

Risky Business



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● The next issue of Capitol Journal will be available on May 17th.

Top Story

The Obama administration has asked states to run stopgap insurance pools for the millions of Americans who currently lack insurance because of preexisting conditions, but so far the results have been mixed.

SNCJ Spotlight

States split on running new insurance pools

One of the many provisions of the new federal health care reform law prohibits insurers from denying people coverage or charging them higher premiums on the basis of their health status. But that mandate won't actually kick in until 2014, which will do little to help the millions of Americans who currently lack insurance because of preexisting conditions. The Obama administration has turned to the states for help with that problem, asking them to run stopgap, high-risk insurance pools, but the states' response has been mixed.



As of last week, 29 states and the District of Columbia had responded affirmatively to Health and Human Services Secretary Kathleen Sebelius's request last month that they run the insurance pools. However, 18 others — ALABAMA, DELAWARE, FLORIDA, GEORGIA, HAWAII, IDAHO, INDIANA, LOUISIANA, MINNESOTA, MISSISSIPPI, NEBRASKA, NEVADA, NORTH DAKOTA, SOUTH CAROLINA, TENNESSEE, TEXAS, VIRGINIA and WYOMING — said no thanks, we'd rather you ran the pools yourself.

One of the reasons given by the states is that they don't think Congress has set aside enough money for the job. The health care law allocates \$5 billion for "high-risk pools" to give people with preexisting conditions "immediate access to insurance."

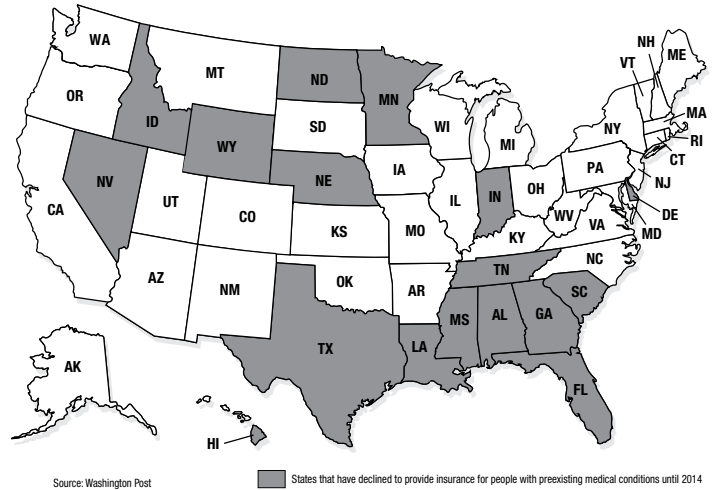
The chief actuary for the Centers for Medicare and Medicaid Services has estimated that sum could be depleted as early as next year. And VIRGINIA Gov. Robert F. McDonnell (R) said in a letter to Sebelius that his state, which is one of

“Should the funds run out, state and federal governments could be left with the difficult choice of reducing benefits, raising premiums or limiting enrollment.”

make it less burdensome to meet the requirements of the new law.

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Bird's eye view



States split on stopgap health insurance program

Eighteen states have declined the Obama administration's request to provide temporary health insurance for people whose preexisting conditions have left them uninsured. Health and Human Services Secretary Kathleen Sebelius asked states to let her know by April 30 whether they would run "high-risk pools" until 2014, when the new federal health-care law will require insurers to cover them. As of last week, 29 states said they would, 18 others said they'd prefer to leave that job to HHS and the rest were still undecided.



those that does not intend to establish its own high-risk pool, would likely use up the \$113 million in federal funds that would be available to it within 22 months.

John M. Colmers, secretary of health and mental hygiene in MARYLAND, one of the states that has opted to run a high-risk pool, said he doesn't know if the federal funding will be sufficient either, but he believes the fact that his state already has its own high-risk pool will



“I don’t think any of those options are very attractive,” said Jean P. Hall, an associate research professor at the University of Kansas. If it comes to that, “I strongly suspect that they will come up with more money.”

