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The next issue of Capitol Journal will be available on September 21st.



Going to Waste

Top Story

The federal stimulus package included \$5 billion to help states meet their increased welfare needs during the economic crisis. But so far, most of the money has gone unclaimed.

SNCJ Spotlight

States passing on emergency welfare aid

One of the many provisions included in the federal economic stimulus package was a \$5 billion emergency fund to help states whose welfare needs have grown during the recession. Despite the ubiquity of that problem, however, only 27 states have applied for the money. But that may not be an entirely bad thing.

The emergency fund was set up as part of the Temporary Assistance for Needy Families (TANF) program, created in 1997 to move welfare recipients



“off the system” and into the workplace. That program has been an overwhelming success, cutting the welfare rolls from 12 million to less than 4 million between 1996 and 2008, even though there was little change in the national poverty rate and unemployment rates over that period.

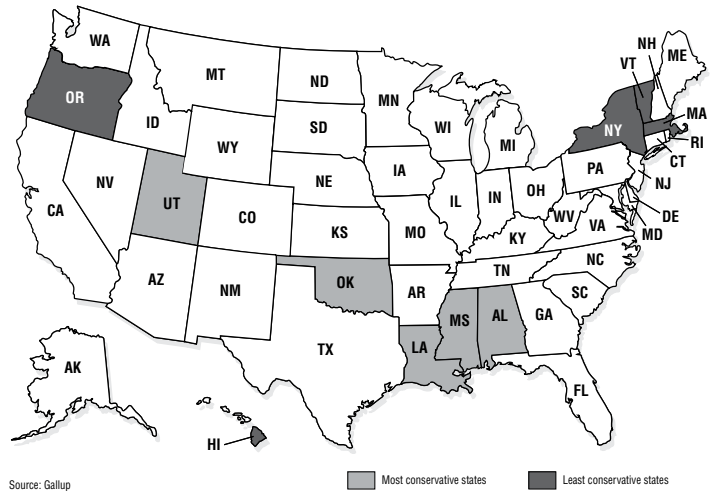
The emergency fund appears to be beneficial as well — at least for the states that access it. Perry County, TENNESSEE, for example, used \$5 million from the fund to create jobs for those laid off from an auto parts plant, reducing the county’s unemployment rate from 27 percent in January to 19 percent in July. Los Angeles County, CALIFORNIA, likewise, used \$160 million to create a jobs program it hopes will employ 10,000 people. TEXAS, meanwhile, is using \$6 million to help poor families buy back-to-school supplies.

The reason more states haven’t taken advantage of the money is that they’ve been unable to meet the program’s 20 percent matching funds requirement. That has kept LOUISIANA from tapping the fund in spite of having the second highest poverty rate in the nation.

“We’re in an almost crisis level budget situation in LOUISIANA,” said Sammy Guillory, deputy assistant secretary of the state’s Office of Family Support. “We’re facing budget cuts and staff reductions every day. So even to start a program is not an option right now.”

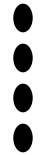
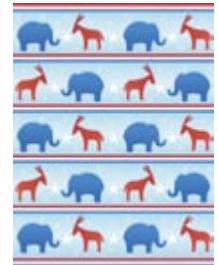
Jack Tweedie, who’s been tracking states’ use of the emergency fund for the National Conference of State Legislatures, said most states that do take the money will only take enough to make sure they don’t have to turn away any new applicants for welfare. He said as much as \$1 billion of the fund could end up going unspent.

Bird’s eye view



Most states lean conservative

Despite Democrats’ numerical advantage in Congress and in statehouses across the country, more Americans consider themselves conservative than liberal, according to a new Gallup Poll. In fact, conservatives outnumber liberals by statistically significant margins in 47 states, with the two groups statistically tied in the other three: HAWAII, VERMONT and MASSACHUSETTS. Gallup’s findings were derived from interviews of more than 160,000 Americans asking them whether their political views were very conservative, conservative, moderate, liberal or very liberal. The states with the highest conservative “net” (percentage identifying themselves as conservative minus the percentage identifying themselves as liberal) are located primarily in the South, while those with the lowest conservative net are mainly on the East and West coasts.



“Virtually all the states are in really tough fiscal positions — they’ve been cutting, not expanding,” he said. “It’s hard to get policymakers to focus on new things when primarily what they have to do is cut things.”

