

\$1 billion state use tax may be eliminated for individuals

AUSTIN (AP)—A spat between the state comptroller and land commissioner points out a problem with the state's use tax, Sen. Tom Haywood says.

Haywood, R-Wichita Falls, on Wednesday said he was beginning to draft legislation that would eliminate the use tax on individuals.

"By eliminating this tax, I hope to hand over a little more freedom to the people of Texas, along with their hard-earned tax dollars," he said.

Similar to the state sales tax, the use tax is levied on purchases made outside Texas. When the Legislature passed it along with the sales tax in 1961, the use tax was aimed at keeping in-state retailers from suffering a competitive disadvantage.

Mark Sanders, spokesman for the

comptroller, said state law prohibits officials from discussing Dewhurst's case. *The Dallas Morning News* reported that the tax could apply to hundreds of thousands of dollars worth of furniture, art and other items Dewhurst and his wife bought overseas.

Haywood said he agrees the tax shouldn't apply to individuals.

"Comptroller Rylander was correct in her actions to collect any taxes that might be owed to our state, but my position is that we should not be collecting this type of tax in the first place and I will continue working to keep government out of our wallets," Haywood said.

The use tax allows collection of up to 8.25 percent in taxes on any purchases made outside of Texas. This includes goods purchased via the Internet, by mail

order from catalogs without Texas offices, or in other states or countries.

The comptroller's office says the tax generates about \$1 billion a year for state government, most of which is paid by businesses.

Besides the tax questions, the issue has set up a potential political face-off between two Republican officeholders who could run for lieutenant governor in 2002 — should Gov. George W. Bush win the White House and current Lt. Gov. Rick Perry move up. Both Ms. Rylander and Dewhurst are in their first terms in their present posts.

Haywood said his position on eliminating the tax wasn't influenced by the personalities involved. "Their conflict just identified another tax to target," the lawmaker said.

District court judges prohibit cell phones

DENTON, Texas (AP) — Walking into Judge Philip Vick's courtroom dressed in shorts isn't such a good idea — but it might be worse to have a cell phone go off in your shirt pocket.

Vick, who presides over the 158th District Court, leads Denton County judges for the number of contempt charges slapped on people for pagers or cell phones ringing in his courtroom.

During the last two years, he has issued 25 contempt of court citations for the offense and recipients have to immediately pay the district court clerk \$100 or be thrown in jail.

Six of the 25 contempt of court charges initiated by Judge Vick have been against lawyers.

Vick told *The Dallas Morning News* it's all about decorum — and not distracting from the focus of a case. "It's the same as a lawyer putting his feet on the table or coming to court in a pair of shorts," the judge said.

How cell phones manage to make their way into Vick's courtroom have to do with security checks, which have been reduced. Federal courthouses protections are stringently upheld, but county and state courthouses have differing policies, sometimes leaving it up to the discretion of the judge, according to *The News*.

That means the problem isn't just confined to Vick's courtroom.

In Rockwall County, Judy Perser, the 382nd District Court administrator, said everyone is asked to turn off cell phones and set pagers to vibrate before entering court.

Dallas County officials say cell-phone use during jury orientation is a continual problem, but it hasn't drawn fines yet.

Potential jurors are notified during the selection process of the need to silence their handsets and pagers in orientation films, by jury service personnel and by posted notices.

Public and governmental frustration with cell phones has been on the upswing since a 1997 study in the *New England Journal of Medicine* found that talking on a handset while driving quadrupled the risk of an accident and was almost as dangerous as being drunk behind the wheel.

In December, Hilltown, Pa., officials reacted to the death of a 2-year-old girl in a traffic accident by passing a measure prohibiting motorists from using handheld cell phones

while on the road. The ordinance was similar to one in the Cleveland suburb of Brooklyn, Ohio, which is believed to be the first of its kind in the nation.

Hilltown's measure prohibits motorists from driving in the township while using a mobile phone unless they keep both hands on the steering wheel.

Although other Texas counties haven't started to impose penalties, the harsh punishment Vick imposes for pesky cell phones has caught the eye of others.

"The other judges tell me that when a phone rings or a pager beeps in their courtrooms, people dive to shut them off," Vick said.

"It [a ringing cell phone] is the same as a lawyer putting his feet on the table or coming to court in a pair of shorts."

— Judge Philip Vick
158th District Court

Prison guards face bribery-drug charges

GOLIAD, Texas (AP) — Four state prison guards face felony bribery charges after agreeing to launder supposed drug money for inmates, authorities said.

The arrests on Monday were the result of an undercover sting by the Texas Department of Criminal Justice Internal Affairs Office and the Goliad County Sheriff's Office, prison system spokesman Larry Todd said.

Three of the suspects, Eliseo Martinez, 29, his wife, Kimberly Martinez, 23, and brother-in-law, Ronald Belcher, 24, were guards at the McConnell Unit in Beeville about 40 miles northwest of Corpus Christi. The fourth was Mark Valdez, 31, a guard at the nearby Garza West Unit.

Todd said the arrests were not connected with recent troubles at the McConnell Unit, where a guard was stabbed to death on Dec. 17 and an uprising involving 80 inmates was quelled three days later.

Investigators developed the case for several weeks after receiving information about activities by "free-world individuals along with the people at the prison," Todd said.

The Martinezes and Belcher were arrested at 1:25 p.m. in an undisclosed, public location in Goliad, 25 miles west of Victoria, after Eliseo Martinez took a package containing what he believed to be \$60,000, Todd said.

Martinez understood he was to launder \$50,000 for an inmate and keep \$10,000 for himself, Todd said.

All four suspects are charged with bribery, a second-degree felony punishable by up to 20 years in prison and a maximum \$10,000 fine. Martinez and Belcher are free on \$20,000 bond each.

Valdez remained in the Bee County Jail Monday. His bond was set at \$30,000.

Todd said both of the Martinezes have resigned from their jobs. Belcher and Valdez remain employed, he said.

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