



Taking The Lead: An Interim Report on State Legislative Successes in Enacting Progressive Policy





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For More Information

For more information on policy options discussed in this program or help in your states, we will be adding additional details in coming months at www.progressives-tates.org and feel free to contact:

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The 2006 elections sent a clear message that voters wanted a more progressive turn in public policy.

At the federal level, even the new Congressional leadership has been stymied in delivering that change in the face of partisan gridlock and filibusters, but state governments have seen sweeping reforms. On issues ranging from health care to clean energy to electoral reform to assisting working families, state leaders have stepped up and delivered often precedent-setting reforms. Even on issues like the minimum wage where we have seen some federal action, many states are still delivering higher wage standards and bolder leadership. And on other national issues, states in 2007 took leadership in demanding fairer trade deals and an end of the escalation in Iraq.

The bottom line is that states are driving progressive change in the nation.

Why Progressive Policy is Winning

The rising importance of progressive state policy is not an accident. As the Progressive States Network detailed in our 2006 report, *Governing the Nation from the Statehouses: The Rightwing Agenda in the States and How Progressives Can Fight Back*, the rightwing in our nation has for decades understood the power of statehouses and invested the resources to push their agenda using state policy. While progressives may not be able to match the monetary resources of the Right, in recent years progressives have increasingly focused resources to support forward-thinking state legislators—including the creation of the Progressive States Network itself—arming them with the policy and campaign resources needed to take on the

special interest lobbyists and enact legislation that benefits the public interest.

The state successes detailed in this report are the result of two changes at the state level: the public opinion that brought new progressives into state leadership positions, and the greater grassroots support those legislators are now able to tap into to move public policy. Even where state leadership has remained the same, we have seen a shift in policy as even more conservative state leaders recognize the need to respond to shifting public opinion and the new mobilization by progressives in the states.

The Report

This report is divided into two sections. The front section details by policy area the overall gains made in the states, including **Protecting Working Families, Expanding Health Care to All, Promoting Clean Energy and Jobs**, and a range of other issues. The second section lists short summaries of achievements (and a few set-backs) in each of the states that have already finished their legislative sessions. This second section highlights which states are taking the lead as policy innovators and those that are still mired in the status quo by big moneyed rightwing interests.

This report is very much an *interim* report, no doubt missing some additional important innovations enacted by various states that we could not mention due either to time or space constraints. We will follow up with a fuller report later in the summer to include both a more detailed explanation of all of the issues mentioned here and to include additional states as they complete their legislative sessions.

In preparing this report, we are grateful both to our many organizational partners (listed in the inside cover) with which Progressive States Network works and to the funders who make our work possible.

Some State Success Highlights

Protecting Working Families

- Raising the Minimum Wage:** New Mexico, Iowa, Kentucky, New Hampshire, South Dakota
- Indexing Minimum Wage for Tipped Workers to Inflation:** Vermont
- State Living Wage Law:** Maryland
- Paid Family Leave Law:** Washington State
- Creating or Expanding Earned Income Tax Credit:** Iowa, New Mexico, Kansas
- Removing the Poor from Income Tax Rolls:** Arkansas, Hawaii, Virginia
- Allowing Day Care Workers to Unionize:** New York
- Majority Signup for Public Employees:** New Hampshire
- Resolutions in Support of Federal Labor Law Reform:** Alabama House, Hawaii House, Illinois House, Kentucky House, Michigan House, Minnesota Senate, Wisconsin Senate, West Virginia House

Clean Energy and Jobs

- Creating or Expanding Renewable Energy Standards for Utilities:** Colorado, Minnesota, Oregon, New Hampshire, New Mexico
- Comprehensive Global Warming Law:** Iowa
- Creating Climate Change Commissions:** Florida, Maryland, Arkansas, Texas, Washington
- Greenhouse Gas Emission Reduction Targets:** Minnesota, New Jersey, Washington, New York
- “Clean Cars” Emission Standards:** Maryland

Health Care for All

- Expanding SCHIP Health Coverage for Kids:** Washington, Hawaii, Indiana, New York, Ohio, Oklahoma, Tennessee
- Creating Commissions on Universal Coverage:** Colorado, Kansas, Iowa, New York
- Regulating Health Insurance Premiums:** Colorado
- Regulating Prescription Drug Marketing Tactics:** Vermont, Iowa

Other Key Issues

- Election Day Registration:** Iowa
- Permanent Mail-in Voter Option:** Colorado
- National Popular Vote:** Maryland
- Voter-Verifiable Paper Ballots:** Iowa, Florida, Maryland, Virginia
- Resolutions against Iraq War Escalation:** chambers in Arizona, California, Colorado, Connecticut, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Oregon, Vermont, and Washington State
- Resolutions against “Fast Track” Trade Deals:** chambers in Alabama, Hawaii, Nevada, Maine, Montana, Pennsylvania
- Domestic Partnerships or Civil Unions:** New Hampshire, New Jersey, Washington State, Oregon
- Banning Anti-Gay Discrimination:** Iowa, Oregon, Colorado
- Protecting Contraceptive Equity:** Connecticut, Oregon, Colorado
- Repealing Abortion Parental Notification Law:** New Hampshire
- Mapping Broadband Access & Digital Divide:** Washington State



Protecting Working Families

With working families facing rising economic inequality and job pressures that often strain their ability to make ends meet and take care of their children, state leaders have been stepping up to address those needs, including raising wage standards, establishing family leave programs, easing the tax burden on the working poor, and strengthening the freedom to form unions.

Minimum Wage

Propelled by ballot victories in Fall 2006 and new progressive majorities in a number of states, the momentum for minimum wage victories continued across the country. **New Mexico, Iowa, Kentucky, New Hampshire** and **South Dakota** all increased their minimum wage rates this legislative session, bringing the total to 34 states plus the **District of Columbia** which have raised the minimum wage above the previous federal minimum wage rate. **North Dakota** and **Indiana** passed bills this year to bring their local minimum wage rate up to the new recently enacted federal minimum wage rate as it increases.

While other states passing the minimum wage this year will match the newly enacted federal rate of \$7.25 by 2009, **New Mexico** has scheduled its minimum wage rate to rise to \$7.50 per hour by 2009, meaning that New Mexico will join eleven other states that will continue to have higher minimum wage rates than the scheduled federal rate increases into 2009. A few other states whose minimum wages are indexed to inflation will also soon then pass the federal rate as well. Given the decade-long decline in the federal minimum wage due to inflation and federal inac-

tion, indexing more state minimum wage laws to inflation will likely be a focus of coming legislative sessions.

In a number of states like **Montana** and **Missouri**, legislators sought to weaken recent voter-approved minimum wage laws, particularly in trying to undermine pay protections for tipped workers. Those efforts were largely beaten back and, in **Vermont**, the legislature increased the minimum wage for tipped workers and indexed it to inflation, just as the minimum wage in that state for other workers is indexed to inflation as well.



Indexing
of Minimum
Wage

► **Why It Moved:** First starting in a handful of states, the movement to raise the minimum wage has swept through states across the country—and now to the federal level—by framing the right to receive a decent wage as both an economic need for affected families and as a moral imperative to, as a society, give work the dignity of a decent wage. Broad coalitions of labor unions, religious leaders, community organizations, and a range of other allies played critical roles in different states in winning these victories.

One reason New Mexico enacted a higher wage rate than a number of other states is that local activists in both Albuquerque and Santa Fe enacted city-wide minimum wage laws, putting pressure on the state to act—a lesson on how local pressure can beget state action, just as state action helped force federal action on the minimum wage by example.

Living Wage

Even as states have raised wages for the lowest-paid workers through the minimum wage, other states are expanding their focus on promoting living wages for a broader sector of workers. This year, **Maryland** became the first state to enact a statewide “living wage” law, HB 430, requiring government contractors to pay their employees a decent wage, in the bill ranging from \$8.50 an hour in rural areas to \$11.30 an hour in areas of the state with higher costs of living.

Maryland and California legislatures approved state living wage bills in past years, only to see them vetoed by their governors then, so this revival of the **Maryland** living wage law under a new, more progressive Governor is welcome. Other states are looking at both living wage laws for government contractors and at setting higher wage standards for specific industries like the big box retail sector.

► **Why It Moved:** Maryland follows the 145 local governments around the country that have required that public contracts go to companies that pay their workers wages above the poverty line. Given that Baltimore originated the first in a wave of municipal-level living wage laws back in 1994, it was appropriate that Maryland would enact the first statewide version. An array of labor, religious and community organizations came together on the living wage law united by the argument that government funds should not subsidize poverty, especially when government contractors often end up creating additional health care costs for those governments by paying employees poverty-level wages. Aiding the success of the campaign were recent studies indicating that because living wage laws



“ This law lifts tens of thousands of families out of poverty and into the middle class. Today Maryland shows the rest of the country a good way to honor work and fight poverty.”

