

May 3, 2010

## Desert Heat



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● The next issue of  
 ● Capitol Journal will be  
 ● available on May 10th.  
 ●

### Top Story

*State lawmakers have long been frustrated with a lack of federal action on overhauling the nation's immigration policy and securing the country's borders. Now a historic new immigration law in ARIZONA may force the feds to address the issue once and for all.*

## SNCJ Spotlight

### AZ immigration law reignites national debate

When Barack Obama was running for president in 2008, he promised to reform immigration policy, secure U.S. borders and provide a path to citizenship for undocumented persons who had lived in America for many years. But since entering the White House, a plethora of other issues, from health care reform to an overhaul of Wall Street, has pushed immigration to the back burner. That all changed on April 23<sup>rd</sup> when, with a stroke of ARIZONA Gov. Jan Brewer's (R) pen, immigration was again catapulted into the political forefront, both in the states and in Washington D.C.

Brewer reignited the passion of the immigration debate by signing Senate Bill 1070, the most far-reaching state anti-immigration law in the nation. The bill's provisions include making it a state crime to be in the country illegally and a requirement that police demand proof of legal immigration status from anyone they might reasonably suspect of being an undocumented immigrant. The bill also bars so-called "sanctuary cities," which forbid city officials to ask residents for legal immigration status, and allows people to sue authorities for enforcing "federal immigration laws to less than the full extent permitted by federal law."

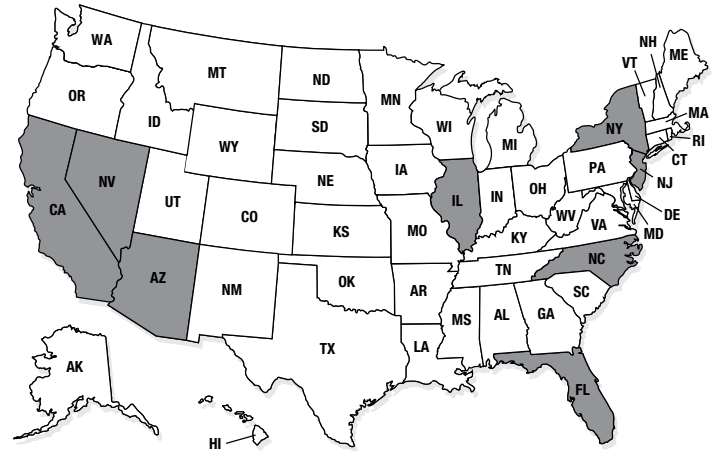
Although the once volcanic immigration debate had cooled slightly while Congress tackled the massive economic stimulus and health care campaigns,

tensions have been slowly rebuilding for months. Almost as soon as the health care bill was done, immigration reform advocates began pressing Obama and Congress to take action sooner rather than later. Some Congressional leaders agreed, most notably SOUTH CAROLINA Sen. Lindsey Graham (R) and NEW YORK Sen. Chuck Schumer (D), who in March announced a framework for reform that included stepping up border security and enforcement, developing a temporary worker program, creating tamper-proof Social Security cards for both U.S. citizens and legal immigrants and implementing what they said was "a tough but fair path to legalization" for the 11 million illegal immigrants estimated to already be in the United States.

But Obama and top Democratic leaders instead turned their attention to financial reform. Meanwhile, in ARIZONA, SB 1070 was gaining traction. The bill was introduced by state Sen. Russell Pearce (R), a former Maricopa County sheriff whose state web page notes that his son, also a sheriff, was shot and critically wounded by an illegal immigrant in 2004.

The measure initially drew strong opposition from the business community, which was already smarting from a 2008 law requiring employers to verify their

## Bird's eye view



Source: Christian Science Monitor, Department of Homeland Security

States with large declines in population of illegal immigrants between 2008 and 2009

### U.S. illegal immigrant population in decline

The number of immigrants living in the United States illegally declined by 850,000 between 2008 and 2009 (from 11.6 million to 10.75 million), according to a report released earlier this year by the Department of Homeland Security. CALIFORNIA still had the largest population of unauthorized immigrants as of January 2009, estimated at 2.6 million, but that is 250,000 less than a year earlier. FLORIDA's illegal immigrant population is estimated to have dropped by 120,000 and ARIZONA's by 100,000. Some immigration-control groups say the declines are a sign border patrolling and surveillance are working, while others claim they're a result of the recession.







(D) has urged Gov. Arnold Schwarzenegger (R) to review and possibly cancel any contracts the Golden State has with its neighbor to the southeast. Activists are also urging Major League Baseball to withdraw its 2011 All Star game, which is scheduled to be held in Phoenix, home of the Arizona Diamondbacks. The Mexican government issued a travel warning to its citizens who may have travel plans to ARIZONA, saying “any Mexican citizen could be bothered and questioned for no other reason at any moment.” Mexican officials also called for boycotts of Phoenix-based U.S. Airways as well as the Diamondbacks and the NBA’s Phoenix Suns.

Even some of the nation’s staunchest conservatives have voiced their opposition, including FLORIDA’s former House Speaker and current U.S. Senate candidate Marco Rubio (R) and TEXAS Gov. Rick Perry (R). The law, however, also has numerous supporters, including NEVADA Gov. Jim Gibbons (R) and Republican IOWA gubernatorial candidate Bob Vander Plaats, who said he would push for similar legislation in the Hawkeye State if elected.

