

July 1, 2013

Rebalancing equality



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● The next issue of
● Capitol Journal will be
● available on July 8th.

Top Story

The U.S. Supreme Court issued a slew of historic rulings last week that are sure to resonate in the states for years to come.

SNCJ Spotlight

Supreme Court weighs in on major 'equal protection' cases

Last week was an historic one for the U.S. Supreme Court. The justices handed down rulings on three weighty issues that have been contested in statehouses across the country for decades: affirmative action, same-sex marriage and the Voting Rights Act. The decisions will reshape the meaning of the U.S. Constitution's equal protection clause and likely ensure continued debate on the subject in the states.



By Korey Clark

program created to ensure that students in the top 20 percent of their high school graduating classes can obtain slots at the state's universities regardless of race.

But the number of black and Hispanic students at the University of California's Berkeley and Los Angeles campuses has fallen significantly since passage of a 1996 voter referendum banning racial preferences in that state's public university admissions process, despite extensive race-neutral efforts to boost diversity.

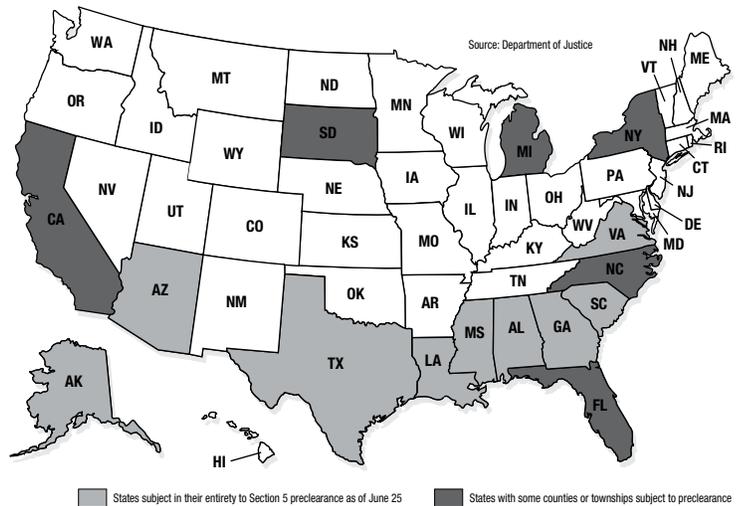
"The record shows we tried pretty much everything that seemed feasible," said Patricia Gandara, a professor of education and co-director of the Civil Rights Project at UCLA. "The university tried to be responsible in this. But the diversity challenge is getting more and more difficult."

There was much less ambiguity — and consensus among the justices — in the high court's second major decision of the week, *Shelby County v. Holder*. In a 5 to 4 vote, the court struck down a key provision of the Voting Rights Act of 1965 requiring (as of the ruling) nine states, 53 counties and two townships with a history of discrimination to seek federal preapproval before making changes to their voting laws.

"In 1965, the states could be divided into two groups: those with a recent history of voting tests and low voter registration and turnout, and those without those characteristics," Chief Justice John G. Roberts Jr. wrote for the majority. "Today the nation is no longer divided along those lines, yet the Voting Rights Act continues to treat it as if it were."

Some thought the existence of a provision in the VRA allowing covered jurisdictions that have been free of violations for ten years to "bailout" from preclearance — and which nearly 250 have successfully employed — might be enough to spare the act from judicial action. Many had also predicted the court would strike down Section 5 of the VRA, setting forth the preclearance requirement. But instead it struck down Section 4, laying out the formula for determining which states should be subject to preclearance, which included such considerations as whether a state required individuals to pass a literacy test in order to vote.

Bird's eye view



Sixteen states relieved of preclearance burden

Prior to last week's U.S. Supreme Court decision in *Shelby County v. Holder* striking down a key part of the Voting Rights Act of 1965, nine states with a history of voting discrimination were required to obtain preclearance from the U.S. Attorney General or the U.S. District Court for the District of Columbia before implementing any changes to their voting procedures. As of the date of that ruling, the Department of Justice's Voting Rights Act website also listed six states where at least some counties or townships were subject to the act's Section 5 requirement, effectively nullified by the high court.



will be able to use county commission districts Republican state legislators drew over the objections of Democrats there.

Southern conservatives were jubilant about the ruling.

