



# Legislative & Regulatory Report

NATIONAL ALLIANCE OF LIFE COMPANIES *An Association of Life and Health Insurance Companies*

December 31, 2009

## Table of Contents

Colorado.....	1
Connecticut.....	1
Idaho .....	3
Illinois.....	4
Massachusetts .....	4
New Hampshire .....	5
New York.....	6
2010 State Legislative Sessions .....	7
2010 State Legislature Lineup.....	8

*The news in this publication, including links to background and supplemental information on state websites, is available on the NALC members website at <http://members.nalc.net>.*

*National Alliance of Life Companies*

*PO Box 50053*

*Sarasota, Florida 34232*

*Phone: 941-379-6100*

*Fax: 941-379-6112*

**E-mail:** [support@nalc.net](mailto:support@nalc.net)

**Website:** <http://www.nalc.net>

**Members' Website:** <http://members.nalc.net>

## Colorado

### *Notice of Rule-Making*

Notice is hereby given that a public rule making hearing will be held before the Colorado Commissioner of Insurance on January 5, 2010, at 2:30 p.m. The hearing will take place at the Colorado Division of Insurance, 1560 Broadway, Suite 850, RM B, Denver, Colorado, 80202. The following proposals will be discussed:

- 4-1-1 Variable Annuity Contracts
- 4-1-5 Permitting Same Minimum Nonforfeiture Standard for Men and Women Insured Under 1980 CSO and 1980 CET Mortality Tables
- 4-1-6 Permitting Smoker/Nonsmoker Mortality Tables for use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits
- 4-1-7 For Recognizing a New Annuity Mortality Table for use in Determining Liabilities for Annuities
- 4-1-9 Valuation of Life Insurance Policies (Including the Introduction an Use of New Select Mortality Factors)
- 4-1-10 Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits
- 4-1-13 Permitting the Recognition of Preferred Mortality Tables for use in Determining Minimum Reserve Liabilities
- 4-2-6 Concerning the Definition of the Term “Complications of Pregnancy”

A written comment period will be permitted for three business days after the public hearing. The notice is available at <http://www.dora.state.co.us/insurance/regs/noh.htm>, and includes links to the text of the proposed rules. Please send all comments, questions, and requests for information to the Division via email to [DOIRulesAndRecords@dora.state.co.us](mailto:DOIRulesAndRecords@dora.state.co.us). Please reference the proposed or amended regulation in the subject line.

## Connecticut

### *Bulletins Issued*

The Connecticut Insurance Commissioner has issued the following bulletins. The bulletins are available in the Insurance Department’s website at <http://www.ct.gov/cid/cwp/view.asp?a=1255&q=254256&cidNav=|48775|>.

### **FS-22-09: Statistical Reports Required of Insurers Using the 2001 CSO Preferred Class Structure Mortality Table**

This Bulletin amends and supersedes Bulletin FS -22, dated June 23, 2008. The purpose of this Bulletin is to notify insurers of the Insurance Commissioner's decision to waive the 2008 mortality experience reporting requirements to be reported in 2009 for all insurers using the 2001 CSO Preferred Class Structure Mortality Table.

Section 38a-78-34 of the Regulations of the Connecticut State Agencies, dealing with Recognition Of Preferred Mortality Tables For Use In Determining Minimum Reserve Liabilities, requires every authorized insurer using the 2001 CSO Preferred Class Structure Mortality Table to annually file with the Commissioner, the NAIC, or with a statistical agent acceptable to the Commissioner, statistical reports showing mortality and such other information as the Commissioner may deem necessary or expedient for the administration of this rule.

The NAIC has identified the need to establish uniform reporting requirements and processes. The Life Health Actuarial Task Force is developing a recommendation of how to comply with the requirements of each state's

laws. Until such time as this recommendation is accepted by the NAIC, the Commissioner has determined that reporting requirements will be waived.

Subsection (c) of Section 38a-78-34 gives the Commissioner the discretion to exempt any company from said reporting requirement. For experience required to be reported in 2009, the Commissioner exempts all companies using the 2001 CSO Preferred Class Mortality Structure Table from filing the statistical reports required under Section 38a-78-34 of the Regulation of the Connecticut State Agencies.

Please contact the Insurance Department Financial Regulation Division at [ctinsdep.financial@ct.gov](mailto:ctinsdep.financial@ct.gov) with any questions.

