During Massachusetts state Senator Scott Brown’s successful campaign for the U.S. Senate, the chant among his supporters—and in the media—was “41, 41, 41,” meaning, of course, that his victory would give Republicans their 41st vote in the Senate. But Brown also becomes the 41st member of the U.S. Senate to have previously served in a state legislature. Like President Obama and a handful of others, he made the jump to the U.S. Senate directly from a state senate.

Debbie Dorris Koreski is the new chief of staff for Oregon Speaker Dave Hunt. She had been Hunt’s legislative director since 2007 when he became majority leader. He was elected speaker last year. She replaces Jeanne Atkins, who left to become state director for U.S. Senator Jeff Merkley, who preceded Hunt as Assembly speaker.

The Oklahoma Republican Caucus has “voted to place policy over politics” and not elect the next Senate president pro tem designee until after the November general election. Senator Glenn Coffee is the current pro tem in the term-limited state—the first Republican ever to hold that position. Coffee was co-president pro tem in 2007-2008 with Senator Mike Morgan while the Senate was tied 24-24. Republicans took control by a two-seat margin in 2008 for the first time since statehood in 1907. Coffee is unable to run for re-election in 2010 because of term limits.

California Assemblyman Martin Garrick has been named Republican leader by his caucus, replacing Sam Blakeslee who will leave office this year because of term limits. Garrick was assistant Republican leader last session. He started his political career on Ronald Reagan’s White House transition team and later as the administration’s deputy liaison for the House and Senate. Elected in 2006, he promised to hold a hard line against tax increases to deal with California’s severe budget deficit.

Long-time Wisconsin lawmaker Alan Lasee, former Senate president and 36-year veteran of the Wisconsin Legislature, announced he is retiring. The 72-year-old llama, camel and fainting goat farmer was elected to the Assembly in 1974 and moved to the Senate in a special election in 1977. He lost his leadership post in 2007 when Democrats took control of the Senate.

For the first time in more than 40 years, the West Virginia House of Delegates’ sergeant-at-arms was not on the job when the governor gave his state of the state address. Oce Smith, 72, the longest serving sergeant-at-arms in the state’s history, was recuperating from an aortic dissection he suffered nearly a year ago. But he watched the speech on television and keeps up with politics through the newspaper and friends at the Capitol. House Majority Whip Mike Caputo says Smith has been a source of guidance to numerous legislators throughout the years. “People just don’t know how many times delegates will go to Oce for advice.” Smith hopes to return, but predicts a quiet session with the election coming up.

Utah Representative Christine Johnson is expecting more than the usual hectic legislative session this year. She is expecting a baby. Not so unusual perhaps, but Johnson, a lesbian, is the surrogate mother for two gay men. She decided to become impregnated with the sperm of one because state law prevents unmarried couples from adopting a child, and Utah does not recognize gay marriage. Johnson, 41, has a 17-year-old daughter from a two-year marriage. The new baby is due in June.
The recession has created serious revenue shortfalls, and some states are partially plugging the gaps by raising taxes and fees. Tobacco tax increases account for about $1.9 billion—6.7 percent—of the $28.5 billion in total tax increases enacted for FY 2010. Taxes on tobacco take two forms: taxes levied on cigarettes on a per pack basis, and taxes levied on other tobacco products such as cigars, snuff and chewing tobacco.

Last year, 17 states, the District of Columbia and the federal government raised tobacco taxes. Twenty-seven states now levy more than $1 in taxes per pack of cigarettes. Fourteen states, Washington, D.C., and Puerto Rico levy a tax of $2 per pack or higher. And Connecticut and Rhode Island tax at $3 and $3.46, respectively.

Nine states raised taxes on cigarettes and other tobacco products. And Maine, New York and Texas raised taxes on cigars, snuff and chewing tobacco but left cigarettes alone in 2009.

And in Colorado, lawmakers eliminated the sales tax exemption for cigarettes.

CHECK OUT more information on tobacco taxes and other tax changes at www.ncsl.org/magazine.
Working 4 Utah Is Working

Working for the government hardly brings to mind a regular three-day weekend, but for Utah state employees that is the norm. Utah became the first state to go to a four-day work week for most state employees under a one-year pilot program that began in August 2008. Called Working 4 Utah, the goals of the project were to expand the hours government services would be available to citizens, while reducing energy use and costs. A final report on results of the program was issued in December 2009, and Working 4 Utah was deemed a success.

Most of the state’s employees work four 10-hour days, from 7 a.m. to 6 p.m., and take every Friday off. Schools, courts and correctional facilities aren’t included, but almost all other departments—and more than 900 state buildings—are closed on Fridays.

The savings have been significant. Energy use in state buildings is down by 10.5 percent, generating more than $500,000 in savings. Another $200,000 was saved on custodial costs, plus an additional $200,000 in operational expenses. The use of state cars also decreased, resulting in a savings of almost 524,000 gallons of gas. Greenhouse gas emissions were reduced by more than 10,000 metric tons for the year, based on decreased vehicle and building usage.