Tweedie and others have been traveling around the country educating state officials about the program, particularly about the fact that the 20 percent portion doesn’t have to come from states’ budgets but can actually be paid by cities, counties or private donors.

“If they want to do back-to-school payments, go talk to Wal-Mart or Target and have them put up the 20 percent,” Tweedie said.

That was the sort of creative approach used by NEW YORK. It hit up philanthropist George Soros’ Open Society Institute for \$35 million so it could access \$140 million in federal cash for back-to-school supplies for low income families.

However, the state ran into some significant problems implementing that program. The money was deposited straight into the bank accounts of needy families — \$200 per child — with no restrictions on where it could be spent and in some cases no advance notice. Reportedly, at least some of the money went towards beer, lottery

tickets, iPods and flat-screen TVs rather than school supplies.

Worse still, according to a spokesman for Monroe County, some individuals in drug treatment programs received large sums of cash.

“Virtually all the states are in really tough fiscal positions — they’ve been cutting, not expanding.”

“They have a very difficult time not spending it on drugs,” said Noah Lebowitz. “We were seeing people with drug abuse problems getting \$1,000 in their bank account.”

Kristin Proud, NEW YORK’s deputy director for operations, explained that there was no other way to get the money out before the back-to-school sales, and it would have taken years to create a system that could limit purchases to certain items.

But some didn’t have a problem with the state’s approach. Mimi Corcoran, an executive at George Soros’ Open Society Institute, said Soros’ motivation for supporting the program was his own experience after World War II, when he received money for school from the Quakers with no strings attached.

“We respect and honor that even if individuals are poor, they will spend the money appropriately for their children,” Corcoran said.

Lawrence Mishel, president of the Economic Policy Institute, a progressive Washington D.C.-based think tank, made the point that one of the best ways to spur the economy is to give money to low-income individuals, because they are more likely to spend it than the average consumer.

“Whether you call it back-to-school money or just go-out-and-spend-it money, I don’t think it really matters much,” he said, adding: “Why would somebody get upset about money going to people on TANF? As opposed to rich people buying flat-screen TVs” with tax cuts? (PRO PUBLICA)

— *Compiled by KOREY CLARK*

Budget & taxes

SCHOOLS SEEKING SPONSORS IN CA: There are a few new Rs at public schools opening across CALIFORNIA this month: raising funds, retailing and recouping budgets. Facing cuts of \$6.1 billion this fiscal year and \$11.6 billion last February, Golden State schools have been forced to lay off teachers, increase class sizes and scale back athletic, music and other programs. They've turned to their traditional fundraising sources: parents and nonprofit foundations. But the current cash crunch has forced them to get a little more creative.

Los Angeles Unified School District officials have reached out to the city's professional sports teams in the hope of forming partnerships that include mentoring, equipment donations and even the use of pro facilities.

"A partnership of this magnitude would be a win-win for all involved — most particularly, the youth of the city of Los Angeles," L.A. Unified Superintendent Ramon C. Cortines stated in a letter to the teams.

San Diego County's Office of Education announced earlier this year that it was selling the naming rights to two sixth grade science camps used by districts throughout the county for \$3 million over five years.

"We don't have a buyer yet, but we've got a lot of balls in the air," said a spokesman. "It will be tasteful and sensitive. We're not going to try to sell anything on the backs of kids...We're living in a different age, and it's a tough time right now."

Beverly Hills High School is working with a consultant to create a line of casual clothing and accessories bearing the school's name, motto — "Today Well Lived" — and palm trees for sale at retailers like Sears and JCPenney, as well as overseas.

"The brand of Beverly Hills is so strong worldwide that we actually have an opportunity to do what some of the major universities and colleges around the country have been able to do," said school board Trustee Steven Fenton.

Critics say such efforts amount to endorsements directed at a captive audience.

"I am enormously sympathetic to the plight of schools today," said Susan Linn, director of the Campaign for a Commercial-Free Childhood. But "when schools become businesses, the well being and education of children is no longer the focus."

School administrators counter that they can't rely on the government for sufficient funding any more and have to come up with new funding sources on their own.

