

# Collective conflict

March 7, 2011



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The next issue of Capitol Journal will be available on March 14th.

## Top Story

*Governors in Wisconsin, Indiana and Ohio have engaged in high profile confrontations with public employee unions, leading to ugly standoffs that threaten to cripple government in their states.*

## SNCJ Spotlight

### GOP power struggle with unions rages on in Midwest

Republican lawmakers in two of the states at the center of the conflict over union rights conceded a bit of ground a couple of weeks ago. But the high-stakes battle in those states and elsewhere is far from over.

On Feb. 23, Republicans in the Ohio Senate agreed to rework a bill eliminating collective bargaining rights for state workers (SB 5) to preserve some of those rights. The same day, Indiana Gov. Mitch Daniels (R) and Republican legislative leaders decided to table for the rest of the session a right-to-work bill (HB 1468) that would have prohibited employers and unions



“Forgive us if we aren’t trusting,” said John Schorg, a spokesman for the Democratic legislators, who pointed out that Republican leaders had once promised not to introduce the right-to-work bill.

The widely publicized prank phone call to Wisconsin Gov. Scott Walker (R) from a liberal activist posing as conservative donor David H. Koch probably didn’t do much to diminish the Indiana Democrats’ skepticism either. During that 20-minute

conversation, Walker mentioned the idea of using the enticement of a face-to-face meeting with Assembly Minority Leader Peter Barca (D) to get the 14 Democratic senators who have fled his state back to the Capitol long enough to allow Republicans to pass his union-unfriendly budget repair bill.

**“Somebody needs to blink, and there haven’t been very friendly gestures in either direction.”**

But HB 1468 isn’t the only thing keeping Indiana Democrats away from Indianapolis. They actually have a list of 11 bills they want killed. And that list includes education reform measures that are a priority for Daniels, leaving little room for compromise.

“It’s unclear how that happens,” said University of Evansville political science professor Robert Dion. “Somebody needs to blink, and there haven’t been very friendly gestures in either direction.”

The gestures haven’t been any friendlier in Wisconsin. On Feb. 25, Assembly Republicans abruptly cut off debate — albeit after 61 hours of it — on Walker’s collective bargaining-killing budget repair bill (AB 11a) and voted to pass it.

Democrats erupted after the vote, shouting “Shame! Shame!” as Republicans filed off the Assembly floor. Among other things, the Democrats accused Republicans of not following proper procedure in ending debate on the bill. They said they never heard Republicans invoke the rarely used rule to end debate, which requires a motion seconded by 15 members followed by a roll call vote.

“We never imagined they would do it as they did, not even properly using the nuclear option,” said Rep. Kelda Helen Roys (D).

But Republicans said the Democrats had been given ample time to argue their case.

“I challenge anyone watching to say we have not held out for an adequate debate,” said Majority Leader Scott Suder (R).

“The democrats were clearly stalling,” said another Republican representative, Joel Kleefisch. “That’s why Assembly rules allow for a vote on final passage. We took that vote and did what the people of this state asked us to do on Nov. 2 — get spending under control.”

Over in the Senate, the two-week old standoff continued, although Walker tried to end it last Monday by issuing an ultimatum to the 14 Democrats who went AWOL from the chamber, saying the state would lose its opportunity to refinance \$165 million worth of bonds if SB 11a wasn’t passed the following day.



losses, which has focused a lot of negative attention on the job security and benefits of unionized public workers.

“There may have been a time when government employees needed protection and needed reform, but that was a long time ago,” Daniels said in a speech last month. “Public jobs grew while private jobs were lost. Public salaries went up while private sectors are shrinking. It’s time to interrupt that loop, in the public interest.”

But Democrats see measures like Ohio SB 5, Indiana HB 1468 and Wisconsin SB 11 as more than just efforts to tighten the budget belt or equalize public- and

private-sector pay. They say the bills are aimed at undermining the Democratic Party by cutting off one of its key funding sources, a move that could be particularly consequential given last year’s landmark Supreme Court decision freeing corporations and unions to make unlimited political contributions.

