

October 19, 2009

November Portents?



©iStockphoto.com/Fertnig/3dbrained

Budget & taxes State tax collections down by record amounts	5
Politics & leadership Republicans solidify majority in TN House	7
Governors Schwarzenegger signs, vetoes hundreds of bills	8
Bird's eye view	2
Hot issues	11
Once around the statehouse lightly	15

The next issue of
 Capitol Journal will be
 available on November 2nd.

Top Story

*With still popular
 President Barack
 Obama not on the
 2009 or 2010 tickets,
 Democratic candidates
 may be saddled with the
 perceived downsides of
 his policies without the
 magic of his name.*

SNCJ Spotlight

**Will NJ and VA elections foreshadow
 GOP resurgence?**

Twenty four hours is a long time in the life of a politician, as my editor Richard Harwood at the *Washington Post* used to remind his reporters. Two weeks is a political eternity, so there will be no predictions here about the outcomes of next month's mud-spattered elections for governor in NEW JERSEY and VIRGINIA. The one forecast that can be

A Cannon Perspective



With Lou Cannon

made with reasonable certainty is that the winners will interpret the results as a referendum on the Obama administration and as harbingers of the 2010 mid-term elections, while the losers will downplay any national significance.

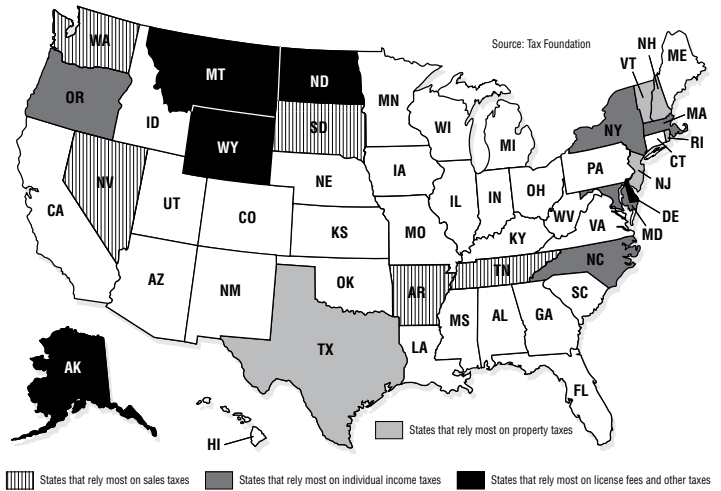
Portents or not, these elections should offer a useful window into the mood of the electorate. Multitudinous polls show that Americans are discouraged over the slow pace of economic recovery and anxious about the long war in Afghanistan. President Barack Obama nonetheless still commands the support of most Democrats and of a dwindling plurality of independents. As with many of his predecessors in their first year in office, Obama is more popular than his policies. But he will not be on the ballot in either 2009 or 2010, and Democratic candidates will be saddled with the perceived downsides of his policies without the magic of his name. Republicans

meanwhile can postpone facing their largest liability: the lack of a compelling national candidate who can unify the party and lead it back to the White House.

Otherwise, it's hardly gloom and doom for the Republicans, who in the wake of the Obama landslide of 2008 seemed poised to go the way of the Whigs. In Congress, Republicans traditionally do better as the party of opposition, perhaps because they had so much practice in the last century. After getting thumped in the 2006 and 2008 congressional elections, the GOP regrouped and formed an almost united front against the administration's stimulus package and an array of Democratic health care bills. Republicans also received a boost from the excessive optimism of Obama's economic team, which saw "green shoots" of recovery sprouting everywhere as the nation headed relentlessly toward double-digit unemployment.

But even with a faster-paced recovery, the off-year elections would be a slog for the Democrats because the electorates that participate in them are different from the

Bird's eye view



State tax sources differ as widely as states themselves

Availed of differing resources and guided by different policy priorities, states vary widely in the sources of tax revenue they rely on. According to analysis of U.S. Census Bureau data by the nonpartisan Tax Foundation, ALASKA and WYOMING — states endowed with valuable natural resources — derive most of their revenue from taxes on those resources. States that subscribe to the view that tax codes should be progressive, meanwhile, tend to rely heavily on individual income taxes. The accompanying map shows the states that are most dependent on four different categories of taxes: property taxes; sales taxes; individual income taxes; and license fees and other taxes, including severance (natural resource), stock transfer and gift or estate taxes.





by RealClearPolitics.com. Deeds also has a curious historical handicap: in every gubernatorial election since 1977, the election of a president of one party has been followed by the election of a VIRGINIA governor from the other party.