#### **FS-4-09: 2009 Annual Statement**

Section 38a-53(a) of the Connecticut General Statutes requires that each domestic insurance company or health care center shall annually, on or before March 1, 2010, submit to the commissioner, and electronically to the National Association of Insurance Commissioners ("NAIC"), a true and complete report, prepared in accordance with the NAIC Annual Statement Instructions Handbook and following those accounting procedures and practices prescribed by the NAIC Accounting Practices and Procedures Manual. The securities owned by each such entity must be valued in accordance with those standards promulgated by the NAIC's Valuation of Securities Office. An electronically filed report in accordance with section 38a-53a that is timely submitted to the NAIC does not exempt a domestic insurance company or health care center from timely filing a true and complete paper copy with the commissioner.

Section 38a-53(b) of the Connecticut General Statutes requires that each foreign insurance company shall, annually, on or before March 1, 2010, submit to the commissioner, by electronically filing with the NAIC, a true and complete report, prepared in accordance with the NAIC Annual Statement Instructions Handbook and following those accounting procedures and practices prescribed by the NAIC Accounting Practices and Procedures Manual. An electronically filed report in accordance with section 38a-53a that is timely submitted to the NAIC is deemed to have been submitted to the commissioner in accordance with this section.

Each of the addressed entities will also be required to report their financial condition on a quarterly basis during 2010, to this Department in the same manner as noted above. The format to be used is the 2009 edition of the quarterly blank adopted by the NAIC for the 2010 reporting year. Statements are due 45 days subsequent to the end of each quarter:

March 31, 2010

June 30, 2010

September 30, 2010

May 15, 2010

August 15, 2010

November 15, 2010

Section 38a-53a of the Connecticut General Statutes requires that each of the addressed corporations shall file an electronic copy of its Annual Statement and Quarterly Statements to the NAIC's Support Services Office.

The appropriate filing checklist to be completed and submitted with each Financial Statement filed with this Department and the NAIC must be downloaded from the Department's website at [www.ct.gov/cid](http://www.ct.gov/cid) for your particular company type as follows: Fraternal Societies, checklist, notes, general instructions; Health Insurers, checklist, notes, general instructions; Life, Accident and Health Insurers, checklist, notes, general instructions; Property and Casualty Insurers, checklist, notes, general instructions; and Title Companies, checklist, notes and general instructions.

All domestic insurers must attach a statement with respect to the physical location(s) of all invested assets owned by the company (held by the company or under custodial or safekeeping agreement in Connecticut or out

of state) including those securities on deposit with governmental agencies and book entry securities. Assets held outside of the United States under custodial or sub-custodial agreements must be separately identified. Companies with separate account operations will be required to submit two Retention of Assets Statements, one for the general account and one for the separate accounts. A sample Retention of Assets Statement is attached for your reference.

All domestic companies must comply with the provisions of sections 38a-85 through 38a-89 of the Connecticut General Statutes and sections 38a-88-1 through 38a-88-12 of the Regulations of Connecticut State Agencies outlining the criteria which must be met to allow a domestic insurer to take credit either as an asset or deduction from a liability for ceded reinsurance. The list of licensed companies and approved reinsurers in Connecticut is located on the Department's website. Please note that this listing is updated on a quarterly basis.

If you have any questions on this or any of the enclosed documents, you may contact the Financial Regulation Division at (860) 297-3814 or [ctinsdep.financial@ct.gov](mailto:ctinsdep.financial@ct.gov). The attachments to this bulletin may be available at <http://www.ct.gov/cid/lib/cid/BullFS-4-09.pdf>.

## Idaho

### *Bulletin NO. 09-14: Rebates/Inducements - Value Added Services*

In recent months, the Idaho Department of Insurance has become aware that some insurance producers are offering extra services outside of the insurance contract at no cost to their clients or potential clients. Examples of these value added services include administration of a buy down program for an employer as a method of reducing the cost of the health insurance plan, COBRA administration, and human resource/employee benefit consulting.

Idaho Code Section 41-1314(1) prohibits any person from directly or indirectly offering or giving as an inducement to purchase insurance “anything of value whatsoever” that is not plainly specified in the insurance contract. The code language indicates that for a violation to exist, the valuable consideration must be offered or provided as a rebate or inducement to insurance. In other words, there must be some connection to an actual or prospective sale of insurance.

