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[Regulations](#)
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# State Net CAPITOL JOURNAL

News & Views from the 50 States

*Volume XVII, No. 18  
June 15, 2009*

## One Size Fits All?



### Budget & taxes

Schwarzenegger threatens government shutdown

### Politics & leadership

A coup in Albany

### Governors

Kaine orders more green in VA

### Bird's Eye View

### Hot issues

In case you missed it

### Once around the statehouse

lightly

*The next issue of Capitol Journal will be available on June 22nd.*

### TOP STORY

With American students falling further behind their international peers in basic educational achievement, a majority of states are abandoning their long-held objections toward uniformity and banding together to set tougher academic standards.

## SNCJ Spotlight

### States lead push for national academic standards

Faced with the harsh reality that American students are falling further behind their international peers in basic educational achievement, 46 states and the District of Columbia have done something most observers once considered unthinkable: agreed to develop a single set of academic criteria for all U.S. K-12 students. Doing so, they say, will better prepare those students for college and a globally competitive job market.

Led by the National Governors Association (NGA) and the Council of Chief State School Officers (CCSSO), the Common Core State Standards Initiative calls on states to develop uniform, rigorous standards in both math and reading, and have them ready for public review by July. Grade-by-grade standards are expected to be revealed in December and ready for implementation by 2010.

Secretary of Education Arne Duncan praised the agreement, which was announced June 1. Duncan has been lobbying states to adopt common standards since taking office earlier this year. Given the long standing reluctance by states and local governments to cede any control over education to Washington D.C., the idea seemed almost ridiculous. Duncan acknowledged as much when announcing the deal two weeks ago.

"This is the beginning of a new day for education in our country," he said, adding, "A lot of hard work is ahead of us. But this is a huge step in a direction that would have been unimaginable just a year or two ago."

Ironically, it is the states that are now seeking the single set of rules. Not surprisingly, there is more to the effort than just the desire to keep up with the international Joneses. Since President George W. Bush signed the No Child Left Behind Act in 2002, states have been required to make their students proficient in math and reading by 2014 or face losing federal education funding. While NCLB supporters praise the effort to raise the bar on education standards, critics say the law is fatally flawed because it allows states to define for themselves what constitutes proficiency. Too often, they contend, states push kids toward passing tests — ensuring the flow of federal dollars — with little regard to whether students are actually prepared to move on to college or into the workforce.

Sometimes they are not even prepared to transfer into another school. SOUTH DAKOTA Secretary Thomas Oster said his state supports uniform standards because it will ease the transition for kids who move from one state to another. "You can find a student who is half a grade level ahead or half a grade level behind, just based on what that state is doing," he said.

CCSSO Executive Director Gene Wilhoit blames that situation on the wide variation in current state standards. "Some states set [proficiency] at a low level, some set it a high level, and you get this hodgepodge of different interpretations," he said.

Former NORTH CAROLINA Gov. James Hunt Jr. echoed those words during Congressional testimony on the standards in May, saying "U.S. students and teachers don't have a clear understanding of what they need to know and be able to do. The standards are all over the place. They are vague. There are too many."

Congressman George Miller (D-CALIFORNIA) also expressed concern about the current variations in curriculum, contending that it leads schools into covering too many topics in each grade. The result, he said, is "a curriculum that is a mile wide and an inch deep."

Duncan is somewhat harsher in his assessment, accusing states of "lying to children and their parents, because states have dumbed down their standards."

Wilhoit acknowledged those problems, saying "We think we can solve some of that with this effort." He also noted that the Initiative could produce more standardized textbooks and teacher training, which would ultimately cut education costs by allowing states to share resources.

But some observers warn that agreeing to work on the plan is one thing; actually getting a set of standards that everyone can live with is another. To date, four

states — TEXAS, SOUTH CAROLINA, MISSOURI and ALASKA — have chosen not to even participate, though MISSOURI is likely to come on board once the state has a new education chief, something Gov. Jay Nixon (D) says will likely happen by this summer.

Nixon supports the Initiative, but that is not the case in the other three holdouts, where GOP governors have so far chosen to stay on the sidelines. The situation is particularly tentative in SOUTH CAROLINA, where Superintendent of Education Jim Rex has signed on but Gov. Mark Sanford (R) has indicated he will not follow suit. Although official participation in the Initiative requires the authorization of each state's governor and top education official, Rex says he may adopt the common standards with or without Sanford's blessing. "I think there's still a good chance we'll be able to participate at some level since I signed on," Rex said.

