

July 11, 2011

The Right to Vote



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The next issue of Capitol Journal will be available on July 18th.

Top Story

Voter ID has long been considered a classic issue of hyper-partisan politics. This year, Republicans have successfully passed new voter ID requirements in several states, but the GOP's support may produce meager short-term benefit at considerable long-term cost.

SNCJ Spotlight

Partisan battle over voter ID heating up

Voter ID has been a hot topic in the states this year, thanks at least in part to the Republicans' big gains in the 2010 elections. The issue is largely a partisan invention with neither Republicans nor Democrats occupying an unassailable position. But the GOP's support of voter ID legislation may offer the party little short-term benefit at considerable long-term cost.

The partisan battle lines on voter ID aren't hard to spot. As of July 1st, legislatures in six states — Kansas, Minnesota, New Hampshire, North

Carolina, Ohio and Wisconsin — had passed new voter ID bills in the current session, according to the National Conference of State Legislatures. Lawmakers in another six states — Alabama, Missouri, Montana, South Carolina, Tennessee and Texas — had passed measures strengthening existing voter ID laws. In nine of those states, the GOP won control of either the legislature or governor’s office in November. The Republicans already controlled state government in two others. Meanwhile, in the five states with Democratic governors — Minnesota, Missouri, Montana, New Hampshire and North Carolina — the bills went on to be vetoed, although Missouri also passed a joint resolution mandating photo ID at the polls (SJR 2) that will have to be approved by voters before it can take effect. Measures are still pending in the Republican-led legislatures of Maine (HB 176) and Pennsylvania (HB 934) as well.

The partisan trend on the issue was broken this month in Rhode Island, where the Democrat-led General Assembly passed and Independent Gov. Lincoln Chaffee signed HB 5680 and SB 400, bringing voter ID to that state. And there is potential for a counter trend to take root, with voter ID bills still pending in Democrat-led legislatures in Delaware, Iowa, Massachusetts, New Jersey.

But the pattern at the other end of the legislative process follows the general partisan drift. In all 11 states where voter ID bills have failed this session — Arkansas, California, Colorado, Connecticut, Hawaii, Maryland, Mississippi, Nevada, New Mexico, Virginia and West Virginia — legislative power is either held by the Democrats or split between the two major parties.

The arguments for and against voter ID laws have evolved somewhat over the years since the first measures were introduced a decade ago, but neither side has yet managed to deliver a coup de grâce.

All along, supporters of the laws have maintained they are necessary to prevent voter fraud. But one of the pro-voter ID camp’s more recent arguments is that the U.S. Supreme Court upheld the constitutionality of Indiana’s voter ID law in 2008 — by a 6-3 margin, no less.

At a ceremony for the voter ID bill she signed in May (HB 3003), South Carolina Gov. Nikki Haley (R) also made the case that requiring a photo ID to vote isn’t too much to ask, given how many other things for which it is necessary these days.

“If you can show a picture to buy Sudafed, if you can show a picture to get on an airplane, you should be able to show a picture to make sure that we do what is incredibly inherent in our freedoms and that is the ability to vote.”

Supporters also say they’ve taken measures to ease the burden of obtaining IDs, such as making them available for free to those who can’t afford them or allowing the elderly to use expired IDs.

Additionally, supporters say they now have numbers to back up their claims that voter fraud is a real problem and voters lacking IDs isn’t much of one. For instance, in a recent NPR interview, Kansas Secretary of State Kris Kobach (R) said his state found that between 1997 and 2010 there were “221 cases of reported voter fraud.” He



also said that by comparing motor vehicle rolls to recent census figures his state had determined there were 30,000 more IDs in circulation than residents of voting age.

The general position of Voter ID opponents is that the laws are a purely partisan effort to suppress the votes of minorities and other groups that tend to vote Democratic.

Justin Levitt, an associate professor of law at Loyola Law School in Los Angeles, who coordinated briefs against Indiana’s voter ID law back in 2008, has also made the point that the Supreme Court’s ruling in that case was based on a challenge to the law before it went into effect.