If goods or services not specified in the insurance contract are offered or provided as an inducement to purchase or renew insurance, then to avoid a violation of Section 41-1314(1) a reasonable charge must be imposed. The charge should reflect the actual value of the service being provided and should not be less than the cost of providing the good or service. Services that fall within the traditional notion of “customer service” for which one would not normally expect an additional charge would not be considered by the Department to be a rebate or inducement in violation of Section 41-1314. Examples of traditional customer services that would not be viewed as rebates or illegal inducements include offering a 24-hour hotline for claims, responding to questions or providing advice regarding coverage or benefits, maintaining loss runs, and issuing insurance cards.

Effective July 1, 2006, Idaho Code Section 41-1314(3) was amended to permit producers of life, property and casualty insurance the ability to offer to actual or prospective policyholders goods (but not services) as long as the goods do not exceed an aggregate value of \$50. It is important to note that the \$50 exception to the rebate law does not apply to health insurance or other types of disability insurance, and it only applies to goods, not services.

All insurers and producers doing business in Idaho should carefully review their policies and marketing efforts involving any goods or services offered without reasonable charge to their customers or prospective customers.

The Department will actively investigate complaints concerning violations of Idaho Code Section 41-1314 and will take administrative actions to assure compliance when appropriate.

Persons with questions concerning this bulletin should contact the Department's Consumer Affairs Section at 208-334-4250. The bulletin is available at <http://www.doi.idaho.gov/laws/2009bulletins.aspx>.

## Illinois

### *Company Bulletin 2009-08*

The Illinois Department of Insurance has addressed a long bulletin to all chief actuaries of life insurance companies and fraternal organizations licensed in Illinois. The bulletin, from Bruce Sartain, FSA, MAAA, life actuary for the department, includes instructions and information on the following topics:

- Financial Reporting
- Health Insurance Reporting
- Policy Form Filings

The complete bulletin is available at <http://insurance.illinois.gov/cb/cblist09.asp>. You may direct questions to Bruce Sartain at (217) 785-0903.

## Massachusetts

### *Hearing on Proposed Regulations*

The Massachusetts Division of Insurance will hold a hearing on January 5, 2010, to consider the proposed rules listed below. The hearing will be held at the Division of Insurance, 1 South Station, Boston, Massachusetts, 02110-2208. Persons wishing to submit written comments may do so until the record of the hearing is closed. All submissions must be sent to the Docket Clerk, Hearings and Appeals, Division of Insurance, One South Station, Boston, MA 02110-2208 and must refer to the docket number for the particular proposal.

The notices are available at:

<http://www.mass.gov/?pageID=ocasubtopic&L=6&L0=Home&L1=Business&L2=Insurance&L3=Division+of+Insurance+Regulatory+Information&L4=DOI+Public+Hearings&L5=2010+DOI+Public+Hearings&sid=Eoca>

### **211 CMR 132.00 - Actuarial Opinion and Memorandum Regulation**

Docket No. G2009-08; Hearing begins at 10:00 a.m.

The purpose of this hearing is to consider the proposed amendment of regulation 211 CMR 132.00, Actuarial Opinion and Memorandum Regulation. 211 CMR § 132.00 prescribes requirements for statements of actuarial opinion, rules applicable to the appointment of an appointed actuary and gives guidance as to the meaning of adequacy of reserves.

The proposed amendment to 211 CMR § 132.00 clarifies the details required in the Regulatory Asset Adequacy Issues Report, by providing an example of interim results that may be of concern to the appointed actuary.

The text is available at [http://www.mass.gov/Eoca/docs/doi/Legal\\_Hearings/211\\_CM\\_132.00\\_Redlined.pdf](http://www.mass.gov/Eoca/docs/doi/Legal_Hearings/211_CM_132.00_Redlined.pdf).

## 211 CMR 58.00: Permitting the Recognition of Preferred Mortality Tables for Use in Determining Minimum Reserve Liabilities

Docket No. G2009-09; Hearing begins at 10:30 a.m.

The purpose of this hearing is to consider the proposed amendment of regulation 211 CMR 58.00, Permitting the Recognition of Preferred Mortality Tables for Use in Determining Minimum Reserve Liabilities. 211 CMR § 58.00 permits life insurers to use specific mortality tables that recognize the difference between preferred and standard lives when determining minimum reserve liabilities, and applies to policies with an issue date of January 1, 2007 or later.