—TOM HUCKER, *Maryland Delegate*

reduce turnover and thereby create greater efficiencies, they have not significantly increased costs for the governments that have implemented them.

Family Leave and Valuing Families Legislation

Forming another important new wave of legislation are laws backed by progressive leaders that help employees better balance the demands of work and family.

■ **Paid Family Leave:** **Washington** became the second state to enact paid family leave for new parents, following the precedent sent by **California** in 2004 when its paid leave law went into effect. Under the Washington law, full-time employees at firms employing 25 employees or more can take five weeks of pay at a rate of \$250 per week. While advocates hope to extend paid leave to employees caring for family members and increase the benefit levels over time, the passage of the Washington law helped energize paid leave efforts in states around the country.

The **Oregon** House has already approved a paid leave policy of \$350 per week for six weeks, **New Jersey** is debating a policy allowing twelve weeks of leave at \$502 in weekly benefits, and, in the wake of the Washington bill’s passage, **New York** Governor Spitzer unveiled a proposal for twelve weeks of paid leave (although at the relatively miserly rate of \$170 per week).

■ **Paid Sick Days:** Along with paid leave, another pro-family workplace reform being debated in state legislatures around the country is the requirement that employers guarantee their employees some number of paid sick days per year, allowing them to remain home when sick or to care for a loved one who is ill. San Francisco has already enacted a city-wide paid sick days law, and family advocates and their allies will be fighting for enactment of statewide versions for the remainder of this year and into the 2008 legislative session. The **Con-**



“ I feel relief after the hard struggle and also joy that the Washington legislature has committed to a Family Leave program. There are many important steps still to be taken to get it right, but we are on the way!”

—LISA BROWN, *Senate Majority Leader*



necticut State Senate approved a paid sick days bill, becoming the first chamber in the nation to do so, but the bill failed to pass the Connecticut House before the session ended. **Oregon** this year, however, did follow seven other states in at least allowing those workers who have sick day benefits to also use them to care for a sick child or parent.

- **Honoring Breastfeeding:** One other example of valuing families legislation is the bill **Oregon** enacted requiring employers with 25 or more workers to allow mothers to pump breast milk at work during breaks, a law that follows twelve other states in protecting breastfeeding rights at work. **West Virginia** and **Wyoming** also passed laws that more generally protect the right of mothers to breastfeed in public.

► **Why It Moved:** Like the minimum wage, messaging around these bills helped to bring together a diverse range of allies around the shared value of offering real help to families as an alternative to the empty “family values” rhetoric of the rightwing. Passions around the paid leave law campaign in Washington generated 14,000 emailed letters and hundreds of phone calls, along with many direct delegations to legislators.

Advocates of paid leave have highlighted the fact that the United States is the ONLY developed nation in the world without paid leave for parents—a glaring contradiction to the “family values” rhetoric of so many politicians. Progressive political leaders are increasingly promoting issues like paid leave and paid sick days as a way to emphasize the ways their progressive values serve the needs of families struggling to make ends meet and balance their work and family commitments.

Rewarding Work in the Tax Code

As a complement to the minimum wage, one of the best policies for demonstrating a commitment to rewarding work is an Earned Income Tax Credit (EITC), payments that supplement every dollar earned by low-income workers. **New Mexico** became the latest state to create a state version of the EITC, tacking on an additional 8% to what the federal EITC offers workers, creating an estimated credit averaging \$144 for 200,000 New Mexico families who qualify.

Iowa slightly expanded its EITC this year to 7% of the federal credit amount, but more importantly made the

credit refundable for workers too poor to owe state income taxes. **Kansas** also expanded its EITC state program by \$46 million over the next five years. The **Illinois** Senate approved a doubling of that state’s EITC to 10% of the federal credit with strong hopes that the House will join in enacting the bill as well.

In **Arkansas** this year, the state enacted broad relief for the working poor by removing 81,000 lower-income families from the income tax rolls and reducing the grocery tax in half. Meanwhile, **Virginia** passed similar legislation removing up to 140,000 lower-income residents from the tax rolls, including all married couples with a combined income of less than \$23,900 and individuals who earn less than \$11,950. **Hawaii**, which has traditionally had one of the highest income tax rates on the working poor, this year enacted a progressive tax relief plan that targeted \$245 million in tax benefits for the poorest Hawaiians. In an unusual move, the state didn’t feel a need to include a package of tax giveaways for the wealthy to justify this tax relief for working families.

► **Why It Moved:** The reality is that in almost every state in the nation, lower-income families pay a HIGHER percentage of their income in taxes than the wealthiest taxpayers, largely because of regressive sales and excise taxes that burden poor consumers more than the wealthy. State leaders increasingly see making the income tax more progressive—as well as enacting state EITCs—as the best way to counter-balance other regressive taxes. More sophisticated tax analysis by both national and local policy organizations, combined with grassroots mobilization in the states, helped push through these tax reforms benefiting working families.

Expanding the Freedom to Form Unions

States have increasingly been taking action to promote the freedom for workers in their states to form unions:

- **Day Care Unionization:** In **New York**, Governor Spitzer this spring signed an executive order giving 60,000 home-based child care workers the freedom to form unions to strengthen their ability to bargain with the state for better pay and working conditions. The **Oregon** Senate has approved a bill to ratify as law a similar administrative decision by Oregon Governor Ted Kulongoski.



Making
State EITCs
Refundable

- **Majority Signup for Public Employees:** A number of states are also moving to make it easier for public employees to join unions, allowing unions to be formed when the majority of workers sign union authorization cards. Such “majority signup” bills have been approved by the **New Hampshire** legislature and by the **Massachusetts** House, **Oregon** House and **Vermont** House.



Majority
Signup

- **Supporting Federal Labor Law Reform:** The **Alabama** House of Representatives, the **Hawaii** House, the **Illinois** House, the **Kentucky** House, the **Michigan** House, the **Minnesota** Senate, the **Wisconsin** Senate and the **West Virginia** House have all passed resolutions supporting the federal Employee Free Choice Act to increase penalties for companies violating employee rights and legislating majority signup rules for private employers.
- **Worker Freedom Acts:** To prevent ideological coercion in the workplace, states are proposing bills that give workers the right not to attend employer-sponsored meetings on politics or religion that are unrelated to their job requirements. The **New Hampshire** and **Oregon** House chambers have both passed Worker Freedom bills while legislation is still being in other states.
- **Public Money Accountability Laws:** Both to protect taxpayer interests and workers rights, the **Oregon** House has also approved a law that would bar private employers who receive public contracts from using public money to undermine union organizing.
- ▶ **Why It Moved:** While the minimum wage and other laws can raise living standards for some workers, the most effective way to raise living standards across the economy is to strengthen the ability of employees to negotiate better deals in their own workplaces, namely through stronger union protections. Stronger unions in a state correlate with less wage inequality between men and women and between whites and non-white workers. For these reasons, civil rights and community organizations have increasingly been joining with unions themselves to strengthen labor rights through state laws.



Health Care for All

Without question, health care reform is on the agenda for statehouses around the country—and many states are passing serious initiatives to expand coverage and considering even more comprehensive plans to attain health care coverage for all and rein in rising health care costs for consumers.

2007 is the Year of the Kids

Over the past year and a half, 29 states have enacted or considered health care expansions aimed at children. Many of these build on **Illinois'** 2005 "AllKids" reform and a similar reform in **Pennsylvania** in 2006. Many initiatives expand eligibility for the State Children's Health Insurance Program (SCHIP) to 300% of the federal poverty level (roughly \$60,000 for a family of four) or higher. They frequently seek to ease administrative barriers to enrollment and improve outreach to ensure that eligible children are signing up.

Of course, these efforts rely on Congress and the Bush Administration reauthorizing and expanding the SCHIP program, but the activity in states serves to put pressure on the federal government to come to the table in a meaningful way.

- **Raising Eligibility Levels:** New York has raised eligibility standards for SCHIP to 400% of the poverty level (\$82,600 for a family of four) and families with higher incomes will also be able to purchase the coverage at full-cost, which is expected to be cheaper than private options. Coverage will be guaranteed to

250% of the poverty level and require sliding scale premiums from 250% to 400% of the poverty level.

- **Making Children's Coverage an Entitlement:** Washington State has created a new entitlement program guaranteeing health care for children with family incomes up to

250% of the poverty line (\$51,625 for a family of four). By doing so, Washington is taking kids out of the budget fight. Enrollment in the program is not contingent on the budget because funding is guaranteed, at least to 250% of poverty. On top of the entitlement to 250% of poverty, the state has

budgeted for coverage to 300% of poverty starting in 2009. The program will have sliding scale premiums subsidies for families whose income is between 200% and 300% of poverty and allows for a full-cost buy-in for higher-income families. The legislation also includes several public health and school health programs to improve the overall health of children.