Money doesn’t appear to be the only issue, however. Of the 18 states that declined Sebelius’ invitation, only three – DELAWARE, TENNESSEE, and WYOMING — have Democratic governors. And of the 29 that accepted, only seven — ALASKA, CALIFORNIA, CONNECTICUT, NEW JERSEY, RHODE ISLAND, SOUTH DAKOTA and VERMONT — have Republican governors.

In MICHIGAN, Gov. Jennifer Granholm (D) hailed the high-risk pool idea as “a first step in providing health care coverage for those who currently don’t have any.” And Jonathan E. Seib, health policy adviser to WASHINGTON Gov. Christine Gregoire (D), said: “Even though the money is limited, it can provide assistance that would not otherwise be available to people with pre-existing conditions. We will manage the program within the dollars available, \$102 million over three years.”

CALIFORNIA Gov. Arnold Schwarzenegger (R), likewise, pledged that officials in his state were “ready to roll up our sleeves and work with the federal government.”

But NEBRASKA Gov. Dave Heineman (R) said, “We are very concerned that funding will not be sufficient,” while GEORGIA’s Republican insurance commissioner John W. Oxendine, who is running for governor, described the high-risk pool as “the first step in the recently enacted federal takeover of the United States health care system.” (WASHINGTON POST, NEW YORK TIMES, NATIONAL CONFERENCE OF STATE LEGISLATURES)

— *Compiled by KOREY CLARK*

Budget & taxes

STATE REVENUES IN TRANSITION: After two long years of plummeting revenues, state finances finally appear to be turning around. Revenues were up in the 3rd quarter, compared to a year earlier, in nine states, the Nelson A. Rockefeller Institute of Government reported last month. More recently, OKLAHOMA reported that its revenue forecasts for February exceeded those for the same month last year for the first time since December of 2008.

“Based on the revenue trends we’re seeing now, OKLAHOMA’s economy is on the mend,” said Treasurer Scott Meacham.

Even ARIZONA, which has seen year-over-year revenue declines for 17 months in a row, is now expecting single-digit percentage declines instead of double-digit drops.

Analysts say the spring revenue sprout is a reflection of the upturn in the national economy since last fall. Signs of that recovery include the uptick in tourism boosting



hotel room tax collections in HAWAII after two years of decline, and the prediction by MICHIGAN economists that the state, which has the highest unemployment rate in the nation, will see job growth for the first time in five years.

“We have hit bottom,” MICHIGAN Gov. Jennifer Granholm (D) declared in a recent interview.

Analysts say the next two years will be better for states than the last two, but they still won’t be great. Jim Muschinske, revenue manager for the ILLINOIS General Assembly’s Commission on Government Forecasting and Accountability, said fiscal 2011 will be a “transitional year” between recession and recovery. Revenues will improve, he said, but not significantly until 2012.

One big reason for that is the federal stimulus money that has propped up state budgets the last two years is drying up. The increase in housing sales that has boosted revenues in states such as OREGON and UTAH, for instance, is largely due to the first-time homebuyer tax credit that is part of the stimulus package.

Analysts say even when states do recover from the recession, other fiscal challenges await them, including badly underfunded pension systems and the potential escalation of Medicaid costs as a result of the new federal health care program.

But even with the caveats, the improvement in revenues is welcome news for states after years of gloom and doom.

“We have hit bottom.”

“It will be several months before it feels like things are getting better, and it will take years to repair all the damage that’s been done,” said Marshall Vest, an economist at the University of Arizona. “But the business cycle has turned up once again — and that’s the best news we’ve had for a long time.” (STATELINE.ORG)

SOME STATES MORE IN TRANSITION THAN OTHERS: Four straight months of revenue gains had CALIFORNIA lawmakers hoping they’d be able to avoid having to make more deep budget cuts. But those hopes faded last week when collections for April — usually the biggest revenue month because it is when most residents pay their income taxes — came in 30 percent, roughly \$3 billion, below projections.

Some economists and finance officials suspect the decline is due to new laws that changed the rhythm of tax payments or an increase in the number of unemployed residents eligible for tax refunds.