For all of their differences, all sides are united in the belief that the root of the problem lies in a fundamental failure of the federal government to address immigration reform.

“The ARIZONA Legislature has decided that if Washington D.C. won’t enforce immigration laws, they’ll do it themselves,” says Ira Mehlman, a spokesperson for the

**“The ARIZONA Legislature has decided that if Washington D.C. won’t enforce immigration laws, they’ll do it themselves.”**

Washington D.C.-based Federation for American Immigration Reform (FAIR). “This was a perfectly reasonable response by lawmakers there to protect ARIZONA interests.”

Whether any states follow ARIZONA’s lead remains to be seen. Michael Hethmon, general counsel for the Immigration Reform Law

Institute, FAIR’s legal affiliate and the entity that helped draft SB 1070, told *CNN* that lawmakers from at least four states have contacted him about crafting similar bills in their states. At least some of that concern appears to be over the possibility of a significant exodus of Hispanics, both legal and illegal, out of ARIZONA into neighboring states, particularly those with already large immigrant populations. UTAH Rep. Stephen Sandstrom (R), for instance, recently told the *Salt Lake Tribune* that he is drafting similar legislation, saying “Utah needs to pass a similar law or we will see a huge influx of illegals.” Lawmakers in TEXAS, ARKANSAS and OHIO have indicated they will follow suit.

CALIFORNIA Assemblyman Roger Niello (R) says he understands those concerns but doubts SB 1070 will have much impact on the Golden State, which has an estimated 3 million undocumented immigrants.

“That law would never pass here. Everybody knows that,” he says, noting that anything like it would have to come via the proposition process. He also notes that voters approved a sweeping ballot measure in 1994 to deny illegal immigrants



access to most public services, but the measure was mostly invalidated by the courts, which ruled that the federal government, not the states, is ultimately responsible for controlling immigration, not the states. In that regard, Niello lauds the ARIZONA measure if only because it could help prod federal action on immigration reform. But he cautions that more states will likely have to be involved for that to happen.

“If ARIZONA is the only state to be proactive, there’s not much chance Washington will act,” he says.

One could argue pretty effectively, however, that states have been more than proactive in addressing immigration in recent years. According to the National Conference of State Legislatures, more than 1,500 immigration-related bills were

introduced in statehouses in 2009, with more than 200 being enacted. According to State Net, more than 200 bills have been introduced in 38 states so far in 2010 on undocumented workers alone, with 35 making it through at least their house of origin.

**“If ARIZONA is the only state to be proactive, there’s not much chance Washington will act.”**

In spite of the renewed pressure, there is not much hope of Congress or the White House acting any time soon. For all the call for reform, there is nothing approaching consensus on what that reform should look like. Groups like FAIR categorically reject proposals like that of Graham and Schumer, calling it amnesty for criminals who entered the country illegally. Others, particularly business interests in low-wage service industries like agriculture who depend on immigrant labor, will settle for nothing less than a guest worker program, much like the failed 2007 proposal from then-President George W. Bush. With mid-term elections coming up this fall, both parties are understandably wary of alienating potential voters on either side of the issue. But while delaying action may stave off the inevitable for now, it is at best a temporary fix. Catherine Lee, a Rutgers University sociology professor focused on immigration reform politics, summed up the dilemma, telling the Associated Press, “this really throws down the gauntlet for both parties.”

— By RICH EHISEN

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## Budget & taxes

**W**ALL STREET BETTING AGAINST STATES: Many U.S. cities and states have a new reason to hate Wall Street. Investors are profiting on their financial misery by buying derivatives that basically bet the governments will default on their debts. Credit default swaps — the insurance contracts that allowed investors to make millions off the collapse of the housing

market — have been taken out against numerous municipalities and over a dozen states, including CALIFORNIA, MICHIGAN and NEW YORK.

The derivatives haven't seen heavy trading, but their proliferation is angering treasurers across the country, who say they are sending a negative message to potential investors and possibly driving up their borrowing costs when they can least afford it.

CALIFORNIA Treasurer Bill Lockyer (D) wants to know who is buying the investment products and whether the big Wall Street firms that sell the state's bonds, including J.P. Morgan Chase & Co.; Merrill Lynch and its parent, Bank of America Corp.; Citigroup Inc.; and Barclays PLC, are trading in-house for their own profit. All of the banks have assured Lockyer that their actions are making it possible for the derivatives to be traded without driving up issuers' borrowing costs, but the treasurer intends to probe further.