“And what the Supreme Court said was: Hey, look, you haven’t shown us any evidence that this is really going to keep eligible Indiana citizens from voting,” he

said in the same NPR interview with Kansas’ Kobach. “You haven’t shown us any evidence of the burden because the law hadn’t been put into effect yet.”

Levitt also made the argument that unlike other things for which an ID is needed, voting is a constitutional right.

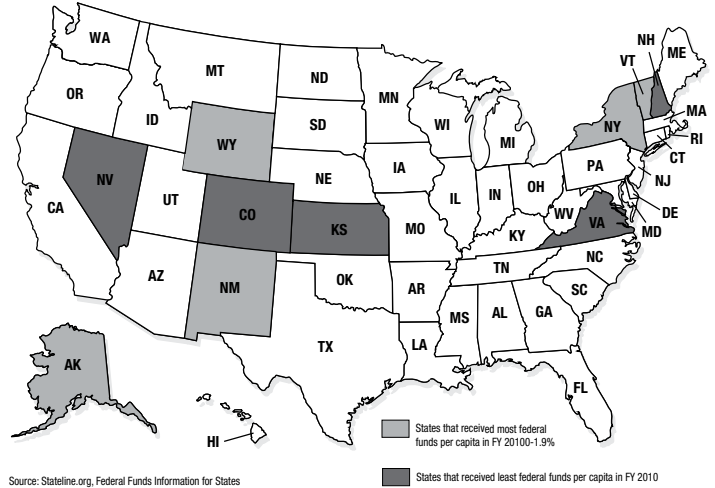
“There isn’t a constitutional right to drive a car,” he said. “There isn’t a constitutional right to be able to buy Sudafed. There are lots of things for which you need a photo ID that aren’t fundamentally part of the structure of government.”

Levitt countered the assertion that getting an ID isn’t much of a burden, particularly if it’s free, by stating “that it takes ID to get ID.”

“If you had ID at one point, or you have ID now and it’s expired or from another state, it’s relatively straightforward to get new ID in the state or jurisdiction of your choice. If the problem is that you don’t have ID, it’s actually quite a bureaucratic maze in order to get it.”

Voter ID opponents also say that even if the cases of voter fraud like those cited by Kobach are legitimate, it doesn’t seem to be much of a problem in the overall scheme of things. As Levitt put it: “Even if you take the secretary’s statistics at face

Bird’s eye view



Wyoming tops states in federal per-capita funding

Not counting federal stimulus funding, Wyoming received the most federal grant-in-aid money per capita in 2010, according to analysis by Federal Funds Information for States. The state took in \$3,757 per capita, nearly twice the national average of \$1,786, owing mainly to the federal grants it receives in the form of revenue from leasing rights to its mineral resources, as well as its relatively diminutive population. Nevada received the least federal funding per capita, \$1,090, primarily because its modest Medicaid program triggers relatively few matching federal dollars.



value, even if you say in Kansas, he found in 13 years 221 people, and even if all of those allegations pan out, that's 221 people over 13 years in the same span of time that 10 million Kansans cast ballots. That's a problem at two-thousandths of a percent of the electorate. And so if you're creating a hassle for more than two-thousandths of a percent of the electorate, your cure is actually much worse than your disease."

As for the contention that voters lacking IDs isn't a prevalent problem, Levitt countered that the plaintiffs in Indiana had used the same methodology of comparing motor vehicle rolls to census data, and the federal judge who upheld Indiana's law threw out that stat, citing a laundry list of reasons it was wholly unreliable, such as the fact that motor vehicle rolls often include a lot of outdated information. Levitt said a 2006 Brennan Center survey in 2006 and another conducted in 2008 placed the number of Americans without a photo ID at around 11 percent.

Supporters, however, counter those counter arguments. Kobach, for example, took aim at Levitt's calculation of the size of Kansas' voter fraud problem.