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: 94

Number of Intros last week: 1,321

Number of Enacted/Adopted last week: 1,386

Number of 2010 Session Prefiles to date: 18,066

Number of 2010 Intros to date: 77,914

Number of 2010 Session Enacted/Adopted overall to date: 18,696

Number of 2009-10 bills currently in State Net Database: 177,464

— Compiled By JAMES ROSS
(measures current as of 5/6/2010)
Source: State Net database



CALIFORNIA Controller John Chiang said the development “tells us the road to recovery will be long and arduous.”

But CALIFORNIA isn’t the only state that seems to be on that long and arduous road. KANSAS lawmakers are considering increasing the state sales tax or slashing aid to public education due to a steady decline in state revenues. MONTANA lawmakers learned last week that a drop in their state’s tax revenues will necessitate a 10 percent budget cut. And ARKANSAS officials announced last week that the state will make up a decline in its April collections with rainy day funds. (LOS ANGELES TIMES, STATELINE.ORG)

BUDGETS IN BRIEF: The **SOUTH CAROLINA** Senate approved HB 3584, the House’s proposed 50 cents-a-pack increase in the state cigarette tax on a 41-1 vote. The bill is reportedly headed for an almost certain veto by Gov. Mark Sanford (R), but less clear is whether both chambers will be able to muster the two-thirds votes needed to override it (ASSOCIATED PRESS, SPARTANBURG HERALD JOURNAL). • The **MINNESOTA** Supreme Court ruled 4 to 3 last week that Gov. Tim Pawlenty (R) exceeded his authority last year when he cut a state program for those with special dietary needs. The ruling could punch a \$2.7 billion hole in the state budget with just days left in the legislative session (STATELINE.ORG). • The U.S. Supreme Court has decided not to hear an appeal of a federal appeals court ruling limiting gambling in **DELAWARE** to parlay betting on at least three pro football games. The decision kills Gov. Jack Markell’s (D) last-ditch effort to bring Las Vegas-style sports betting to the First State (NEWS JOURNAL [NEWCASTLE-WILMINGTON]). • **WASHINGTON** Gov. Chris Gregoire (D) signed SB 6444, a new operating budget that resolves an estimated \$2.8 billion deficit (SEATTLE TIMES). • **PENNSYLVANIA** lawmakers convened in special session last Tuesday to address a nearly \$500 million hole in the transportation budget, as well as the state’s aging infrastructure. The shortfall is the result of the federal government’s rejection of the state’s plan to toll Interstate 80, which spans from NEW JERSEY to OHIO (STATELINE.ORG, STATE NET).

— *Compiled by KOREY CLARK*

Politics & leadership

OH CHOOSES U.S. SENATE NOMINEES: OHIO Lt. Gov. Lee Fisher will be the Democratic candidate in one of the nation’s most closely watched battles for the U.S. Senate this fall. Fisher defeated Secretary of State Jennifer Brunner 56 percent to 44 percent in the state’s Democratic U.S. Senate primary last Tuesday, according to unofficial results.

Brunner, who had hoped to become the state's first female U.S. senator, failed to win over a majority of Democratic voters with a populist campaign that included stumping via an old school bus purchased on eBay for \$2,000.

"It felt better to do this in a low-dollar, grassroots way," she told supporters at her Columbus campaign headquarters following her defeat.

Fisher will now face Republican nominee Rob Portman, who ran unopposed in last week's GOP primary, as well as Socialist Party member Daniel LaBotz and Constitution Party member Eric Deaton, who were also unopposed. The four candidates will be vying for the seat held by two-term Republican George Voinovich, who announced early in 2009 that he would be retiring at the end of this year. The vacancy is one of 11 in the Democrat-controlled chamber that will be contested this year.

Portman is a former Cincinnati congressman who also served as budget director and trade representative under President George W. Bush. His and Fisher's candidacies set up a battle in November between two career politicians, a classic liberal and a traditional conservative.

"This fall we will have as clear a choice as you can imagine," Fisher told supporters in his victory speech.

The contest will also explicitly address a question implicit in races across the country: Which party do voters blame more for the recession? Fisher is betting it's the Republicans, whose policies were in place when the economy tanked. During his primary campaign, he frequently knocked Portman as "one of the chief architects of the failed trade and economic policies that brought us this unprecedented national economic recession."