"Firms that are underwriting our bond sales are then telling the purchasers maybe they need to buy a CDS reflecting some risk," he said. "They are speaking with two tongues, and we want to find out whether that impacts us in an adverse way." (WALL STREET JOURNAL)

**CA ECONOMY ON MEND:** CALIFORNIA's economy is showing signs of life. Several Silicon Valley companies have reported jumps in profits and plans to increase hiring levels in recent weeks. And last month state tax revenues, fueled by an increase in exports, exceeded projections for the fourth month in a row. Year-to-date totals are now ahead of estimates by 4.1 percent. If that trend continues, the Golden State will end the year on June 30th with about \$3 billion more than expected. That could spare schools and other government services from further cuts in the immediate future and put the state on track to return to pre-recession revenue levels in two or three years. (WALL STREET JOURNAL)

## Upcoming elections

4/29/2010 - 5/20/2010

05/01/2010

### **Louisiana Special Election**

House District 63

### **Louisiana Special Primary**

House District 93

05/04/2010

### **Indiana Primary Election**

House (All)

Senate 1, 4, 6, 11, 14, 15, 17, 19, 21, 22, 23, 25, 26, 27, 29, 31, 38, 39, 41, 43, 45, 46, 47, 48, 49

US House (All)

US Senate (Class 3 - Evan Bayh)

### **North Carolina Primary Election**

House (All)

Senate (All)

US House (All)

US Senate (Class 3 - Richard Burr)

### **Ohio Primary Election**

House (All)

Senate (Odd)

Constitutional Officers:

Governor, Lieutenant Governor,

Secretary of State,

Treasurer, Attorney General, Auditor

US House (All)

US Senate (Class 3 - George V. Voinovich)

05/08/2010

### **Texas Special Election**

House District 66 and District 100

(Eric Johnson (D), was unopposed and has now been sworn into office.)

Senate District 22

05/11/2010

### **Georgia Special Election**

House District 12

Senate Districts 42 and 49

US House (GA Congressional District 9)

### **Massachusetts Special Election**

Senate Middlesex, Suffolk and Essex (A. Galluccio)

and Norfolk, Bristol, Middlesex (S. Brown)

### **Nebraska Primary Election**

Legislature (Even)

Constitutional Officers:

Governor, Lieutenant Governor,

Secretary of State,

*(continues on next page)*

**BUDGETS IN BRIEF:** Internet retailer Amazon filed suit against **NORTH CAROLINA** last week, after the state requested the names and addresses of the company's **NORTH CAROLINA** customers, presumably to collect sales taxes owed the state in accordance with a new law requiring companies with affiliates in the state to collect and pay those taxes. A similar case is pending in **NEW YORK** (STATELINE.ORG). • **PENNSYLVANIA's** tax amnesty program got off to a good start last week, collecting \$44,000 in its first 10 hours. The state hopes to bring in at least \$190 million over the 54 days the program is in effect (PITTSBURGH POST-GAZETTE). • **TEXAS'** Port of Houston Authority received permission for its container vessels to sail to Cuba, which trade experts believe will allow the state to carve out a larger share of the United States' trade with the island nation. The state shipped \$85 million in goods to Cuba last year, a distant second to \$241 million shipped by **LOUISIANA** (TEXAS TRIBUNE [AUSTIN]). • US Interior Secretary Kenneth Salazar approved the nation's first offshore wind farm last week in **MASSACHUSETTS**. The state's controversial Cape Wind project in Nantucket Sound was first proposed nine years ago (BOSTON GLOBE). • Hundreds of **NEW YORK** school districts have stockpiled \$3.3 billion in taxpayer dollars over the last decade in violation of state law. The districts drafted budgets each year based on inaccurate revenue projections that created a glut of surpluses (WALL STREET JOURNAL). • **HAWAII** Gov. Linda Lingle (R) issued six vetoes last Tuesday, including HB 2421, a \$1 hike in the 5-cent tax on importing a barrel of oil into the state. Lawmakers, however, overrode that veto. Lingle did approve a 20-cent-per-pack increase in the cigarette tax (HONOLULU STAR BULLETIN). • **NEW YORK** Gov. David Paterson (D) has proposed furloughing 100,000 state workers without pay one day a week until the state budget is worked out. The budget is now nearly a month late (ALBANY TIMES UNION). • Defense

## Upcoming elections (cont.)

4/29/2010 - 5/20/2010

### **Nebraska Primary Election (cont.)**

Treasurer, Attorney General, Auditor of Public Accounts  
US House (All)

### **West Virginia Primary Election**

House (All)  
Senate 17 seats, one in each district  
US House (All)

05/18/2010

### **Arkansas Primary Election**

House (All)  
Senate 5, 6, 10, 11, 13, 14, 15, 16, 18, 19, 21, 22, 27, 28, 29, 34, 35  
Constitutional Officers:  
Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Auditor, Commissioner of State Lands  
US House (All)  
US Senate (Class 3 - Blanche Lambert Lincoln)

### **Kentucky Primary Election**

House (All)  
Senate (Even)  
US House (All)  
US Senate (Class 3 - Jim Bunning)

### **Massachusetts Special Primary**

House 16th Essex

### **Oregon Primary Election**

House (All)  
Senate 3, 4, 6, 7, 8, 10, 11, 13, 15, 16, 17, 19, 20, 24, 26  
Constitutional Officers:  
Governor, Superintendent of Public Instruction, Commissioner of Labor and Industries  
US House (All)  
US Senate (Class 3 - Ronald Lee "Ron" Wyden)

### **Pennsylvania Primary Election**

House (All)  
Senate (Even)  
Constitutional Officers:  
Governor, Lieutenant Governor  
US House (All)  
US Senate (Class 3 - Arlen Specter)

### **Pennsylvania Special Election**

House Districts 20, 138 and 147  
US House (PA Congressional District 12)



contracting giant Northrop Grumman has decided to relocate its global headquarters to **VIRGINIA**. The company said its choice of the Old Dominion over the other jurisdictions in the running, **MARYLAND** and the District of Columbia, came down to real estate, proximity to the Pentagon and other government agencies with which it does business and economic development incentives (BALTIMORE SUN).