"Well, this is always the approach from the left when confronted with this issue, and they want to say that oh, voter fraud's not a problem," he said. "They'll take the incidents of reported cases of voter fraud, and then they'll compare it to all votes cast over a period, and they'll say: See what a tiny percentage that is? But that's not the meaningful way to look at these numbers. The way you look at it is you look at close elections."

Kobach goes on to relate the case of a 2010 Missouri legislative primary race — between J.J. Rizzo and William Royster — that was decided by a single vote but which involved allegations that more than 50 noncitizens had cast votes.

The arguments and counterarguments go on and on. But one thing the opposing sides do seem to agree on is that absentee voter fraud is a problem. Kobach touted the fact that his state's new voter ID law addresses that problem and Levitt credited him for it.

"Most states that have these sorts of new laws exempt their absentee process and leave the largest opportunity for fraud wide open," he said. "At least in this respect, [Kobach is] making life harder across the board for everyone, and that's some measure of consistency to praise."

Pushing voter ID legislation may not be the best strategic move for the GOP in the long run, however. A Bloomberg editorial this month makes the case that voter ID laws won't likely benefit Republicans, but the laws could ultimately hurt them.

"Actual cases of voter suppression may prove to be no more prevalent than voter fraud. Instead, the laws will simply undermine their sponsors' political standing among minority voters, many of whom already perceive the Republican Party as a hostile entity that indulges racial fears and treats minority empowerment as a threat."

The editors point to California, where Asians, Hispanics and blacks together outnumber whites, and where the former two groups each voted Democratic by a 2-to-1 margin in the 2010 elections, as a harbinger of the nation's future. And they

caution that “too few Republican leaders recognize the party’s urgent need to break its monochromatic brand.”

“As the U.S. grows increasingly diverse,” the editors conclude, “the Republican Party is painting itself into a dangerous corner.” (NPR.ORG, NCSL.ORG, BLOOMBERG, REUTERS, PROVIDENCE JOURNAL)

— *Compiled by KOREY CLARK*

Budget & taxes

MINNESOTA SHUTDOWN CONTINUES: Minnesota marked the seventh day of its government shutdown last Thursday with a downgrading of its AAA bond rating by Fitch Ratings. Fitch mentioned the state’s ongoing budget impasse as one of the reasons for its action.

The stalemate between Gov. Mark Dayton (D) and Republican lawmakers over how to address the state’s \$5 billion deficit shut the state down on July 1, the start of the new fiscal year. And last week, the two sides appeared no closer to an agreement.

Budget talks actually blew up Wednesday, with Dayton accusing Republicans of distorting the truth.

“No more ‘cones of silence.’ No more private meetings,” Dayton said after the last meeting. “I’m tired of having this stuff come out very differently from how it’s transpired.”

Dayton’s most recent budget proposals included an offer to trim his spending request from \$35.8 billion over two years to between \$35.3 billion and \$35.5 billion, and either a temporary increase in the income tax on residents earning more than \$1 million a year or a \$1-per-pack increase in the cigarette tax, coupled with an additional delay of aid payments to K-12 schools.

House Speaker Kurt Zellers (R) said Republicans were “absolutely interested” in the non-tax aspects of Dayton’s proposals, but a “tax increase in general is a non-starter with our caucus.”

So for the foreseeable future the state will continue to contend with the perplexing realities of carrying out a government shutdown, such as figuring out how to get residents to pay taxes when the Department of Revenue isn’t issuing any refunds. (NEW YORK TIMES, MINNEAPOLIS STAR TRIBUNE, REUTERS)

STATES PROMOTING INSTEAD OF TAXING ALCOHOL: In 2009, more than a dozen states raised taxes on alcohol or cigarettes to help dig themselves out of their budget holes. But since Republicans swept into office in 2010 vowing not



to raise taxes, even “sin” taxes, some states have opted to change their alcohol laws and leave their tax rates alone.