That approach may have worked for Democrats, based on the primary results, but it might not play as well among the state's independent voters — who comprise over a third of the electorate — especially with Republicans pointing out the state has lost over 400,000 jobs and the unemployment rate has doubled

Upcoming elections

5/6/2010 - 5/27/2010

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, 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

continues on next page

to 11 percent since Fisher and Gov. Ted Strickland (D) took office three years ago. In fact, Portman has taken to referring mockingly to Fisher as OHIO's "jobs czar."

With \$7.6 million in his campaign account, Portman has ample resources to drive that point home over the next few months. Fisher, meanwhile, raised only \$3.9 million during his campaign against Brunner, and it's unclear how much of that money he has left to spend on the general election, although he'll probably get a boost from Democratic donors now that he's won the primary. (CLEVELAND PLAIN DEALER)

JUDICIAL FEUD IN NJ: NEW JERSEY's Democratic Senate President Stephen Sweeney vowed last week to block Republican Gov. Chris Christie's appointment of corporate litigator Anne Patterson to the State Supreme Court by refusing to allow a vote on whether to confirm her. The partisan clash was sparked by Christie's refusal to reappoint Justice John E. Wallace Jr., the court's only African-American, whose seven-year term is up. Since 1947, when the current system of reviewing justices was adopted, not one has been refused reappointment. The governor hasn't criticized Justice Wallace directly, but he has repeatedly accused the court of overstepping its authority. Also fueling the feud is the fact that Patterson has been a generous GOP donor, though not to any of Christie's political campaigns. (NEW YORK TIMES, RECORD OF BERGEN COUNTY)

POLITICS IN BRIEF: A CONNECTICUT Superior Court judge ruled last week that Secretary of State Susan Bysiewicz is eligible to run for the office of state attorney general. Bysiewicz's candidacy had been clouded by doubts that she has engaged in the "active practice" of law for 10 years as required by state law. But Judge Michael R. Sheldon ruled that Bysiewicz's service "as a Connecticut attorney-at-law since 1986" and "as Connecticut's Secretary of the State since 1999" fulfilled that statutory requirement (HARTFORD COURANT).

— Compiled by KOREY CLARK

Upcoming elections (cont.)

5/6/2010 - 5/27/2010

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)

05/22/2010

Hawaii Special Election

US House (HI Congressional District 1)

05/25/2010

Idaho Primary Election

House (All)

Senate (All)

Constitutional Officers:

Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Controller, Superintendent of Public Instruction

US House (All)

US Senate (Class 3 - Michael D. "Mike" Crapo)

Governors

GULF OIL SPILL WREAKING POLITICAL HAVOC TOO: The impact of the massive ongoing oil spill in the Gulf of Mexico is already reaching far beyond its obvious environmental devastation. In the trench warfare of a political election year, the spill has become a factor in governors' races in TEXAS and CALIFORNIA as well as the U.S. Senate race in FLORIDA.

Prior to the explosion on British Petroleum's Deepwater Horizon oil rig on April 20th, support for increased oil drilling off the U.S. coastline was growing. Polls showed a majority of the American public supported more drilling, as much as 70 percent in one *Fox News* survey. Even President Obama seemed to be joining the chorus, indicating in March his willingness to support new drilling in waters off of ALASKA and VIRGINIA. Meanwhile, Republican Governors Charlie Crist of FLORIDA and Arnold Schwarzenegger of CALIFORNIA voiced similar backing for proposals in their state waters. But the explosion and subsequent spill, which is dumping about 200,000 gallons of crude into the ocean each day, brought the "drill,

baby, drill" chant to a screeching halt. Within days, both Schwarzenegger and Crist went into full reverse mode.

Crist, a long-time opponent to new drilling who had gradually softened to the possibility in recent years, was the first to have a change of heart.

"Let me be very clear about this: As far as oil drilling is concerned, not now — no way."

"All bets are off," he said in late April after flying over the spill twice. "We've got to cease and desist as it relates to this." He grew even more emphatic as the spill worsened, saying, "Let me be very clear about this: As far as oil drilling is concerned, not now — no way."