The proposed amendment to 211 CMR § 58.00 allows life insurers to use the preferred mortality tables for policies with an issue date between January 1, 2004 and January 1, 2007, subject to prior approval by the Commissioner.

The text is available at [http://www.mass.gov/Eoca/docs/doi/Legal\\_Hearings/211\\_CM\\_58.00\\_Redlined.pdf](http://www.mass.gov/Eoca/docs/doi/Legal_Hearings/211_CM_58.00_Redlined.pdf).

## 211 CMR 29.00 - Valuation of Life Insurance Policies

Docket No. G2009-10; Hearing begins at 11:00 a.m.

The purpose of this hearing is to consider the proposed amendment of regulation 211 CMR 29.00, Valuation of Life Insurance Policies. 211 CMR § 29.00 provides life insurers with tables of select mortality factors and rules for their use, sets forth rules concerning a minimum standard for the valuation of plans with non-level premiums or benefits and sets forth rules concerning a minimum standard for the valuation of plans with secondary guarantees.

The proposed amendments to 211 CMR § 29.00 remove the restriction on mortality adjustment factors in the deficiency reserve calculation. This calculation allows companies to adjust the valuation mortality to mortality that approximates the expected mortality. Additionally, the proposed amendments will require the appointed actuary to disclose any impact the adjustment may cause.

The text is available at [http://www.mass.gov/Eoca/docs/doi/Legal\\_Hearings/211\\_CM\\_29.00\\_Redlined.pdf](http://www.mass.gov/Eoca/docs/doi/Legal_Hearings/211_CM_29.00_Redlined.pdf).

## New Hampshire

### *Final Rule: Life Insurance Solicitation*

The New Hampshire Department of Insurance has adopted final language for INS. 301, Life Insurance Solicitation. The purpose of this part is to require insurers to deliver to purchasers of life insurance, information which will improve the buyer's ability to select the most appropriate plan of life insurance for his needs, improve the buyer's understanding of the basic features of the policy which has been purchased or which is under consideration and improve the ability of the buyer to evaluate the relative costs of similar plans of life insurance.

This rule does not prohibit the use of additional material which is not in violation of this part or any other New Hampshire statute or part. It applies to any solicitation, negotiation or procurement of life insurance occurring within this state. The rule applies to any issuer of life insurance contracts including fraternal benefit societies. Unless otherwise specifically included, it does not apply to annuities, credit life insurance, group life insurance, or life insurance policies issued in connection with pension and welfare plans as defined by and which are subject to the federal Employee Retirement Income Security Act of 1974 (ERISA).

The rule text is available at <http://www.nh.gov/insurance/legal/index.htm>.

## New York

### *Supplement No. 1 to Circular Letter No. 27*

#### ***Recognition in New York of Marriages Between Same-Sex Partners Legally Performed in Other Jurisdictions***

This Supplement replaces and supersedes Supplement No. 1 to Circular Letter No. 27, which was dated August 10, 2009 and was withdrawn effective October 19, 2009.

Subsequent to the Department's issuance of CL No. 27 in 2008, which discussed the impact and application of *Martinez v. Monroe Community College*, the Department received several inquiries concerning the application of CL No. 27 to annuity contracts that must comply with federal tax law in order to receive favored federal tax treatment. CL No. 27 provides that licensees under the New York Insurance Law must comply with *Martinez* by extending the same rights and benefits to same-sex spouses in marriages legally performed in jurisdictions outside New York as are afforded to opposite-sex spouses. The inquirers asked about the impact of CL No. 27 on the mandatory distribution rules set forth in federal Internal Revenue Code ("IRC") §§72(s) and 401(a)(9), which contain beneficial options available only to a surviving spouse of a deceased annuity holder.

Specifically, some inquirers asked about the applicability of CL No. 27 to annuity contracts that provide, pursuant to IRC § 72(s), that beneficiaries ordinarily must either begin an annuity within one year of the deceased annuity holder's death or else withdraw all funds within five years of that death. A surviving spouse, however, is not required to take these distributions, and may instead continue as owner of an annuity contract after the death of the annuity holder spouse. If a surviving spouse steps into the shoes of the deceased annuity holder, income tax on income earned within the annuity may be deferred until after the spouse's death. Accordingly, some annuity contracts provide a default option that assumes that the surviving spouse will prefer to continue as owner. A beneficiary who is not recognized as a spouse under federal law is not eligible for this exception.