New York:
SCHIP
coverage to
400% of
poverty line



**Making
Health
Coverage an
Entitlement**

- **Making Kids Care Free:** Hawaii, which already expanded SCHIP eligibility to 300% of poverty in 2006, has enacted a three year pilot project that eliminates monthly premiums in public programs for children of families earning up to 300% of poverty.
- **Kids Gain in Red States:** Despite a newly rightwing legislature, **Oklahoma** enacted the “All Kids Act”, raising SCHIP to 300% of poverty. A downside is that the program purchases coverage from private insurers, which may help explain the support the initiative received from conservatives.

Also in 2007, **Ohio** and **Indiana** expanded SCHIP to 300% of poverty. Prior to this year, **Pennsylvania**, **Massachusetts**, **Vermont**, **Connecticut** and **New Hampshire** had all set SCHIP eligibility at 300% of poverty while **New Jersey** brought the level to 350%. Tennessee expanded SCHIP to 250% and allows higher income families to buy the coverage at full cost.

► **Why it Moved:** Many health care advocates believe the significance of expanded kids’ coverage is its potential to lay the foundation for universal health care. The Right, as voiced by *The Wall Street Journal* in an April 2007 staff editorial, fears this exact scenario. *The Journal* refers to expanding SCHIP as universal health care “on the installment plan” and urges Republicans to “work to return SCHIP to its original, more modest purpose” for fear that it will give Americans an even greater taste for actual health care security. Plans in other states build on the success of Illinois in 2005 demonstrating that a state could take on the task of providing access to health care for all children and by Pennsylvania following suit in 2006.

Polls show 84% public support for providing SCHIP to all uninsured children. State lawmakers, eager to show progress are starting with kids’ health care because expanding access to coverage for children is relatively inexpensive while demonstrating the social gains from expanding coverage.

“If you drive the plan into the middle class, it’s not just viewed as a public assistance program. You build a base of support for the program to provide health care for all of us.”

—GOVERNOR TED KULONGOSKI, *Oregon*

Comprehensive Health Care Reform

Absent any federal action to solve the health care crisis gripping the nation, states are increasingly designing comprehensive reforms to achieve three primary goals: (1) health coverage for all residents, (2) controlling and reducing the growth of health care costs and spending, and (3) improving the quality of health care and the management and prevention of disease. As with kids’ coverage, the recent growth in comprehensive proposals comes from a more concerned American voter and feeds off reforms in pioneering states like **Maine** in 2003 and both **Vermont** and **Massachusetts** in 2006.

Reform Commissions: A key strategy for lawmakers to develop and move comprehensive reform is to create a health care reform commission. If used strategically, commissions can raise awareness and build political support for reform while they study various options and discuss the benefits and trade-offs of certain approaches. Commissions can provide lawmakers with the political cover and credibility they need to push comprehensive reforms.

New Mexico’s Health Coverage for New Mexicans Committee was created in 2006 by the Governor and legislative leaders to study the state’s health care system and compare three different models for reform: a single-payer system; a voucher approach; and, an individual mandate. This model is promising for single-payer advocates because the cost savings frequently touted in such a system will be directly compared to models that build on the current costly and inefficient health care system. The New Mexico Commission will issue its report prior to the 2008 legislative session.

Other state commissions developing reform proposals for 2008 are the **Colorado** Blue Ribbon Commission for Health Care Reform, the **Kansas** Health Policy Authority Board, **Iowa’s** Commission on Affordable Health Care for Small Businesses and Families, and a reform commission in **New York**.

Comprehensive Debate Continues in 2007: While commissions are putting together state proposals for 2008, comprehensive reform continues to move in **California**, **Pennsylvania**, **Illinois**, and **Oregon**. The legislative and gubernatorial proposals all share similar approaches, in-



New Mexico Commission comparing gains from single payer vs. alternative models

cluding: increased eligibility for public programs; sliding scale subsidies to afford health insurance; state agency “connectors” that negotiate on behalf of individuals and small businesses; stronger regulation of insurance companies and the health care industry; and some sort of employer or individual mandate to obtain health coverage.

Although final votes, for the most part, have not yet been taken for some of the boldest proposals, early activity reflects progress for universal health care. Many states are recognizing that comprehensive proposals are a good tool for enacting reforms that may otherwise fail on their own, such as pay-or-play mandates.

- **California—Employer Responsibility:** As part of comprehensive reforms proposed by legislative leaders moving through the legislature, the California Senate and Assembly are set to require employers to pay 7.5% of payroll on health care or pay an equivalent fee to the state. This employer pay-or-play mandate goes significantly further than Massachusetts’ and Vermont’s pay-or-play respective fees of \$295 and \$365 per uncovered employee per year, but is still lower than what most businesses spend on health care.
- **Pennsylvania—A More Efficient and Quality System:** Gov. Ed Rendell’s comprehensive reform, Prescription for Pennsylvania, stands out because of its emphasis on improving the quality of health care, achieving efficiencies, and reducing medical errors. 2005 estimates of the cost of unnecessary and avoidable health care totals \$7.6 billion.
- **Illinois—Tying Affordability of Insurance to Income:** Illinois Covered, as proposed by Gov. Rod Blagojevich would limit premiums to a percentage of a participant’s annual income. For instance, incomes between 100% and 250% of poverty would face premiums equal to 1.5% to 2.5% of annual income for an individual and 3% to 5% for a family. Premiums for participants up to 400% of poverty are capped at 2.5% to 3.5% of income for an individual and 5% to 7% of family coverage.
- **Oregon—A Health Card for All Residents:** The Healthy Oregon Act would offer every resident and business in the state a health card to obtain a certain level of coverage from approved insurance companies. This would

allow businesses and individuals to join forces and “pool” their health care dollars, providing them greater leverage with insurance companies.

► **Why It Moved:** Ultimately, comprehensive health care proposals are moving because Americans want solutions. According to a February New York Times/CBS News poll, 64% of Americans say the government should guarantee health insurance for all and 60% said they’d be willing to pay more in taxes if it meant all US residents would have access to care. 8 in 10 said universal health care is more important than extending the Bush tax cuts for the wealthy. This public support is being mobilized by broad-based coalitions in the states that increasingly encompass not only labor, community, patients’ rights and traditional health care advocates, but also many business leaders and health care providers themselves who recognize that a dysfunctional health care system does not benefit them in the long-term.

Small Steps, Big Gains

Along with more comprehensive health care plans, states have enacted a number of specific reforms that will reduce health care costs and improve access:

- **Regulating Insurance Premiums:** Colorado has put a stop to insurance company practices that discriminate against small businesses with employees who have a medical history. The law says insurance companies can no longer set higher premiums for employees with poor health status. This will help small businesses and their employees who may have a medical history better afford health insurance.
- **Taking on Pharmaceutical Marketing Tactics:** Vermont legislators have enacted a far reaching prescription drug marketing reform bill that incorporates best practices from several laws previously enacted in other states. Senate Bill 115 will protect the prescribing practices of practitioners from exploitation by marketers; restrict marketing in electronic prescribing software, such as “instant messages” and pop-up ads designed to influence which drugs are prescribed; prevent misleading advertising and marketing to practitioners; require sales representatives to use evidence-based

information when giving a sales pitch to practitioners; and regulate drug price negotiations between prescription benefit managers and drug companies to prevent, in part, conflicts of interest and kick-backs.

Iowa enacted a similar regulation of prescription benefit managers (PBMs), who influence 80% of drug coverage in the U.S. and receive billions of dollars in rebates from drug companies. By bringing transparency to PBM negotiations, states can help ensure that private health plans and public programs, like Medicaid, benefit from rebate savings and that managers are negotiating for the clinically proven drugs, not just those favored by the drug company.

Some Dangerous Turns in State Health Reform

Even among some positive gains at the state level, there are problematic details in some proposals. **Indiana** enacted a new health plan providing catastrophic coverage for adults and pregnant women earning up to 200% of the poverty level (\$40,000 for a family of four) but tied it to “market-based” reforms built around high deductible Health Saving Accounts. Officials in Indiana readily admit it will be difficult to convince low-income residents to participate in the plan. However, despite these problems, the bill does include a \$500 preventive care benefit, the amount each participant must contribute to the HSA will be set on an income-based sliding scale, and the legislation also brings SCHIP eligibility to 300% of poverty. Similarly, while new **Oklahoma** legislation extends health care subsidies to children in families below 300% of the poverty line, the program is structured as a voucher which may not deliver affordable health care for some children. Still, the fact that even many conservative leaders are competing to provide their model of health care—rather than just blocking reform as in the past—is a sign of the public pressure driving health care reforms across the states.



Clean Energy and Jobs

Due to high oil prices, fears of climate change and the public's discomfort of relying on foreign oil, state legislatures were aggressive this year in enacting renewable energy and energy efficiency legislation. The best environmental gains—renewable portfolio standards, green buildings promotion, climate change legislation, and transit-related legislation—were passed in states across the country.