“Over the last half-century, Georgia has reformed, and our state is a proud symbol of progress,” said Gov. Nathan Deal (R). “Today’s decision guarantees that Georgia will be treated like every other state — a right we have earned.”

But many conservatives didn’t have as much to cheer about the Supreme Court’s two other major rulings last week on same-sex marriage, which came just minutes apart. In the first, *United States v. Windsor*, the court overturned part of the federal

Defense of Marriage Act of 1996 — passed with bipartisan support and signed by President Bill Clinton — defining marriage as the union of a man and a woman for purposes of federal benefits. Swing-vote Justice Anthony M. Kennedy wrote the majority opinion, joined by the court’s four liberal-leaning justices, Ginsburg, Sonia Sotomayor, Elena Kagan and Stephen G. Breyer.

“Today’s decision guarantees that Georgia will be treated like every other state — a right we have earned.”

“DOMA’s principal effect is to identify a subset of state-sanctioned marriages and make them unequal,” Kennedy wrote.

The ruling will immediately extend many benefits, including Social Security survivor benefits, immigration rights and family leave, to same-sex couples in states where same-sex marriage is legal, and it will also allow the Obama administration to expand other benefits through executive action.

And although the court stopped short of declaring a federal right for same-sex couples to marry, the ruling may provide legal ammunition for those seeking to overturn state bans.

Following the announcement of the decision, Alabama’s first openly gay lawmaker, Rep. Patricia Todd (D), said she planned to challenge her state’s ban, which was approved by the state’s voters in 2006.

“The court really did open it up for us to have legal standing to challenge these,” she said.

The American Civil Liberties Union also announced it would launch a national effort to challenge state bans (see Governors in this issue).

In the court’s other action on same-sex marriage, *Hollingsworth v. Perry*, a different 5-4 majority, with Chief Justice Roberts joined by fellow conservative Justice Antonin Scalia and liberals Ginsberg, Breyer and Kagan, refused to issue a ruling on California’s same-sex marriage ban, Proposition 8, on technical grounds. The justices said the case had not been properly placed before the court because the state had declined to appeal a trial court’s decision against it and backers of Prop. 8 had appealed in the state’s place, which they were not entitled to do.



That decision leaves in place a trial court victory for two same-sex couples who had sought to marry and effectively makes California the 13th state to legalize same-sex marriage.

Attorney David Boies, who was part of the team that argued against Prop. 8, called the day of the rulings “wonderful.”

“This is a wonderful day for our plaintiffs,” he said. “It’s a wonderful day for everyone around this country, and in California in particular, that wants to be able to marry the person they love. But it’s a wonderful day for America because we have now taken another important step toward guaranteeing the promise that is in our constitution...that all people are created equal.”

But Harold Johnson, an attorney with the Pacific Legal Foundation, which argued in favor of Prop. 8 before the court, said the ruling was a major blow to California’s initiative process.

“Whether one opposes or supports Proposition 8, it’s disturbing that the U.S. Supreme Court has seriously undercut California’s venerable institutions of direct democracy,” he said. “In essence, this ruling lets elected officials pull the plug on duly enacted initiatives simply by refusing to defend them against federal lawsuits.”

“One thing that seems to be going on with these historically excluded groups is that they come to be thought of as just another interest group. Blacks seem to have crossed that line.”

The decision may lead to changes in California and other states with similar voter-backed ballot measures to ensure they are properly represented in legal actions.

Together, the week’s rulings, with the court leaning conservative on race issues and liberal on gay rights, were hard for some observers — even those who thought the decisions might go that way — to reconcile with the historical context of the 14th Amendment.

“What’s weird about it would be the retreat on race, which is the paradigm example of what the 14th Amendment is meant to deal with, coupled with fairly aggressive action on sexual orientation,” University of Chicago law professor David A. Struass told *The New York Times* days before the rulings were issued.

But he also said: “One thing that seems to be going on with these historically excluded groups is that they come to be thought of as just another interest group. Blacks seem to have crossed that line.”

Gays and lesbians, on the contrary, *Times* Supreme Court correspondent Adam Liptak pointed out in the same article, “have yet to achieve formal legal equality.”

Upcoming elections

(6/28/2013 - 7/23/2013)

7/23/2013

California Special Election
Senate District 16

California Special Primary
Assembly District 52

“They are not protected against job discrimination in much of the nation,” he said, and they “may not marry their same-sex partners in most of it.”