Lawmakers in Tennessee, for instance, allowed restaurants, bars and liquor stores this year to offer free samples of alcohol. And Washington approved legislation permitting 30 state liquor stores to hold at least six tasting events over the course of the year. The measure also lets restaurants sell refillable, half-gallon jugs of beer to go, referred to as growlers. This year’s laws follow liquor sampling bills passed last year in California, Michigan, New Jersey and Virginia.

The legalized tastings don’t bring in more revenue for the states themselves. But they do increase sales, which can generate quite a bit of cash. Nationally, alcoholic beverage sales generated \$5.5 billion in state tax revenues in 2010, according to recent U.S. Census data. The Distilled Spirits Council of the United States (DISCUS), a national trade association that represents liquor producers and marketers, meanwhile, estimates alcoholic beverages generate \$41 billion a year in direct and indirect revenue for state and local governments.

Another way states have sought to generate more revenue from alcohol is by extending the hours it can legally be sold. That’s generally meant allowing liquor stores to open or stay open longer on Sundays. Georgia repealed its statewide ban on Sunday alcohol sales this year, and it plans to let voters decide whether to allow local communities to do the same. Pennsylvania, which has allowed Sunday liquor sales since 2003, expanded them this year, increasing the number of state liquor stores allowed to open on Sunday and lengthening Sunday operating hours.

The rollback of “blue laws” controlling Sunday liquor sales has boosted states’ bottom lines significantly. The 12 states that liberalized their liquor laws between 2002 and 2005 to allow Sunday sales each saw an increase in tax revenue of 5 to 7 percent, according to DISCUS.

“Policy makers at the state and local level are desperate to raise revenue without raising taxes or cutting programs,” said Ben Jenkins, vice president of government communications for the association. “Modernizing dated alcohol laws is a positive way to do it.” (STATELINE.ORG)

BUDGETS IN BRIEF: To curb rising Medicaid costs, about a dozen states — including **COLORADO, CONNECTICUT, FLORIDA, NEBRASKA, NEW HAMPSHIRE, NORTH CAROLINA, OREGON, PENNSYLVANIA, SOUTH**

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: 276

Number of Intros last week: 317

Number of Enacted/Adopted last week: 835

Number of 2011 Prefiles to date: 36,184

Number of 2011 Intros to date: 130,210

Number of 2011 Session Enacted/Adopted overall to date: 42,440

Number of Measures currently in State Net Database: 165,215

— Compiled By OWEN JARNAGIN
(measures current as of 7/7/2011)
Source: State Net database



CAROLINA, SOUTH DAKOTA, TEXAS, VIRGINIA and WASHINGTON — will start the new budget year by reducing payments to doctors, hospitals or other health care providers that treat the poor. Some health care experts fear the cuts could add to the shortage of physicians and other providers participating in the program (USA TODAY).

— Compiled by KOREY CLARK

Politics & leadership

CA BECOMING GOVERNABLE AGAIN? As California political legend has it, in 1989, when then-Sen. Pete Wilson (R) was considering running for governor, his old pal Stu Spencer — an advisor to presidents as well as governors, including Ronald Reagan — invited Wilson up to his ranch in Oregon where he sat him down in front of a crackling fire and said: “You’ve got the best job in the world right now — senator from California. I don’t know why’n hell you’d run for governor. California is ungovernable.”

The way Spencer saw it at the time, the state’s diverse interests, geography and problems; scarcity of resources; ceaseless population growth; and lack of political discipline made for nothing but partisan gridlock. And in his opinion — and that of many others — things have only gotten worse in the years since.

But last month California passed a budget on time for the first time in years, and that had some talking about a political turnaround for the state.

“California is in an era of reform, and I think 10 years from now, we will look back at these past two to three years as just the start of a broad movement to shake up the system and do things fundamentally different from the previous 50 years,” said Mark Baldassare, president of the Public Policy Institute of California (PPIC).