“It’s very simple. Wealthy individuals and corporations can still give six-, seven-, eight-figure checks to all the candidates, state parties and causes they want to,” said Democratic strategist Michael

Fraioli. “If you take away unions and their ability to organize...you cut at the heart of our financial support.”

Republican governors also can’t have failed to see the opportunity taking on the unions offers them to raise their political profiles, as it has clearly done for New Jersey Gov. Chris Christie (R).

Gov. Walker, however, seems focused on another GOP icon. During that prank phone call last month he said one of the defining moments in the political career of Ronald Reagan was when he fired the air traffic controllers.

“That was the first crack in the Berlin Wall in the fall of Communism because from that point forward the Soviets and the Communists knew that Ronald Reagan wasn’t a pushover,” he said.

Democrats say they’re not pushovers either.

“People aren’t happy, but it’s got them fired up,” said Fraioli, the Democratic strategist. “It’s almost like they needed something like this to get their chins up off the ground after the 2010 election.”

But Fraioli concedes they are definitely on the defensive.

“We’re not working for jobs, or trying to advance things,” he said. “We’re just trying to hang on to what we’ve got.”

(COLUMBUS DISPATCH, INDIANAPOLIS STAR, NORTHWESTERN INDIANA TIMES [MUNSTER], POLITICO, CLEVELAND PLAIN DEALER, WALL STREET JOURNAL, ASBURY PARK PRESS, TOLEDO BLADE, NEW YORK TIMES, USA TODAY, STATELINE.ORG, ASSOCIATED PRESS, MILWAUKEE JOURNAL-SENTINEL, WISCONSIN STATE JOURNAL [MADISON], TIME, LOS ANGELES TIMES)

**“There may have been a time when government employees needed protection and needed reform, but that was a long time ago.”**

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# Budget & taxes

**INTERNET GAMBLING PUSH SHIFTS TO STATES:** New Jersey Gov. Chris Christie (R) vetoed a measure last week (SB 490) that would have made his state the first in the country to legalize online gambling.

The governor cited “significant concerns” about the bill in his veto message. Chief among them was the fact that the state’s voters have only authorized gambling in Atlantic City — which occurred in 1976 — and actually rejected the notion of statewide gambling two years earlier. A recent poll also indicated that 67 percent of the state’s residents opposed Internet gambling. Consequently, Christie said any expansion of gambling would have to be approved by voters.

Regardless of that decision, industry experts say momentum is growing behind state efforts to legalize online gambling. New Jersey’s bill passed the Assembly 63-11 and the Senate 35-2 in January. Iowa lawmakers introduced a bill (SSB 1165) to legalize online poker a couple of weeks ago, and California, Florida and other states are considering similar legislation.

The federal government effectively banned Internet gambling in 2006, when it prohibited financial companies from processing gambling transactions across state lines. Two companies based overseas, Poker Stars and Full Tilt Poker, offer Internet gaming to millions of players in the United States — illegally in the eyes of the Justice Department. But U.S. gambling interests have focused on trying to change federal policy on Internet gaming, without success. So some have now turned their efforts toward the states.

“I think you’re seeing a shift in focus because the thought process is that if several large states legalize, that will put pressure on the feds to act,” said Florida gambling lobbyist Nick Iarossi.

Theoretically, states could get around the federal ban by setting up so-called “intranet” sites that limit access only to players located within their borders. But the Justice Department hasn’t weighed in on whether it would allow states to do so. It may not be long before states force the agency to show its hand, however, given their current fiscal condition and the potential revenue stream at stake. New Jersey estimated that its intranet gambling law would have generated \$200 million annually.