In NEW JERSEY, embattled Gov. Jon Corzine (D) has struggled to overcome a troubled economy and low approval ratings. The Republican challenger in this normally Democratic state is Chris Christie, who as U.S. attorney for Newark obtained 130 convictions without a loss. His record as a prosecutor is more impressive than his record as a campaigner — three defeats in four tries for lesser offices — or, the Corzine camp would say, his record as a driver. Corzine, who made more than \$300 million in the higher ranks of Goldman Sachs, has spent record amounts to publicize such Christie lapses as a 2002 incident in which he turned the

wrong way on a one-way street and collided with a motorcyclist. This seems an odd line of attack from a governor who was nearly killed two years ago in an accident caused by his own speeding driver; Corzine was blithely not bothering to wear a seat belt. But the incumbent has gained traction from a discovery of his focus groups that some voters are uncomfortable with Christie because he is overweight. The Corzine camp has since been waging what Patrick Murray, director of The Polling Institute at Monmouth University, calls “a subliminal campaign” to portray Christie as fat. It may be subliminal but there’s nothing subtle about the metaphors of Corzine’s commercials, one of which alleges that Christie “threw his weight around” as prosecutor. These attacks, Christie’s unwillingness to provide specifics about his policies, and Corzine’s unlimited resources — he has outspent his opponent 4-1 — have turned the race into a dead heat.

Another factor is the emergence of independent candidate Chris Daggett, a former regional administrator for the Environmental Protection Agency. Daggett alone has addressed what many NEW JERSEY homeowners see as the state’s most pressing problem — its soaring local property taxes. He proposes to reduce property taxes \$2,500 a homeowner if municipalities keep spending in line. Daggett has won the endorsement of the *Star-Ledger* in Newark, the state’s most influential newspaper, which editorialized: “Only by breaking the hold of the Democratic and Republican mandarins on the governor’s office and putting a rein on their power will the state have any hope for the kind of change needed to halt its downward economic, political and ethical spiral.” Pollster Murray gives Daggett little chance but says he could hurt Christie by giving anti-Corzine voters another alternative.

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: 108

Number of Intros last week: 573

Number of Enacted/Adopted last week: 696

Number of Prefiles to date: 34,848

Number of Intros to date: 152,165

Number of 2009 Session Enacted/Adopted overall to date: 39,132

— Compiled By JAMES ROSS
(measures current as of 10/15/2009)
Source: State Net database



Both NEW JERSEY and VIRGINIA also will be electing lower houses of their legislatures. In NEW JERSEY, Democrats hold a 48-32 lead in the Assembly. In the VIRGINIA House of Delegates, Republicans have the upper hand 53-45, with one independent and one vacancy. Storey of the NCSL thinks the Republicans may make small gains but doubts that the balance of power will change.

Small gains this year may be enough for the GOP, as it strives to get its act together for the 2010 midterm elections, in which it may have an outside chance of regaining the House. It's no mystery why President Obama is trying to get so much done in his first year of office. He may not have the votes to do it if he waits.

— *By Lou Cannon*

Budget & taxes

S TATE TAX COLLECTIONS DOWN BY RECORD AMOUNTS: State tax collections were down \$63 billion, or 8.2 percent, for the fiscal year that ended in June, the Nelson A. Rockefeller Institute of Government reported in its latest analysis of U.S. Census Bureau tax data. That decline is a record, but it could have been much worse; the amount is roughly twice what states received over the course of the year from the federal stimulus package.

Tax collections from April through June were down 16.6 percent compared with the same period a year earlier. That is also a record drop, the steepest since data began being collected in 1963. Thirty six states reported double-digit declines for the quarter. ALASKA's was the largest: 86.5 percent, due to the recent drop in oil prices.

At the other end of the spectrum, VERMONT saw a 2.2 percent rise in tax revenues, primarily due to a one-time estate tax settlement. SOUTH DAKOTA didn't fare much worse, suffering only a 0.8 percent drop.

But despite those few bright spots and signs that the national economy and stock market are rebounding, the Institute said most states can expect budget gaps this fiscal year and next, and possibly for two more. (STATELINE.ORG, NELSON A. ROCKEFELLER INSTITUTE OF GOVERNMENT)

PENNSYLVANIA ADOPTS FULL BUDGET: A hundred and one days into the new fiscal year, PENNSYLVANIA lawmakers and Gov. Ed Rendell (D) have enacted a complete budget. The \$27.8 billion spending plan is \$500 million smaller than last year's. It avoids increases in broad-based taxes such as income and sales, but raises cigarette and business taxes. It also anticipates the passage of legislation to add table games at state-licensed slots casinos.



The state had been operating on a partial or “bridge” budget since August. That budget allowed the state to fund general government operations and pay its workers, but withheld allocations for schools, colleges and universities, counties and an array of social services agencies, forcing some to cut operations or, in some cases, shut down completely (STATE NET).