Observers like Michael J. Petrilli, Vice President For National Programs and Policy at the nonprofit Thomas B. Fordham Institution in Washington D.C., also noted that there is plenty of debate left to get through before reaching any consensus on standards.

"All the groups, the math educators and the English professors and the liberals and the conservatives will want to weigh in," he said. "There are fundamental disagreements in our society about what kids should learn."

Corrine Gregory, an education consultant in Bellevue, WASHINGTON, also warned that advocates may want to be careful what they wish for.

"We don't have a great track record for doing anything well on a national level, and our education system as it stands is already in shambles," she said. "What makes us optimistic that in this area we are likely to do any better?"

Gregory also questions whether states are really sincere about creating tough new standards in the first place.

"Our tendency is always to seek out and set standards for the lowest common denominator, not to raise the achievement bar. We have to be careful that we don't continue to dumb down our expectations as we work to develop a broad set of standards, supposedly addressing all needs," she said.

Dane Linn, the director of the NGA Center's Education Division, said he believes states will hold fast to developing tough standards regardless of the pressure they may face from various stakeholders. "We would like to think that no state signed on to this agreement without truly wanting to adopt tougher standards," Linn said. "We must bring the bottom up and be inclusive, but we must create real standards that are tough and don't just placate the various stakeholders."

Because participation in the Initiative is voluntary, states will have the final say regardless of what is ultimately adopted. Those that don't approve can simply choose to drop out, though Duncan and the NGA's Linn both believe states won't do so because they are the ones leading the charge, not the federal government. Linn also noted that every state, regardless of whether they are participating now or not, will have the chance to review the standards and adopt them at any time.

Whether any of this can be accomplished in such a short amount of time remains to be seen, but supporters expressed confidence it can be done. "There is no doubt about it, this is an ambitious timeline," Linn says. "But this is also a window of opportunity. We can't afford to wait."

(WASHINGTON POST, EDUCATION WEEK, USA TODAY, US NEWS & WORLD REPORT, WCBD.COM [CHARLESTON], NEW YORK TIMES,

NATIONAL GOVERNORS ASSOCIATION, STATE NET INTERVIEWS)  
— *Compiled by RICH EHISEN*

## The Week in Session

**States in Regular Session:** AZ, CA, DC, DE, LA, MA, ME, MI, NC, NH, NJ, NY, OH, OR, PA, RI, TN, US, WI

**States in Recess:** IL

**States in Special Session:** CA "c", CT "b" (Projected), IN "a", KY "b", WI "a"

**States Currently Prefiling or Drafting for 2010:** AL, KY

**States Projected to Adjourn:** AZ, ME, TN

**States Adjourned in 2009:** AK, AL, AR, CO, CT, FL, GA, HI, IA, ID, IN, KS, KY, MD, MN, MO, MS, MT, ND, NE, NM, NV, OK, SC, SD, TX, UT, VA, VT, WA, WV, WY

**State Special Sessions Adjourned in 2009:** AZ "a", AZ "b", CA "a", CA "b", CT "a", FL "a", MS "a", UT "a", VT "a", WV "a"

Letters indicate special/extraordinary sessions

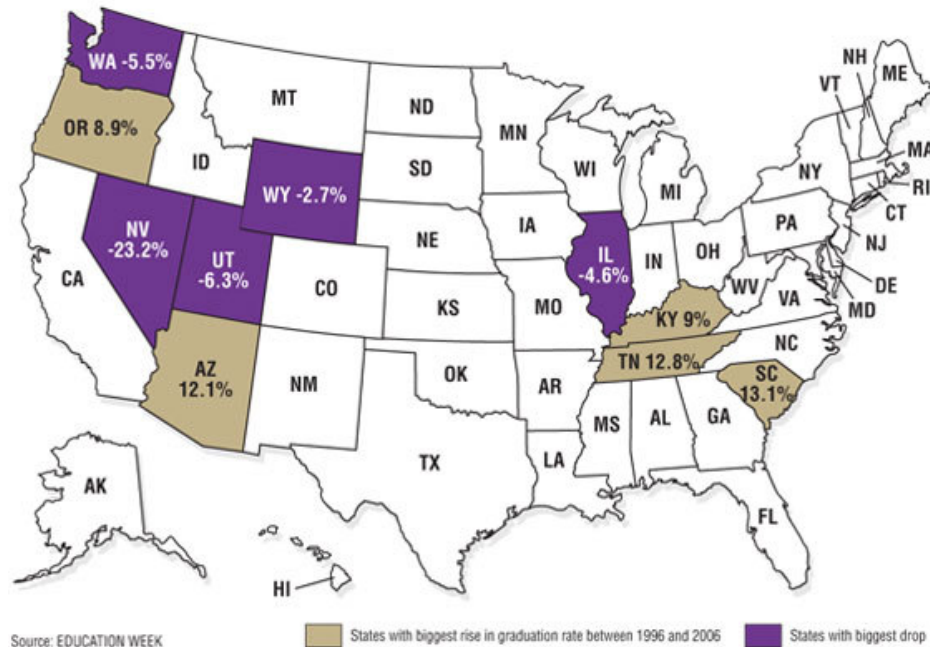
— *Compiled By JAMES ROSS*  
(session information current as of 06/12/2009)  
Source: State Net database