After last week, however, they will have their marriages recognized by the federal government in at least some of it.

(NEW YORK TIMES, WASHINGTON POST, NBCNEWS.COM, STATELINE.ORG, CNN.COM, REUTERS, DEPARTMENT OF JUSTICE, HUFFINGTON POST, ASSOCIATED PRESS, ATHENS BANNER-HERALD, CHICAGO TRIBUNE, LOS ANGELES TIMES, STATE NET, MONTGOMERY ADVERTISER, WALL STREET JOURNAL, SACRAMENTO BEE)

— *Compiled by KOREY CLARK*

Budget & taxes

S **TATE GAMBLING REVENUES SUFFER FROM CASINO SATURATION:** Even as New York and Massachusetts eye flashy new resort casinos, lawmakers in Delaware are considering whether to approve \$8 million to bolster the state’s three struggling racetrack casinos. That dichotomy raises the question of whether the mid-Atlantic region, or the country as a whole, has too many casinos.

In the case of the region, Clyde Barrow, director of the Center for Policy Analysis at the University of Massachusetts Dartmouth, answers affirmatively.

“The Mid-Atlantic states — Maryland, Delaware, West Virginia, New Jersey, Pennsylvania and soon New York — have reached saturation,” he said, meaning that the volume of available slot machines and other games meets the current demand for them.

Delaware’s take from gambling dropped from \$230 million in 2011 to \$217 million in 2012, a 5.5 percent decrease, according to data from the American Gaming Association. New Jersey’s gambling revenues dropped even more over that period, 8.2 percent, from \$278 million to \$255 million.

Not long ago, New Jersey was Delaware’s only competitor.

“Now,” said David Schwartz, director of the Center for Gaming Research at the University of Nevada, Las Vegas, “Pennsylvania and Maryland have the state surrounded, so citizens have more options.”

Delaware opened its first racino in 1995. Pennsylvania opened the first of its 11 casinos in 2007. And Maryland opened the first of its three casinos in 2010. Last fall, voters in the Old Line State approved a new casino in Prince George’s County, just south of Baltimore. Meanwhile, voters in New York, which already has nine racinos,

will decide in November whether to allow four resort-style casinos upstate, and voters in Massachusetts just approved a proposal authorizing the first of three Las Vegas-style casinos in Everett, outside Boston.

Lucy Dadayan, a senior policy analyst for the Nelson A. Rockefeller Institute of Government, says gambling in its current form has “probably reached the saturation point” not just in the Mid-Atlantic states but nationwide.

“The pool of gamblers is only that big and the expansion of casinos and racinos attracts only a smaller pool of new gamblers,” she said, noting that states like Colorado, Indiana and Missouri have also experienced sharp declines in their casino revenues.

With an annual market estimated at \$4 billion to \$6 billion, online gambling holds considerable promise, particularly for Delaware and New Jersey, which along with Nevada, are the only states that have approved it. But it is unlikely to solve those states’ gambling revenue problems completely.

“We accomplish nothing if we basically shift today’s brick and mortar customers to online,” said Delaware’s secretary of finance, Tom Cook. “We need a different set of patrons,” a younger generation, in particular.

And any advantage Delaware, Nevada or New Jersey will gain in being the first to go online won’t necessarily last, especially with another 10 states considering legalizing online gambling as well.

“It’s just a matter of time,” Cook said. (STATELINE.ORG)

ECONOMIC DEVELOPMENT OVERHAUL IN CA: California Gov.

Jerry Brown’s (D) push to overhaul the state’s nearly three-decade-old business tax incentive program faltered a bit last week, with the governor struggling to round up the “aye” votes he needed from two-thirds of the members of the Senate to pass his alternative plan. But late Thursday, lawmakers in both chambers endorsed Brown’s proposal, handing him a significant political victory.

Brown’s plan (AB 93) called for eliminating the state’s current \$750 million-per-year Enterprise Zone program and redirecting the funds into a sales tax credit to boost manufacturing and biotech research and development, incentives for hiring the poor and unemployed, and rewards for specific businesses that move to California.

Brown said the Enterprise Zone program was “wasteful.”

“It’s inefficient and not giving taxpayers the biggest bang for their buck,” he said.