The employees like their new schedules; 82 percent are glad the program is continuing. Two unanticipated benefits have been a 30 percent decrease in overtime costs and a reduction in absenteeism.

Citizens, as well, support the new schedule since state services are now available for longer days, allowing them to get what they need without having to take time off from work. More than 70 percent of the public believe the new schedule has been a good way for the state to save money.

Other states have flexible schedules for state workers, but no other states close for one day a week. Only Washington has tried anything similar, and it includes just a few agencies, not entire departments.

STEALING STEEL

The current high demand and going price for metals such as copper and aluminum have encouraged thieves to steal wiring, piping and cables from empty homes and utility properties and sell their bounty to scrap metal dealers and recyclers.

In 2009, 25 states introduced legislation to more closely regulate scrap metal dealers and create penalties for stealing metal or purchasing stolen metal.

Indiana, for example, now requires a valuable metals dealer to photograph all sellers and to record the source of the metal. The law also removes a provision exempting valuable metal transactions under $100 from reporting requirements. Kansas passed a law that requires dealers to keep a record of a scrap metal seller’s sex, date of birth, and driver’s license or passport identification number.

Damaging utility property—including irrigation and water conservation property—is now a crime in Arizona. The law also prohibits purchasing a catalytic converter except by a motor vehicle repair business or recycler and prohibits purchasing certain metals altogether. Connecticut law makes the theft of equipment used to provide telecommunication services a third-degree larceny if it causes an interruption in emergency services.

Illinois can now seize any vessel, vehicle or aircraft used in an attempt to steal precious or scrap metal. And a defendant in Utah is now liable for damages caused during the theft of regulated metal; the victim also can bring civil action for damages.

State lawmakers also looked at regulating scrap metal recyclers. Illinois now includes iron, steel and other ferrous metals in the definition of “recyclable metal” and requires a recyclable metal dealer to record certain information for each transaction involving metal street signs.

Several states have bills pending, ensuring this issue will stay on legislative agendas for at least another year.

CHECK OUT a comprehensive list of new state laws at www.ncsl.org/magazine.
Juvenile Life Without Parole on Trial

Is sentencing adolescents to life without the possibility of parole cruel and unusual punishment? Last November, the U.S. Supreme Court heard arguments on whether some young criminals are beyond rehabilitation. The two cases, Graham v. Florida and Sullivan v. Florida, both deal with juveniles sentenced to life without parole for offenses other than homicide.

Terrance Graham, now 22, was given a life sentence without parole at age 17 after he violated probation on an armed robbery charge. Sullivan focuses on an even rarer class of juvenile offenders—those who were sentenced to life without parole for crimes committed before turning 14. Joe Harris Sullivan, now 33, had a juvenile record for burglary, assault and killing a dog. He was sentenced to life without the possibility of parole at age 13 after robbing and raping an elderly woman. Sullivan is also mentally disabled.

Attorneys for both men argued their sentences were unconstitutional because they did not take into account a juvenile’s capacity for rehabilitation and how the possibility of parole may give adolescents a reason to change.

Under federal law and in 41 states (Kentucky’s law is under court challenge), children under age 18 who commit serious crimes are automatically considered adults for criminal justice purposes. Currently, approximately 2,500 people are serving life sentences without parole for crimes committed as juveniles; 111 are for crimes other than homicides.

The High Court struck down the death penalty for juveniles in the 2005 Roper v. Simmons case. The court found that the penalty of death was cruel and unusual punishment, in part because teenagers are irresponsible, immature and susceptible to peer pressure and often are capable of rehabilitation. The court cited new studies on adolescent brain development that show juveniles lack the requisite culpability for their crimes.

In 2006, Colorado abolished sentencing juveniles to life without parole. California, Michigan and Congress have considered, but not yet passed, similar measures. Advocates argue that the United States is the only country in the world that sentences adolescents to life without parole, and children who commit crimes should be given a chance at rehabilitation. Opponents argue juveniles need to be held responsible for serious crimes, and that these sentences can keep dangerous people off the streets.

The U.S. Supreme Court is expected to rule soon on Graham and Sullivan.

TAX CREDITS FOR WORKING FAMILIES

The long-standing federal Earned Income Tax Credit (EITC) puts cash into the hands of working poor families, and that can benefit local and state economies. The federal program delivered $48.7 billion to low-income workers in 2008. And 22 states offer additional tax credits. But too few people take advantage of the credit.

The amount a family can collect varies depending on income and the number of children. This year, families with one child and income less than $35,463 qualify for up to $3,043; families with two children and income less than $40,295 can receive up to $5,028. Even those without children may be eligible.

State lawmakers can work with their state or local EITC outreach campaigns and include information about the credit in their newsletters and on their websites. They can also encourage constituents to use free tax preparation services. A tax return must be filed in order to receive the credit as a refund.

CHECK OUT more EITC resources at www.ncsl.org/magazine.