And gaming law expert Anthony Cabot said once one state passes an Internet gambling law, “you will see other states go ‘aha.’ It will spread very rapidly.” (STAR LEDGER [NEWARK], WALL STREET JOURNAL)

**FEDERAL TAX PACKAGE COULD HURT 19 STATES:** The federal tax-cut package President Obama signed into law in December included an unwelcome gift for many states. In addition to extending the Bush-era tax rates for two more years,



the act also will also allow businesses to deduct the full value of new equipment purchases from their taxes through 2011. As a consequence, taxable incomes will drop for the residents of Illinois, North Carolina, Pennsylvania and 16 other states that link their state tax laws to federal laws, potentially costing them as much as \$5.3 billion over the next few years, according to a report by the Center on Budget and Policy Priorities. The report said the states can avoid the financial hit by decoupling their state tax laws from the federal ones, as many have done when similar cuts were made in the past (NEW YORK TIMES).

**BUDGETS IN BRIEF: WISCONSIN** Gov. Scott Walker (R) proposed a two-year budget last week (AB 40/ SB 27) that would close the state's \$3.5 billion budget gap by slashing aid to public schools and local governments, and eliminating 1,200 state jobs. The \$59.2 billion plan also includes no tax hikes or fee increases and freezes local property taxes, allowing increases only for new construction (MILWAUKEE JOURNAL SENTINEL). • **OREGON** gained 4,000 jobs in December and 6,300 more in January, significantly beating projections. The state's unemployment rate declined from 11 percent in April to 10.4 percent in January (OREGONIAN [PORTLAND]). • **WASHINGTON** added 11,000 jobs in January, the most it has in over three years. Statewide unemployment fell to 9.1 percent, from its December rate of 9.3 percent, as a result (OLYMPIAN). • **VIRGINIA's** House of Delegates and Senate unanimously approved a budget (HB 1500) for the next year and a half last Sunday, one day late. The Senate started out wanting to restore cuts made last year when the state faced a \$4 billion budget deficit, while the House wanted to correct structural imbalances, but the two chambers ended up meeting each other roughly halfway (RICHMOND TIMES-DISPATCH). • **VIRGINIA's** General Assembly also passed the bulk of Gov. Bob McDonnell's (R) transportation plan, which funds \$3 billion dollars worth of improvement projects with borrowing and the acceleration of previously approved bonds to take advantage of historically low interest rates (STATELINE.ORG). • A committee appointed by **NEW YORK** Gov. Andrew M. Cuomo (D) to cut billions of dollars in health care spending has approved 79 measures, including an annual spending cap and across-the-board reductions for all Medicaid providers. The measures still have to be approved by the Legislature (NEW YORK TIMES).

— Compiled by KOREY CLARK

## In the hopper

At any given time, State Net tracks tens of thousands of bills in all 50 states, the US Congress and the District of Columbia. Here's a snapshot of what's in the legislative works:

**Number of Prefiles last week:** 756

**Number of Intros last week:** 9,165

**Number of Enacted/Adopted last week:** 4,370

**Number of 2011 Prefiles to date:** 26,868

**Number of 2011 Intros to date:** 88,540

**Number of 2011 Session Enacted/Adopted overall to date:** 10,616

**Number of Measures currently in State Net Database:** 124,276

— Compiled By JAMES ROSS  
(measures current as of 3/3/2011)  
Source: State Net database





Consequently, the only lasting result of Obama’s recommendation may be that it just further confuses an American public already flummoxed by the issue of health care reform.

According to a recent poll by the Kaiser Family Foundation, 22 percent of U.S. voters believe the health care law has already been repealed by Congress, while another 26 percent aren’t sure whether it has been repealed or not. (NEW YORK TIMES, CHRISTIAN SCIENCE MONITOR)

**EMANUAL WINS BIG IN CHICAGO:** Despite the legal challenge to his residency and competition from five other candidates, President Obama’s former chief of staff, Rahm Emanuel, received enough votes on Feb. 22 to become Chicago’s first Jewish mayor and the 46th overall, succeeding retiring Mayor Richard Daley.