Upcoming stories

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

- **Elections**
- **National education standards**
- **Budget updates**

BUDGETS IN BRIEF: A legislative audit released last week shows **VIRGINIA’s** outsourcing of a massive \$2 billion computer upgrade has resulted in disruptions at almost every state agency that uses a computer, but that canceling the contract could cost the state hundreds of millions of dollars. The report said that the Los Angeles-based defense company Northrop Grumman was awarded the contract — the largest in **VIRGINIA’s** history — because state officials thought it would provide the best value despite its lack of experience managing state computer and communication systems (WASHINGTON POST). • **NEW YORK** Comptroller Tom DiNapoli said last week the state’s budget gap could reach \$4.1 billion this fiscal year, over a billion dollars more than Gov. David Paterson (D) has been predicting the last several weeks (ALBANY TIMES UNION). • **MISSISSIPPI’s** top finance official said last week that due to the severity of the state’s budget shortfall, state agencies will likely see cuts of 7 percent across the board (CLARION LEDGER [JACKSON]). • **HAWAII** has collected more than \$50 million in unpaid excise taxes since June 30, 2008 by using a computer program that links federal and state tax data. The program allows the state to check federal tax returns of **HAWAII** residents to see if they’ve claimed business income and, if so, determine whether they filed state excise tax returns (HONOLULU ADVERTISER). • Also in **HAWAII**, state and county officials have reached an agreement with the state Government Employees Association on a contract specifying a total of 42 furlough days and a wage cut of up to 8 percent between now and July 2011. The concessions, which must be approved by the HGEA’s 30,000 state and county workers, were forced by the state’s ailing economy (HONOLULU STAR BULLETIN). • **NEW HAMPSHIRE** Gov. John Lynch (D) announced last week he will lay off 250 workers, reassign 60 more to lower paid positions and cut funding for another 60 vacant positions. The cuts came in response to the State Employees’ Association’s rejection of a tentative contract calling for 19 unpaid furlough days (CONCORD MONITOR). • The Mega Millions consortium and the Multi-State Lottery Association, which oversees Powerball, announced a deal last week that will allow 43 states to sell tickets for both multistate lotteries. The cross-selling could begin early next year (PENNSYLVANIA INQUIRER).

— *Compiled by KOREY CLARK*

Politics & leadership

REPUBLICANS SOLIDIFY MAJORITY IN TN HOUSE: Republicans have held a one-seat advantage in the TENNESSEE House since last year's election. But that majority has been somewhat nominal. One of the GOP seats is occupied by Speaker Kent Williams, who got himself elected to the House's top job by making a deal with Democrats, splitting power evenly between the two parties.

But last Tuesday Republicans made their majority more of a practical one by getting Pat Marsh elected to a seat long held by Democrats. The District 62 seat, in central TENNESSEE, was formerly occupied by Curt Cobb, the brother of Marsh's Democratic challenger, Ty Cobb. Curt Cobb resigned earlier this year to take a judicial position.

Marsh's 56 percent to 41 percent victory gives the GOP an edge heading into next year's election, which will determine which party has the upper hand in redrawing the district lines for the Legislature and U.S. House of Representatives.

In addition, Republicans will pick up a seat on two committees and two subcommittees, according to Rep. Glen Casada, the Republican Caucus chairman. And Casada believes Republicans should also have a one-seat majority on the panels Marsh is appointed to, potentially the House Commerce Committee and House Calendar and Rules Committee.

"One more vote like this would help take things to the floor," he said.
(TENNESSEAN [NASHVILLE])

POLITICS IN BRIEF: The American Federation of State, County and Municipal Employees, the National Education Association and Microsoft co-founder Bill Gates are among the major donors who have poured nearly \$1.5 million into the campaign against WASHINGTON's Initiative 1033. If approved by voters on Nov. 3, that measure would cap the annual growth of state and local government general funds at the rate of inflation plus population growth (NEWS TRIBUNE [TACOMA]).

• Supporters of MAINE's new same-sex marriage law have raised more than double the amount of the group seeking to repeal the law next month with Question 1, according to finance reports released last week. The No on 1 — Protect Maine Equality campaign had amassed \$2.7 million, while the group Stand for Marriage Maine had raised approximately \$1.1 million as of Sept. 30 (BANGOR DAILY NEWS). • According to a new Field Poll, only 13 percent of CALIFORNIA's registered voters approve of the state Legislature's performance, the lowest number since the survey group began measuring public opinion about that institution in 1983. Gov. Arnold Schwarzenegger's (R) approval rating of 27 percent, meanwhile, is the lowest gubernatorial rating the Field Poll has recorded since the 22 percent mark Gray Davis (D) received in August 2003, two months before voters recalled him and elected Schwarzenegger (SACRAMENTO BEE).