Renewable Portfolio Standards

Renewable energy programs made significant gains in states across the country. Renewable Portfolio Standards (RPS), requiring that a certain percentage of electricity purchased by the utilities come from renewables, were passed in **Minnesota, Oregon and New Hampshire**. All three states passed an extremely ambitious goal of 25% of their electricity to come from renewables by 2025. **Colorado and New Mexico** voted to double their RPS requirements to 20 % by 2020. RPS measures are still alive in the **Illinois and North Carolina** legislature.



Minnesota's
25% by 2025
Renewable
Energy
Mandate

► **Why It Moved:** RPS has been particularly successful this year due to a growing demand for renewable energy as high gas prices and increasing instability in the Middle East make the development of alternative energy sources all the more attractive

More importantly, in addition to the environmental benefits, renewable energy development creates good paying jobs and keeps money within the state. Labor

unions and other economic development advocates see the construction and maintenance jobs needed for renewable energy development as an excellent source of job creation opportunities at the state level. Because of this dynamic, in addition to the traditional environmental groups, labor and business interests also supported the RPS measures. The diverse coalition helped increase public support and backing for the development and adoption of renewable energy mandates.

“Right now, Minnesota imports more electricity than any other state. We need to keep more of our money at home”

—AARON PETERSON,
MN RPS House Sponsor

Green Buildings

Since buildings are even larger energy guzzlers than our automobiles, promoting “Green Buildings” has the promise of substantially reducing energy use and promoting environmental conservation. Already, several states require that public buildings or any construction receiving state money be built according to green standards.

This session, **Oregon** will likely pass a measure that re-

quires that state facility projects of a certain size be designed and built to the internationally-recognized LEED gold standard for energy efficiency. The law will also require that major projects use Oregon-grown or Oregon-produced products and employ Oregon industries and businesses to the “greatest extent practicable,” a way to link environmental benefits with economic growth.

Nevada corrected their previously enacted green buildings provision. AB 621 decreased the property tax incentives from nearly 50 percent under the 2005 law to 25-35 percent. The bill also eliminated the sale tax breaks for developers. The bill has passed both chambers and is on the governors desk.

The **District of Columbia** took green building mandates one step further and required that all future building, whether public or private, be built according to green standards. Legislature Bill 515 helps ease the transition into green building by not mandating specific features. Instead, credits are awarded in several categories, such as water and energy efficiency and site selection and a certain number of credits must be collected before a building can be certified. Boston also passed a city ordinance requiring all building to be green, becoming the first major city to enact such measures.

► **Why It Moved:** The Nevada example shows the future of green building. Since green building in and of itself is good economic sense, states are seeing less need to provide huge tax breaks and incentives to encourage it. Instead, Washington D.C. and Boston show that making green building provisions part of the mandatory building code is possible and in D.C., the Building Industry Association supported the bill because it was a phased-in mandate that would allow the industry to adapt.

Climate Change Efforts



Iowa's
Comprehensive
Global
Warming Bill

This session, **Iowa** passed the most comprehensive global warming bill that set up a Climate Change Advisory Council and established a voluntary greenhouse gas registry for tracking, managing and crediting entities in the state that reduce their generation of greenhouse gases. The bill also requires greenhouse gas emissions to be considered when the state is reviewing applications for proposed power plants.

While Iowa was alone in passing a comprehensive package, other states made significant progress toward curbing greenhouse gas emissions and fighting climate change. Recent reports on the effects of climate change and increased public perception and exposure to the damage of climate change, as highlighted by more severe hurricane seasons and unseasonable temperatures, have had an impact on legislatures. That impact has moved them to take proactive steps to protect their states and fill the void left by federal government inaction.

“Global Warming is a real danger that threatens our very way of life, and it is our responsibility to take any and all steps that we can to reduce our greenhouse gas emissions and hope to curb global warming. With this bill, we are doing just that.”

—GOVERNOR CHET CULVER, Iowa

Climate Change Advisory Councils: Florida, Iowa, and Maryland all set up commissions to study climate change and make recommendations on how the state can reduce greenhouse gas emissions. In addition to curbing greenhouse gas emissions, Maryland’s commission also looks at clean energy alternatives.

- **Arkansas** and **Texas** established a commission and task force respectively on Global Warming, while **Washington** created a Greenhouse Gas Reporting Study Panel that analyzes the benefits of various programs and opportunities to decrease greenhouse gas emissions, each being a step to creating and establishing a more comprehensive approach to combating climate change.
- **Greenhouse Gas Emission Reduction Targets:** This session, **Minnesota**, continuing their ambitious environmental streak, passed a greenhouse emissions reduction target of 15% below 2005 levels by 2015, 30% below 2005 levels by 2025, and 80% below 2005 by 2050. Laws passed in **New Jersey** and **Washington** aim for 1990 emission levels by 2020, while **New York** passed legislation that aims to reach 5 % below 1990 levels by 2010 and 10% below 1990 levels by 2020.
- **Adopting California’s Auto Emissions Standards:** While several states introduced bills to adopt **California’s** auto emissions standards, which require low-emission and zero emission vehicles and are much stricter than

federal guidelines, only **Maryland** succeeded in passing its bill and the governor signing it into law. Under the bill, by 2011, new cars sold in Maryland will have to meet California emissions standards. **Illinois'** effort to adopt the California standards is also still active.



**Maryland
adopts
California's
auto emissions
standards.**

► **Why It Moved:** Adopting stricter standards for emissions requires an intense, well-coordinated effort to balance out the lobbying by the auto industry in each state, but fear of climate change and a recognition of jobs that will flow from alternative technologies adds support for new emissions bills. Additionally, state leaders recognize that if enough states adopt stricter emissions standards, the economical decision for the industry lobbyists will be to manufacture cars and other goods to conform to the strictest emissions standards.

Transit Related Gains

Along with energy efficiency and greenhouse gas legislation, states must build and invest in mass transit projects to decrease emissions, traffic congestion, and vehicle miles traveled. Transit projects are more involved than other types of environmental legislation because they require a substantial initial financial investment and they are multi-year projects.

This session, **Washington** took the lead on transit development by establishing a comprehensive program to develop a statewide transportation development system. The legislation, SB 5412, establishes a transportation commission tasked with creating a comprehensive transit plan that, among other things, develops strategies to decrease per capita vehicle miles traveled.

With a national focus on raising gas taxes as a way to raise revenue and encourage more fuel economy, **West Virginia** renewed their nickel per gallon gas tax until 2013, which will provide up to \$55 million in revenue annually. **Maryland's** special session will also address a 50 % increase in gas tax to \$0.35, which would make it the highest in the nation. **Minnesota's** legislature also passed a gas tax, only to have it vetoed by the Governor.

Minnesota's legislature passed a comprehensive transit bill that would have provided funds for expanding bus and train routes, but the bill was vetoed by the Governor.

Transit projects, however, will be funded through the constitutional amendment passed by voters in 2006 that allocates all the revenue from the motor vehicle sales tax to transit projects.

While state legislators refused to approve new statewide revenues for transportation, **Virginia** granted two regional authorities in Northern Virginia and the Norfolk/Virginia Beach-Hampton Roads regions increased powers to raise local tolls and fees for transit projects.

Connecticut's transit bill, HB 6366, expedites the implementation of the next phase of comprehensive transportation infrastructure investments. The bill calls for new commuter rail stations in Orange and West Haven, significant investments in road and bridge repair, and improved bus connectivity and service. While time ran out by the end of the session and the bill was deferred to next session, the bill has strong support and has a favorable outlook.

► **Why It Moved:** Washington's transit bill was supported by a broad statewide coalition that included labor, environmental and community advocates along with local governments. Based on concerns over the environmental costs of cars and highways, instead of taking an auto-centric view of transit, this bill forces the transportation authority to focus on preservation of existing transportation investments, safety, mobility, environment and stewardship of transit resources. Similar coalitions are mobilizing in other states to encourage a "smart growth" approach to community development that emphasizes energy efficiency and public transit.



Other Key Issues

Electoral Reforms

After multiple years of malfunctioning voting machines, voter intimidation and deception, as well as long lines at the voting booth that undermine voter confidence, states this year have been enacting a number of reforms to make voting simpler and more secure.

- **Election Day Registration (EDR):** In April, **Iowa** became the eighth state to permit voters to register on election day, a reform that eliminates most election day hassles over registration and expands voter turnout, especially among young people who often get excited by elections too late to register to vote. Both **Hawaii's** House and Senate approved versions of EDR, but could not work out their differences before the end of their session, while the **Washington State** Senate approved EDR as well. EDR is still moving in a number of states and the **North Carolina** House has approved a version that allows registration during that state's early voting process; the state Senate is still debating the measure.
- **Vote by Mail:** Since a simple way to avoid chaos at the polls is to allow voters to send in their ballots by mail, **Colorado** this year approved a measure allowing all voters to register as "permanent mail-in voters," meaning that they will regularly receive and be able to mail-in their ballots for each election, joining states like **Washington, California,** and **Montana** that already allow their



**Iowa:
Election Day
Registration**

voters to register permanently as mail-in voters and **Oregon** which conducts their elections completely by mail.