Emanuel garnered 55 percent of the vote, 5 percent over the threshold to avoid an April runoff. He won in 40 of the city’s 50 wards, including both the predominantly white wards of his former congressional district on the North and Northwest sides and the predominantly African-American neighborhoods, where he ran up margins of 2-to-1 or more over the major black candidate, Carol Moseley Braun.

“It was like he had a nuclear bomb and everybody else had a fly swatter,” said 48th Ward Democratic Committeewoman and Emanuel supporter Carol Ronen.

“All I can say, you sure know how to make a guy feel at home,” Emanuel told a packed room at a union hall on the Near West Side. “Because of the people of Chicago, this is the warmest place in America.” (CHICAGO TRIBUNE)

**POLITICS IN BRIEF:** A U.S. district judge has declared **IDAHO**’s 38-year-old GOP open primary system unconstitutional. Republican party leaders have complained for years that the system, which is only used in Republican primary races, allows Democrats and Independents to cross over and skew the results (IDAHO STATESMAN [BOISE]). • The number of public employee retirements in **NEW JERSEY** last year was up 60 percent over 2009. New Jersey Education Association Communications Director Steve Wollmer said Gov. Chris Christie’s (R) criticism of teachers and the threat of pension and benefit reform may be driving up the numbers (PRESS OF ATLANTIC CITY). • A federal district court judge for the District of Columbia upheld the constitutionality of the federal Affordable Care Act last month. The score now stands at 3-2 in favor of the health reform law (STATELINE.ORG)

– Compiled by **KOREY CLARK**

## Upcoming elections

3/2/2011 - 3/23/2011

03/08/2011

**Arkansas Special Election**  
House District 24

**California Special Primary**  
Assembly District 4

**Tennessee Special Election**  
Senate District 18

**Virginia Special Election**  
House District 91

03/15/2011

**Pennsylvania Special Election**  
Senate District 11

03/22/2011

**Alabama Special Primary**  
House District 105

**Mississippi Special Runoff-if needed**  
Senate District 12

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# Governors

## FEDS REJECT GOP GOVS' PUSH FOR MEDICAID OVERHAUL:

The Obama administration's top Medicaid official has rejected a growing call among Republican governors to make the federal program into a block-grant system that allows states to spend the money how they see fit. In a meeting last week of the National Governors Association in Washington D.C., a number of GOP governors insisted block grants, rather than the current federal match system, would give them the most ability to both address budget shortfalls and maintain the health care safety net for their low-income citizens.

But Centers for Medicare and Medicaid Services Administrator Don Berwick said that is not going to happen any time soon.

"I think we need to make sure that Medicaid beneficiaries get access to the kind of care that could really help them, and I think we'll be open to ideas," said Berwick, who nonetheless emphasized that block grants are not currently an option the administration is considering. He did not offer details on that position.

That was welcome news to Democratic governors like Delaware's Gov. Jack Markell, who said block grants would lessen the states' ability to cover needy residents during the ongoing economic slump.

"Funding would remain level as demand's increasing, leaving states with one option — cutting services at a time when they're most needed," he said.

Oregon Gov. John Kitzhaber (D) noted that governors in both parties would like to see some of Medicaid's rules eased, but says that shouldn't come without holding states accountable for growing the program's coverage and improving the quality of services.

Medicaid provides health coverage for about 53 million lower-income Americans, with the federal government responsible for about two-thirds of the costs. The feds also establish the standards for who must be covered and with what medical benefits, though states can and often do exceed those requirements.

But states' share of the program is growing all the time — it is expected to climb about \$25 billion this year — forcing many governors to propose cutting thousands of people off the rolls, an ability states have long enjoyed but which is now much more difficult under the new federal health care law. The personal insurance mandate portion of that reform is also expected to add up to 20 million people to Medicaid rolls by 2014.

Consequently, President Obama told the governors at the NGA meeting last week that he is open to letting states obtain waivers from the mandate, perhaps as early as the 2014 start date, provided they find another way to expand coverage without driving up health care costs (See *Politics and Leadership* in this issue). That did little to mollify many of the governors who oppose the law, which in turn seemed to frustrate Kitzhaber.