Schwarzenegger, who had been pushing for new drilling at a place called Tranquillon Ridge off of the Santa Barbara coast for two years as a way to help ease the Golden State's chronic budget woes, soon followed suit.

"I see on TV the birds drenched in oil, the fishermen out of work, the massive oil slick destroying our precious ecosystem," Schwarzenegger said last week. "It will not happen here in CALIFORNIA, and this is why I'm withdrawing my support for the T-Ridge project."

"It" won't be happening any time soon in VIRGINIA either. Although President Obama said last week that he wants to wait for the results of a 30-day review of the spill before deciding how to proceed on all offshore drilling proposals, the Interior Department has already placed an indefinite moratorium on new projects in the Old Dominion.

While observers believe the greatest political fallout from the spill will come in this fall's Congressional races, the disaster is already coming into play in



CALIFORNIA, which has its gubernatorial primary next month. Leading Democratic candidate Jerry Brown opposes new drilling, as does leading GOP candidate Meg Whitman. Her top rival for the GOP nod, Insurance Commissioner Steve Poizner, once opposed new drilling but has since come out in favor of it.

The spill could also impact the governor’s race in TEXAS, where incumbent Rick Perry (R) is being challenged by former Houston Mayor Bill White (D).

Perry has drawn criticism from White for suggesting the accident could have been an “act of God.” White, a former oil industry executive, responded by using a 10-page white paper detailing his thoughts on the accident. He preached a cautious approach and called Perry’s comments “not helpful to reasoned discussion.” Perry defended his reference but also warned against speculating on what happened before an official cause can be determined.

The disaster’s fallout has touched LOUISIANA Gov. Bobby Jindal (R), whose critics have accused him of responding too slowly to the situation. Last week, state Rep. Juan LaFonta (D) introduced a resolution in the Pelican State Legislature (HCR 144) asking Congress to order the U.S. Environmental Protection Agency to investigate Jindal for his “refusal to timely declare a state of emergency” after the oil spill. Jindal made the emergency declaration on April 29th, nine days after the spill began. Jindal has not commented on the resolution. (NEW ORLEANS TIMES-PICAYUNE, BUSINESS WEEK, NEW YORK TIMES, MIAMI HERALD, POLITICO.COM, SACRAMENTO BEE, WEST PALM BEACH NEWS, BBC NEWS.COM)

STATES DROP OUT OF RACE TO THE TOP: Saying it had no chance to win, OREGON Gov. Ted Kulongoski announced last week that his state was dropping out of the second round of the federal “Race to the Top” education grant contest. In a letter to U.S. Education Secretary Arne Duncan, the governor said the Beaver State was already too far behind the rest of the competitors vying for a grant to seriously challenge for an award. Kulongoski praised the effort of state officials for their efforts, but noted that OREGON “has a lot of foundational work to do before we will be truly competitive for any of the Race to the Top dollars.” At least three other states — INDIANA, KANSAS and VERMONT — have also dropped out of the \$3.5 billion competition, and MINNESOTA is considered a strong possibility to follow suit. TENNESSEE and DELAWARE were the only states to garner one of the cash awards in the contest’s first round. (OREGONIAN [PORTLAND], CHARLESTON DAILY MAIL).

GIBBONS REJECTS IMMIGRATION SPECIAL SESSION: NEVADA Gov. Jim Gibbons (R) rejected a demand to call the Silver State Legislature into special session to adopt an immigration measure similar to one recently adopted in

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**



ARIZONA. “The governor sees no need for NEVADA or another state to adopt such a law if the Reid-Pelosi-Obama administration would just do its job,” said Dan Burns, a Gibbons spokesman. (LAS VEGAS REVIEW-JOURNAL)