- States across the country introduced a new reform, a compact among the states to allocate presidential electoral votes to the actual winner of the popular vote nationwide. **Maryland** became the first state to approve the **National Popular Vote** compact, which will go into effect as soon as states with a majority of electoral votes approve it. The **Illinois** and **Hawaii** legislatures have both approved it, with the Hawaiian governor vetoing it and the Illinois governor considering it and at least one chamber approving National Popular Vote in **California, Colorado, Arkansas** and **North Carolina** as well. Other states are still in session debating it.
- **Voter-Verifiable Paper Ballots:** Joining 23 other states, **Iowa, Florida, Maryland,** and **Virginia** this year approved laws that require voting machines to create a paper record, so that voters can verify that their votes were correctly recorded.



**Maryland:
National
Popular Vote**

Unlike in previous sessions, attempts to restrict voting rights such as voter ID laws were generally defeated across the country, most dramatically in **Texas** where a legislator moved his hospital bed into the Texas statehouse in order to be available at all times to block any vote to pass a proposed voter ID bill.

► **Why It Moved:** Many of these voting reforms have been advancing year by year, and the demonstrated success of programs like **Oregon's** vote-by-mail system in creating chaos-free elections joined by improved voter turnout due to Election Day Registration in states like **Minnesota** helped encourage movement on those issues in other states. Greater coordination between state activists in different states in highlighting these voting options played a critical role in building new coalition to push these bills through state legislatures. National Popular Vote gained momentum this year not just because most people believe the winner of the popular vote should become President but because many “non-swing states” largely bypassed by Presidential campaigns believe it will encourage more attention to their states and greater turnout by their voters in a system where every vote counts.

Challenging the Iraq Escalation

The escalation of the Iraq war this spring led to 30 states introducing resolutions condemning the escalation and the resulting strains on local National Guard readiness.

In 17 states—**Arizona, California, Colorado, Connecticut, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Oregon, Vermont, and Washington**—at least one chamber approved the resolution or legislators signed onto a letter condemning the escalation.

► **Why It Moved:** As the Iraq War has dragged on, state leaders have seen crucial federal funds diverted from funding for social needs in the states and National Guard troops needed for local emergencies unavailable as they are deployed overseas. Supported by anti-war networks, state leaders saw the need to send a message to federal leaders that the war was draining both financial and human resources from their states. National conference calls along with broad coalition-building helped speed passage of resolutions across the states.

Demanding Trade Deals that Respect State Interests

States have increasingly had to deal with job losses from corporate-oriented trade deals like NAFTA and CAFTA and the undermining of their own regulatory powers to protect working families by international trade agreements. As a result, state legislatures were active this year in demanding a greater representation of state interests in ne-

gotiating new trade deals with other countries.

- Both chambers in **Nevada** and **Maine**—and one chamber in **Alabama, Hawaii, Montana, and Pennsylvania**—approved resolutions calling on Congress to renegotiate “Fast Track” trade promotion authority, a system which prevents any amendments to trade deals negotiated by the President, a system that has allowed special interests to include corporate benefits without any real democratic accountability. **Illinois, Michigan, New Jersey, Ohio, Oregon, and Tennessee** are still considering anti-fast track resolutions.
- The legislatures in **Hawaii, New Hampshire** and **Rhode Island** each approved legislation prohibiting their governors from binding their states to non-tariff provisions of trade bills without the permission of the legislature. The **Oregon** House has approved similar legislation and is awaiting action in the state Senate. As part of its bill, **New Hampshire** also established an on-going state commission to assess the impact of globalization and the legal impacts of trade agreements on the state.



Establishing
State Trade
Commissions

► **Why It Moved:** With a significant majority of the American public saying that NAFTA has had a bad effect on the job security of workers, there is great distrust of the international trade deals currently being negotiated, fueling these state efforts. State leaders themselves have seen state governments being sued under these trade deals by multinational corporations, flaming their anger about public interest regulation being auctioned off in trade deals without a real public debate. Labor, environmental and public interest groups have worked to educate state leaders about the dangers of these new trade deals and “fast track,” helping to drive the present round of state trade-related legislation.

Social Equity

While attacks on gay rights and women's reproductive rights were not completely halted this year, we saw significant progress in advancing positive gains in social equity.

- **Domestic Partnerships and Civil Unions:** **New Hampshire** and **New Jersey** enacted civil union laws providing for the equivalent of state-level spousal rights for couples within those states, while **Washington State**

and **Oregon** enacted domestic partnership laws offering many key spousal rights to gay and lesbian couples. **Colorado** approved a law to allow “second parent” adoption, a boon to gay couples needing legal protection of their joint parental rights.

- **Ending Anti-Gay Discrimination:** This year, **Iowa, Oregon** and **Colorado** each enacted laws barring discrimination based on sexual orientation and gender identity, creating critical protection for gays, lesbians and transgender citizens against employment and other forms of discrimination.
- **Protecting Contraceptive Equity:** **Connecticut, Oregon** and **Colorado** approved laws requiring all hospitals to inform all victims of sexual assault of the availability of emergency contraception. The **Wisconsin** Senate has passed a similar bill, but it is unlikely to pass the state House. **Oregon** passed a bill requiring all health insurance plans covering prescription drugs to also cover contraception. **Washington State** approved a law that prohibits abstinence-only sex education in favor of education about contraception as well. **Minnesota** will now allow registered nurses to dispense oral contraceptives.



New Hampshire: Repeals a Parental Notification Law

On the abortion front, this year **New Hampshire** became the first state legislature to repeal a previously enacted parental notification law. On the negative side, **Missouri** enacted a law imposing such burdensome new costs on operation of abortion clinics that two of the three clinics in the state will likely have to shut down. **Georgia, Idaho** and **Mississippi** will now require abortion providers to offer to show a sonogram image to women seeking abortions, and **North Dakota** and **Mississippi** enacted near-total criminal bans on abortion in the event that *Roe v. Wade* is overturned. On the other hand, a range of states, including **Kansas, South Dakota, Virginia** and **Wyoming** blocked legislation to further restrict abortion.

► **Why It Moved:** While some state leaders are still trying to use attacks on gays and abortion rights as a “wedge” issue, the reality is that such social issues are increasingly losing their force. Surveys show that anti-gay prejudice has rapidly declined in the last two decades, while increasing ma-

majorities of the population oppose making it more difficult for a woman to get an abortion and vast majorities support expanded access to contraception. Progressive leaders and their grassroots allies are becoming more sophisticated in framing these issues in ways that deflect rightwing appeals to fear and prejudice in favor of the public’s even strong belief in preserving social and gender equality.

Telecommunications and Broadband

Because of lobbying by the regional Bell companies, particularly AT&T and Verizon, bills were debated and passed across the country to allow telecom companies to bypass local franchise rules in favor of statewide franchises. Many consumer groups criticized the bills as undermining community access television channels and local buildout requirements. In response, some states enacted stronger anti-redlining language than initially proposed or stronger protection of community access television. The version of the legislation that gained the broadest consensus support was in **Illinois**, which was approved unanimously by the Illinois House after consumer, civil rights and local government concerns were addressed in a rewrite of the bill to assure that statewide franchisees would be accountable to local governments for fraud and deception with clearer timelines for buildout to low-income communities. **New York** is also promoting a telecom franchise bill with broad support from labor unions, community and consumer groups.

In **Washington State**, the legislature enacted an important policy proposal to map which neighborhoods across the state have broadband access and which ones do not as a prelude to broader legislation in 2008. This kind of survey is critical, since telecom and cable companies are not generally required to report detailed information on broadband access in communities that they serve.



Washington: Broadband mapping

► **Why It Moved:** In too many states, these bills were driven by the interests of industry, largely because of lack of strategic cooperation between unions, civil rights and consumer groups who were divided and often lacked strategic coordination. In states where those groups came together more effectively, they were able to demand stronger concessions from industry to help assure that changes in the law would not add to the existing digital divide between communities.



State-by-State Profiles

The following profiles highlight significant policy successes (and some setbacks) in each of the states that have wrapped up their regular legislative sessions for 2007. A number of states are still in session, so additional states will be added to this list, affecting the ranking of states in our next updated version of this report.

The states in this report are divided into five categories:



Star States who advanced progressive reforms on multiple fronts.



Policy Leaders who enacted important reforms but could have achieved far more.



Incremental Gainers who made solid if unspectacular progress this session



Leadership Laggards who either accomplished little or balanced negative and positive policy changes, and



Bottom of the Barrel, states who distinguished themselves by rightwing policies or particularly dysfunctional leadership.

Star States

Colorado

With a new Governor, progressive legislative leaders in Colorado marked a new day by enacting a range of legislation benefiting working families in the state, including:

- On **health care**, establishing “Colorado Cares” to enable low-income residents to purchase discounted prescription drugs and increased health coverage for children with the goal of covering all kids by 2010.
- Requiring construction contractors to assure that all employees are covered by workers’ compensation.
- Allowing all voters to register as permanent mail-in voters.