Critics point to studies showing enterprise zones fail to create jobs that would not have been created otherwise, and they say most of the benefits end up going to large companies that don’t need the tax breaks. Supporters counter that the program created tens of thousands of new jobs in the state and saved more than 100,000 others from disappearing last year.

Ultimately the governor was able to come up with the 27 votes he needed in the Senate, and AB 93 passed the chamber with amendments and headed back to the Assembly for concurrence. The bill sailed through the lower chamber on a 54-

16 bipartisan vote, sending it to Brown for signing. In a statement, the governor called the bill's passage "a big bipartisan win for California businesses and working people." (LOS ANGELES TIMES, STATE NET)

SOME STATES RELY MORE THAN OTHERS ON FEDERAL AID: Some states receive financial support from the federal government equal to 40 percent of their own revenues or even more, according to a graphic published this month by the Tax Foundation.

Mississippi is the most reliant on federal assistance, with federal aid comprising 49 percent of its total general fund revenue. Not far behind are Louisiana, at 46.5 percent, and Arizona, at 45.7 percent. At the other end of the spectrum, Alaska gets only 24 percent of its general fund revenue from the federal government, while Delaware and North Dakota get 25.9 percent and 26 percent, respectively.

The percentages were calculated by dividing federal funding to each state reported in the U.S. Census as "intergovernmental revenue" by each state's general revenues, excluding revenues derived from utilities, liquor sales, and state pension fund investments. (AL.COM, TAXFOUNDATION.ORG)

BUDGETS IN BRIEF: WASHINGTON Senate leaders said last week that an agreement had been reached on the framework of a new budget to avert a government shutdown. But their counterparts in the House were quick to point out that a final accord had not been reached (COLUMBIAN). • **MICHIGAN** Gov. Rick Snyder (R) signed a \$49 billion state budget last week that sets aside more money for roads and preschool for low-income children but at least for now does not expand Medicaid eligibility (LANSING STATE JOURNAL, STATE NET). • A move in the **RHODE ISLAND** House to strip from the state budget a \$2.5 million payment on the \$75 million in bonds that drew ex-Boston Red Sox Pitcher Curt Schilling's failed 38 Studios LLC video-game company to Providence failed on a 20-54 vote, only a four-vote margin (BLOOMBERG). • **NEW JERSEY** lawmakers reached a deal with Gov. Chris Christie (R) last week on a state budget. The spending plan will reportedly resemble the \$32.9 plan the governor proposed in February (NORTHJERSEY.COM).

— *Compiled by KOREY CLARK*

Politics & leadership

TEX DEMOCRAT STYMIES ABORTION BILL...FOR NOW: Last Tuesday a little-known Texas legislator strode onto the floor of the Senate in the waning hours of a special session and began speaking. She kept on talking, without straying off topic or even leaning against her desk, for the next 11 hours. When she finally stepped off the floor early Wednesday morning, thousands new her name was Wendy Davis and that her aim was to stop a bill that would impose tough restrictions on abortions in the state.

As the 50-year old Democrat spoke, supporters thronged the Capitol gallery, and Twitter registered 400,000 tweets with the hashtag #standwithwendy. One, stating “Something special is happening in Austin tonight,” reportedly came from the official account of President Obama.

Republicans who control the chamber eventually forced Davis to end her filibuster after the chair ruled she’d strayed off topic. But her fellow Democrats stalled for another two hours — while Davis remained standing — with procedural tactics. When the vote on the abortion bill finally came, the session’s midnight deadline had already passed.

The victory for Davis, who became a single mother at 19, lived in a trailer park for a time and graduated from Harvard Law School with honors, is likely to be shortlived. Late Wednesday, Gov. Rick Perry (R) called another special session for July 1, at which the abortion bill is almost certain to be taken up again. (WASHINGTON POST, CNN.COM)

CA CHANGES COURSE ON PUBLIC RECORDS LAW: Included in the budget bill passed in California this month was a provision changing the state’s public records law to make it optional for local governments to fulfill record requests quickly and in electronic form. Gov. Jerry Brown (D) and Democratic legislative leaders had sought the change to potentially save the state tens of millions of dollars in reimbursements to local authorities.

But facing a growing outcry from news organizations, good government groups and citizens, the governor and lawmakers reversed course.