Baldassare was referring to a series of reform measures recently approved by the state’s voters. One of them was Proposition 25, which eliminated the requirement of a two-thirds supermajority vote to pass a budget and mandated the suspension of lawmakers’ pay when the budget is late, both of which came into play in this year’s budget process.

But even more substantive changes could be on the way as a result of some other voter initiatives. Prop. 20, approved in November, and Prop. 11 approved in 2008, turned over the job of congressional and legislative redistricting, respectively, from lawmakers to a bipartisan commission. The state’s newly created redistricting commission released preliminary maps last month, which political analysts generally praised for delineating more moderate districts than the maps drawn by legislators in previous years, which have often been referred to as “incumbent protection plans.”



NJ SENATE PRES ISSUES FIGHTIN' WORDS TO GOV: In paring down the state budget he received from lawmakers last month, New Jersey Gov. Chris Christie vetoed \$1.3 million in spending. Most of it was on schools, Medicaid and aid to local governments. But Christie also cut smaller items favored by Democrats, such as programs to aid abused children and provide legal assistance to the poor.

That apparently didn't sit well with Senate President Stephen Sweeney (D).

"This is all about him being a bully and a punk," he said of the governor in an interview on July 1. "I wanted to punch him in his head."

"This is all about him being a bully and a punk. I wanted to punch him in his head."

For good measure he through in: "You know who he reminds me of? Mr. Potter from 'It's a Wonderful Life,' the mean old bastard who screws everybody."

What particularly galled Sweeney was that he, Assembly Speaker Sheila Y. Oliver (D) and other Democratic leaders had just risked their political necks by supporting the governor's public employee reform bill, which was signed into law last month.

So when Maria Comella, communications director for Christie, who is on vacation, released a statement saying, "The governor believes the language used was inappropriate and disrespectful to the office, but he continues to stand ready to work with Senator Sweeney and the Legislature in a bipartisan manner to get things done for the people of New Jersey," Sweeney wasn't entirely receptive.

"Maybe my language was beyond what it needed to be," he said. "But I'm not apologizing." (STAR-LEDGER [NEWARK], NEW YORK TIMES)

POLITICS IN BRIEF: This month, heavily Democratic **MASSACHUSETTS** became the latest state to curb public employees' power, with lawmakers approving a \$30.6 billion budget that gives local governments greater freedom to force workers to cover a greater share of their health care. House Speaker Robert A. DeLeo (D) said "this common sense reform will save \$100 million for cities and towns and preserve the jobs of fire fighters, police officers and teachers" (WALL STREET JOURNAL). • Public employees' union leaders in **CONNECTICUT** announced they would comply with the decision by rank-and-file union members last month rejecting a concessions deal with Gov. Dannel P. Malloy (D). A union spokesmen said they are still confident they can find a way to avert the 6,500 layoffs Malloy has promised to close the state's \$700 million budget gap (HARTFORD COURANT).

— *Compiled by KOREY CLARK*

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“It’s not going to begin eroding the state’s tax base; it already is. Something has to happen nationally. The whole streamlined sales tax is a big deal, and I’m more than willing to play a leadership role,” Haslam said.

Haslam said anything he does will likely be through the National Governors Association. (MEMPHIS COMMERCIAL APPEAL, TENNESSEAN [NASHVILLE], MISSOURI NEWS HORIZON [JEFFERSON CITY])

SCOTT ENDORSES RAIL PROJECT: Just months after killing plans to build a federally-funded bullet train, Florida Gov. Rick Scott (R) has green-lighted a controversial Orlando-area commuter rail project that has been on hold for months. The move earned Scott both kudos and condemnation: the former from powerful

“It’s not going to begin eroding the state’s tax base; it already is.”

Central Florida business interests and politicians who say the rail line is a boon to economic development and the latter from just about everyone else.