— *Compiled by KOREY CLARK*

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# Politics & leadership

**‘RACE TO TOP’ SPARKS CLASHES:** Last month the U.S. Department of Education awarded the first round of “Race to the Top” education reform grants to just two states, **DELAWARE** and **TENNESSEE**. (See **DELAWARE AND TENNESSEE RACE TO THE TOP** in April 5 issue of *SNCJ*.) Education Secretary Arne Duncan cited near-universal union support for the reform plans in those states as a key factor in his department’s decision. And that has touched off a wave of skirmishes between state and union officials in states vying for the second round of grants.

In **MINNESOTA**, Gov. Tim Pawlenty (R) has called for the Legislature to pass an education reform package that would change how teachers are licensed and tenured. The state teachers’ union, Education Minnesota, however, is opposing that effort, advocating instead for an application that focuses on improving the performance of the state’s lowest-achieving schools.

The Pawlenty administration is calling the union’s position obstructionist.

“The job of the teachers’ union is to protect the union members, but the main role they are playing now is as the primary obstacle to passing any sort of reform,” said Brian McClung, the governor’s deputy chief of staff.

The union counters that Pawlenty is trying to make them the scapegoat and that approach is not helping matters.

“Our governor takes every chance he can to take shots at the teachers and the teachers unions,” said Tom Dooher, president of Education Minnesota. “So there is very low trust in what he is doing.”

**INDIANA**’s school superintendent, Tony Bennett, actually pulled his state out of the grant competition two weeks ago, after union leaders rejected his demand that they agree to link teacher tenure to student test scores and then the state’s largest teacher’s union declined his invitation to attend a public summit on the subject.

“He’s been disingenuous and demeaning,” Nate Schnellenberger, president of the Indiana State Teachers Association, said of Bennett. “We are willing to discuss meaningful reforms, but we won’t participate in a circus.”



Education Secretary Duncan said he actually welcomed the conflict over the issue, but he warned states against weakening their reform plans simply to win union support.

“Watered-down proposals with lots of consensus won’t win,” he said. “And proposals that drive real reform will win.”

That was evidently the thinking behind the decision of COLORADO state schools chief Dwight Jones to write an op-ed in the *Denver Post* last month arguing that the state couldn’t win a grant without passing a controversial bill overhauling the teacher tenure system. Up until then, the state had been on good terms with the teachers’ unions, having worked in tandem with them in drafting the state’s first Race to the Top application. But following publication of the op-ed, the Colorado Education Association withdrew its support for the state’s application, accusing Jones of throwing teachers “under the bus.”

Jones said the op-ed was a calculated risk. Union support was important, he said, but it wasn’t the only way to win.

“Our being successful will be determined far more by the actions this state takes to improve student achievement,” he said.

At least one state is taking a diametrically different approach: basically paying for union support. OHIO education officials have said they will guarantee a minimum level of funding for districts whose unions agree to support the state’s application. (WALL STREET JOURNAL)

**DISCLOSURE BILL DRAWS UNIVERSAL OPPOSITION:** The Obama administration wants to pass legislation before the November elections that would require groups that run political attack ads to disclose the names of the businesses, unions and other groups that fund them. The measure was spurred by the January Supreme Court decision easing restrictions on corporate and union political advertising. But some Democrats said it is aimed particularly at stymieing the campaign efforts of the U.S. Chamber of Commerce, which plans to spend \$50 million on the upcoming races. When U.S. Rep. Chris Van Hollen (D-MARYLAND) outlined the legislation two weeks ago, Chamber of Commerce President and CEO Thomas Donohue called it a “thinly veiled attempt to hijack the political playing field to his advantage on the eve of the midterm elections.”

Unsurprisingly, conservative organizations and business groups have lined up against the bill. But the measure is also drawing opposition from advocacy groups on the left, including the Sierra Club and the Alliance for Justice, a coalition of liberal organizations, which, just like their right-leaning counterparts, fear the disclosure requirement will scare off wealthy donors.

## Upcoming stories

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

- **State food stamp struggles**
- **Texting and sexting**
- **More health care reform**



“It’s a significant issue,” said David Willett, a spokesman for the Sierra Club, which is working to change the legislation.

U.S. Sen. Charles Schumer (D-NEW YORK), one of the authors of the proposed legislation (US HB 5175), said: “Whether you are a major corporation or a good-government nonprofit, if you are going to spend money on television to influence elections, it is only common sense that you should disclose the sources of your funding.”

But the opposition from the left poses a significant obstacle for the legislation. With U.S. Rep. Michael Castle (R-DELAWARE) the only Republican lawmaker having signed on to the bill, Democrats can’t afford to lose votes from their own party. (WALL STREET JOURNAL)

**FL GOV EXITS US SENATE PRIMARY:** FLORIDA Gov. Charlie Crist (R) has decided to pull out of the Republican primary for the U.S. Senate and run in the general election as an independent. GOP leaders have abandoned Crist in recent weeks, claiming he’s not the partner they need to challenge the Democrats’ agenda in Washington. Crist had also been trailing former state House Speaker Marco Rubio — now the presumptive GOP nominee — in recent polls. Crist will now face Rubio and the likely Democratic nominee, U.S. Rep. Kendrick Meek, in November, with one of the three needing only a plurality of votes rather than a majority to win (WALL STREET JOURNAL).