“A lot of folks are waking up on this issue, and there is a hue and cry about it, and we want to be responsive to that,” said Assembly budget committed chairman Robert Blumenfield (D).

The plan they came up with was proposing a constitutional amendment to require local governments to comply with all of the provisions of the state’s public records act and cover all of the expenses incurred in the process.



Local governments are sure to be unhappy about that idea but some observers said they were excited at the prospect of the issue being resolved permanently by putting public record rules in the state Constitution.

“The constitutional amendment is the absolute best solution to the problem,” said Jim Ewert, general counsel for the California Newspaper Publishers Association. “It completely bypasses the requirement that the state reimburse local agencies for essentially performing a fundamental duty.” (LOS ANGELES TIMES, STATE NET)

GUN SUPPORTERS WIN AND LOSE IN CO, CT: Gun rights advocates have submitted enough signatures to force the first-ever recall election in Colorado. Gun rights supporters targeted Senate President John Morse (D) and Sen. Angela Giron (D) for recall because of their support for a package of gun-control bills spurred by mass shootings in Colorado and Connecticut last year and signed into law by Gov. John Hickenlooper (D) in March.

Meanwhile, firearms manufacturer Magpul Industries has announced it is leaving Colorado because of the state’s new law banning high capacity magazines. And at least one rifle maker is planning to move out of Connecticut because of a new ban on assault weapons enacted there in April.

“You know, I knew that day — once I finished reading this bill, I knew if it passed and became the law of the land, we really wouldn’t have a choice but to move,” said Josh Fiorini, CEO of PTR Industries, which makes semi-automatic rifles at a factory in Bristol. (WASHINGTON TIMES, NATIONAL PUBLIC RADIO)

POLITICS IN BRIEF: The U.S. Supreme Court struck down an **ARIZONA** law requiring people registering to vote in national elections to show proof of citizenship. In a 7-2 vote, the court ruled the voter registration provision of the state’s 2004 law known as Proposition 200 was superseded by the National Voter Registration Act of 1993 (REUTERS). • As a result of the \$5,000 pay increase approved last week by the **CALIFORNIA** Citizens Compensation Commission, lawmakers in the state will make more money than about 85 percent of year-round, full-time workers. The median annual salary for full-time California workers in 2011 was about \$47,000, while lawmakers will soon make \$95,291 per year (SACRAMENTO BEE). • No woman was nominated for statewide office in

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: 218

Number of Intros last week: 1,021

Number of Enacted/Adopted last week: 1,421

Number of 2013 Prefiles to date: 26,090

Number of 2013 Intros to date: 125,143

Number of 2013 Session Enacted/Adopted overall to date: 33,125

Number of bills currently in State Net Database: 143,404

— Compiled By FELICIA CARILLO
(measures current as of 6/26/2013)
Source: State Net database



VIRGINIA this year. And Mary Sue Terry, attorney general from 1986 to 1993, is the only woman ever to have won statewide office in the state (WASHINGTON POST).

- U.S. Rep. Edward J. Markey (D-**MASSACHUSETTS**) defeated Republican political-newcomer Gabriel Gomez in a special election last Tuesday to fill the seat of former U.S. Sen. John Kerry. Kerry stepped down this year to serve as secretary of state (NEW YORK TIMES).

— *Compiled by KOREY CLARK*

Governors

GOVNS BRACE FOR MARRIAGE FIGHT TO RETURN TO STATES: Governors reacted somewhat predictably to the Supreme Court’s historic decisions supporting same-sex marriage last Wednesday, with Democrats hailing the rulings and Republicans bemoaning them. But there is one thing both sides can agree on: the battle over gay marriage is sure to now shift back to the states.

New Jersey Gov. Chris Christie was one of the first GOP governors to react to the court’s decision to toss out the main components of the Defense of Marriage Act, the federal law that barred same-sex couples from receiving federal benefits through their partner or spouse. On his monthly radio show, Christie called the decision “just another example of judicial supremacy rather than having a government run by the people we actually vote for.” He reiterated that he would again veto any legislation legalizing gay marriage in the Garden State, insisting the matter should be decided instead by a voter referendum. Christie vetoed a bill to legalize same-sex marriage in 2012.