The rail project had been on hold since Scott took office in January and began a review of \$238 million in contracts for the project. Those agreements include a requirement that the state pay \$432 million to freight operator CSX Corp. to share its tracks in the Orlando region. The state will also be beholden to make upgrades to the company’s freight operations elsewhere around the Sunshine State and accept liability for any accidents that occur on the shared tracks.

Critics, including some fellow Republicans, immediately accused Scott of being a hypocrite, given his rejection of the high-speed rail project, which would have been paid for almost in its entirety by the federal government. Sen. Paula Dockey (R), who supported the high-speed rail project, accused him of selling out to big business interests.

“It is unclear if when making the decision the governor had a change of heart, if he simply succumbed to the desires of the big money special interests, or if he has a severe case of amnesia and thought that he was supposed to be representing CSX instead of Florida’s taxpayers,” she said.

The move also drew sharp criticism from Everett Wilkinson, chairman of the South Florida Tea Party, the heart of Scott’s political base. Wilkinson railed that the governor’s decision was “influenced by big-money lobbyists” and that Scott had “failed to deliver on his promises.” He also vowed that Tea Party members would make their feelings known to Scott in the coming months.

Scott defended his approval of the SunRail project, saying state attorneys told him he would not be able to legally defend killing the \$1.28 billion, 61.5-mile project if its proponents took him to court. He also laid some of the blame on former Gov. Charlie Crist, saying “I don’t know that I would have made the decision to go forward with this if I had been around three or four years ago.” (ST. PETERSBURG TIMES)

EXECUTIVE ORDERS: NORTH CAROLINA

Gov. Bev Perdue (D) issued EO 96, which creates a Tar Heel State task force on offshore wind development. The group is charged with assessing the costs and risks of growing a wind industry and is to report by next March. Perdue also issued EO 97, which reauthorizes a state scientific panel to examine land-based energy sources, including natural gas locked in underground shale formations. That panel is to report at the end of 2012 (NORTH CAROLINA GOVERNOR’S OFFICE, CHARLOTTE OBSERVER). • **KANSAS** Gov. Sam Brownback issued EO 11-7, which temporarily exempts motor carriers and commercial motor vehicle operators from certain state laws and regulations while they participate in restoration and relief efforts related to flooding along the Missouri River (AUGUSTA GAZETTE).

GOVERNORS IN BRIEF: ILLINOIS

Gov. Pat Quinn (D) said he is willing to go to court against state employee unions to defend his decision to cancel pay raises for nearly 30,000 state workers. Quinn blamed lawmakers for his decision to block the pay hikes, saying they did not include the money in the budget to pay for them (CHICAGO SUN-TIMES). • **COLORADO** Gov. John Hickenlooper (D) replaced all five members of the state Limited Gaming Control Commission, which oversees limited-stakes gambling in the Centennial State. The governor’s move came in reaction to the Commission’s recent decision to lower taxes on casinos. Hickenlooper said he wanted to “create a broader perspective on the commission” (PUEBLO CHIEFTAIN). • **NEW YORK** Gov. Andrew Cuomo (D) said he will work to remove the state’s moratorium on hydraulic fracturing, a controversial technique used to extract natural gas from shale. The process, known as “fracking,” would be allowed only on private lands, and would be banned inside New York City’s upstate watershed, inside a watershed used by Syracuse and in underground water sources used by other cities and towns and on state lands (NEW YORK TIMES). • **LOUISIANA** Gov. Bobby Jindal (R) signed HB 143, which provides retroactive death and disability benefits for Pelican State National Guard troops who served in Iran and Afghanistan from 2001 to 2007. The law grants