**POLITICS IN BRIEF: CALIFORNIA** Sen. Abel Maldonado (R) was confirmed last week as the state’s lieutenant governor. He will fill the vacancy created by the election of John Garamendi (D) to Congress late last year (SACRAMENTO BEE). • **LOUISIANA** Gov. Bobby Jindal (R) nominated Natural Resources Secretary Scott Angelle last week to serve as lieutenant governor when Mitch Landrieu leaves the job this week to become mayor of New Orleans. If confirmed by the Legislature, Angelle will serve in the post either until it is eliminated, which Jindal is pushing for, or voters elect a replacement in the fall to serve out the fourth year of Landrieu’s term (TIMES-PICAYUNE [NEW ORLEANS]).

— *Compiled by KOREY CLARK*




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# Governors

**BREWER DEFENDS AZ IMMIGRATION LAW:** Faced with enormous backlash from seemingly all corners, ARIZONA Gov. Jan Brewer (R) defended the Grand Canyon State’s new toughest-in-the-nation immigration law last week, saying the measure was a result of federal failure to protect the nation’s borders (See *SNCJ Spotlight* in this issue).



“Why don’t they do their job and uphold their laws?” Brewer said. “They’re not enforcing federal laws, and that’s all our bill does.”

Brewer’s comments came shortly after U.S. Attorney General Eric Holder said his agency is reviewing the law “to decide exactly how we are going to react to it.” He said the Department of Justice is “considering all possibilities, including the possibility of a court challenge.”

That possibility didn’t seem to worry Brewer, who said the ARIZONA law merely “mirrors federal law” by making it a crime to be in the nation illegally.

The new law has strong support from conservative political leaders both in ARIZONA and around the country. Although some police organizations and most anti-immigration groups have also voiced support, opposition has also been strong.

**“Why don’t they do their job and uphold their laws? They’re not enforcing federal laws, and that’s all our bill does.”**

Civil rights groups have called for boycotts of ARIZONA-based companies, government leaders in other states have threatened to cancel state contracts and Mexican officials have warned their citizens to avoid vacationing in the Grand Canyon State. Last week, the governor of the Mexican state of Sonora canceled an upcoming meeting with officials in

ARIZONA that has been held each of the past 50 years.

The debate has also spilled over onto the popular social networking site Facebook, which Brewer used to defend her position. In a post to the site last week, Brewer noted that she has been under fire from a range of critics, including President Obama, civil rights activist Al Sharpton and “the liberal east coast media,” all of whom the governor said want the state “to back down from securing our borders.

“Rest assured, we will not back down until our borders are secure,” she said. Opponents also took to the site, fielding various groups railing against the measure. (ARIZONA DAILY SUN [FLAGSTAFF], ARIZONA REPUBLIC [PHOENIX], ARIZONA DAILY STAR [TUCSON])

**PATERSON SAYS HIS SUCCESSOR WILL FAIL:** Saying Empire State governors are at the mercy of an obstinate and obstructionist legislature, NEW YORK Gov. David Paterson (D) predicted that whoever follows him is doomed to failure. In an extended interview with the *Wall Street Journal*, Paterson depicted himself as a victim of Albany’s hyper-political infighting and dysfunctional budget process, calling it “an organized smear campaign” against him and his efforts to stabilize state government in the wake of former Gov. Eliot Spitzer’s (D) resignation over a sex scandal. He vehemently denied criticism that the job has

**In case you missed it**

Health care reform supporters are basking in their success in getting the massive bill through Congress. But cash-strapped states are warily hoping the new law won’t be terminal to their financial health.

In case you missed it, the article can be found on our Web site at [http://www.statenet.com/capitol\\_journal/04-19-2010/html](http://www.statenet.com/capitol_journal/04-19-2010/html)



proven to be too much for him, insisting instead that the governor’s office has too many limitations for anyone to be effective.

“Whether the governor is David Paterson or Rick Lazio or Andrew Cuomo or Superman, we don’t have a structure that empowers a single leader to get his or her state out of a major conflict,” he said, noting the likely Republican and Democratic contenders for his job.

Paterson particularly bemoaned his lack of power to declare a fiscal emergency and unilaterally freeze wages of state employees, elements he says are necessary for the state to balance its budget. He also accused lawmakers of making him the scapegoat for their own failings.

“Mark my words, they are going to say it about the next governor,” he said. “They’re going to try make the next governor’s personality, effectiveness or engagement — or where the next governor eats dinner — the issue.”

**“They’re going to try make the next governor’s personality, effectiveness or engagement — or where the next governor eats dinner — the issue.”**

That lament didn’t earn much sympathy from lawmakers. “Right up until the last day that George Pataki (R) was in office, he was the governor. No one doubted that. And with Gov. Paterson, it’s almost as if he’s already gone,” said Sen. Diane Savino, (D).