Some inquirers also asked about the impact of CL No. 27 on the minimum distribution rules set forth in IRC § 401(a)(9), which allow a spouse to step into the shoes of the deceased account holder and use his or her own age to determine the date upon which distributions must begin, even if that age results in delayed distributions. A person who is not recognized as a spouse under federal law cannot delay distributions in that manner.

Section 3 of the federal Defense of Marriage Act ("DOMA"), 1 U.S.C. § 7, enacted in 1996, is relevant to the inquiries. Section 3 of DOMA defines "marriage," for federal purposes, as "a legal union between one man and one woman as husband and wife." In addition, Section 3 of DOMA defines "spouse," for federal purposes, as "a person of the opposite sex who is a husband or a wife." Consequently, DOMA precludes recognition of marriages between same-sex partners under the IRC, which means that a same-sex spouse cannot delay distributions that are required under IRC §72(s) or IRC § 401(a)(9). Rather, unless or until Section 3 of DOMA is struck or repealed, for purposes of this federal benefit a same-sex spouse must follow the same distribution rules that apply to any natural person who is not the spouse of the deceased annuity holder. To the extent that an annuity contract or certificate accords to spouses other rights or benefits that are not affected by DOMA, same-sex spouses remain entitled to such rights or benefits to the same extent as any annuity holder's spouse.

Because a surviving same-sex spouse is currently subject to the same distribution requirements of IRC §§ 72(s) and 401(a)(9) as apply to a non-spouse, an insurer should provide minimum disclosure to consumers that explains such consequences. Without such disclosure, the policy forms may be misleading. See Insurance Law § 3201(c)(1). Accordingly, effective May 1, 2010, with respect to any new annuity contract or certificate that sets forth rights or benefits for spouses, and with regard to any application form for an annuity contract or certificate, every insurer should include a clear and conspicuous disclosure to consumers that explains that the

favorable tax treatment provided by federal tax law to opposite-sex spouses is not available to same-sex spouses because of Section 3 of DOMA. Further, the disclosure should advise same-sex spouses to consult a tax advisor prior to the purchase of any annuity product that provides benefits based upon one's status as a spouse. For contracts issued prior to May 1, 2010 that set forth rights or benefits for spouses, insurers should provide the disclosure to the contract owner or certificate holder in a communication to such persons during calendar year 2010. Effective May 1, 2010, for both new issues and in-force contracts and certificates that set forth rights or benefits for spouses, insurers should also provide the disclosure to the beneficiary upon the death of the contract holder or certificate holder, except that, in the event that the insurer lacks primary responsibility for maintaining beneficiary records, administration of payments, or distributions upon the death in favor of the beneficiary, the insurer should use its best efforts to cause the person or persons with such primary responsibility to provide such disclosure to the beneficiary. In addition, every insurer should review its policy forms to determine if revisions are needed so that a same-sex spouse will not be defaulted to the spousal continuation option, and to ensure that the default option for a same-sex spouse is adequately disclosed.

The Department's Life Bureau will institute an expedited approval process for any form filings made solely to comply with this Supplement. Filing guidance for using the expedited process will be posted on the Department's website. Please contact Peter Dumar, Associate Insurance Attorney, Life Bureau, at (518) 474-4552 or by email at [pdumar@ins.state.ny.us](mailto:pdumar@ins.state.ny.us), with any questions about policy form submissions.

This circular letter is available at <http://www.ins.state.ny.us/circltr/2009.htm>.

## 2010 State Legislative Sessions

State	Convenes	Adjourns
Alabama	1/12	4/22
Alaska	1/19	4/18
Arizona	1/11	5/26
Arkansas	2/8	3/9
California	1/4	8/31
Colorado	1/6	5/11
Connecticut	2/3	5/5
Delaware	1/12	6/30
Florida	3/2	5/1
Georgia	1/12	4/2
Hawaii	1/20	5/7
Idaho	1/11	4/7
Illinois	1/13	1/11/11
Indiana	11/17/09	3/14
Iowa	1/11	4/20
Kansas	1/11	4/10
Kentucky	1/5	4/1
Louisiana	3/29	6/21
Maine	1/6	4/21
Maryland	1/13	4/13
Massachusetts	1/6	1/4/11
Michigan	1/13	12/31
Minnesota	2/4	5/17
Mississippi	1/5	4/4
Missouri	1/6	5/10
Montana	No Regular 2010 Session	
Nebraska	1/6	4/16
Nevada	No Regular 2010 Session	
New Hampshire	1/6	6/30
New Jersey	1/12	1/10/11