— Compiled by KOREY CLARK

Governors

SCHWARZENEGGER SIGNS, VETOES HUNDREDS OF BILLS:

Sidestepping his own mass-veto threat, CALIFORNIA Gov. Arnold Schwarzenegger (R) addressed more than 700 bills awaiting action last week. Schwarzenegger had threatened to veto the bulk of the measures if lawmakers didn't work out a deal on overhauling the state's aging water supply system. But while lawmakers worked out no such deal, Schwarzenegger said they had made enough progress toward an agreement that he would "weigh all the bills on their merits." He ultimately signed 478 into law and vetoed 229.

Predictably, many of each drew howls of protest from the bills' supporters and opponents. Among the most controversial to earn Schwarzenegger's signature was SB 572, which creates a yearly "day of special significance" honoring the birthday of Harvey Milk, a former San Francisco city supervisor and the first openly gay person to be elected to office in CALIFORNIA. Milk was later fatally shot, along with Mayor George Moscone, by another city supervisor, Dan White. Although the day will not be a state holiday and government offices will not be closed, Golden State schools will be encouraged to conduct commemorative exercises to remember Milk's life. Schwarzenegger vetoed a similar proposal last year.

Geoff Kors, the executive director of Equality California, a nonprofit group that promotes same-sex rights, hailed the bill's signing.

"Harvey Milk was a role model to millions," Kors said. "This legislation will help ensure his legacy lives on forever."

Randy Thomasson, president of SaveCalifornia.com, which opposes gay rights, was less enthused, calling the signing "outrageous." In a statement after the signing, Thomasson castigated Milk, saying he was "a sexual predator of teens, an advocate of polygamous relationships, a public liar" who was "in no way a good role model for impressionable schoolchildren." He also accused the bill of promoting "even more in-your-face, homosexual-bisexual-transsexual indoctrination."

Schwarzenegger also signed more than a half dozen new mortgage laws that provide a range of consumer protections to home mortgage holders and applicants, as well as multiple bills addressing health insurance, energy, education and the environment. He also signed legislation recognizing same-sex marriages performed in states where such unions are legal (SB 54) — provided those marriages were performed before November 2008 when CALIFORNIA voters adopted a constitutional amendment barring gay nuptials.

The governor also vetoed several measures near and dear to Democrats, including proposals to ban so-called "puppy mills" (AB 241), require health insurers to cover maternity care (AB 98) and mental illness (AB 244) and require the state to rely on renewable resources for at least one-third of its electricity (SB 14 and



AB 64). Schwarzenegger issued an executive order last month (S-21-09) to enforce his own plan to get the state to meet its goal of achieving a 33 percent reduction in greenhouse gas emissions by 2020. (A rundown of many of these bills can be found in this week’s Hot Issues)

Counting those signed previously, Schwarzenegger has signed 632 bills this year, a record-low total for a modern CALIFORNIA governor. Some of those have not endeared him to GOP colleagues like Assembly minority leader Sam Blakeslee (R), who sent the Assembly Republican Caucus an e-mail decrying “the public policy disaster perpetrated by the Governor’s hand” and warning that Republicans should be “under absolutely no illusions that the Governor will stand firm with our Caucus on any given issue.” Blakeslee listed 10 bills he considered the worst, which included the measure to honor Milk and another (AB 962) requiring ammunition dealers to obtain a fingerprint and other identification from their customers. The ammunition bill received strong support from law enforcement. (LOS ANGELES TIMES, SAN FRANCISCO CHRONICLE, SACRAMENTO BEE, CAPITOL WEEKLY [SACRAMENTO])

QUINN STUMPS FOR HIGH SPEED RAIL: ILLINOIS Gov. Pat Quinn (D) said last week that opposition to some proposed routes should not block efforts to build a multi-state high speed Midwest rail system. Quinn called the high speed rail project a “mission for America,” saying it would make the country more energy

“We don’t want the petro-dictators having a stranglehold on America.”

independent. “We have to do this, and high speed rail is part of that movement to save energy,” Quinn said. “We don’t want the petro-dictators having a stranglehold on America.” ILLINOIS

officials are hoping to upgrade the Chicago-to-St. Louis route to high speed, but have encountered opposition in Springfield over where in that city the route would run. (CHICAGO TRIBUNE, JOURNAL-REGISTER [SPRINGFIELD])