“The closer governors get to Washington, the more they start acting like members of Congress,” he said (WASHINGTON POST, NEW YORK TIMES, THE HILL)

### QUINN STILL UNDECIDED ON DEATH

**PENALTY:** With less than two weeks to go until Illinois Gov. Pat Quinn (D) must determine the fate of capital punishment in the Prairie State, pro- and anti-death penalty advocates are each lobbying hard for him to side with them. But while Quinn has diligently met with and listened intently to passionate advocates on both sides of the controversial issue, he is offering no clue whether he will sign or veto pending legislation (SB 3539 [2009] that would abolish the state’s death penalty. Quinn ran as a capital punishment supporter during his re-election campaign, but has also continued former Gov. George Ryan’s (R) decade-long moratorium on executions. He has until March 18 to sign the measure, veto it or allow it to become law without his signature. He could also conceivably rewrite the bill and return it to lawmakers, which would be the same as a veto as the bill was generated by the previous General Assembly. Quinn has said he will follow his conscience in deciding the matter. (CHICAGO TRIBUNE)

### LePAGE WANTS RIGHT-TO-WORK IN

**MAINE:** Maine Gov. Paul LePage (R) said he plans to push right-to-work legislation in the Pine Tree State this year, though he acknowledged “it’s going to be a battle.” In interviews at the recent National Governors Association meeting in Washington D.C., LePage decried the state’s “fair share” law, which he says forces workers to join unions.

“Forcing a worker to join an organization as a condition of employment runs counter to the rights described in our Declaration of Independence,” LePage said.

Union leaders, however, quickly claimed LePage has his facts wrong, noting that while the state law allows non-union workers to be charged union dues for benefitting from collectively bargained contracts, federal law bars workers from being forced to become a union member.

LePage is pushing legislation that would make Maine a “right-to-work” state that bars unions from requiring non-union workers to pay such dues or service fees. According to the National Right to Work Federation, 22 states currently have right-to-

## The week in session

**States in Regular Session:** AK, AL, AR, AZ, CA, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, MA, MD, ME, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NM, NV, OK, OH, OR, PA, PR, RI, SC, SD, TN, TX, US, UT, VT, WA, WI, WV

**States in Special Session:** WI “a”, CA “a”

**Special Sessions in Recess:** VA “a” (Redistricting).

### Upcoming Special Sessions:

AL “a” regarding Coastal Insurance convene date TBA.

LA “a” regarding Census / Redistricting convenes 03/20/2011.

**States in Joint Finance Hearings:** DE

**States in Veto Session:** KY (Veto Recess begins 03/08/2011)

**States Currently Prefiling or Drafting for 2011:** FL, LA

### States Projected to Adjourn:

UT(03/10/2011), WV(03/12/2011)

**States Adjourned in 2011:** VA, WY

**State Special Sessions Adjourned in 2011:** AL “a”, AZ “a”, AZ “b”

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS  
(session information current as of 3/3/2011)  
Source: State Net database



work laws, with another dozen set to consider such measures this year. (POLITICO, BANGOR DAILY NEWS)