"School districts are desperate," said state Superintendent of Public Instruction Jack O'Connell, and they're "trying to keep the lights on." (LOS ANGELES TIMES)

BUDGETS IN BRIEF: VIRGINIA Gov. Timothy M. Kaine (D) announced last week that he will close three correctional facilities, eliminate 929 jobs — 593 through layoffs — and cut up to 15 percent in aid to colleges and universities to close the state's \$1.5 billion budget gap (WASHINGTON POST). • **CONNECTICUT** Gov. M.



Jodi Rell (R) announced last week that she will allow the state budget to take effect without the \$8.3 million in line-item vetoes she made. Her decision came after Attorney General Richard Blumenthal said the state constitution prohibited her from issuing line-item vetoes without signing the budget bill (HARTFORD COURANT).

• VERMONT Auditor Tom Salmon (D) said he is switching to the GOP because he's frustrated with the way Democrats are handling the state budget. Salmon is up for re-election next year, and he said he intends to run (BOSTON GLOBE).

Upcoming stories

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

- Pay to play
- National education standards
- State water wars

— Compiled by KOREY CLARK

Politics & leadership

U S SENATE RACE OPENS UP IN MA: The race for Edward M. Kennedy's U.S. Senate seat broke wide open last week, when Joseph P. Kennedy II announced he will not run.

The prospect of extending the family dynasty in Washington, which dates back to 1946 when John F. Kennedy was elected to the U.S. House, wasn't enough to lure the former congressman and eldest son of Robert F. Kennedy away from the energy firm he runs, which supplies discounted oil to low-income households.

"My father called politics an honorable profession, and I have profound respect for those who choose to advance the causes of social and economic justice in elective office," Kennedy said in a statement. "After much consideration, I have decided that the best way for me to contribute to those causes is by continuing my work at Citizens Energy Corporation."

Kennedy's decision has cleared the way for a Dec. 8 Democratic primary that could pit several members of MASSACHUSETTS' congressional delegation, including U.S. Reps. Edward J. Markey, Michael Capuano and Stephen F. Lynch, against state Attorney General Martha Coakley and former U.S. Rep. Martin T. Meehan.

"The race is now wide open," said Jeffrey Berry, a professor of political science at Tufts University. "It will be heavily populated. This is a once-in-a-lifetime chance for these senior Democrats."

Coakley is the only big-name Democrat who's officially announced her candidacy, although Lynch has taken out nomination papers and Capuano was expected to do the same last week. Markey said only that he would make a decision in the "very near future." Observers say the more men in the race, the more Coakley will be favored, with her stronger appeal among women.



Republicans, meanwhile, lost one of their major potential candidates last week, when former lieutenant governor Kerry Healey announced that running wouldn't "be in the best interest of my family at this time." Others considered possible contenders include state Senator Scott Brown, former U.S. attorney Michael Sullivan, and Andrew Card, who was President George W. Bush's chief of staff. (BOSTON GLOBE)

POLITICS IN BRIEF: The U.S. Supreme Court signaled last week it may loosen restrictions on campaign finance. An argument in connection with a case involving a conservative group's 90-minute movie criticizing Hillary Rodham Clinton's presidential campaign indicated the court's two newest conservatives, Chief Justice John Roberts and Justice Samuel Alito, are inclined to join the three other conservative justices, Antonin Scalia, Clarence Thomas and Kennedy, who oppose laws restricting corporate and union contributions (ASSOCIATED PRESS, SAN FRANCISCO CHRONICLE). • **CALIFORNIA** Assemblyman Mike Duvall (R) resigned from office last week after being caught on video at a committee hearing explicitly describing affairs he'd had with two women, including a utility company lobbyist (SACRAMENTO BEE).

— Compiled by *KOREY CLARK*

In the hopper

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

Number of Prefiles last week: 47

Number of Intros last week: 306

Number of Enacted/Adopted last week: 66

Number of Prefiles to date: 33,156

Number of Intros to date: 149,673

Number of 2009 Session Enacted/Adopted overall to date: 37,883

— Compiled By JAMES ROSS
(measures current as of 9/10/2009)
Source: State Net database

Governors

SANFORD REBUFFS GROWING CALLS TO QUIT: SOUTH CAROLINA Gov. Mark Sanford (R) emphatically rejected mounting calls for him to step down, accusing state lawmakers, including dozens of fellow Republicans, of setting up a "kangaroo court" meant to unfairly drive him from office.