Star State

Colorado also doubled their **renewable energy standard**, required utilities to launch energy-savings programs, and added environmental and public-health representatives to the Oil and Gas Conservation Commission.

The legislature also expanded **social equity** in the state by prohibiting employment discrimination based on sexual orientation, allowing “second parent” adoption and requiring hospitals to inform victims of sexual assault of the availability of emergency contraception.

The great lost opportunity of the year was Gov. Ritter’s veto of legislation that would have increased the freedom of workers to form unions.

Iowa

With Democratic leadership of both legislative chambers and the Governorship for the first time in forty years, the result in Iowa was a series of landmark legislative achievements, with a promise of even greater achievement in 2008:



Star State

- One of the signature bills of the session was the creation of the Iowa Power Fund, a \$100 million investment in the state’s renewable energy industry.
- Iowa approved Election Day Registration, a key reform to improve voter turnout in future elections.
- Along with raising the state minimum wage in line with likely federal increases, the legislature approved an increase in the state’s Earned Income Tax Credit to 7% and made the credit refundable.
- Iowa became the 18th state to ban discrimination based on sexual orientation and the 11th state to ban discrimination based on gender identity.
- Teacher salaries will advance to the national average, a \$250 million teacher pay increase.
- The legislature voted to end paperless electronic voting and move the state towards voter-marked paper ballots.
- The Senate approved a resolution opposing the President’s escalation in Iraq.

On health care, the state raised the cigarette tax by \$1 per pack, allowed small businesses to band together in purchasing pools, and encouraged embryonic stem cell research by repealing a 2002 law that prohibited human cloning. More comprehensive health care reforms were turned over to a committee to recommend changes for the 2008 legislature.

On the downside, the legislature failed to enact pro-union reforms of Iowa’s “right to work for less” law and

failed to enact a prevailing wage law to raise wages on public construction projects to match the wages paid in the private sector.

Maryland

Maryland became a national policy leader this year, passing both precedent-setting legislation and expanding existing progressive policies, including:



Star State

- Passing a first-in-the-nation state Living Wage Law for government contractors.
- Becoming the first state to enact the National Popular Vote compact to—when enough other states join them—allocate its Presidential electoral college votes to the national winner.
- Joining California as the second state to mandate “Clean Cars” emission standards in cars sold in the state by 2011.

Maryland took other significant steps on Electoral Reforms, including scrapping existing voting machines in favor of ones with voter-verifiable paper records, restoring voting rights for ex-felons as soon as they complete their sentences, and approving a constitutional amendment to allow early voting in the state.

On the Clean Energy front, Maryland amended its Renewable Portfolio Standard (RPS) to expand requirements for solar energy and help fund new renewable energy sources, while also reducing restrictions on building wind power projects within the state.

The biggest unfinished business for the Maryland legislature was punting health care reform to the 2008 session.

New Mexico

New Mexico took leadership in a number of key policies areas this session, particularly on clean energy issues where the state:



Star State

- Became the first state in the nation to create a Renewable Energy Transmission Authority to administer renewable energy use in the state.
- Mandated that 20% of state’s energy come from re-

renewable sources by 2020.

- Enacted a Green Buildings Tax Credit.
- Created a solar tax credit for solar electrical and thermal systems.

The state also took leadership in a number of other policy areas as well:

- Enacting public financing for contested statewide judicial elections and barred financial services and investment contractors from giving gifts or campaign contributions to state officials.
- Raising the minimum wage to \$7.50 over two years.
- Creating a state Earned Income Tax Credit.
- Strictly regulating predatory payday lending.

While major changes in the state health care system have been deferred to a commission that will propose legislation for the 2008 session, the legislature this year did expand Medicaid coverage to include adults up to 100% of the poverty line and allowed small employers to use the state's Small Employer Insurance Program even if they had previously provided insurance in the last 12 months.

Vermont

Following up on the comprehensive health care reform, Catamount Health, enacted in 2006, Vermont turned its attention to prescription drugs and the drug companies. As discussed elsewhere in this report, Vermont passed a sweeping drug pricing law that reforms and restricts the exploitive marketing tactics of drug companies.

Vermont made progress on many other issues as well, including:

- Creating the Vermont Telecommunications Authority and approving a \$40 million bond to spread cell phone and high-speed internet access throughout the state by 2010.
- Promoting public health by stopping bus idling in front of schools.
- Increasing subsidies for Pre-K programs.
- Raising wages for tipped workers.
- Limiting contributions to candidates and political parties.



Star State

- Passing expanded education funding and funding several studies review cost-drivers in the system.
- Expanding civil rights to transgender residents by banning discrimination based on gender identity.

Still up in the air is a climate change energy bill vetoed by the Governor amidst a disputed tax on the state's nuclear power plant. The bill commits to using renewable energy for 25% of the state's needs by 2025 and expanding the reach of the state's Efficiency Utility to work to reduce fossil fuel consumption at homes and businesses.

Washington

Washington finished its session just a week ago and made its mark in a number of areas.

Headlining its accomplishments was becoming the second state in the nation to offer new parents paid family leave. The benefits need to be more generous, but its still landmark legislation.

On health care, the state did not take on a comprehensive reform of the state's health care system, but did pass some solid reforms:

- Extending health coverage to all children in families earning up to 300% of the poverty line by 2009, covering an additional 38,000 children including undocumented immigrants, in the next two years.
- Extended its mental health parity law to smaller businesses and individual health plans-- bringing mental health coverage to 540,000 people.
- Enacted health care cost control measures to provide incentives for more cost-effective procedures and encourage use of electronic medical records.

On the clean energy front, Washington approved greenhouse reduction targets with a goal to lower emission levels by 25% by 2035 and 50% by 2050, as well as approving a bill to encourage use of clean-burning fuels through research and retrofitting buses.

To address the digital divide, the budget will map gaps in broadband access across the state to prepare for comprehensive buildout legislation in 2008.

The state create a domestic partnerships option for same-sex couples, giving such couples legally recognized



Star State

hospital visitation, autopsy authorization and inheritance rights. The state also required school districts to offer a medically accurate sex-ed curriculum.

On election reform, the legislature approved HB 1528, which will allow voters to register online. Unfortunately, the legislature failed to enact either public financing of elections or election day registration, two reforms heavily promoted by state advocates.

Policy Leaders

Hawaii

Despite a divided state house, Hawaii was able to avoid partisan friction and achieved solid progressive gains on taxes, workers' benefits and rights, health care, and global warming.

- On taxes, the state delivered a tax rebate limited to families earning less than \$60,000 per year, with the largest dollar amounts going to the lowest income residents.
- In health care, Hawaii expanded its Keiki Care program to provide free health care to all uninsured children living below 300% of poverty. Monthly premiums for immigrants were eliminated and the state reauthorized rate regulation for health insurers.
- On global warming, a task force was created to reduce greenhouse gases to 1990 levels by 2020 and the state restored an 11-cent per gallon ethanol tax credit.
- On labor issues, public employees gained additional bargaining rights over job transfers and businesses agreed to increased unemployment benefits for full and part-time workers, in exchange for a cut in unemployment insurance taxes.

While these successes were achieved, Hawaii failed to pass bills to ease roadblocks to environmentally smarter development, enact a state EITC, and allocate funding for affordable housing. Additionally, the Governor vetoed a bill allocating the state's electoral votes to the winner of the Presidential popular vote, although this bill may be resurrected in a special session.

Hawaii shows that solid progressive gains can be made despite partisan differences.



Policy Leader

Minnesota

Minnesota's legislature passed bold, progressive reforms only to have them vetoed by the Governor, including:

- Passing a bold tax reform plan that would have funded crucial social services and cut property taxes for 90% of the state residents and paid for by raising income taxes on the wealthiest in the state.
- Passing a plan for new investments in state transportation funded by a gas tax increase and new vehicle fees.

The legislature did manage to expand health care to cover over 50,000 uninsured children and made some phenomenal environmental gains, including:

- Establishing the most aggressive renewable energy mandate in the country.
- Establishing a long-range goal of reducing greenhouse gas emissions by 80% by 2050.
- Creating a statewide program for collecting and recycling e-waste.

The legislature also enacted some of the most far-reaching predatory lending laws in the country to protect homeowners against a range of scams and abusive strategies by subprime lenders

Nevada

Despite partisan stalemate over a number of issues, the Nevada legislature made serious reforms in education, clean energy, and open government this session. In a major education bill, the legislature increased per-pupil spending by 13% over two years, funded after-school programs, provided incentive pay for teachers in at-risk schools, and added full-day kindergarten to 63 schools.

The legislature also passed a raft of clean energy and environmental legislation, including:

- Requiring the state to compile an inventory of greenhouse gas emissions.
- Increasing staffing at the state Division of Environmental Protection to regulate and monitor mercury emissions,
- Encouraging schools and other public entities to use



Policy Leader



Policy Leader

renewable energy and creating new residential incentives for energy conservation, including allowing customers generating renewable energy to pump surplus power into the power grid.