Christie’s reaction was in direct contrast to Democratic governors like Missouri’s Jay Nixon, who called the striking down of DOMA “an important step forward,” saying “none of us wants to live in a society that condones discrimination.” New Hampshire Gov. Maggie Hassan (D) echoed his sentiment, calling the ruling “an historic step forward,” noting that “now, for the first time, all married couples, no matter their gender, will receive the fair and equal treatment under the law that they so rightly deserve.”

In California, Gov. Jerry Brown (D) reacted quickly to the court’s refusal to uphold Proposition 8, the state’s constitutional ban on same-sex marriage. Shortly after the ruling, he announced a directive to county clerks to begin issuing marriage licenses to same-sex couples as soon as the 9th U.C. Circuit Court of Appeals lifts its stay on their original ruling that overturned the law.

Advocates on both sides of the issue also made it clear they would focus their efforts now in the states, with Illinois, which allows same-sex civil unions but not marriage, the likely next focal point. The Prairie State Senate approved a bill



legalizing same-sex marriage earlier this year (SB 10), but it has stalled in the House. Gov. Pat Quinn (D) has urged House lawmakers to endorse the bill when they return in November for their veto session. He has vowed to sign the measure if they do. An openly gay Alabama lawmaker has also announced she will file a legal challenge to her state’s constitutional ban on gay marriage (See *SNCJ Spotlight* in this issue).

Just a day after the Supreme Court decisions, the American Civil Liberties Union announced it had hired Republican strategist Steve Schmidt, a former adviser to both President George W. Bush and John McCain’s (R-AZ) 2008 presidential campaign, to lead a campaign to garner support for gay marriage in GOP-leaning states. The ACLU said it has a war chest of \$10 million in place to fund the effort.

Opponents are expected to mount similar campaigns against expansion of same-sex marriage, with some predicting the court’s rulings will be a catalyst for their efforts.

“These court decisions could be a real boon to our fund-raising,” said Frank Schubert, a conservative political consultant and vice president of the National Organization for Marriage, told the *New York Times*. “People tend to react when the wolf is at the door.” (NEW YORK TIMES, CALIFORNIA GOVERNOR’S OFFICE, USA TODAY, NPR.ORG, POLITICO, STAR-LEDGER [NEWARK], UNION LEADER [MANCHESTER], ST. LOUIS POST-DISPATCH, WASHINGTON POST)

CUOMO SEEKS IT ALL, GETS NOTHING: New York Gov. Andrew Cuomo (D) said last week he still believes most of his 10-point proposal to improve women’s rights (see “CUOMO UNVEILS WOMEN’S RIGHTS AGENDA” in the June 10 *SNCJ*) will become law. If so, it will have to come somewhere down the road after lawmakers failed to adopt the plan before ending the session for this year.

Cuomo and many of the women’s groups who supported the proposal had initially insisted that lawmakers endorse the entire package, including a controversial measure to strengthen abortion rights for Empire State women. The Democrat-controlled Assembly went along, approving all 10 tenets as part of a single bill. But the Senate, which is run by a coalition of Republicans and Democrats, did not cooperate. It instead broke it into 10 separate bills, endorsing all but the abortion measure.

The Senate’s action created a rift between the proposal’s supporters, with Cuomo and some women’s groups urging the Assembly to adopt the Senate plan even if it meant dropping the abortion element. But that did not go over well with abortion rights advocacy groups like NARAL Pro-Choice New York, which continued to push the Assembly to hold its ground. The chamber did just that, choosing to close up shop and leave town, killing the entire package for the year.

Cuomo later issued a statement indicating he will continue to push the agenda to voters, saying “the public will hold individual legislators accountable if they

Upcoming stories

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

- **Prison reform**
- **GMO issues**
- **Health reform**



stand in the way of finally achieving equality for women in New York State.” (NEW YORK DAILY NEWS, BLOOMBERG BUSINESSWEEK, NEW YORK TIMES)

In case you missed it

With immigration reform finally making headway in Congress, state and local governments fear they may bear the financial brunt of providing services to newly legal residents. In case you missed it, the article can be found on our website at

http://www.statenet.com/capitol_journal/06-17-2013/html#snj_spotlight

BROWN ORDERED TO CULL CA INMATES:

California Gov. Jerry Brown (D) reluctantly asked lawmakers for \$450 million over the next two years to pay for moving almost 10,000 inmates out of Golden State prisons. Brown made the request after a federal three-judge panel on June 20 ordered the state to cull the inmates from the system by the end of the year. Those inmates would come from a list of “low risk” offenders Brown was also ordered to submit to the panel. He submitted that list last Monday.