Sanford has been under growing pressure to quit since his June revelation of a yearlong affair with a woman in Argentina. The State Ethics Commission has also launched an investigation into his use of state aircraft in his travels.

That pressure reached a zenith last week as House Speaker Bobby Harrell (R) called on Sanford to step aside, saying the governor has "created an environment that makes it impossible for you to continue to lead our state." It was a sharp reversal for Harrell, who

had previously stated his desire to wait for the results of the ethics investigation before deciding whether he would support or condemn Sanford's efforts to stay in office.

It got worse, however, a day later when a group of 61 House Republicans signed a letter also urging him to resign, saying "Your decision to abandon our state for five days, with no defined order of succession and with no known way to contact you, is inexcusable."

Sanford spent much of the week rebuffing those requests. In a Thursday press conference, Sanford accused some lawmakers of trying to manipulate the State Ethics Commission report on his use of state aircraft as a means to begin impeachment proceedings against him.

"We have a real problem if members of the General Assembly are going to try to influence and truncate an investigative committee to get the result they want to go ahead on impeachment," Sanford said, adding, "It is not okay to short circuit an ethics process to try to get the result that you want."

"I get that members of the General Assembly want me gone, but that's been the case for six years."

Sanford vowed to "use every tool in the toolbox, including litigation," to force lawmakers to wait for the full ethics report. He also railed against the distractions his detractors accuse him of creating by staying in office, saying the situation is "pure politics." He also emphasized his desire to continue working on budget reforms and other pet projects both he and lawmakers have long desired. Sanford even speculated that by not seeking another term or office over the next 16 months, he will actually help achieve some of those goals.

"I get that members of the General Assembly want me gone, but that's been the case for six years," he said. (POLITICO, ASSOCIATED PRESS, FOXNEWS.COM, POST & COURIER [CHARLESTON], CHRISTIAN SCIENCE MONITOR)

PAWLENTY SPREADS THE WEALTH: Having already announced he will not seek re-election in 2010, MINNESOTA Gov. Tim Pawlenty (R) has decided how he wants to disperse his hefty gubernatorial campaign fund. Those in line for the free money — totaling \$574,000 — include a hand-picked collection of Gopher State Republican groups as well as almost a dozen non-profit charities.

Pawlenty plans to give the biggest chunk of cash, \$204,000, to the state Republican Party, with another \$80,000 going to state House and Senate campaign committees. The governor plans to spread out the remaining \$290,000 among 10 charitable organizations with missions that benefit addicted teens, military families, the disabled and cancer patients. Some of the money will go to the nonprofit foundation of a longtime Republican benefactor and fundraiser.

State law bars Pawlenty from using the campaign money on an anticipated 2012 presidential campaign. (STAR-TRIBUNE [MINNEAPOLIS])



GOVERNORS IN BRIEF: Although he wanted to see the collection of DNA samples become as common as fingerprinting, **MARYLAND** Gov. Martin O'Malley (D) said last week he has no plans to seek an expansion of a new state law that allows the state to obtain a DNA sample from anyone charged with a violent crime or an attempt to commit one. "I think we have a lot of work ahead of us to make the current law work," O'Malley said (CAPITAL [ANNAPOLIS]). • **IDAHO** Gov. Butch Otter (R) hailed a federal judge's refusal to block the Gem State's ongoing gray wolf hunt. Otter said the program "has met and exceeded the criteria agreed upon by all parties for [wolf] recovery" (IDAHO STATESMAN [BOISE]). • **TEXAS** Gov. Rick Perry (R) issued RP73, an executive order directing education officials to conduct a comprehensive cost review of the state's higher education system to ensure universities are spending student and taxpayer dollars as efficiently and effectively as possible (HOUSTON CHRONICLE). • U.S. Senate Majority Leader Harry Reid (D-NEVADA) urged **NEVADA** Gov. Jim Gibbons (R) to halt a San Francisco-based company's plans to ship 1 million tons of **CALIFORNIA** trash annually to a new landfill in the Silver State. Reid called the plan a threat to the state's "sovereignty and dignity" (LAS VEGAS SUN).