GOVERNORS IN BRIEF: MARYLAND Gov. Martin O’Malley (D) signed a half dozen bills into law last week, including a quartet that impose harsher penalties on sex offenders: SB 854, which increases the minimum and maximum sentences for offenders convicted of sexual attacks on children under 13; SB 280, which requires lifetime parole supervision for repeat pedophiles; HB 289, which eliminates term-reducing incentives for such violators; and HB 60, which restricts pretrial release of those charged with such crimes (BALTIMORE SUN, MARYLAND GOVERNOR’S OFFICE). • **HAWAII** Gov. Linda Lingle (R) said she plans a series of meetings with both supporters and opponents of HB 444, a bill recently adopted by lawmakers that would create same-sex civil unions in the Aloha State. Lingle has until July 6th to sign the law, veto it or allow it to become law without her signature (HONOLULU STAR BULLETIN). • **SOUTH CAROLINA** Attorney General Henry McMaster cleared Gov. Mark Sanford (R) of any criminal wrongdoing in regard to two trips Sanford took to South America to meet his Argentine lover, including his use of state aircraft, upgraded airfare and campaign money (THE STATE [COLUMBIA]).

— *Compiled by RICH EHISEN*

Hot issues

BUSINESS: The **TENNESSEE** House endorses SB 3012, which would allow residents with concealed carry weapons permits to take their guns with them into bars and restaurants that sell alcohol. Business owners would be able to ban weapons if they post signs informing customers of the policy. It goes to Gov. Phil Bredesen (D) for review (CHATTANOOGA TIMES FREE PRESS). • A **COLORADO** House committee drops HB 1279, a measure that would have allowed grocery stores that wanted to sell beer, wine and spirits to do so by buying the licenses of two liquor stores, one within 1,500 feet of the grocery store and another from within the boundaries of the store’s city or county. The bill’s supporters say they are working on a ballot measure instead (DENVER BUSINESS JOURNAL).

CRIME & PUNISHMENT: The **CALIFORNIA** Senate approves SB 1487, which would roll back recently approved rules that allow prisoners in county jails to earn good-behavior credits that would cut their sentence by as much as half. The new law would limit those reductions to no more than one-third of the original sentence. The measure



moves to the Assembly (LOS ANGELES TIMES).
COLORADO Gov. Bill Ritter (D) signs HB 1201, which requires police to tell people they have a right to refuse to be searched during interaction with authorities. The bill also makes the Centennial State the only one to extend that protection to both drivers and pedestrians (COLORADO INDEPENDENT [DENVER]).

In case you missed it

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 historically tough new immigration law in ARIZONA may force the feds to address the issue once and for all.

In case you missed it, the article can be found on our Web site at

http://www.statenet.com/capitol_journal/05-03-2010/html

EDUCATION: The **ARIZONA** Senate endorses HB 2281, a bill that would make it illegal for a school district to offer classes that promote the overthrow of the U.S. government, are designed primarily for students of a particular ethnic group or advocate ethnic solidarity “instead of the treatment of pupils as individuals” and bans classes that “promote resentment toward a race or class of people.” It moves to Gov. Jan Brewer (R) for consideration (ARIZONA DAILY STAR [TUCSON]). • The **CONNECTICUT** House and Senate endorse SB 456, which would require sports coaches to bench intramural and interscholastic athletes if they show signs of a concussion, or if they are diagnosed with one. To return to play, students would have to receive written clearance from a medical professional. The bill has moved to Gov. M. Jodi Rell (R) for review (HARTFORD COURANT). • Still in **CONNECTICUT**, the House endorses HB 5423, which would allow public school students to opt out of animal dissections if they have a “conscientious objection.” It is now in the Senate (HARTFORD COURANT). • Also in **CONNECTICUT**, the Senate approves HB 5489, a bill that would, among other things, require high school students to take more math and science courses and at least one foreign language course in order to graduate. The measure would also lift enrollment caps at charter schools and set up a framework for connecting teacher evaluations to student performance. It goes to Gov. Rell (HARTFORD COURANT). • **MASSACHUSETTS** Gov. Deval Patrick (D) signs SB 2404, which bans bullying in Bay State public schools and requires teachers to report incidents of student bullying to the school principal. The law also specifically bans “cyber bullying,” harassment which is carried out via e-mail or cell phone text messages or over social networking sites like Facebook (BOSTON GLOBE). • **WISCONSIN** Gov. Jim Doyle (D) signs SB 437, which gives the state schools superintendent new authority to intervene in failing districts and schools. The superintendent’s new powers include the ability to change schools’ curricula, implement academic interventions for struggling students and extend school days (MILWAUKEE JOURNAL SENTINEL). • Still in **WISCONSIN**, Doyle also signs SB 25, which gives school superintendents the power to ban schools from using American Indian mascots, nicknames and logos if they promote discrimination or negative stereotyping (WISCONSIN STATE JOURNAL [MADISON]). • The **NEW YORK** Senate approves SB 7678, legislation that would raise the cap on the number of charter schools allowed in the Empire State to 460, more than double the current total of 200. It moves to the Assembly (NEW YORK TIMES).