## Bird's eye view

### State graduation rates on the rise - for now

U.S. high-school graduation rates have risen in recent years, according to a new report by Education Week and the Editorial Projects in Education Research Center. Between 1996 and 2006, the national graduation rate rose nearly three percentage points (from 66.4 percent to 69.2 percent). Thirty-four states saw at least marginal improvement in their graduation rate over that same period, with several, including ARIZONA, SOUTH CAROLINA and TENNESSEE, experiencing double-digit growth. But 10 states saw declines of 1 percent or more, the largest coming in NEVADA (-23.2 percent). And the national rate slipped more than a percentage point in 2006, suggesting the recent gains may have begun to erode.





## Budget & taxes

### **SCHWARZENEGGER THREATENS GOVERNMENT SHUTDOWN:**

CALIFORNIA Gov. Arnold Schwarzenegger (R) and legislative leaders have vowed to close the state's projected \$24 billion budget deficit before the start of the new fiscal year, July 1. But the three sides are still very far apart on how to do so.

The governor has proposed making deep cuts to public schools and eliminating the state's SCHIP program, which provides health coverage for over 900,000 children, as well as the state's welfare-to-work program. But the Democrats who control the Legislature refuse to dismantle the state's social safety net.

Senate Democrats have made a counter proposal, relying on the state's cash reserves and a recovering economy to provide \$20 billion and avoid painful cuts. The governor called that plan "hallucinatory" and "irresponsible," telling the editorial board of the Los Angeles Times in an interview last Wednesday that the state was a long way from recovery.

"We have not hit the bottom" of the economic crisis, he said.

Some rank-and-file Democrats and the state's largest labor group, the Service Employees International Union, meanwhile, are holding out hope of raising taxes to close the deficit. But that would require support from Republican lawmakers, most of whom have pledged not to vote for any tax hike.

With just under three weeks left until July 1, Schwarzenegger threw down the gauntlet, telling the Times board that he would not approve an emergency loan to keep the government running if he and the Legislature failed to reach an agreement because it would be too costly and would only give lawmakers "another reason why we don't have to do it now."

"What we need to do is just to basically cut off all the funding and just let them

have a taste of what it is like when the state comes to a shutdown — grinding halt," he said. (LOS ANGELES TIMES)

**WA PASSES BUCK ON HEALTH INSURANCE FOR POOR:** After weeks of deliberations, officials in charge of WASHINGTON's Basic Health Plan came up with a novel way to help meet the 43 percent (\$255 million) budget cut passed by the Legislature in April: dramatically raise premiums.

Starting Jan. 1, monthly premiums for the plan's poorest members — those earning up to 125 percent of the poverty level — will double to \$34, \$45 or \$60, depending on income, and the rates for higher-income members will jump by 48 to 71 percent, in some cases to nearly \$400.

Plan officials are hoping the premium hikes will spur 7,000 to 17,000 members to leave the plan, although the impact of the economy makes that projection a big question mark.

"We don't know how many will leave, to be honest with you," said Steve Hill, administrator of the state's Health Care Authority, which runs Basic Health.

Hill and his advisers considered four other options — including a lottery, lowering income eligibility and terminating members based on enrollment date — but decided they were too arbitrary.

"At least [premium increases] will give these families a choice" about whether or not to stay in the plan, Hill said.

But advocates for the poor said that for those who already live on so little, that choice won't exist. If they have to choose between groceries and rent or insurance, "they will take the risk of letting the coverage lapse," said Rebecca Kavoussi, director of public policy for Community Health Network of Washington. Kavoussi said it's the sickest members who will likely fight hardest to stay in the plan, which could make the pool more expensive for remaining members. (SEATTLE TIMES)

**NEW STATE-ISSUED BONDS BIG HIT:** States typically sell tax-exempt municipal bonds to raise capital for infrastructure projects. But the recession has restricted access to borrowing, and interest rates on the alternative, taxable bonds, can be prohibitively high. States, however, are finding relief in a new program created by the American Recovery and Reinvestment Act. Known by the acronym BAB, for Build America Bonds, the program allows states and local governments to take on taxable debt at a federally-subsidized discount: 35 percent of the interest charges.