GRANHOLM MERGES AGENCIES: MICHIGAN Gov. Jennifer Granholm (D) issued Executive Order 2009-45, a directive that merges the state departments of Natural Resources and Environmental Quality into a single new agency, the Department of Natural Resources and Environment. Granholm says the merger could save the financially-strapped state \$1 million or more per year. In a statement, Granholm called the new agency a “department for the 21st Century,” noting that “Experience has shown us that conserving natural resources and protecting the environment go hand-in-hand.” (STATE NEWS [EAST LANSING])

PERRY DEFENDS HIS ROLE IN EXECUTION INVESTIGATION: TEXAS Gov. Rick Perry (R) rejected accusations that he has tried to block an investigation into the quality of the forensic science that led to the conviction and



2004 execution of a man convicted of a 1991 arson fire that caused the deaths of his three children. Perry ignited a national controversy when he recently replaced the chairman of the state Forensic Science Commission that was investigating whether the person executed, Michael Willingham, may have been convicted based on bad science. Baltimore-based Craig Beyler, hired by the TEXAS Forensic Science Commission to examine the case, called Perry's behavior "unethical and injurious to the cause of justice," saying the governor should have recused himself from the case because he was the one who signed Willingham's death warrant. Perry said he had no doubt that Willingham was guilty, calling him "a monster" whose own defense lawyer came to believe he had committed the crimes that led to his execution. (SAN ANTONIO EXPRESS NEWS, DALLAS MORNING NEWS)

CRIST SEEKS CORRUPTION INVESTIGATION: FLORIDA Gov.

Charlie Crist (R) asked the Sunshine State Supreme Court to convene a grand jury to investigate public corruption. The request came after a recent string of corruption cases in Broward County, though Crist says no single case is behind his request. "Since I have been governor, unfortunately, I have had to remove over 30 people from public

"Since I have been governor, unfortunately, I have had to remove over 30 people from public office. That's almost one a month. And it's obvious to me that something's wrong with the system."

office," Crist said. "That's almost one a month. And it's obvious to me that something's wrong with the system." At last three of the cases involve people who have been fundraisers for Crist. (MIAMI HERALD)

GOVERNORS IN BRIEF:

Investigators in OKLAHOMA are investigating charges that employees

at the Sooner State governor's mansion sexually assaulted three female prison inmates assigned to work on the mansion's grounds. Two men — the former head chef and chief groundskeeper — have been fired, but neither has yet been charged (ASSOCIATED PRESS). • **GEORGIA** Gov. Sonny Perdue (R) helped kick off a new state campaign last week to raise public awareness of the need for more foster parents in the Peach State. Perdue and his wife Mary have provided foster care for eight children during their marriage (ATLANTA JOURNAL-CONSTITUTION). • **KENTUCKY** Gov. Steve Beshear (D) last week launched a three-year, \$2.2 million initiative aimed at improving the dental health of children in the Bluegrass State. Beshear said the program will be paid for with more than \$1.6 million from federal grants, with the balance coming primarily from in-kind contributions, such as help from the staff of the state Cabinet for Health and Family Services (LEXINGTON HERALD-LEADER).

— *Compiled by RICH EHISEN*

Hot issues

B **USINESS: CALIFORNIA** Gov. Arnold Schwarzenegger (R) signs multiple mortgage-related measures, including: AB 260, which bars subprime “negative amortization” loans, limits fees mortgage brokers may charge for originating subprime loans, and restricts pre-payment penalties for borrowers who pay off loans early; AB 329, which requires reverse mortgage lenders to provide borrowers with information on the risks and alternatives to such mortgages; SB 36, which sets standardized licensing requirements for all **CALIFORNIA** loan originators; AB 1160, which requires mortgage loan documents to be written in the same language in which the verbal negotiations were conducted in; AB 957, which allows buyers of foreclosed homes to choose local escrow officers rather than the escrow company chosen by the seller; and SB 239, which makes it a felony to intentionally give false information on a mortgage application. The new crime is punishable by up to a year in jail (LOS ANGELES TIMES, SACRAMENTO BEE). • Meanwhile, Schwarzenegger vetoes AB 241, a bill that would have banned so-called “puppy mills” by prohibiting Golden State pet breeders from having more than 50 unsterilized dogs and cats (SACRAMENTO BEE). • Still in **CALIFORNIA**, Schwarzenegger vetoes AB 517, which would have established statewide standards for tattoo and body piercing salons. Schwarzenegger said local governments should be free to regulate the salons as they see fit (SACRAMENTO BEE). • Schwarzenegger also vetoes SB 400, which would have barred the sale of electronic cigarettes in **CALIFORNIA** until federal authorities begin regulating them (LOS ANGELES TIMES). • **NEW JERSEY** Gov. Jon Corzine (D) signs AB 2650, which requires private businesses receiving public funds to, among other things, spend a minimum of \$1 for every \$5 received in public monies. The new standard, however, applies only to projects receiving \$50 million or more in public support (BERGEN RECORD). • The **ILLINOIS** Racing Board gives permission to three companies to host online horse betting, allowing Prairie State gamblers for the first time to bet on horse racing via approved Web sites, phone, interactive television and mobile devices (CHICAGO TRIBUNE). • **COLORADO** officials announce that the state minimum wage will go down four cents per hour next January. The Centennial State minimum wage is tied to the inflation rate, which decreased this year. Most employers, however, will still have to meet the federal minimum wage, which rose to \$7.25 in July (DENVER POST).