The order is part of an ongoing fight California has waged with the federal court system for decades over the state’s unconstitutionally overcrowded prisons, which are currently at approximately 150 percent capacity. The panel has ordered the state to get to 137.5 percent capacity by December. Brown issued a terse one-line statement after the panel’s decision, saying the state would “seek an immediate stay of this unprecedented order to release almost 10,000 inmates by the end of this year.”

The funds Brown requested from lawmakers would pay for leasing around 4,100 beds in county jails and sending another 8,500 inmates to private out-of-state lockups. (LOS ANGELES TIMES, SACRAMENTO BEE, CALIFORNIA GOVERNOR’S OFFICE)

GOVERNORS IN BRIEF: The MAINE House and Senate sustained over a dozen vetoes issued by Gov. Paul LePage (R), though lawmakers were successful in overriding his veto of a two-year budget (BANGOR DAILY NEWS).

• **CALIFORNIA** Gov. Jerry Brown (D) signs legislation (AB 246) that adds the governor to the list of people with whom local lawmakers can meet confidentially to discuss public safety issues (LOS ANGELES TIMES). • **LOUISIANA** Gov. Bobby Jindal (R) signs six gun bills, including HB 8, a measure penalizing the intentional publication of the personal information of concealed handgun permit holders, and HB 6, which allows off duty police to carry weapons onto school campuses (TIMES-PICAYUNE [NEW ORLEANS]). • **MICHIGAN** Gov. Rick Snyder (R) declined to call the Senate into a special session to vote on his proposal to expand Medicaid coverage to about 400,000 Wolverine State residents. Snyder said he plans to urge health care officials and business leaders to pressure lawmakers to reconvene and adopt the House-passed measure this week (DETROIT NEWS). • **TEXAS** Gov. Rick Perry (R) has called for a second special legislative session in an effort to pass what many have called the strictest abortion-restriction law in the nation (see Hot Issues in this issue). The session begins on July 1 (CBSNEWS.COM).

— Compiled by RICH EHISEN

Hot issues

B **USINESS:** The **OREGON** House passes HB 3162, which would establish a public database to track 19 toxic chemicals commonly used in children’s products and require companies with gross sales of more than \$5 million per year to report the presence of any of the chemicals in their products. It is now in the Senate (STATE NET, CORVALLIS GAZETTE-TIMES). • **HAWAII** Gov. Neil Abercrombie (D) signs SB 482, which exempts home-based agricultural honey producers from a requirement that they process their product in a certified honey house and obtain a permit. The exemption is limited to producers who sell less than 500 gallons of honey a year and who sell directly to consumers or a retailer that sells directly to consumers (HONOLULU STAR ADVERTISER, HAWAII GOVERNOR’S OFFICE). • The U.S. Supreme Court rules that generic drug makers cannot be sued under state law for adverse reactions to their products. The justices overruled a **NEW HAMPSHIRE** law, saying it did not supersede federal laws on prescription medicines whose design has been approved by the U.S. Food and Drug Administration (REUTERS). • The U.S. Supreme Court also rules that workplace discrimination can only be committed by a supervisor who has the ability to hire and fire, rather than merely direct work assignments. The ruling rejected an **INDIANA** plaintiff’s argument that she had been harassed by co-workers who were not her boss (USA TODAY). • **ARIZONA** Gov. Jan Brewer (R) signs HB 2281, which requires Grand Canyon State landlords to give tenants five days written notice when their property goes up for foreclosure sale (ARIZONA CAPITOL TIMES [PHOENIX]). • **MISSOURI** Gov. Jay Nixon (D) signs SB 157, which requires that documentation be kept for each sale of a scrap catalytic converter. That record must include the seller’s gender, birth date and a photograph, a full description of the metal, the purchase price, and the license plate number of the vehicle used to haul the scrap metal (MISSOURI GOVERNOR’S OFFICE).