The bonds are a hit with investors. Strong demand for offerings by the state of CALIFORNIA, the NEW JERSEY Turnpike Authority and NEW YORK's Metropolitan Transportation Authority in April prompted all three to boost the size of their sales. CALIFORNIA upped its \$4 billion mostly BAB offering to \$6.85 billion.

"The Build America Bond program has just begun," Assistant Treasury Secretary for Economic Policy Alan Krueger told a House subcommittee in May. "While it is premature to make any general statements about the program or its future prospects, the early signs are positive."

Treasury officials said that between the first public sale on April 15th and May 20th, about \$9.5 billion of Build America Bonds were sold. And by the time the program ends next year, the officials said, the total could reach \$150 billion. (STATELINE)

**BUDGETS IN BRIEF:** MASSACHUSETTS lawmakers agreed last week to

end some of the worst pension abuses that have plagued the state's public retirement system for decades, including the awarding of a full year of pension credit for a single day of work in that year. Gov. Deval Patrick (D) vowed to sign the pension overhaul legislation (SB 2079) as soon as he receives it (BOSTON GLOBE). • NEW JERSEY Gov. Jon Corzine (D) said last week he intends to join Sen. Ray Lesniak's (D) legal battle to allow sports betting in the state. Lesniak filed suit against the federal government in March, contending that its ban on sports betting in every state but DELAWARE, MONTANA and OREGON is discriminatory (STAR-LEDGER [NEWARK]). • Last week, SOUTH CAROLINA Gov. Mark Sanford (R) formally requested the \$700 million in federal stimulus dollars he'd refused to accept for months. The state Supreme Court ordered him to take the money the week before (STATE [COLUMBIA]).

— *Compiled by KOREY CLARK*

## Politics & leadership

**A COUP IN ALBANY:** Last Monday looked as though it would be an uneventful day in the NEW YORK Senate, with only minor legislative action on the agenda. But that quickly changed a little after 3 p.m. when Republican Sen. Tom Libous offered a resolution to reorganize the Senate leadership, sending reporters, Senate staffers and Assembly members rushing to the chamber.

Senate Democrats, who outnumber Republicans in the chamber 32-30, tried to block the parliamentary maneuver, but two among them, Sens. Pedro Espada Jr. and Hiram Monserrate, voted against their party's effort to quash the resolution, nullifying its slim majority.

Democrats stormed out of the chamber and turned out the lights, but the Republicans continued the session, and together with Espada and Monserrate, proceeded to oust Senate Majority Leader and acting Senate President Malcolm Smith (D) and elect Dean G. Skelos (R) Senate majority leader and Espada Senate president. (Skelos briefly held both posts last year before the November elections turned control of the chamber over to the Democrats.)

Espada, Monserrate and the Republicans also enacted a series of rules changes limiting the president and majority leader to six-year terms, leveling the budgets of the majority and minority parties and requiring pork barrel projects to be distributed equally among both parties' members.

"This is about reform," Skelos said after the takeover. "This will be a coalition leadership."

Espada echoed those sentiments, saying there was broad frustration in the chamber with Smith's leadership.

"We experienced five months of the budget process and the absolute lack of transparency and the hypocrisy, and the rhetoric grew too much for me," he said.

But some observers took a different view of the day's developments. Gov. David Paterson (D) called the Republicans' action "an outrage" and Albany a "dysfunctional wreck." Barbara Bartoletti of the League of Women Voters said the state was "beginning to look like a banana republic."

The state looked even more that way when Skelos revealed at a news conference that billionaire Thomas Golisano had "encouraged us to put this coalition together." Golisano, who'd spent heavily to help the Democrats win control of the Senate in November, evidently wasn't happy about their plan to raise taxes

on the wealthy or about Smith's indifference when he'd voiced his disapproval.

"We went to work about 60 days ago," said Golisano, who appeared at the news conference with Skelos and Espada.

Adding to the junta feel of the episode is the fact that both Espada and Monserrate are currently facing legal troubles. Espada, who has been fined tens of thousands of dollars over the last several years for failing to disclose political contributions, is under investigation by the state attorney general's office in connection with a nonprofit organization he used to run. Monserrate, meanwhile, was indicted last year on felony charges that he slashed his girlfriend with a broken glass, allegations for which Republicans had called for his resignation earlier in the session. When asked about his party's reversal on Monserrate, Skelos said, "He's an elected member, and the reforms are more important."