— Compiled by RICH EHISEN

In case you missed it

In spite of ongoing concern over the faltering economy, dozens of states and the federal government are pushing ahead with plans to duplicate a historic 2006 CALIFORNIA law seeking to reduce greenhouse gas emissions.

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

http://www.statenet.com/capitol_journal/09-07-2009/html

Hot issues

BUSINESS: The **CALIFORNIA** Senate endorses AB 793, a measure that would allow victims of wage discrimination to sue their employer. It is now with Gov. Arnold Schwarzenegger (R) for review (SACRAMENTO BEE). • Still in **CALIFORNIA**, lawmakers endorse AB 943, which would bar most employers from checking a job applicant's credit history. The measure would allow credit reviews on potential employees who would have access to large amounts of cash, valuables or confidential financial information, as well as managerial and law enforcement posts. It has moved to Schwarzenegger for review (LOS ANGELES TIMES). • **NORTH CAROLINA** Gov. Bev Perdue (D) signs SB 974, which will allow Tar Heel State foreclosure courts to give homeowners up to 60 days in order to keep working on a new payment plan with their lender. The statute also requires debt buying companies to prove they have the right to enforce the debt and be able to verify the amount owed before filing suit to collect on an outstanding balance, and prohibits debt buyers from filing or threatening to file suit when barred by the statute of limitations (WINSTON-SALEM JOURNAL, STATE NET).

HEALTH & SCIENCE: A federal court rules that **NEW YORK** officials discriminated against more than 43,000 mentally ill people by ushering them into private adult care facilities that functioned like state-run psychiatric hospitals. The judge ruled that the system violated the Americans with Disabilities Act because it prevented mentally challenged people from learning skills that would allow them to integrate into society. The ruling applies only to those residents currently housed in New York City (**NEW YORK TIMES**). • The **CALIFORNIA** Senate approves AB 2, which would bar health care insurers from rescinding health care coverage unless regulators find that a patient intentionally lied to the company about preexisting conditions. The measure would also clarify what information consumers must provide when applying for coverage and simplify the forms used in the process. Insurers would also be required to conduct a complete check of a patient's health history before approving their coverage. It moves to Gov. Arnold Schwarzenegger (R) for review (**LOS ANGELES TIMES**). • Also in **CALIFORNIA**, lawmakers endorse AB 1116, a proposal that would bar surgeons from performing electronic cosmetic facial surgery unless, within 30 days before the procedure, the patient undergoes a physical exam and receives written clearance for the procedure. It also goes to Schwarzenegger (**STATE NET**). • Still in **CALIFORNIA**, lawmakers approve AB 513, a bill that would allow moms who have trouble breast-feeding newborns to use health insurance to cover "lactation consultation." The measure is now with Gov. Arnold Schwarzenegger (R) for consideration (**LOS ANGELES TIMES**).

SOCIAL POLICY: A **WASHINGTON** judge refuses to block a November vote on a proposal to stop the state from expanding domestic partnership rights to same-sex couples. The referendum asks voters to approve or reject SB 5688, the "everything but marriage" domestic partnership measure signed into law by Gov. Christine Gregoire (D) last May. The law would add more legal rights to the state's established domestic partnerships for gay couples, putting registered partners on par with married heterosexual couples under state law (**SEATTLE POST-INTELLIGENCER**). • The

The week in session

States in Regular Session: CA(Projected Adjournment - 09/11/2009), MA, MI, OH, PA, PR, WI, US

States in Recess: DC, NJ, NY

States in Special Session: CA "c", CA "e" (CA Special Sessions Projected Adjournment - 09/11/2009)

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

Upcoming Special Sessions: CA "f", FL "b", NM "a", OK "a"

States in Veto Session: NC

States Currently Prefiling or Drafting for 2010: AL, FL, IA, KY, OK

States Projected to Adjourn: CA

States in Special Session Projected to Adjourn: CA "c", CA "e"

States Adjourned in 2009: AK, AL, AR, AZ, 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 9/11/2009)
Source: State Net database