CRIME & PUNISHMENT: CALIFORNIA Gov. Arnold Schwarzenegger (R) signs AB 962, which requires handgun ammunition vendors to obtain a thumbprint and other information from purchasers. The measure, which also requires dealers

to store ammo in a secure place and to complete all sales in person, goes into effect in January, 2011 (LOS ANGELES TIMES). • Still in **CALIFORNIA**, Schwarzenegger signs SB 598, a measure that allows a repeat DUI offender to apply for a restricted license, if he or she voluntarily installs ignition interlock devices on all of his or her vehicles (SACRAMENTO BEE). • Schwarzenegger also signs SB 314, which allows the **CALIFORNIA** state controller to deduct unpaid restitution for crime victims from the income tax refund of a person who owes the restitution. The measure also allows the state to pay up to \$2,000 of a crime victim's relocation costs (CALIFORNIA NEWSWIRE) • Schwarzenegger also signs AB 524, which makes it a crime in **CALIFORNIA** to sell unauthorized photos of celebrities or their children. Violators face a fine of up to \$50,000 (LOS ANGELES TIMES). • Schwarzenegger signs AB 242, which increases the maximum penalty for attending a dog fight to one year in jail and a \$5,000 fine. In conjunction, Schwarzenegger signs SB 318, which allows **CALIFORNIA** authorities to seize property and profits related to dog fighting (LOS ANGELES TIMES). • Still on the **CALIFORNIA** animal front, Schwarzenegger vetoes AB 243, which would have prohibited those convicted of certain animal-abuse crimes from owning other animals, and AB 1122, which would have barred selling animals at roadsides or in parking lots (LOS ANGELES TIMES).

EDUCATION: CALIFORNIA Gov. Arnold Schwarzenegger (R) signs SB 19, which removes the state's prohibition on linking student achievement data with teacher and principal evaluations. The change makes the state eligible to apply for a \$4.35 billion federal stimulus grant program known as Race to the Top (PRESS-ENTERPRISE [RIVERSIDE]). • Still in **CALIFORNIA**, Schwarzenegger signs AB 48, which creates a state oversight board to monitor about 1,600 for-profit and vocational colleges. The schools, which teach both standard subjects as well as career-path topics like truck driving and cosmetology, have been without state enforcement since the term of the previous oversight board expired in 2007 (CONTRA COSTA TIMES [WALNUT CREEK]). • Schwarzenegger also signs SB 48, which requires textbook companies to offer books to **CALIFORNIA** colleges and universities in

The week in session

States in Regular Session: DC, MA, MI, OH, PA(Senate), PR, US, WI

States in Recess: NJ, NY, PA (House)

States in Special Session: CA "c", CA "e", CA "f", NM "a"

Special Sessions in Recess: CT "b", CT "d", DE "a"

Upcoming Special Sessions: TBA: FL "b", NE "a", OK "a"

States in Veto Session: IL

States Currently Prefiling or Drafting for 2010: AL, FL, IA, KS, KY, ME, ND, NH, OK

States Adjourned in 2009: AK, AL, AR, AZ, CA, CO, CT, DE, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MN, MO, MS, MT, NC, ND, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WA, WV, WY

State Special Sessions Adjourned in 2009: AK "a", AL "a", AZ "a", AZ "b", AZ "c", CA "a", CA "b", CA "d", CT "a", CT "c", FL "a", HI "a", HI "b", IL "a", IL "b", IN "a", KY "a", MS "a", MS "b", MS "c", NV "a", NY "a-o", TX "a", UT "a", VA "c", VT "a", WI "a", WV "a", WV "b", WV "c"

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS
(session information current as of 10/16/2009)
Source: State Net database



electronic format. The rule does not go into effect until January 1, 2020. The governor also signs SB 247, which allows K-12 districts to provide students with electronic textbooks (SACRAMENTO BEE).