The coup threw Albany into chaos. The following day, the Democrats, insisting that the Senate had adjourned before the Republicans took power and that the Senate majority, therefore, was "still in Democratic hands," locked the doors of the chamber and refused to turn the keys over to the Republicans.

"This cannot become a circus," Espada said in response. "We won't force our way into any locked chambers. This is childlike, taking home all the marbles."

If Republicans do manage to get back into the chamber, Skelos said he'll seek to reform property taxes and reissue property tax rebate checks eliminated by Gov. Paterson and Democratic leaders as part of the budget deal. But even if the coup stands, the Democrats could still get their way on one of their key issues: same-sex marriage. Although Skelos opposes it, Espada is one of the co-sponsors of a bill (SB 4401) to legalize it. (NEW YORK TIMES, NEWSDAY)

**HIGH COURT FINDS JUDICIAL BIAS IN WV CASE:** A divided U.S. Supreme Court ruled last week that WEST VIRGINIA Supreme Court Chief Justice Brent Benjamin should not have taken part in court decisions last year overturning a \$50 million judgment against A.T. Massey Coal Co., whose chief executive had contributed more than \$3 million to the justice's 2004 campaign for the bench.

"Just as no man is allowed to be a judge in his own cause, similar fears of bias can arise when...a man chooses the judge in his own cause," wrote Justice Anthony Kennedy, joining the court's four-member liberal wing in the 5-4 decision. "And applying this principle to the judicial election process, there was a serious, objective risk of actual bias that required Justice Benjamin's recusal.

The court's four most conservative justices said the ruling created an unworkable standard for when judges should step aside.

"This will inevitably lead to an increase in allegations that judges are biased, however groundless those charges may be," Chief Justice John Roberts wrote in his dissent. (WALL STREET JOURNAL)

**PRIMARIES SET UP BATTLE FOR VA HOUSE:** A dozen House of Delegates races were the undercards in VIRGINIA's primary elections last Tuesday, when Democrats selected R. Creigh Deeds as their gubernatorial nominee. But the district races will help shape who wields power in the General Assembly next year. Democrats claimed a majority in the Senate in 2007, and they need six seats in November to take control of the House. The big question is whether the large numbers of new Democratic voters drawn to the polls by the candidacy of Barack Obama last year will turn out this fall.

The most surprising of last week's results was Fairfax County School Board member Kaye Kory's apparent victory over 16-year incumbent Robert D. Hull in

the 38th House District Democratic primary. Kory was leading by 66 votes — out of 5,004 cast — in official returns last Wednesday. (WASHINGTON POST)

**POLITICS IN BRIEF:** TEXAS Gov. Rick Perry (R) said last week that he will call a special legislative session to deal with the state agencies left unfunded by lawmakers when they adjourned two weeks ago. But the governor declined to say whether the session would be held this summer or after the March primaries (DALLAS MORNING NEWS). • FLORIDA Gov. Charlie Crist's (R) fourth appointee to the state Supreme Court, Justice James E.C. Perry — the fourth African-American ever to serve on the state's highest court — took his seat June 5. Perry's appointment makes Crist the first governor to pick a majority of the court's seven members in his first term (MIAMI HERALD). • NORTH CAROLINA State University Chancellor James L. Oblinger resigned and former first lady Mary Easley was fired from her position as executive in residence last Monday in a new round of fallout over her hiring by the university in 2005. Oblinger's resignation came minutes before the university released information showing he had conferred with Board of Trustees Chairman and Easley family friend McQueen Campbell and members of then-Gov. Mike Easley's (D) staff about securing the job for Mary Easley. Campbell and Larry Nielsen, the provost who hired her, stepped down last month (NEWS & OBSERVER [RALEIGH]).  
— *Compiled by KOREY CLARK*

## Upcoming Elections

(06/11/2009 - 07/02/2009)

06/16/2009

**Massachusetts Special Election**  
House 3rd Suffolk

06/30/2009

Alabama Special Runoff  
Senate District 19

## Governors

**KAINE ORDERS MORE GREEN IN VA:** Saying government action to reduce its environmental impact could inspire similar measures in the private sector, VIRGINIA Gov. Tim Kaine (D) issued an executive order last week that directs state agencies, colleges and universities to reduce energy and water consumption and to invest in cleaner-burning fuels and equipment.

"Because the commonwealth's business operation is so large, any action we take to reduce our environmental impact will have a significant effect," Kaine said.

