from existing public schools. And unlike charter schools, which typically admit students through a lottery system and often have long waiting lists, readiness schools would be open to all students in a district and have no admissions criteria.

Patrick plans to take his proposal to lawmakers later this month. If they approve the plan, the first schools would be open for the 2009-2010 school year, with a goal of having 40 of the new schools open within four years. (BOSTON GLOBE)

JINDAL GETS VOUCHERS: The LOUISIANA Senate handed Gov. Bobby Jindal (R) a major victory last week, approving HB 1347, a \$10 million school voucher proposal that could allow as many as 1,500 low- to middle-income students in New Orleans to attend private schools at taxpayer expense. The bill faces one more vote in the House to review minor changes made in the Senate, but most observers

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: 283

Number of Intros last week: 1,216

Number of bills enacted/adopted last week: 1,123

Number of prefiles to date: 20,344

Number of Intros to date: 83,692

Number of bills enacted/adopted overall to date: 21,311

— Compiled By JAMES ROSS
(measures current as of 06/012/2008)
Source: State Net database



House approves SB 144, which would allow Pelican State judges to order chemical castrations for convicted rapists and other sex offenders. It returns to the Senate (ADVOCATE [BATON ROUGE]).

EDUCATION: Education officials in **ARKANSAS** approve a statewide code of ethics for the Razorback State's 60,000 licensed teachers. The new code includes maintaining a professional relationship with each student and keeping job skills current (ARKANSAS DEMOCRAT GAZETTE). • The **LOUISIANA** House tables HB 199, which would have allowed people with a concealed-carry weapons permit to tote guns on college campuses. The author said the measure did not have enough votes to pass (TIMES-PICAYUNE [NEW ORLEANS]). • The **LOUISIANA** House endorses SB 733, which would allow Pelican State science teachers to use supplemental materials when teaching subjects such as evolution, global warming, cloning and the origin of life. Those materials could only be utilized upon a request by a local school board and after approval by state education officials. The measure moves back to the Senate (TIMES-PICAYUNE NEW ORLEANS)).

ENVIRONMENT: The **OHIO** House unanimously approves the Great Lakes Compact, a measure that would prevent most diversions of water from the lakes' basin. The measure moves to Gov. Ted Strickland (D), who has said he will sign it into law. The Buckeye State will become the sixth to adopt the Compact, joining **ILLINOIS, INDIANA, MINNESOTA, NEW YORK** and **WISCONSIN**. Lawmakers in **PENNSYLVANIA** and **MICHIGAN** are still mulling similar proposals (AKRON BEACON JOURNAL). • **VERMONT** Gov. Jim Douglas (R) signs legislation that declares groundwater a public trust and requires businesses that withdraw 20,000 gallons a day or more to file a report on that usage with the state. Businesses would need a permit for withdrawal of more than 57,000 gallons, effective July 2010. Most farming operations will be exempt (BURLINGTON FREE PRESS). • The **DELAWARE** Senate approves SB 263, which would force utilities to buy credits for each ton of carbon dioxide they release into the atmosphere. The money would be earmarked for public energy conservation programs, clean energy projects, financial assistance with energy bills for low-income residents and similar initiatives. It moves to the House (NEWS JOURNAL [NEW CASTLE-WILMINGTON]).

HEALTH & SCIENCE: The **LOUISIANA** House gives final approval to HB 318, which would require health insurers to cover the cost of prosthetics up to \$50,000 per limb per year. It moves to Gov. Bobby Jindal (R) for review (ADVOCATE

In case you missed it

Plastic bags, once considered an environmentally friendly alternative to chopping down trees to make paper ones, have become an ecological nightmare. As we reported in the June 9 issue of SNCJ, states are now aggressively looking to turn retailers and shoppers to other options

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

http://www.statenet.com/capitol_journal/06-09-2008/html



Republican running for lieutenant governor, began to choke on a piece of food. The quick-thinking Huckabee applied the Heimlich maneuver, clearing Pittenger's throat. Pittenger, who has recovered fully, called the former gov's actions "typical Mike Huckabee," adding that "He's just a decent fun guy who cares about people."

CONGRESSWOMAN DEADBEAT: It has been quite a ride for CALIFORNIA Rep. Laura Richardson, a CALIFORNIA Democrat who in less than a year's time went from being a city councilwoman to punching her ticket to Congress, with a brief stop in the state Assembly along the way. But Richardson has been better known of late for a messy default on the mortgage of a Sacramento home she bought during her very brief stay under the Capitol dome. While that made national headlines, it is far from Richardson's only recent financial fiasco. As the *Los Angeles Times* reports, she has defaulted on home loans at least six times since 2004, and has similarly run out on a variety of car repair bills and other financial obligations. Undaunted, Richardson is now trying to reclaim the Sacramento house, which has already been sold to someone else.

COPY THAT: If imitation is the sincerest form of flattery, then MICHIGAN should be downright honored by a recently released report from a GEORGIA commission that outlines a "new vision" for the Peach State's mental health care system. That's because, reports the *Atlanta Journal Constitution*, the bulk of the report was lifted directly from a similar MICHIGAN study published in 2004. The GEORGIA report also apparently kiped heavily from other works as well, though none as much as the MICHIGAN document. The plagiarism was in many cases word-for-word, often appearing to have been directly cut and pasted from other sources, all without attribution. One GEORGIA mental health official admitted she had never seen one state plagiarize another, saying such documents "usually reflect the unique characteristics of the state."

BRIDGE TO SOMEWHERE: At least that is what it the old Route 2 bridge between Middlesex and Moretown in VERMONT could be for the right person. As the *Rutland Herald* reports, state officials have deemed the 80-year-old steel truss bridge to be unsafe, meaning it has to be replaced. But the Federal Highway Administration also lists the span as "historic," meaning that the bridge has to be put up for sale for 30 days before it can be torn down and replaced. It is clearly a golden opportunity for anyone who has ever dreamed of having their very own bridge, albeit one that, given its current condition, a buyer may not want to drive, you know, actual cars on.

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