ENVIRONMENT: CALIFORNIA Gov. Arnold Schwarzenegger (R) vetoes SB 4, a bill that would have banned smoking at the Golden State’s 278 public beaches and parks. Schwarzenegger said the measure was “an improper intrusion of government into people’s lives” (LOS ANGELES TIMES). • Still in **CALIFORNIA**, state water regulators issue new rules requiring coastal power plants to begin phasing out a cooling process that uses billions of gallons of ocean and estuary water each day. The “once through” process is blamed for killing billions of fish, larvae and eggs each year, including an estimated 62,000 federally-protected delta smelt (LOS ANGELES TIMES).

HEALTH & SCIENCE: The **MISSOURI** Senate approves HB 1713, a bill that would require health insurers to cover parents’ adopted and biological children equally. The measure returns to the House (ST. LOUIS POST-DISPATCH). • **WISCONSIN** Gov. Jim Doyle (D) signs SB 362, which requires that Badger State group health insurance policies cover mental health, alcoholism and other drug abuse treatment services at the same level as other types of treatment (WISCONSIN GOVERNOR’S OFFICE).

IMMIGRATION: ARIZONA Gov. Jan Brewer (R) signs HB 2162, a bill that amends the Grand Canyon State’s new immigration law (SB 1070) to ensure that police may only inquire about a person’s immigration status if they have stopped, detained or arrested that person for another infraction. Opponents of SB 1070 claimed the bill’s wording would encourage racial profiling (YUMA SUN).

SOCIAL POLICY: An **OKLAHOMA** judge issues a temporary stay against implementation of HB 2780, a measure that requires Sooner State abortion providers to perform an ultrasound on a pregnant woman at least an hour before the procedure so she can see the images of the fetus and to describe what is being shown, including whether the heart of the fetus or embryo is beating. Opponents have sued to block the law, saying it is unconstitutional (OKLAHOMAN [OKLAHOMA CITY]). • **TENNESSEE** Gov. Phil Bredesen (D) allows HB 2681, which bars coverage of abortion in any health plan offered through a state-run health insurance exchange

The week in session

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

States in Recess: PA

States in Special Session: CA “f”

Special Sessions in Recess: 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 Budget Hearings: NJ

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

States Projected to Adjourn: CO, IL, MN, MO

States Adjourned in 2010: AK, AL, AR, AZ, CT, FL, GA, HI, IA, ID, IN, KY, MD, ME, MS, NE, NM, SD, UT, VA, WA, WI, 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 5/7/2010)
Source: State Net database



to be created under health reform, to become law without his signature. Bredesen says he hopes lawmakers will reconsider their position before the federal health care reform bill is scheduled to go into effect in 2014 (CHATTANOOGA TIMES FREE PRESS). • **KANSAS** lawmakers fail to override a veto by Gov. Mark Parkinson (D) of HB 2115, legislation that would have required physicians who authorize late-term abortions to provide the specific diagnosis that justifies the procedure. The House endorsed the override, but the Senate fell one vote short (KANSAS CITY STAR).