Kaine's directive, Executive Order 82, requires that state-owned or leased buildings meet "green" certification standards and mandates increases in the use of recycled office supplies and renewable fuels. It also calls for cutbacks in the costs to heat, cool, light and irrigate state-owned facilities. In doing so, Kaine seeks to cut the state's cost for traditional energy supplies — gasoline, diesel fuel, electricity

— *by 25 percent by the end of 2012.*

Steve Walz, the governor's senior adviser on energy policy, said that reaching those goals would save the state \$60 million in energy costs from what it spent in 2006.

In addition, the governor also urged state agency heads and private employers to

allow more of their workers to telecommute in order to cut fuel consumption and to ease traffic on the Old Dominion's notoriously congested roadways. He also declared August 3rd to be "Statewide Telework Day."

Other provisions of Kaine's order include a ban on the purchase of individual plastic water bottles, except for emergency or health-related uses; a requirement that new or leased appliances and equipment be Energy Star-rated for energy conservation; and ordering the state Department of General Services to buy 2 percent biodiesel fuel, also known as "B2," for state vehicles and power equipment. The governor also ordered agencies to conduct more meetings via video or telephone conferences, expand their interoffice recycling and count the savings on their electricity bills.

"Some of these things may be small, but it gets employees involved, and that's all part of...changing personal behaviors toward these issues," said Walz. (RICHMOND TIMES-DISPATCH, VIRGINIAN-PILOT [NORFOLK])

**SCHWARZENEGGER PUSHES DIGITAL TEXTBOOKS:** Calling textbooks "heavy, antiquated and expensive," CALIFORNIA Gov. Arnold Schwarzenegger (R) last week announced a new effort to make free, open-source digital textbooks available for high school math and science classes statewide. The governor says the program, which is the first of its kind in the nation, will provide students with the most up-to-date information while helping to reduce the more than \$350 million the state spends annually on educational materials.

Schwarzenegger called the current system "nonsensical," saying, "CALIFORNIA is home to software giants, bioscience research pioneers and first-class university systems known around the world. But our students still learn from instructional materials in formats made possible by Gutenberg's printing press."

The governor lauded the ability of digital textbooks to be instantaneously updated to reflect current events and societal changes, something not possible with traditional paper and binding books. "Think about this. Traditional hardbound textbooks are adopted in six-year cycles, so as soon as they are printed, then the next six years you don't get the latest information," he said.

But some teachers and textbook companies questioned the initiative, noting that much of the work that goes into current textbooks is getting through the maze of regulations that govern textbook content in CALIFORNIA, which has among the most complex requirements in the nation.

David Sanchez, the head of the CALIFORNIA Teachers Association, called it "a nice idea" but argued that many students without access to technology will also not be able to take advantage of the effort. "Where are you going to get a computer for everybody? How many of these kids actually have computers at home?"

But Neeru Khosla, who runs a CALIFORNIA nonprofit that aims to lower the cost of course materials by offering primary and secondary schools free Web-based content, argues that teachers could print out textbook information for any student without access to a computer.

Schwarzenegger said the state is aware of the challenges of meeting content mandates, but said efforts are being made to "ensure the digital texts meet and exceed CALIFORNIA's rigorous academic standards," adding that he plans for the digital books to be available for use in the fall. (CHRISTIAN SCIENCE MONITOR, GOVERNMENT TECHNOLOGY, SAN JOSE MERCURY NEWS)

**GOVERNORS IN BRIEF:** The Midwestern Governors Association announced

a plan that calls for a nearly 20 percent reduction in greenhouse gas emissions from 2005 levels by 2020, with an 80 percent reduction by 2050. The group consists of governors from ILLINOIS, IOWA, KANSAS, MICHIGAN, MINNESOTA and WISCONSIN (BISMARCK TRIBUNE). • TEXAS Gov. Rick Perry (R) broke his collarbone in a mountain biking accident last week. Although he ended up with his right arm in a sling, Perry spokesperson Mark Miner said the governor was relatively unfazed by the mishap. "It will take more than a broken collarbone to keep this governor down," Miner said (SAN ANTONIO NEWS). • NEVADA Gov. Jim Gibbons (R) vetoed five measures, raising his all-time state record for vetoes in a single session to 48. Gibbons did sign SB 94, which requires property owners in the Lake Tahoe Basin to maintain a defensible space around their homes and businesses to reduce the spread of wildfires. The bill was spurred by the 2007 fire that burned 200 homes in the area (NEVADA APPEAL [CARSON CITY]).