Upcoming elections

7/7/2011 - 7/28/2011

07/12/2011

Arkansas Special Election
House District 54

California Special Election
US House District 36

South Carolina Special Primary
House District 10

Wisconsin Recall Primary
Senate Districts 2, 8, 10, 14, 18 and 32

Wisconsin Special Primary
Assembly District 48

07/19/2011

Georgia Special Election
House District 139
Senate District 26

Georgia Special Runoff
House District 113

New Hampshire Special Primary
House District Hillsborough 3

Wisconsin Recall Primary
Senate Districts 12 and 22

Wisconsin Recall Election
Senate District 30

07/26/2011

South Carolina Special Primary Runoff
House District 10



\$250,000 in benefits to survivors of Guard members who were killed and \$100,000 to Guard troops who have been declared totally and permanently disabled and unemployable. Afterward, Jindal vetoed SB 1, a nearly identical measure sponsored by Sen. Robert Adley (R), considered to be the governor’s rival (TIMES-PICAYUNE [NEW ORLEANS]). • **NEW HAMPSHIRE** Gov. John Lynch (D) signed SB 2, legislation that allows local Granite State municipalities to limit budget increases by setting a percentage or fixed amount of increase to be raised through taxes above what was raised the previous year (CONCORD MONITOR).

– Compiled by RICH EHISEN

Upcoming stories

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

- **Education**
- **Health care**
- **Redistricting**

Hot issues

B **USINESS: CONNECTICUT** Gov. Dannel Malloy (D) signs SB 913, which requires employers with 50 or more workers to provide “service workers” up to five paid sick leave days a year. The law exempts manufacturers, salaried workers, temporary workers and workers at nationally chartered nonprofits. It goes into effect next January (HARTFORD COURANT). • Still in **CONNECTICUT**, Malloy vetoes HB 6250, which would have required the state agency that oversees the placement of cell phone towers to keep construction of those towers at least 250 feet from schools and day care centers (CONNECTICUT POST [BRIDGEPORT]). • **MISSOURI** Gov. Jay Nixon (D) vetoes SB 118, which would have delayed by two years a requirement that residential care and assisted living centers have sprinkler systems. The law requires those facilities to install sprinklers by the end of 2012 (KANSAS CITY STAR). • **NEW HAMPSHIRE** Gov. John Lynch (D) vetoes SB 57, which would have allowed car title lenders to charge up to 25 percent interest a month. Current Granite State law limits interest on such loans to 36 percent annually (BOSTON GLOBE).

CRIME & PUNISHMENT: The **INDIANA** Supreme Court rules that arrestees do not have a right to consult an attorney prior to giving a cheek swab DNA sample. The court likened the cheek swab to obtaining fingerprints (NORTHWEST INDIANA TIMES [MUNSTER]). • **LOUISIANA** Gov. Bobby Jindal (R) signs HB 416, which allows first-time offenders convicted of nonviolent or non-sex-related offenses to serve only 25 percent of their sentence before being eligible for parole {ADVOCATE [BATON ROUGE]}. • **MAINE** Gov. Paul LePage (R) signs HP 1147, which bans



the sale of synthetic drugs marketed as “bath salts” but which produce an effect similar to cocaine or heroin. The new law makes it illegal to possess or sell any of 21 different hallucinogenic drugs or stimulants or any combination thereof (BANGOR DAILY NEWS).

EDUCATION: A three-judge panel of the U.S. 6th Court of Appeals strikes down a 2006 voter-approved measure in **MICHIGAN** that banned affirmative action in college admissions, employment and contracting. State Attorney General Bill Schuette (R) said he will ask the full court to review the ruling (DETROIT FREE PRESS). • **LOUISIANA** Gov. Bobby Jindal (R) signs HB 360, which allows Pelican State charter schools to also function as boarding schools (ADVOCATE [BATON ROUGE]). • Still in **LOUISIANA**, Jindal also signs SB 43, which allows charter school operators to receive authorization for multiple charter schools at the same time. Those schools may be opened over a number of years (KATC.COM [LAFAYETTE]). • The **CALIFORNIA** Assembly approves SB 48, which would require textbooks to include information on the contributions of gays, lesbians and transgender Americans. It is now with Gov. Jerry Brown (D) for review (LOS ANGELES TIMES).