- Banning the sale of low-efficiency light bulbs by 2015.
- Stopping Homeowners' Association from restricting members from installing solar panels or other insulation measures

Incremental Gainers

Arkansas

With a projected \$919 million budget surplus, the state was able to provide tax relief to low income families and increase public school funding:

- 81,000 low income families were exempted from the tax rolls by raising the minimum taxable income levels.
- Taxes on groceries were cut in half, from 6% to 3%.
- The Homestead Property Tax was raised to \$350.
- \$456 million was allocated to repair and replace the state's aged public school infrastructure.



Incremental Gainer

Arkansas also became the last state to establish a commission to study global warming and develop a plan for reducing pollution. Additionally, the state renewed its Renewable Energy Act and established goals and standards for alternative fuels.

Florida

In response to crushing increases in homeowners' insurance, the legislature froze rates for customers of the Citizens Property Insurance system until 2009 and generally, in the words of Governor Crist, put a "nail in the coffin of an industry that is hurting people."

On the environmental side, the legislature passed new incentives for alternative energy use and production and took steps to develop express buses and a rail system.

Florida legislators also:

- Got rid of touch-screen voting machines.



Incremental Gainer

- Mandated that gift cards not expire.
- Required all elementary students to take physical education.
- Refused to revive a public school voucher system.

On the down side, the state failed to enact reforms to the state's KidCare children's health insurance plan, a plan that has been tossing as many as 15,000 children a month out of the program due to badly-designed rules instituted two years ago.

Indiana

New leadership in the state house brought to a halt the Governor's efforts to privatize public assets and secured modest bipartisan gains for the state. Progress included:

- Increasing funding for all-day kindergarten.
- Allocating \$180 million for research and economic development.
- Enacting a property tax cut of \$300 million, creating new flexibility to local governments for a local income tax and to shift property taxes to the income tax.



Incremental Gainer

In health care, the gains were more mixed. The state increased the cigarette tax to fund a health plan for up to 200,000 low income uninsured residents. The downside is that the program subsidizes Health Savings Accounts tied to high deductible health plans, which studies show lead to drops in coverage and less health care, particularly in low income populations. On the positive side, the same legislation increases children's coverage to 300% of poverty and allows children to stay on their parents' health plans until age 24.

Similarly mixed results were achieved on clean energy and the minimum wage. While all state-operated facilities will be subject to audits concerning their energy efficiency, the legislature approved subsidies for coal gasification plants and failed to require utilities to purchase some of their energy from renewable sources. Finally, the legislature raised the minimum wage but tied any increase to a parallel increase by the federal government, making the advance for working families rather modest.

In other areas, progressive success is measured by the

bills that failed. The legislature denied funding for virtual charter schools, a form of backdoor public school vouchers, while a proposed constitutional amendment to ban gay marriage was stopped in a House committee.

Nebraska

Nebraska legislators passed several bills concerning the welfare of children, including:

- Creating an integrated plan for Omaha-area school to share funding, cooperate on special focus schools and address the needs of poor students of color.
- Requiring divorcing parents to attend parenting education classes and work out a custody plan themselves or work with a mediator. Exceptions are made in cases of domestic violence or high levels of conflict.
- Establishing public-private partnership to make intensive early invention services available for autistic children.

Nebraska also matched federal minimum wage increases, increased bankruptcy protection to help people keep their homes, and encouraged development of wind turbines.

The legislature failed to end employment discrimination against gays and lesbians and failed to provide safe havens where mothers can legally and safely place abandoned babies. While the legislature tried to regulate robo calls, the Governor vetoed the effort. Bill sponsors plan to try again next year.

Texas

Texas had a raucous session where legislators revolted and nearly dethroned the autocratic House Speaker, but the legislators managed to eke out some moderately progressive reforms amidst some mostly bad bill.

In many ways, the state's greatest success was reversing rightwing policies enacted in earlier sessions, including:

- Restoring SCHIP health coverage to 127,000 children who lost it in 2003 budget cuts.
- Largely abandoning the privatization of the state's foster care system.



Incremental Gainer

- Imposing a two-year moratorium on privately-owned toll roads.

Energy policy was a mixed bag, with one bill giving incentives to low- and moderate-income families to replace polluting vehicles and to use more energy-efficient appliances, even as the state gave new subsidies to nuclear power plants.

The legislature also approved a \$3 billion bond issue for cancer research, sent to voters a constitutional amendment to require the recording of individual lawmaker votes, and divested the state pension fund from Sudan.

While the legislature made their nods to rightwing interests in bills to offer Bible courses in public schools and put “under God” in the Texas pledge of allegiance, legislators blocked anti-immigrant bills and a Voter ID bill that would have undermined voting rights, a sign of the state moving towards a more progressive direction.

Virginia

A divided government led to modest gains amidst some problematic policies, including:

- Allocating \$250 million to boost clean-up of the resource and eco-rich Chesapeake Bay.
- Creating a Hospital Patients' Rights, giving patients the authority to choose their visitors – an important win for same-sex and non-married couples.
- Removing 140,000 of the poorest state residents from the income tax rolls.
- Passing a resolution expressing “profound regret” for the state's role in the slave trade.
- Requiring voting machines to have a paper trail.
- Requiring schoolgirls to receive the HPV vaccine unless their parents object.
- Requiring schools and public health officials to work together to fight childhood obesity.

Although state legislators did not approve new statewide revenues for transportation, they did increase local regions' power to raise local tolls and fees for transit projects.

An effort to increase the minimum wage failed, as did a pilot pre-school program for 4 year-olds. Fortunately, abortion restrictions were successfully resisted but the



Incremental Gainer



Incremental Gainer

state did expand the reach of the death penalty, and, to the concern of civil libertarians, it expanded the use of red-light cameras at intersections.

West Virginia

West Virginia made incremental progress on several issues, including:

- Issuing a 3.5% pay raise for teachers.
- Increasing the gas tax in order to fund road improvements.
- Promoting e-mail and electronic prescriptions.
- Allowing breast-feeding in public.
- Allowing children to remain on the parent's health insurance until age 25.



Incremental Gainer

Although authorizing legislation was not enacted, the Governor plans to pursue requiring drug makers to disclose marketing and advertising costs. Also, despite a dispute with some conservative lawmakers that argue legislative approval is required, the State Department of Environment Protection plans to move forward with new clean water regulations.

Leadership Laggards

Alaska

The entire legislative session was upstaged by an on-going federal corruption investigation involving industry lobbyists and four current and former legislators. Amidst indictments alleging bribery, extortion and money laundering, the legislature enacted Ethics Reform requiring fuller disclosure of legislators' outside income, slowing the revolving door between state employment and private-sector lobbying and restricting meals and gifts from lobbyists.

Outside of the ethics bill, the session may be better known for what the legislature failed to do, punting bills that would have prevented oil companies from deducting the costs of repairs to oil fields due to their own mismanagement, failing to enact long-term school funding, and failing to expand health benefits for seniors in long term care and



Leadership Laggard

children. Fortunately, the legislature also failed to put out a referendum that would ban court-ordered benefits to same-sex partners of public employees. One small victory for renewable energy in the oil-rich state was funding to connect the city of Anchorage's electric grid to a wind-farm.

Kansas

Business was the big winner this legislative session, with tax cuts resulting in the loss of \$300 million in revenue over the next five years. Low-income workers, however, will benefit from a \$46 million expansion of the state Earned Income Tax Credit and the state's schools are set to see an additional \$123 million as part of a multi-year school funding plan.

Other promising, though small, steps were made in health care, including:

- Allowing small businesses to pool employees for health insurance.
- Providing additional subsidies to low income families.
- Authorizing the Kansas Health Policy Authority to develop recommendations for the 2008 legislative session for providing all residents with health insurance.

Thankfully, the Governor vetoed an invasive anti-abortion law that would have forced abortion providers to report information to the state about any woman having a late-term abortion, a threat to privacy that the governor thought unacceptable.

Kentucky

Legislators converged on Frankfort ready to restore capital improvement projects that had been vetoed by the Governor last year, fix problems with the state's pension plan, and address a \$402 million surplus. Three months later, they left accomplishing very little in these areas. However, the state did increase the minimum wage, increase protections for coal miners, and made human trafficking a state crime. Debate over reforming the state pension plan derailed restoring the vetoed capital improvement projects and hiring more math and science teachers. Also distracting state government is



Leadership Laggard



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the contested gubernatorial race this year.

Montana

Progressive momentum in the Montana legislature was largely derailed by the rightwing leadership of the narrowly controlled state House. The regular session ended without the House passing a budget, while the Speaker closed his caucus with a profanity-laced tirade about the Governor in front of high school pages.