— *Compiled by RICH RHISEN*

## Upcoming Stories

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

- Pay to play
- Young adult health insurance
- The year in smoking

## Hot issues

**BUSINESS:** The OREGON Senate endorses SB 519, which bars Beaver State companies from requiring workers to attend company-organized meetings about religion or politics, including union organizing. The measure, which allows exceptions for churches and political parties, moves to the House (STATESMAN JOURNAL [SALEM]). • TENNESSEE Gov. Phil Bredesen (D) signs SB 166, legislation that allows Volunteer State wineries to ship up to three cases of their products directly to consumers each year (TENNESSEAN [NASHVILLE]). • The OHIO Supreme Court upholds a 2006 law barring cities and other local governments from requiring their employees to live within municipal boundaries. Justices rejected the argument from two Buckeye State cities, Akron and Lima, that their local home-rule powers gave them the right to impose residency restrictions (COLUMBUS DISPATCH).

**CRIME & PUNISHMENT:** As promised, CONNECTICUT Gov. M. Jodi Rell (R) vetoes HB 6578, a bill that would have abolished capital punishment in the Constitution State. The bill's legislative supporters say they will seek to override the veto (HARTFORD COURANT). • NEVADA Gov. Jim Gibbons (R) signs AB 88, which makes it a felony to use the Internet to view child porn. The new law also allows someone under 16 to sue for emotional damage caused by their appearance in a pornographic movie (LAS VEGAS SUN). • The OREGON Senate approves HB 3263, which would eliminate the statute of limitations for first-degree sex crimes in which there is DNA evidence. It heads to Gov. Ted Kulongoski (D), who is expected to sign it into law (OREGONIAN [PORTLAND]).

**EDUCATION:** The WISCONSIN Senate approves AB 95, a bill that would make class preparation time a mandatory subject of collective bargaining between teachers and school districts. It moves to Gov. Jim Doyle (D) for review (WISCONSIN RADIO NETWORK [MADISON]). • The PENNSYLVANIA

Senate approves SB 281, which would bar state education officials from moving ahead with plans to implement statewide graduation requirements for high school students unless those tests are established by the General Assembly. It has moved to the House (PITTSBURGH POST-GAZETTE).

**ENVIRONMENT:** TENNESSEE Gov. Phil Bredesen (D) signs SB 395, which requires vending machine vendors to either use energy-efficient lights for the front panels of their machines on state property or just leave them unlit. The measure applies to machines installed after July 1 (TENNESSEAN [NASHVILLE]). • NEVADA Gov. Jim Gibbons (R) signs Senate Bill 395, which requires Silver State government agencies to buy only energy efficient appliances, equipment, lighting and other devices, and directs the state Public Works Board to adopt standards for the efficient use of water and energy.

**HEALTH & SCIENCE:** The DELAWARE House approves a quartet of bills to improve protection for patients in state mental health facilities. Those measures include HB 163, which would create a committee to investigate the deaths of people receiving care at a state facility, and HB 36, which prohibits interference and retaliation against people who cooperate with abuse investigations. All of the bills move to the Senate (NEWS JOURNAL [NEW CASTLE-WILMINGTON]). • WASHINGTON health officials announce that premiums for the state-run Basic Health Plan will increase an average of 70 percent on Jan. 1. The hikes are part of plan to force thousands of people off the taxpayer-subsidized plan, which covers roughly 100,000 members (SEATTLE TIMES). • The RHODE ISLAND Senate gives final approval to SB 185, legislation that would make the Ocean State only the second to create legal medical marijuana dispensaries. It heads to Gov. Don Carcieri (R), who has indicated he will veto the measure. Lawmakers, however, approved the bill with veto-proof margins in both General Assembly chambers. CALIFORNIA also has legal medical marijuana outlets (PROVIDENCE JOURNAL). • FLORIDA Gov. Charlie Crist (R) signs SB 1122, which requires insurers to send payments directly to out-of-network doctors instead of to patients (USA TODAY). • The OREGON House gives final approval to HB 2136, which would limit vending machines that feature tobacco products to bars and taverns restricted to people age 21 and older. The measure moves to Gov. Ted Kulongoski (D) for review (STATESMAN-JOURNAL [SALEM]).

**IMMIGRATION:** The ARIZONA Senate Appropriations Committee endorses SB 1162, which would make it a crime to be in the United States illegally. Under the proposal, a first offense would be a misdemeanor. A second violation would be a felony. The bill, which heads to the full Senate, would also bar municipalities from declaring themselves so-called "sanctuary cities" that bar police from asking people about their immigration status (ARIZONA REPUBLIC [PHOENIX]).

**SOCIAL POLICY:** The CALIFORNIA Assembly approves AB 627, a bill that would set minimum standards for food in licensed child-care centers, requiring a vegetable to be part of lunch and supper and forbidding whole milk for children 2 or older. It moves to the Senate (LOS ANGELES TIMES).