“The executive in NEW YORK has a tremendous amount of power, but it requires political will and the desire to use it,” she added.

Paterson’s ill will toward lawmakers didn’t stop him from asking the Legislature last Wednesday to approve putting 100,000 state workers on furlough without pay for one day per week until the state budget has been worked out. Lawmakers are not expected to go along with his wishes. State Budget Director Robert Megna said the governor would not rule out placing the proposal in a future extender bill, which would force the Legislature to approve a furlough or bring about a state government shutdown. (WALL STREET JOURNAL, ALBANY TIMES-UNION)

**HI TEACHER FURLOUGHS DRAG ON:** HAWAII teachers last week summarily rejected Gov. Linda Lingle’s (R) request that they voluntarily return to classrooms for the last three furlough Fridays this year as “a gesture to heal our community.” Lingle’s appeal earned the wrath of state Board of Education chief Chairman Garrett Toguchi, who questioned Lingle’s understanding of how the school system works. Wil Okabe, president of the Hawaii State Teachers Association, also dismissed the request, saying federal wage laws make it illegal for teachers to return without pay. Lingle and teachers have been at loggerheads for months over Furlough Fridays, which she imposed last year in response to ongoing state budget shortfalls. (HONOLULU ADVERTISER)



**GOVERNORS IN BRIEF:** The **CALIFORNIA** Supreme Court rejected Gov. Arnold Schwarzenegger’s (R) request to consolidate about two dozen lawsuits over state worker furloughs. The governor has asked the court to take over litigation now in two appellate courts and freeze more than a dozen cases in trial courts around the state. The court rejected the plea without explanation (**SACRAMENTO BEE**). • **MONTANA** Gov. Brian Schweitzer (D) and U.S. Sen. Byron Dorgan (D) of **NORTH DAKOTA** asked Health and Human Services Secretary Kathleen Sebelius to approve a pilot program for of importing lower-priced drugs from Canada for sale in the two states. A Sebelius spokesperson said she is reviewing the request (**MISSOULIAN**). • **FLORIDA** Gov. Charlie Crist (R) said the recent oil rig explosion and subsequent oil spill in the Gulf of Mexico near **LOUISIANA** has changed his mind about supporting similar drilling off the Sunshine State coast. After viewing the spill from above via helicopter, Crist said lawmakers should abandon any plans to move ahead with oil drilling, calling it “the opposite of safe” (**MIAMI HERALD**). • The **VIRGINIA** General Assembly accepted proposals last week from Gov. Robert F. McDonnell (R) to restrict state funding for abortions, expand spending on economic development and raise fines for speeders. Lawmakers, however, rejected some cuts McDonnell had requested to social services. The abortion agreement limits state funding for the procedure specifically to cases of rape or incest or where the mother’s life is in danger (**WASHINGTON POST**). • **ALASKA** Gov. Sean Parnell (R) signed HB 369, a measure that gives the chief executive of the Alaska Housing Finance Corp. leadership of an in-state development team charged with getting an in-state oil pipeline project plan to lawmakers by July 2011. Officials hope to have a pipeline operational by 2016 (**ANCHORAGE DAILY NEWS**).

— *Compiled by RICH EHISEN*

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## Hot issues

**B** **USINESS:** The U.S. Supreme Court agrees to determine the constitutionality of a 2005 **CALIFORNIA** law barring the sale of violent or sexually explicit video games to children. The court’s decision will ultimately affect six other states — **ILLINOIS, MICHIGAN, MINNESOTA, LOUISIANA, OKLAHOMA** and **WASHINGTON** — that have similar laws. States have lost at least a dozen suits challenging the laws in lower courts. The high court is expected to hear the case this fall (**LOS ANGELES TIMES**). • **OKLAHOMA** Gov. Brad Henry (D) vetoes SB 1685, which would have relieved any firearms, ammunition or other accessories made, sold and kept in the Sooner State from federal regulation (**OKLAHOMAN [OKLAHOMA CITY]**). • The **HAWAII** Legislature

overrides Gov. Linda Lingle's (R) veto of SB 2840, legislation that requires 80 percent of the work force on state and county construction jobs to be local residents (HONOLULU STAR BULLETIN).

**CRIME & PUNISHMENT:** Responding to a plea from **CALIFORNIA** Gov. Arnold Schwarzenegger (R), the 9th U.S. Circuit Court of Appeals rules there is nothing in state or constitutional law that entitles a prisoner to parole in the absence of signs he or she remains dangerous (LOS ANGELES TIMES). • **KANSAS** Gov. Mark Parkinson (D) signs HB 2517, which requires Sunflower State police to identify domestic violence offenders in legal proceedings and track repeat offenders, and requires courts to order assessment of offenders and recommend treatment programs (LAWRENCE JOURNAL-WORLD). • The **MINNESOTA** House unanimously approves HB 3106, legislation that will require repeat drunk driving offenders and first-timers with high blood-alcohol levels to install ignition lock devices on their vehicles. A similar bill is in the Senate (MINNEAPOLIS STAR TRIBUNE). • The **ALASKA** Legislature endorses HB 6, which makes egregious acts of animal cruelty a felony. It goes to Gov. Sean Parnell (R) for review (JUNEAU EMPIRE).