POTPOURRI: The **OKLAHOMA** House approves HB 3354, which would allow Sooner State residents with concealed-carry weapons permits to pack their weapons out in the open. The measure shoots off to Gov. Brad Henry (D) for review (OKLAHOMAN [OKLAHOMA CITY]). • Still in **OKLAHOMA**, the House approves HB 2348, which would allow residents to brew beer at home. The measure, which would bar home brewers from selling their suds, moves to Gov. Brad Henry (D) for review (OKLAHOMAN [OKLAHOMA CITY]). • **WISCONSIN** Gov. Jim Doyle (D) signs AB 496, which bars Badger State drivers from sending, reading or receiving cell phone text messages while behind the wheel. Violators face a fine up to \$400. The bill goes into effect in December (WISCONSIN GOVERNOR’S OFFICE). • Texting is also the issue in **CONNECTICUT**, where the House and Senate approve SB 427, a bill that would bar Constitution State motorists from texting while driving. It is now with Gov. M. Jodi Rell (R) for review (HARTFORD COURANT).

— Compiled by RICH EHISEN

Once around the statehouse lightly

PISTOL PACKIN’ PERRY POPS PRAIRIE PREDATOR: We’ve all heard that one shouldn’t mess with TEXAS, lest the instigator suffer the wrath of Lone Star State justice. For future reference, let’s presume you should also avoid getting on the wrong side of Gov. Rick Perry. As the *Houston Chronicle* reports, Perry recently took umbrage to a coyote’s carnivorous interest in his daughter’s dog while said canine and the gov were out for a jog. As the gov tells it, he and the critter had something of a face off, with neither inclined to back down. Of course, Perry had a distinct advantage — the .380 Ruger pistol he packs with him on such occasions. The gov says he plugged the coyote with a single shot and then left it “for mulch.” The gov’s dog was unharmed.



LET BYGONES BE BYGONES...NOT:

Sunshine State Republicans are clearly not happy about FLORIDA Gov. Charlie Crist ditching the GOP to seek a U.S. Senate seat as an independent. As the *Tallahassee Democrat* reports, hacked off Repubs are selling an oil painting of Crist on eBay, but with a few caveats to any potential buyer. The canvas, the ad notes, is “sensitive to changes of temperature and humidity, just as the (sic) Charlie Crist’s political convictions are subject to fluctuations in poll numbers.” In addition, the canvas may “periodically lose and regain tautness, much like Charlie Crist periodically loosens or regains positions on a variety of issues.” The sellers further note that the piece comes with an “ornate gold frame made of manufactured wood, similar to the fabricated conservative values of the politician depicted within.” Not that they’re bitter or anything.

Corrections

In the May 3rd issue of SNCJ, we erroneously reported that NEVADA Gov. Jim Gibbons supports ARIZONA’s controversial immigration law, Senate Bill 1070. Gibbons is in fact opposed to the law, and is actually the only Republican in the current state GOP gubernatorial primary to publicly reject it. We regret this error.

A MAN OF NO CONVICTIONS: When Chicago pawnbroker Scott Lee Cohen announced his independent candidacy for ILLINOIS governor last week, he wanted voters to know he was vastly different from recent Prairie State gov’s. As the *Chicago Tribune* reports, Cohen admitted to having made “some bad choices” in his life, but he wanted to assure them a vote for him was still morally acceptable. “I want the people of ILLINOIS to know I was never convicted of anything,” Cohen said. Given that two former gov’s (Otto Kerner Jr. and Daniel Walker) have previously served prison time, one (George Ryan) is still locked up and another (impeached Rod Blagojevich) may soon join him, it probably isn’t the craziest pitch you’ll ever hear.

COURTING THE KING: One of the biggest stories in the NBA these days is whether the league’s preeminent player, LeBron “The Chosen One” James, will resign with the Cleveland Cavaliers or chase millions of dollars through free agency. That last option has seemingly all of OHIO frantic. So, as the *Cleveland Plain Dealer* reports, Gov. Ted Strickland joined a group of notable Clevelanders last week to put the hard sell on James to stay. The group filmed a video in which the gov and his cohorts — mostly local TV personalities, city council members and safety personnel — sang a song called “Please Stay LeBron” to the tune of the infamous 80s celebrity confab “We are the World.” Queried about his involvement in the campy event, Strickland said, “Come on, this is economic development.” The video hits the air in a few weeks.

— By RICH EHISEN

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