**POTPOURRI:** The NEW JERSEY Assembly gives final approval to AB 2451, which would reapiaces the Garden State's absentee voter system with a new, streamlined vote-by-mail process. It moves to Gov. Jon Corzine (D) for review (STAR-LEDGER [NEWARK]). • FLORIDA Gov. Charlie Crist (R) signs HB 169, legislation that requires horseback riders under the age of 16 to wear helmets on public roads and trails (MIAMI HERALD). • Still in FLORIDA, Crist also signs SB 414, a measure that requires Sunshine State museums that wish to display human cadavers to show the bodies came from willing donors or get approval from the state's anatomical board (USA TODAY). • The OREGON House approves SB 391, which would bar private ownership of exotic pets like lions, chimpanzees and bears. It has returned to the Senate for concurrence on a

House amendment. If approved, it will head to Gov. Ted Kulongoski (D), who has said he will sign it into law (OREGONIAN [PORTLAND]).

— *Compiled by RICH EHISEN*

## In The Hopper

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

**Number of Prefiles last week:** 282

**Number of Intros last week:** 1,440

**Number of Enacted/Adopted last week:** 1,164

**Number of Prefiles to date:** 32,218

**Number of Intros to date:** 142,582

**Number of 2009 Session Enacted/Adopted overall to date:**  
29,520

— *Compiled By JAMES ROSS*  
(measures current as of 06/11/2009)  
Source: State Net database

## Once around the statehouse lightly

**A STATE OF RED:** FLORIDA Gov. Charlie Crist's tilt to the middle has the national GOP's conservative wing seeing red...as in "commie pinko" red. As Politico reports, a hardline conservative Washington D.C. group calling itself the Club for Growth has nominated Crist — known as "Chain Gang Charlie" during his days as state attorney general — as its "Comrade of the Month." The "honor" came over the gov's recent signing of two bills that raise Sunshine State taxes, which Crist endorsed just after he also scrawled his name to a no-new-taxes pledge...and which ironically came only a few days after the gov announced he was foregoing a re-election bid in favor of a run at the U.S. Senate. Previous "honorees" include U.S. House Speaker Nancy Pelosi and President Barack Obama.

**YOU MUST BE HIGH:** Folks who question whether their elected officials are under the influence of some kind of drug may soon get their answer. As the Sacramento Bee reports, a ballot initiative is underway in CALIFORNIA to require lawmakers to submit to drug and alcohol screening at the start of every session. One strike would earn a trip to rehab; two failed tests would result in the lawmaker getting a permanent one-way ticket out of office. The proposal needs approximately 434,000 signatures to make it onto the ballot. There is currently no provision to test the sanity of anyone who would want the job in the first place.

**THINGS ARE TOUGH ALL OVER,** even in the statehouse cafeteria. As with most of their colleagues across the county, NORTH CAROLINA lawmakers are mulling over a host of measures to close a yawning budget shortfall. As the Charlotte Observer reports, that could soon include hiking the price of lunch in the legislative cafeteria by 10 percent. The eatery, long known for both its

delicious Southern-style cuisine and ultra-cheap prices, is a practical target because it currently only brings in about half of the cost to run the place, with taxpayers picking up the rest. Most customers are taking the impending increase in stride. One frequent diner, however, a lobbyist who clearly does not represent the food services industry, joked that he would have to consider skipping desserts from now on, or at least "reducing the tip."

**HOLD THE APPLAUSE:** Speaking of budget gaps, you might have heard that CALIFORNIA has a bit of one itself...to the tune of \$24 billion. With barely two weeks left in the fiscal year to sort it all out, state Treasurer Bill Lockyer had some blunt advice last week for legislative Democrats that are resisting cutting state spending as part of the budget fix. As the Los Angeles Times reports, Lockyer, a former long-time legislator himself, told them to "start with the realization that probably none of you are going to be back here next year." In his view, voters are mad as Hell and likely to take it out on incumbents anyway, "so you might as well solve the problem." Although Lockyer said it was "very liberating" to not have to worry about being re-elected, he conceded that his audience "didn't stand up and applaud" the suggestion.

— By **RICH EHISEN**

## In Case You Missed It

States finally received some good economic news last week, with some signs that the recession actually is beginning to bottom out. But as reported in the June 8 issue of SNCJ, states are only going to see more budget trouble in the years ahead.

In case you missed it, the article can be found on our Web site at [http://www.statenet.com/capitol\\_journal/06-08-2009/html](http://www.statenet.com/capitol_journal/06-08-2009/html)

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