**EDUCATION:** The **ALABAMA** House and Senate endorse HB 105, which would require all K-8 students to take physical education classes. It moves to Gov. Bob Riley (R) for review (TUSCALOOSA NEWS). • **FLORIDA** Gov. Charlie Crist (R) signs SB 4, legislation that requires Sunshine State students to take geometry, Algebra II, biology, chemistry or physics, plus one equally rigorous science course, and pass standardized exams in those subjects to graduate. The requirements go into effect this fall (MIAMI HERALD). • The **GEORGIA** House unanimously adopts SB 518, a measure that requires public schools to include a study of the pledge of allegiance to the U.S. flag and the Peach State flag as part of the curriculum. It is now with Gov. Sonny Perdue (R) for review (MACON TELEGRAPH).

**ENVIRONMENT:** Wildlife officials in **OREGON** approve a sport fishing season for salmon in Beaver State waters for the first time since 2007. Federal authorities approved a salmon season last month after a two-year hiatus due to

## The week in session

**States in Regular Session:** CA, CO, CT, DC, DE, IL, KS, LA, MA, MI, MN, MO, NH, NY, OK, PA, PR, RI, SC, TN, US, VT, WI

**States in Special Session:** CA "f", PA "a"

**Upcoming Special Sessions:** WV "a" (Education Funding) Convenes 05/13/2010. FL (TBA - Public Corruption), KY (TBA May - Budget), VT (TBA July - Budget Reduction Review)

**States in Skeleton Session:** OH

**States in Budget Hearings:** NJ

**States Currently Prefiling or Drafting for 2011:** MT, ND

**States Projected to Adjourn:** CO, CT

**States Adjourned in 2010:** AK, AL, AR, AZ, FL, GA, HI, IA, ID, IN, KY, MD, ME, MS, NE, NM, SD, UT, VA, WA, WV, WY

**State Special Sessions Adjourned in 2010:** AZ "a", AZ "b", CA "e", CA "h", MS "a", NM "a", NV "b", OR "a", TN "a", WA "a", WI "b"

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS  
(session information current as of 4/30/2010)  
Source: State Net database

a significant decline in the fish population (OREGONIAN [PORTLAND]). • **CALIFORNIA** environmental officials delay action on a proposal to expand the areas of the Golden State where hunters may go after black bears. Officials say the proposal had not received enough public input (SAN JOSE MERCURY NEWS). • **ARIZONA** Gov. Jan Brewer (R) signs HB 2442, legislation that bars any Grand Canyon State government agency from implementing a state or regional program to regulate greenhouse gases emissions without specific permission from the Legislature (ARIZONA REPUBLIC [PHOENIX]). • The U.S. Supreme Court declines to hear a plea by **MICHIGAN** and other Great Lakes states to close the Chicago-area shipping locks in **ILLINOIS** in order to keep invasive Asian carp out of those waterways. The court offered no explanation for their decision (CHICAGO TRIBUNE).

**HEALTH & SCIENCE:** The **VERMONT** House endorses SB 88, legislation that, among other things, calls for the state to design a single-payer system in which a government agency would administer and make all payments for residents' health care. It heads to a House-Senate conference committee to resolve differences with an earlier Senate-endorsed measure (BURLINGTON FREE PRESS).

**IMMIGRATION:** **ARIZONA** Gov. Jan Brewer (R) signs SB 1070, which would, among many things, make it a state crime to be in the country illegally and bar so-called "sanctuary city" policies (see SNCJ Spotlight in this issue). The measure also requires Grand Canyon State police to verify a person's immigration status if there is "reasonable suspicion" the person is in the country illegally (ARIZONA REPUBLIC [PHOENIX]).

**SOCIAL POLICY:** An **ARKANSAS** judge strikes down a state law that barred same-sex couples from adopting or serving as foster parents. The court ruled the law was unconstitutional. Supporters of the voter-approved initiative that produced the law vowed to appeal (ARKANSAS NEWS BUREAU [LITTLE ROCK]). • The **CALIFORNIA** Assembly approves AB 2199, a bill that removes a state directive to mental health officials to conduct research into "the causes and cures of homosexuality." It moves to the Senate (SAN FRANCISCO CHRONICLE). • The **OKLAHOMA** Legislature overrides Gov. Brad Henry's (D) veto of two abortion measures: HB 2780, which requires women to hear a description of an ultrasound examination before an abortion can be performed, and HB 2656, which makes it illegal to sue a doctor claiming "wrongful birth" because the doctor failed to convince the mother to abort a child. Abortion advocates immediately filed a lawsuit seeking to overturn HB 2780, claiming it violates a woman's right to terminate a pregnancy and constitutional rights to equal protection (NEW YORK TIMES). • The **HAWAII** Legislature endorses HB 444, which would create same-sex civil unions on the Aloha State. The bill moves to Gov. Linda Lingle (R) for review (HONOLULU ADVERTISER).