CALIFORNIA Assembly endorses AB 504, which would require law enforcement agencies to provide training on how to interact with someone carrying a kirpan, a small sword or dagger carried by many members of the Sikh religion. It moves to Gov. Arnold Schwarzenegger (R) for review (SAN JOSE MERCURY NEWS). • A **MICHIGAN** House committee approves a package of bills (HB 5155, HB 5164, HB 5156, and HB 5157) that would require Wolverine State emergency rooms to offer emergency contraceptives — the so-called morning after pill — to rape or incest victims and would prohibit pharmacies from denying birth-control prescriptions because of religious or moral beliefs. Health insurers would also be required to include birth control in prescription drug coverage. The package moves to the full House (DETROIT FREE PRESS). • **NEW YORK** Gov. David Paterson (D) signs AB 7698, a bill that bars the use of the term “oriental” in all documents utilized by state agencies, public authorities and municipalities when referring to persons of Asian or Pacific Islander heritage. The Empire State becomes the second to adopt such a measure. **WASHINGTON** enacted a similar ban in 2002 (ALBANY TIMES UNION).

POTPOURRI: KENTUCKY Gov. Steve Beshear (D) signs HB 3a, legislation that exempts military pay from the Commonwealth’s income tax. The exemption applies to all military pay earned by active duty soldiers, reservists and members of the National Guard (KENTUCKY POST [COVINGTON]).

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

MYTHICAL FIGURE INDEED: If impeached former-ILLINOIS Gov. Rod Blagojevich is worried about saying anything that could prove troublesome in defending himself against federal corruption charges, he isn’t showing it. As the *New York Times* reports, Blagojevich discusses the case at length in a new memoir, “The Governor.” Predictably, Blagojevich used the tome to proclaim his innocence and accuse others of the real crimes. The former gov also metes out zingers to his rivals, while taking great pains to tie himself to another noted Prairie State lawmaker — some guy named Obama — whom he compares to “Zeus on Mt. Olympus” while likening himself to Icarus, “who flew too close to the sun.” Clearly not burdened with humility, Blagojevich further likens himself to Nelson Mandela, Henry V, Theodore Roosevelt and Martin Luther King, Jr., among many others. His trial is set to begin next June.



CALL ME PROFESSOR NO. 9: Not every disgraced former governor is hell-bent on staying in the public eye. As the *New York Times* reports, former Empire State Gov. Eliot Spitzer, has quietly begun teaching a political science course at City College of New York. Several students were shocked to learn that Spitzer, who gained infamy as “Client No. 9” for his role in a prostitution scandal that eventually drove him from office, would be their professor. One even gasped “no way” after recognizing him. Students also quickly discovered that Spitzer’s hard-charging style hasn’t changed, as he immediately assigned hundreds of pages of reading. In spite of the workload, most have had good things to say about him. That may not last. When told of the praise, the ever-feisty Spitzer responded, “It’s only the second class. Wait until they get their midterms back.”

GHOSTS OF GOVERNORS PAST: The NEVADA governor’s mansion turned 100 years old this year, a milestone government folks marked last week with a celebration that opened the historic building to the public. Much of the festivities naturally centered on the home’s various occupants, including the Silver State’s five living former governors as well as current Gov. Jim Gibbons. But as the *Nevada Appeal* of Carson City reports, the mansion is also noted for another resident, one that is no longer among the living. Over the years, numerous people have experienced odd happenings there, including hearing strange noises and seeing doors opening and closing on their own, leading them to conclude the joint is haunted. Helen Wiemer, the long-time mansion coordinator, says the ghost rumors are true. But she also had no worries about the spooky visitor interfering with the celebration, noting “he doesn’t like noise.”

OPEN MIC, INSERT FOOT: To CALIFORNIA Assemblyman Mike Duvall, it probably seemed like some harmless boasting in private to a colleague, a way to kill some time at the end of yet another committee meeting. Lurid, graphic and full of, ahem, imagery, Duvall’s tale of sexual trysts with a pretty blonde lobbyist was the type of self-aggrandizing locker room prattle that guys have reveled in forever. But as the *Orange County Weekly* reports, Duvall was blissfully unaware that the microphone on the dais in front of him was live, meaning a whole bunch of people that Duvall never intended to share his story with got the full and uncensored version. After literally running away from scribes for the better part of a day, Duvall — a married father of two known for vigorously espousing family values — tendered his resignation.

— By RICH EHISEN

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Graphic Design: Vanessa Perez
©2008 State Net ISSN: 1521-8449



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