ENVIRONMENT: CALIFORNIA Gov. Arnold Schwarzenegger (R) signs AB 708, which significantly increases penalties for poaching or illegally trafficking in listed birds, mammals, fish, amphibians and reptiles. Violators for either provision now face fines up to \$40,000 and a year in jail (LOS ANGELES TIMES). • Schwarzenegger also signs SB 32, which requires **CALIFORNIA** utilities to purchase solar electricity only from facilities that produce up to three megawatts (LOS ANGELES TIMES). • Still on the energy front, Schwarzenegger signs AB 920, a bill that requires **CALIFORNIA** utilities to compensate a homeowner whose solar array or small wind generator produces more electricity during the year than the customer uses. Utilities currently get the excess energy for free (SAN FRANCISCO CHRONICLE). • Also in **CALIFORNIA**, Schwarzenegger vetoes SB 402, which would have expanded the number of containers in the state’s beverage container recycling program. Schwarzenegger said the bill had several “fatal flaws,” including having no end users lined up for the materials the measure would enter into the program (RECYCLING TODAY.COM). • Schwarzenegger also vetoes SB 14, which would have required **CALIFORNIA** utilities to generate one third of their power from renewable sources by 2020 (SACRAMENTO BEE).

HEALTH CARE: CALIFORNIA Gov. Arnold Schwarzenegger (R) signs AB 119, which bars health insurers from using gender to set coverage premiums (SACRAMENTO BEE). • Schwarzenegger also signs AB 1383, which gives **CALIFORNIA** hospitals access to \$2 billion in federal funds by imposing a “provider” fee that would make them eligible for the money as subsidies for Medi-Cal, the state’s health insurance program for the poor (LOS ANGELES TIMES). • Schwarzenegger also signs AB 1116, a bill that requires prospective cosmetic surgery patients in **CALIFORNIA** to first have a physical examination that confirms they are healthy enough to undergo the procedure (LOS ANGELES TIMES). • Also in **CALIFORNIA**, Schwarzenegger signs AB 108, which bars health insurers, after 18 months from the issuance of an individual health policy, from rescinding the coverage for any reason. It also prohibits canceling, limiting or raising premiums in a contract or policy due to omissions or errors on the application form, whether willful or not (CAPITOL WEEKLY [SACRAMENTO]). • Also on the health insurance front, Schwarzenegger vetoes AB 2, which would have restricted the ability of **CALIFORNIA** health insurers to retroactively drop policyholders when errors are

In case you missed it

The Blagojevich scandal in ILLINOIS spurred many states to adopt new measures aimed at snuffing out such corruption. But a case in front of the U.S. Supreme Court right now may change the game more than anything states have done.

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

http://www.statenet.com/capitol_journal/10-12-2009/html

found on their original application unless they could prove the error was intentional fraud (LOS ANGELES TIMES). • Still in CALIFORNIA, Schwarzenegger also vetoes AB 98, a measure that would have required health insurers to cover maternity care, and AB 911, which would have required hospitals to create and enact a response plan to reduce emergency room overcrowding (SACRAMENTO BEE).

SOCIAL POLICY: CALIFORNIA Gov. Arnold Schwarzenegger (R) signs SB 54, which requires the Golden State to recognize marriages performed in other states where same sex marriage is legal. The law applies only to unions that occurred before voters approved a constitutional amendment in November 2008 that bars same-sex marriage (SACRAMENTO BEE). • Still in CALIFORNIA, a federal judge refuses to toss out a challenge to the state's gay marriage ban. The judge said a trial is necessary to determine whether the ban is constitutional (SAN FRANCISCO CHRONICLE). • Also in CALIFORNIA, Schwarzenegger vetoes AB 504, which would have required police training to include content on how to interact with persons carrying a kirpan, a four-inch dagger often worn by members of the Sikh religion. The governor called the bill "unnecessary" (TIMES OF INDIA).

POTPOURRI: CALIFORNIA Gov. Arnold Schwarzenegger (R) signs AB 1020, a bill that requires public swimming pools to be equipped with federally-approved anti-entrapment devices that prevent small children from being pulled underwater and drowned by powerful drain motors (SACRAMENTO BEE). • Still in CALIFORNIA, Schwarzenegger signs SB 135, which bars the practice of docking cow's tails unless medically necessary (SACRAMENTO BEE). • Schwarzenegger also signs SB 739, which bars Golden State political candidates from paying their spouse or domestic partner to work on their campaigns (LOS ANGELES TIMES).