ENERGY: **NORTH CAROLINA** Gov. Bev Perdue (D) vetoes SB 709, legislation that would have directed her to form an offshore-energy compact with **SOUTH CAROLINA** and **VIRGINIA** and prescribed how to use oil and gas revenues those compacts might produce (CHARLOTTE OBSERVER).

ENVIRONMENT: **NORTH CAROLINA** Gov. Bev Perdue (D) vetoes SB 781, which would have prohibited, in most cases, new state environmental rules that are stronger than federal standards (CHARLOTTE OBSERVER). • **NEW HAMPSHIRE** Gov. John Lynch (D) vetoes SB 154, which would have pulled the Granite State out of the Regional Greenhouse Gas Initiative, a market-based cap and trade program to reduce carbon dioxide emissions from power plants in the Northeast (UNION LEADER [MANCHESTER]).

HEALTH & SCIENCE: **CONNECTICUT** Gov. Dannel Malloy (D) signs SB 921, which creates a state health care exchange to bring the Constitution State in line with the federal Affordable Care Act. The law goes into effect immediately (STATE NET). • Also in **CONNECTICUT**, Malloy vetoes SB 11, which would have required the state Insurance Commissioner to hold public symposiums on health insurance rate hikes of more than 10 percent (CONNECTICUT POST [BRIDGEPORT]).

In case you missed it

Dozens of states have taken action to combat the sale of legal synthetic chemicals that mimic the effects of illegal drugs like pot and cocaine. But lawmakers are finding themselves up against a formidable adversary: science.

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

http://www.statenet.com/capitol_journal/07-04-2011/html#sncj

not so much with the lawmakers he cut off. Several, including a plethora of Chiang's fellow Democrats, heaped him with venom throughout the 12-day period it took them to come up with another proposal. Alas, indignant pols will have their chance at revenge. Chiang's office has sponsored 15 bills this session. To date, six are already dead while eight either soon face hearings or are languishing in committees. At least one is safe, having made it to Gov. Jerry Brown's desk. For the record, Brown vetoed the original proposal that started this whole mess.

FLEET REDUCTION NOT SO FLEET: Budget issues were also behind Brown's January directive that California sell off 5,500 state vehicles, about half of its passenger vehicle fleet. But as the *Sacramento Bee* reports, state agencies are not exactly burning rubber to get that job done. To date, only around 32 percent of the targeted cars and trucks have been sold. It's been even tougher to get workers from taking home their state-issued vehicles, another cost-cutting measure Brown ordered. According to the *Bee*, only around 600 state vehicle home-storage permits have been rescinded, a fraction of the 2,250 Brown wanted axed. Brown promises to keep working on it.

DO AS I SAY, NOT AS I DO: It's official: Washington Gov. Christine Gregoire is the new chairman of the Western Governors Association. Gregoire is not wasting any time getting started, either, announcing her first initiative will be to promote tourism and outdoor recreation across the 19 Western states. There is, however, some irony here. As the *Spokane Spokesman-Tribune* reports, the gov made her big announcement on the same day the Evergreen State officially cut off its own tourism promotion funding and shut down the state tourism office. Gregoire said she hopes to partner with private companies to help promote the state outside its borders.

SUNDAY SCHOOL IS OPEN: Not every statehouse is in open warfare these days. Case in point comes from Oregon, where lawmakers just wrapped up a fairly harmonious session in spite of dealing with one of the biggest budget gaps in recent memory, living up to their long standing nickname as the "Sunday School of Legislatures." As the *Portland Oregonian* reports, the only rough patch at all came at the session-ending press conference when House co-speakers Arnie Roblan, a Democrat, and Republican Bruce Hanna jokingly threatened to hug notoriously prickly Senate President Peter Courtney. The challenge, most observers agreed, is how long that peace and love feeling lasts if some of the more rosy budget revenue assumptions lawmakers and Gov. John Kitzhaber signed off on don't come to fruition, thereby forcing renewed budget negotiations.

— By RICH EHISEN

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