**POTPOURRI:** The **HAWAII** House approves SB 2937, legislation that allows any state agency to ignore repeated requests for information from the same person if the department already has responded within a year. The so-called “birther bill” moves to Gov. Linda Lingle (R) for review (HONOLULU ADVERTISER). • In more birther news, the **ARIZONA** Senate refuses to take up SB 1024, which would have required presidential candidates to produce a birth certificate proving they were born in the United States before they could appear on the state ballot. The House endorsed the measure earlier in the week, but the bill’s Senate sponsor said it did not have enough support in that chamber (ARIZONA REPUBLIC [PHOENIX]). Still in **ARIZONA**, Gov. Jan Brewer signs SB 1108, which allows Grand Canyon State residents who are at least 21 years old to carry a gun without having a concealed-carry weapons permit (ARIZONA REPUBLIC [PHOENIX]). • **IOWA** Gov. Chet Culver (D) signs SF 2379, which permits local sheriffs to deny concealed carry gun permits for only a few specific reasons. Current Hawkeye State law allows sheriffs to deny permit applications without explanation (DES MOINES REGISTER). • Still in **IOWA**, Culver signs SF 2381, which requires anyone under 18 to wear a seat belt at all times in a moving vehicle. Previous law mandated that everyone wear a belt when in the front seat, but only required belts for rear seat passengers younger than 11 (DES MOINES REGISTER). • **KANSAS** Gov. Mark Parkinson (D) signs HB 2585, which precludes journalists from being forced to reveal confidential sources unless the party seeking the disclosure establishes that the material is relevant, cannot be obtained by alternative means and whose value would outweigh any harm done to the free dissemination of information to the public through the activities of journalists (KANSAS GOVERNOR’S OFFICE). • **MICHIGAN** GOV. Jennifer Granholm (D) signs HB 4394, which bars Wolverine State drivers from sending or receiving cell phone text messages while behind the wheel (DETROIT FREE PRESS).

— *Compiled by RICH EHISEN*

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# Once around the statehouse lightly

**LET ME SEE YOUR PAPERS, EH:** The stringent immigration bill recently signed into law by **ARIZONA** Gov. Jan Brewer (R) has done more than fire up advocates on both sides of the highly volatile issue: it also produced great fodder for Portland Trailblazers fans in **OREGON** to needle the opposing Phoenix Suns during their NBA playoff series. As the *Arizona Republic* reports, one clever young Trailblazers devotee welcomed the visiting Suns last week with a sign warning

Steve Nash, the Suns' All Star point guard, that, "Jan needs to see your documents." Nash, who was born in South Africa, is a naturalized Canadian citizen.

**NOT GAY ENOUGH:** In most parts of the country, closeted lawmakers live in fear of being "outed" by their opponents. Not so in PENNSYLVANIA's 182<sup>nd</sup> House District, where, in a classic case of dog bites man, Rep. Babette Josephs recently outed her opponent in next month's Democratic primary as being straight. As the Associated Press reports, Josephs accused Gregg Kravitz of telling her he was gay, and then later showing up at a campaign event with a woman who said she was his girlfriend. Josephs claims Kravitz tried to play it off by saying he was bisexual, and accused him of faking his sexual orientation to win votes in the Philadelphia-area district known as the "Gayborhood." Voters will decide the matter on May 18<sup>th</sup>.

**OR IS THAT TOO GAY?** Sexual orientation was also the issue in CALIFORNIA, where lawmakers are always in search of silly things to fight over. The brouhaha started this time over a proposed resolution to honor the Boy Scouts of America on the organization's 100th birthday, which sparked a fire that would have made an Eagle Scout proud. As the *San Jose Mercury News* reports, Democrats resisted the proposal, complaining that the Scouts exclude homosexuals. That angered Republicans, who claimed Dems were defaming one of America's great institutions. GOP ire only got worse when Dems hailed their own measure to honor the Girl Scouts of America, specifically noting that the GSA doesn't reject anyone based on sexual orientation. Irritated Republicans balked, accusing Dems of trying to "sexualize children." Alas, the majority Dems easily pushed through their proposal, killing the GOP resolution along the way.

**BLAME THE HOLLYWOOD SIGN:** One of CALIFORNIA's great icons came to the rescue of another last week, as Gov. Arnold Schwarzenegger helped raise enough money to save the world famous Hollywood sign. As the *Sacramento Bee* reports, the sign seemed destined for demise after a developer announced plans to build homes on 138 acres behind the landmark. But, helped by \$3 million in state cash allocated by Schwarzenegger, a local land trust was able to buy the property instead. Although the Governor didn't open his own pocketbook for the cause, he did lean on his Hollywood friends -- including the likes of Stephen Spielberg and Tom Hanks -- to pony up the full \$12.5 million it took to wrest the land away. Yet another Golden State institution, *Playboy* magazine founder Hugh Hefner, tossed in the final \$900,000. Schwarzenegger called the cause "personal," saying the famous landmark helped inspire his entire career.

— By RICH EHISEN

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**Editor:** Rich Ehisen — capj@statenet.com  
**Associate Editor:** Korey Clark — capj@statenet.com  
**Contributing Editors:** Virginia Nelson, Art Zimmerman  
**Editorial Advisor:** Lou Cannon  
**Correspondents:** Richard Cox (CA), Steve Karas (CA),  
Bruce McKeeman (CA), James Ross (CA), Linda Mendenhall (IL),  
Lauren King (MA) and Ben Livingood (PA)  
**Graphic Design:** Vanessa Perez  
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