Upcoming elections

10/15/2009 - 11/5/2009

10/15/2009

Tennessee Special Primary
Senate District 31

11/03/2009

Alabama Special Election
House District 65

California Special Election
US House (CA 10th Congressional District)

Georgia Special Election
House District 58, District 75,
District 129, District 141

Michigan Special Election
Senate District 19

Missouri Special Election
House District 73
Senate District 4

New Hampshire Special Election
House Merrimack County District 11
(Concord Wards 4, 8, 9, 10)

New Jersey General Election
Assembly (All)
Constitutional Officers:
Governor, Lieutenant Governor

New Jersey Special Election
Senate Districts 6 and 23

New York Special Election
US House (NY 23rd Congressional District)

South Carolina Special Election
House District 48

Virginia General Election
House (All)
Constitutional Officers:
Governor, Lieutenant Governor, Attorney General

Washington General Election
House District 9, Position 1; District 15,
Position 2; District 16, Position 2



• **MICHIGAN** Gov. Jennifer Granholm (D) signs HB 5127, legislation requiring farm animals confined in cages to have enough room to turn around and fully extend their limbs. The bill makes the Wolverine State the second to ban so-called battery cages for egg-laying chickens, the fifth to ban veal crates and the seventh to ban stalls for pregnant pigs (NEW YORK TIMES).

— Compiled by RICH EHISEN

Once around the statehouse lightly

D OES THIS COME WITH CHAMPAGNE? In an effort to slow the growing divorce rate, LOUISIANA, ARIZONA and ARKANSAS have in recent years adopted policies that allow their residents to enter into a “covenant marriage,” which makes it harder for the couple to legally split. Other states have considered, but ultimately rejected, following suit. But now those states may have a new model to follow. As Reuters reports, Malaysia’s eastern state of Terengganu is now offering disgruntled couples on the brink of divorce a free second honeymoon in hopes it will rekindle their romantic spark and keep them together. There is only one catch: the freebie, which lasts for three days and includes counseling, is aimed primarily at long-term couples. As one Terengganu official put it, the government understands how newlyweds may struggle, but “it is unacceptable for those married more than two decades to file for divorce.”

AND THE EMMY GOES TO: If you live in Silverton, OREGON and are a fan of the TNT con-artists-and-thieves drama series “Leverage,” you may want to keep a sharp eye out for a familiar face. That’s because state Rep. Vic Gilliam, who represents Silverton in the Beaver State Legislature, also dabbles in acting as a hobby. As *The Oregonian* reports, Gilliam is set to soon appear on the show, playing what he describes as “kind of a slimy guy.” Gilliam jokes that some people might mistakenly believe his appearance is a classic case of Hollywood typecasting. In that regard, he says it is also worth noting that he also read for the part of a corrupt politician but did not get it.

STATE OF ENFORCEMENT: At some point, all of us have probably asked, “Where is a cop when you really need one?” The answer: in TEXAS! As *National Public Radio* reports, the Lone Star State has 73,000 sworn peace officers, or one for every 330 residents. The state has also just about cornered the market on entities with their own “boutique” police forces, including the likes of the State Board of



Dental Examiners, the Pharmacy Board, a smattering of water districts and at least 163 school districts. But lawmakers recently put their foot down, so to speak, when the State Board of Podiatric Examiners requested that their investigators be given law enforcement standing. Lawmakers quickly booted the proposal. The foot doctors say now they never wanted to be real police anyway, only to have police power to do investigations. Uh, I think we'd all like that, eh?

IT'S ALL ABOUT CHOICES: Nobody needs to tell California Gov. Arnold Schwarzenegger that for every action there is an equal and opposite reaction. When the media gossip Web site TMZ revealed video footage of First Lady Maria Shriver talking on her cell phone while driving — sans a hands-free device as Golden State law requires — he found himself in a delicate spot. After all, Schwarzenegger was a vocal supporter of the measure requiring the hands-free devices, which he himself signed into law last year. He has also threatened his children with loss of their cars if he ever catches them violating the code. So, as the *Sacramento Bee* reports, Schwarzenegger has vowed to “make action and stop her” from another infraction. But he also jokes that it is “a no-win situation,” noting that “if I don't create action, the voters get upset. If I do create the action and stop her, then I get no action. So I'm in big trouble.”

— By *RICH EHISEN*

●
●
●
●
●

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
©2008 State Net ISSN: 1521-8449



You've just read **State Net Capitol Journal**, the insider's source for political and legislative news in the 50 states.

State Net Capitol Journal is published 40 times annually and delivered over the Web or e-mail.

For a FREE subscription, visit our Website at www.statenet.com and click on the "Register Now" icon. Or call us at 916.444.0840

A publication of State Net — *the leader in legislative and regulatory intelligence.*

Who relies on State Net?

- Five of the nation's ten largest companies
- Major information services including Lexis-Nexis and WestLaw
- Companies representing every major industry in the U.S.

State Net: the service you can trust when you need to be right.

Learn more about our issue-based reporting solutions today:
info@statenet.com or www.statenet.com • (800) 726-4566