**GOVERNORS IN BRIEF: MASSACHUSETTS** Gov. Deval Patrick (D) said he is considering proposing legislation that would implement a sweeping overhaul of how Massachusetts provides critical services to families and children. That plan would include merging the Department of Children and Families, which oversees foster care, and the Department of Youth Services, which deals with children involved in the courts, into a single agency. The governor gave no timetable for introducing the measure to Bay State lawmakers (BOSTON GLOBE). • **MISSISSIPPI** Gov. Haley Barbour (R) asked the Magnolia State Supreme Court to uphold the constitutionality of a 2004 state law that places a \$1 million limit on non-economic damages in civil cases. Barbour praised the cap, saying it “and other tort reform measures leveled the playing field for all litigants, ensured fair and predictable results, averted a health care crisis and attracted new businesses to the state.” The Supreme Court has been asked by the 5th U.S. Circuit Court of Appeals in New Orleans about the constitutionality of the law before it rules in a case involving a traffic accident (HATTIESBURG AMERICAN). • The **SOUTH CAROLINA** House gave the green light to three of Gov. Nikki Haley’s (R) top priorities last week. Palmetto State Representatives endorsed proposals to have the governor and lieutenant governor run on the same ticket (HB 152), to create a new Department of Administration that would be under the governor’s control (HB 3066) and to let voters decide if the state’s superintendent of public education should be appointed by the governor or remain an elected position (HB 3070). All three proposals are now in the Senate (THE STATE [COLUMBIA]).

— *Compiled by RICH EHISEN*

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## Hot issues

**B** **USINESS:** The U.S. Supreme Court rules that corporations do not have personal privacy rights that protect the disclosure of federal records about them. The ruling overturns a federal appeals court decision that shielded telecomm giant AT&T from disclosing information about its participation in the federal E-verify program that ensures workers are in the country legally (ASSOCIATED PRESS). • **WYOMING** Gov. Matt Mead (R) signs HB 230, which extends for two more years the Equality State’s moratorium on the use of eminent domain for wind power projects. The measure prevents private wind companies from condemning land to build collector lines to connect wind turbines with transmission lines until the end of June in 2013 (THE REPUBLIC [COLUMBUS]). • The



**ALASKA** House endorses HB 7, legislation that would bar the sale of synthetic cannabinoids, which are sold at retailers under names such as Spice or K2 and smoked to provide an effect similar to marijuana. The measure is now in the Senate (ANCHORAGE DAILY NEWS).

• The **OHIO** Senate approves SB 5, which would bar public employees, including police and firefighters, from going on strike and eliminate binding arbitration for those workers. It is now in the House (COLUMBUS DISPATCH). • **NEW JERSEY** Gov. Chris Christie (R) vetoes SB 490, a measure that would have made the Garden State the first in the country to legalize online gambling (STAR-LEDGER [NEWARK]).

**CRIME & PUNISHMENT:** The **MISSISSIPPI** House approves SB 2821, which would make a second animal cruelty offense a felony, punishable by up to a \$5,000 fine. A first offense would remain a misdemeanor, but offenders would have to undergo mental illness testing. The bill returns to the Senate (CLARION LEDGER [JACKSON]). • Still in **MISSISSIPPI**, Gov. Haley Barbour (R) signs SB 2426, legislation that makes it a misdemeanor to prevent domestic violence victims from seeking medical treatment or emergency assistance (HATTIESBURG AMERICAN). • The **WYOMING** House gives final approval to HB 29, which would require suspected drunken drivers to submit to blood alcohol testing. It moves to Gov. Matt Mead (R) for review (CASPER TRIBUNE). • **KENTUCKY** Gov. Steve Beshear (D) signs HB 463, which, among other things, steers low-level non-violent offenders out of jails and prisons and into increased supervision in the community and more drug and alcohol treatment (COURIER-JOURNAL [LOUISVILLE]). • The **ARKANSAS** Senate approves SB 437, legislation that would allow only a pharmacist to distribute ephedrine, pseudoephedrine and phenylpropanolamine, major ingredients in many over-the-counter cold and allergy medications but also a key ingredient of illegal methamphetamine. It is now in the House (ARKANSAS NEWS SERVICE [LITTLE ROCK]). • Meth is also the issue in **WEST VIRGINIA**, where the House approves HB 2946, a bill that would require residents to obtain a prescription for 15 pseudoephedrine-containing medications currently sold over the counter. It moves to the Senate (CHARLESTON DAILY MAIL).