A resolution opposing reauthorization of Fast Track trade promotion authority passed overwhelmingly in the Senate, only to be killed in a House committee. Likewise, tax disclosure reform that would have greatly aided the Department of Revenue in their investigation of out of state corporate tax dodgers passed the Senate. But again, the bill died in a House committee.

Adding to the rightwing theater, the House leadership appointed a Constitution party member who believes in abolishing the Department of Education as the chair of the education committee. At one point in the budget negotiations, the House proposed cutting the budget for the catch-all Department of Health and Human Services to just \$300.

In the end, after a special session was convened, the Governor cobbled together a coalition to pass the budget, including the foul-mouthed House Majority Leader, and passed a progressive property tax rebate of \$400 per Montana homeowner.



**Leadership
Laggard**

North Dakota

Legislators in North Dakota curbed the Governor's pro-business tax credits and placed a \$1,000 tax credit cap on any piece of property to protect against large outfits like Wal-Mart walking away with large tax credits.

The legislature also established a buy-in program to access federal funds under the Family Opportunity Act to provide medical assistance and other health coverage options for families of children with disabilities.

North Dakota passed a minimum wage increase that would follow federal increases. While it passed the Senate, the House killed a bill requiring employers to verify the legal status of its employees.



**Leadership
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Perhaps some of the strongest anti-abortion legislation came out of the North Dakota session. Legislators imposed a near-total criminal ban on abortion if *Roe v. Wade* is overturned and created a funding stream for anti-choice clinics that do not provide women with access to the full range of reproductive health options.

Oklahoma

New rightwing dominance of the state legislature made its mark known in the areas of tax cuts, abortion rights, and immigration. Specifically, the legislature:

- Accelerated a previously passed giant income tax cut.
- Eliminated the small business franchise tax.
- Prohibited all abortions in state medical facilities or by state employees, with narrow exception for the life of the mother and cases of rape or incest.
- Enacted punitive measures against immigrants with a law requiring employers to screen job applicants for legal status, denying state services to undocumented immigrants, and making it a crime to harbor undocumented immigrants.

The news wasn't all negative, though. The state dedicated permanent funding to the state's higher education program that provides free tuition to college students whose parents make less than \$50,000 per year, although the law toughened the academic standards students must meet to qualify. And, an All Kids Act was enacted to help children in families below 300% of poverty afford health insurance. The downside is that the program provides a voucher to purchase insurance, a system which does not guarantee coverage or the affordability of insurance.



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South Dakota

South Dakota legislators successful passed a minimum wage increase in line with the federal increases and extended health insurance coverage for dependents, especially full-time students under age 29.

The legislature also enacted limits on payday lending, limiting the maximum amounts of principle to loan.



**Leadership
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Up for next session are:

- Limits on lobbying by executive and judicial agency representative.
- Repealing the death penalty.
- Enacting National Popular Vote.

Utah

The Utah legislature passed a bill that, in effect, allows health care decisions to be made by domestic partners in the case of incapacitation. Doctors are required to follow the designee's decisions and if other family members are not available, the bill allows a domestic partner to make decisions in the case of incapacitation.

It also banned public demonstrations at funerals for one hour before and one hour after the services.

The legislature also restored the tax credits for residential and commercial installation of renewable energy systems, including wind, solar/geothermal, hydroelectric and biomass.

The most controversial bill seems to be a bill that enacted vouchers for private school tuition ranging from \$500-\$3000 per student based on parents' income. Opponents are trying to build support for a referendum to overturn the voucher bill.



**Leadership
Laggard**

Wyoming

The nation's least populated state passed a few encouraging policies, including exempting breastfeeding from the indecent exposure statute and prohibiting discrimination on the basis of pregnancy. The legislature also permanently exempted sales tax from food for home consumption.

Wyoming also took steps to increase the number of moderately-priced housing by establishing a loan program to expand workforce housing.

The legislature also struck down a few very bad abortion bills, including a bill that would require informed consent and an additional 24 hours waiting period before obtaining abortion services, as well as a bill that would deem an unborn child to be a homicide victim. However, the legislature failed to pass a minimum wage increase and a prohibition on smoking in places of employment.



**Leadership
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Bottom of the Barrel

Georgia

With rightwing leadership at each others' throats, Georgia's legislature became a dysfunctional circus this session. Even the budget was left initially in limbo with the governor vetoing it, then rescinding the veto as chaos loomed. The state's PeachCare child health care program was almost left broke in the scramble, even as legislators voted at one point to cut eligibility for the program, marking Georgia as the only state with a serious movement to decrease children's health coverage this year.

About all that was approved during the general session were tax giveaways to large corporations like Delta Air Lines, jet-maker Gulfstream and its insurance companies, and a video franchising deal for the telecom industry. The state also gave developers the ability to set up "private cities" with local voter approval.

The only saving grace was that the dysfunction of the legislature blocked a number of nasty bills being proposed to expand the death penalty and actually encourage more payday lending abuses in the state.



**Leadership
Laggard**

Idaho

Continuing rightwing leadership in Idaho resulted in new restrictions on abortion, including requiring physicians to inform a patient of her right to view an ultrasound image before an abortion procedure and written parental consent provisions for minors.

The legislature also made English the official language of the state and requires government transactions, proceeding, meetings and publications to be in English.

For election reform, the legislature failed to pass clean elections but passed a robo-call disclosure bill that requires, among others, disclosure of the caller's contact.

Idaho failed to pass protections against retaliatory action by an employer against any employee making or testifying, or about to make or testify in, a workers' compensation claim. They also failed to provide health insurance eligibility to police officers or firefighters who become disabled as a



**Bottom of
the Barrel**

result of injury incurred in the line of duty.

Mississippi

Mississippi continues to deal with the aftermath of Hurricane Katrina, almost two years later, and faces a homeowners and business insurance crisis. Amid tripling rates that rival mortgage payments, the legislature allocated \$160 million over 4 years to provide premium relief in the state-sponsored “wind pool” insurance program and measures to try and bring back the private market. Elsewhere, there is little to trumpet.

The state handed out \$300 million in tax subsidies to Toyota in order to attract just 2000 jobs (or more than \$150,000 per job). The legislature sought to cut the tax on groceries in half by raising taxes on cigarettes, but that initiative was blocked by Governor Barbour’s veto.

The state repeatedly at the bottom in terms of the health and poverty of its residents did little to nothing to alleviate either issue. Instead, it spent its time restricting abortion rights: in the event the U.S. Supreme Court overturns *Roe v. Wade*, abortion will become illegal in Mississippi with narrow exceptions for the life of the mother and cases of rape. Additionally, the law requires doctors to perform a sonogram, ask the patient if she wants to view the images and hear the heartbeat, and sign a statement that this was offered to her. Further, the law restricts a court’s ability to waive the parental consent laws for minors.



Bottom of the Barrel

Education Loan Authority (MOHELA), to sell-off \$355 million in loan assets to pay for campus construction funds, yet even there rightwing forces blocked a new health sciences center at the University of Missouri-Columbia in the name of preventing stem cell research.

Rightwing social activists scored additional victories with anti-abortion bills that will likely effectively close two of the three abortion clinics in the state. People affiliated with abortion clinics were also banned from teaching sex education classes, and communities were encouraged to offer abstinence-only sex education.

On the tax front, some Missourians over age 62 will now be able to deduct Social Security and other public pension income from state income taxes, amounting to a \$154 million tax cut benefiting mostly wealthier seniors since most seniors already pay no taxes on such benefits.

The state also allowed telephone companies to bypass state franchising authorities to offer video services in competition with cable companies, but included relatively weak buildout requirements to ensure universal access.

The best that can be said about the Missouri legislative session was that the legislators defeated some other terrible bills, including blocking a school voucher plan, defeating a proposal to gut the state’s prevailing wage law, and failing to pass a bill that would have cut wages for tipped workers under the state minimum wage law approved by voters last fall.

Missouri

Not much good—and quite a few bad pieces of legislation—came out of the rightwing-dominated Missouri legislature’s work with the state’s Governor Matt Blunt.

A “new” reconfigured state Medicaid system, now called HealthNet, was approved, yet the bill failed to restore health care to most of the 100,000 low-income families kicked out of Medicaid two years ago. Despite a few minor reforms, Missouri did little to help the state’s 700,000 uninsured.

The other signature bill of the session was a financial raid on the state student loan agency, the Missouri Higher



Bottom of the Barrel



About the Progressive States Network

The Progressive States Network aims to transform the political landscape by sparking progressive actions at the state level. Founded in 2005, the group provides coordinated research and strategic advocacy tools to state legislators and their staffs, empowering these decision-makers with everything they need to engineer forward-thinking change on in their states. Our board consists of labor leaders, grassroots and “netroots” groups, and key policy centers. With additional support from these organizations, Progressive States makes it even easier for lawmakers to keep open dialogues with their most savvy constituents. By supporting state legislators and other groups in their efforts to spark progressive actions and get good ideas passed into law, Progressive States proves that state policy matters, and that good policy leads to good politics for all. For more information, visit www.progressivestates.org.

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