State	Convenes	Adjourns
New Mexico	1/19	2/18
New York	1/6	1/5/11
North Carolina	5/10	7/26
North Dakota	No Regular 2010 Session	
Ohio	1/5	12/31
Oklahoma	2/1	5/28
Oregon	No Regular 2010 Session	
Pennsylvania	1/5	11/30
Rhode Island	1/5	6/25
South Carolina	1/12	6/3
South Dakota	1/12	3/29
Tennessee	1/12	5/25
Texas	No Regular 2010 Session	
Utah	1/18	3/19
Vermont	1/5	5/30
Virginia	1/13	3/13
Washington	1/11	3/15
West Virginia	1/13	3/14
Wisconsin	1/19	5/26
Wyoming	2/8	3/5

## 2010 State Legislature Lineup

State	Governor	House			Senate		
		Dem	Rep	O/V	Dem	Rep	O/V
AK	Sean Parnell (R)	17	21	2	10	10	
AL	Bob Riley (R)	59	44	2	21	14	
AR	Mike Beebe (D)	71	28	1	27	7	1
AZ	Jan Brewer (R)	25	35		12	18	
CA	Arnold Schwarzenegger (R)	50	28	2	25	15	
CO	William "Bill" Ritter (D)	38	27		21	14	
CT	M. Jodi Rell (R)	114	37		24	12	
DE	Jack A. Markell (D)	24	17		15	6	
FL	Charlie Crist (R)	44	76		14	26	
GA	Sonny Perdue (R)	72	104	4	20	34	2
HI	Linda Lingle (R)	45	6		23	2	
IA	Chester "Chet" Culver (D)	56	44		32	18	
ID	C. L. "Butch" Otter (R)	18	52		9	28	
IL	Pat Quinn (D)	70	48		37	22	
IN	Mitchell E. Daniels (R)	52	48		17	33	
KS	Mark Parkinson (D)	48	77		9	31	
KY	Steve Beshear (D)	64	35	1	17	19	2
LA	Piyush "Bobby" Jindal (R)	52	50	3	23	16	
MA	Deval L. Patrick (D)	143	16	1	35	5	
MD	Martin O'Malley (D)	104	37		33	14	
ME	John Elias Baldacci (D)	94	56	3	20	15	
MI	Jennifer M. Granholm (D)	67	43		16	22	
MN	Tim Pawlenty (R)	87	47		46	21	
MO	Jeremiah W. Nixon (D)	73	88	2	11	23	
MS	Haley Barbour (R)	75	47		27	25	
MT	Brian Schweitzer (D)	50	50		23	27	
NC	Beverly Eaves Perdue (D)	68	52		30	20	
ND	John Hoeven (R)	36	58		21	26	
NE	Dave Heineman (R)						49*

State	Governor	House			Senate		
		Dem	Rep	O/V	Dem	Rep	O/V
NH	John Lynch (D)	222	176	2	14	9	1
NJ	Christopher J. Christie (R)	48	31	1	23	17	
NM	Bill B. Richardson (D)	45	25		27	15	
NV	James Arthur Gibbons (R)	28	14		12	9	
NY	David A. Paterson (D)	108	42		32	30	
OH	Ted Strickland (D)	53	46		12	21	
OK	Brad Henry (D)	39	62		22	26	
OR	Theodore R. Kulongoski (D)	36	24		18	12	
PA	Edward G. "Ed" Rendell (D)	104	98	1	20	30	
RI	Donald L. Carcieri (R)	67	6	2	33	4	1
SC	Marshall C. Sanford (R)	52	72		19	27	
SD	Mike Rounds (R)	24	46		14	20	1
TN	Phil Bredesen (D)	48	50	1	14	18	1
TX	Rick Perry (R)	73	77		12	19	
UT	Gary R. Herbert (R)	22	53		8	21	
VA	Robert F. McDonnell (R)	43	53	4	21	19	
VT	James H. "Jim" Douglas (R)	95	48	7	23	7	
WA	Christine Gregoire (D)	62	36		31	18	
WI	Jim Doyle (D)	52	47		18	15	
WV	Joe Manchin (D)	71	29		26	8	
WY	Dave Freudenthal (D)	19	41		7	23	

Legend: O/V = Other, Vacant \* = Nebraska has a non-partisan, unicameral legislature