**EDUCATION:** The **NEW MEXICO** House approves HB 21, which would require third-graders that lack basic reading skills to be held back rather than moving to the next grade. The measure, which would eliminate a current law that allows parents to veto decisions to keep students back, moves to the Senate (SANTA FE NEW MEXICAN). • The **WYOMING** Senate rejects HB 204, a bill that would have required all public school students to recite “The Pledge of Allegiance” each day.

## Upcoming stories

Here are some of the topics you may see covered in upcoming issues of the *State Net Capitol Journal*:

- **Federal health care reform**
- **Film incentives**
- **Immigration**



Opponents said no government can compel patriotism (CASPER TRIBUNE). • The **ILLINOIS** House approves HB 200, which would bar Prairie State high school students from returning to games after a possible concussion until a doctor gives written permission. It moves to the Senate (CHICAGO TRIBUNE).

## In case you missed it

Historic budget shortfalls have forced many states to dramatically curb their Medicaid spending, leaving their poorest and most vulnerable residents at risk. Under President Obama's budget proposal, that situation may be about to get much worse.

In case you missed it, the article can be found on our Web site at [http://www.statenet.com/capitol\\_journal/02-21-2011/html](http://www.statenet.com/capitol_journal/02-21-2011/html)

**ENVIRONMENT:** The **WASHINGTON** House approves HB 1489, legislation that would bar Evergreen State residents from using fertilizers that contain phosphorous. It moves to the Senate (SPOKESMAN-REVIEW [SPOKANE]). • **PENNSYLVANIA** environmental officials announce they are rescinding guidelines for regulating Marcellus Shale wells that require the state to consider and regulate the collective or aggregate emissions of well operations in a region (PITTSBURGH POST-GAZETTE). • **WYOMING** lawmakers give final approval to HB 152, which would bar the state Environmental Quality Council from giving environmental protections to areas of the state it deems to be “very rare or uncommon.” It is now with Gov. Matt Mead (R) for review (CASPER TRIBUNE).

**HEALTH & SCIENCE:** • The **MISSISSIPPI** House Public Health Committee rejects SB 2726, a Senate-approved bill that would have barred smoking in most public places. Opponents said the bill duplicated laws already on the Magnolia State books (HATTIESBURG AMERICAN). • The **WASHINGTON** Senate approves SB 5307, a measure that would count military training toward licenses for opticians, physicians’ assistants, and physical therapists, among other medical professions. It moves to the House (OLYMPIAN). • **ARKANSAS** lawmakers give final approval to HB 1315, which would require health insurers to cover the diagnosis and treatment of autism in children under 18. The bill, which caps annual benefits at \$50,000, moves to Gov. Mike Beebe (D), who is expected to sign it into law (ARKANSAS NEWS BUREAU [LITTLE ROCK]). • Still in **ARKANSAS**, the House endorses HB 1428, which would require health insurers to offer child-only policies. It moves to the Senate (ARKANSAS NEWS BUREAU [LITTLE ROCK]). • The **NORTH CAROLINA** Senate approves SB 33, a bill that would change the Tar Heel State emergency room medical malpractice standard from ordinary negligence to “gross negligence.” The measure, which would also cap non-economic damages for patients at \$500,000, moves to the House (NEWS & OBSERVER [RALEIGH]).

**IMMIGRATION:** The **ALASKA** House approves HB 3, which would let the Alaska Division of Motor Vehicles issue driver’s licenses valid only for the duration of a person’s visa or, in the case of a person allowed to stay in the country

indefinitely, for a period of one year. It moves to the Senate (ANCHORAGE DAILY NEWS). • The **WASHINGTON** House endorses HB 1547, which would send illegal immigrants convicted of non-violent offenses directly to U.S. Immigrations and Customs Enforcement. It moves to the Senate (THE OLYMPIAN).

**SOCIAL POLICY:** The **WYOMING** Senate rejects HB 251, a House-endorsed bill which would have required Equality State physicians to offer an ultrasound to pregnant women who are planning an abortion. Opponents called the bill intrusive (CASPER TRIBUNE). • Still in **WYOMING**, the Senate rejects the House-approved HB 74, which would have barred the state from recognizing same-sex marriages performed in other states (CASPER TRIBUNE). • The **ARIZONA** House approves HB 2443, which would bar abortions based on the fetus's suspected race or gender. It has moved to the Senate (COLORADO INDEPENDENT [DENVER]). • Also in **ARIZONA**, the House approves HB 2416, a bill that would require doctors to perform an ultrasound at least one hour before an abortion. Physicians would also be required to note the fetus's extremities and give the woman an opportunity to listen to the heartbeat and take home a photo. It would also change the definition of abortion to include abortion by pill and would bar doctors from using telemedicine to administer abortion by pill remotely. It has moved to the Senate (TUCSON WEEKLY). • Still in **ARIZONA**, the House also endorses HB 2384, which, among other things, would ban state universities and community colleges from using state funding or tuition money to train students to perform abortions. It is now in the Senate (TUCSON WEEKLY). • The **SOUTH DAKOTA** Senate approves HB 1217, which would mandate counseling and a 72-hour waiting period before a woman could have an abortion. The measure moves to Gov. Dennis Daugaard (R) for review (CAPITAL JOURNAL [PIERRE]).

**POTPOURRI:** The U.S. Supreme Court rules that virulent protests and picketing at military funerals by the Topeka, **KANSAS**-based Westboro Baptist Church are protected by the First Amendment. The decision overturns a **MARYLAND** court's ruling that the church — which protests at military and other funerals all over the country, claiming the soldiers' deaths are God's punishment on America for its relative acceptance of homosexuals — had inflicted serious emotional damage on the family of an Old Line State soldier killed in Iraq (WASHINGTON POST). • The **MISSOURI** House approves HB 276, which would make it a misdemeanor to protest within 500 feet of a cemetery, mortuary, church or other house of worship from two hours before a funeral to two hours after the ceremony. Violators would face up to six months in jail. It now is in the Senate (NEWS TRIBUNE [JEFFERSON CITY]). • **WYOMING** Gov. Matt Mead (R) signs SF 47, legislation that allows residents to carry concealed handguns without a state permit. The Equality State becomes the fourth, after **ALASKA**, **ARIZONA** and **VERMONT**, to allow citizens to pack a





drawing mediocre interest at best from lawmakers. Sen. Rich Crandall summed it up nicely, asking “I just want to know if lunch is going to be served on Fitness Day, so I can be there.” Incidentally, visitors to Crandall’s office are greeted with a large bowl of Girl Scout cookies.

**NO PRANK ZONE:** It was the call heard around the world: Wisconsin Gov. Scott Walker’s 20-minute phone conversation with someone he thought was a powerful supporter but who was in fact anything but. While the true fallout from Walker’s jabbering about his efforts to declaw the Badger State’s public employee unions is not yet known, legislation to help prevent Walker and others from getting pranked in the future is on the way. As the *Wisconsin State Journal* reports, two GOP lawmakers have introduced legislation to make prank calls illegal, hitting said pranksters with up to a \$10,000 fine. Both insist the bill was already in the works and not related to Walker’s phone mishap. It would also exempt police and government agencies, which can only mean one thing: Walker knows right where to start looking the next time he gets duped.

**I DON’T BELIEVE IN NO GHOSTS:** It’s official: there are no more Eastern cougars prowling the woods of Maine. So says the U.S. Department of Fish and Game, which recently issued a study showing the big cats to be long gone. As the *Bangor Daily News* reports, the verdict came in spite of scores of reported sightings of the large predators, so rare they are often referred to as “ghost cats.” That doesn’t sit well with the many Mainers, including some state game officials, who claim to have seen them over the years. The feds, however, don’t deny that people have seen mountain lions, only that they are part of the original Eastern cougar clan. Most, they say, are likely lions that have escaped from being illegally held by private owners. Gosh, can a push for more stringent control on illegal lion immigration be far behind?

— By *RICH EHISEN*

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