CRIME & PUNISHMENT: The **RHODE ISLAND** House approves SB 454, a bill that would bar the manufacture, sale or possession of marijuana- and cocaine-like synthetic drugs often sold as incense or bath salts. The measure moves to Gov. Lincoln Chafee (D) for review (STATE NET, PROVIDENCE JOURNAL). • **NORTH CAROLINA** Gov. Pat McCrory (R) signs SB 306, a bill that repeals a 2009 law that allowed death row inmates to have their sentence reduced to life in prison if they could prove their sentence was due to racial bias (CHARLOTTE OBSERVER). • **ALASKA** Gov. Sean Parnell (R) signs HB 24, so-called “stand your ground” legislation that allows residents to use deadly force in self defense anywhere they have a legal right to be (ANCHORAGE DAILY NEWS). • **LOUISIANA** Gov.

Bobby Jindal (R) signs HB 442, which will allow nonviolent drug offenders to gain early release from jail if they participate in rehabilitation programs (TIMES-PICAYUNE [NEW ORLEANS]). • The **NEW JERSEY** Senate approves AB 2948, which would require out-of-state law enforcement officials to notify local police when they conduct counter-terrorism operations in the Garden State. It moves to Gov. Chris Christie (R) for review (NORTHJERSEY.COM).

EDUCATION: The **MAINE** House and Senate approve SB 585, legislation that would replace the state A-F grading system for schools implemented earlier this year. It moves to Gov. Paul LePage (R), who is expected to veto it (BANGOR DAILY NEWS). • **LOUISIANA** Gov. Bobby Jindal (R) signs HB 724, which allows students to gather before and after school and during “non-instructional” times of the day for prayer sessions (TIMES-PICAYUNE [NEW ORLEANS]). • Still in **LOUISIANA**, Gov. Jindal signs SB 127, legislation that prohibits Pelican State schools from administering the ACT college entrance exam to students with disabilities who are not pursuing a regular high school diploma (TIMES-PICAYUNE [NEW ORLEANS]). • The **OREGON** House passes SB 132, which would require parents who wish to opt out of vaccinations for their children to submit a doctor’s message attesting that they have been informed of the benefits and risks of immunization, or a certificate that they have watched an educational video prepared by the state. It moves to Gov. John Kitzhaber (D) for review (STATESMAN JOURNAL [SALEM]). • The U.S. Department of Education grants the **ALABAMA** Department of Education a waiver from most No Child Left Behind requirements. The Heart of Dixie becomes the 39th state to obtain a federal waiver from NCLB requirements (MONTGOMERY ADVERTISER). • **DELAWARE** Gov. Jack Markell (D) signs HB 165, a bill that adds additional screening requirements for starting a charter school and implements a series of rules meant to encourage high-performing charters while encouraging the demise of low-performing ones (DELAWARENEWS.COM).

ENERGY: President Barack Obama announces he will issue an executive order directing the U.S. Environmental Protection Agency to draft rules regulating carbon emissions from new and existing power plants. Other promised aspects of the order would boost renewable energy production on federal lands, increase efficiency standards and prepare communities to deal with higher temperatures caused by global climate change (KANSAS CITY STAR).

ENVIRONMENT: The **NEW JERSEY** Assembly endorses SB 1085, which would require the state Department of Environmental Protection to establish a program to manage the Garden State’s 600,000 acres of protected forests. The plan, which would allow the harvesting of trees in specified forests, moves to Gov. Chris Christie (R) for review (NORTHJERSEY.COM). • **ILLINOIS** Gov. Pat Quinn (D)



signs SB 1715, which makes the Prairie State the first in which hydraulic fracturing operators will be required to submit pre- and post-fracturing chemical disclosures to the state, perform pre- and post-fracturing water testing and provide a pre-drilling baseline water test and then follow-up tests six months, 18 months and 30 months after operations have concluded. Storage of post-fracking waste fluids must also be in above-ground closed tanks, rather than traditional pits. It takes effect immediately (ILLINOIS GOVERNOR’S OFFICE, CHICAGO TRIBUNE). • **HAWAII** Gov. Neil Abercrombie (D) announces he will veto HB 619, which would make it illegal for Aloha State residents to feed feral birds. Violators would face fines (HONOLULU STAR ADVERTISER).

HEALTH & SCIENCE: The **MAINE** House falls two votes short of overriding Gov. Paul LePage’s (R) veto of HB 759, which would have allowed the state to expand Medicaid eligibility in the Pine Tree State (BANGOR DAILY NEWS).

• **ARIZONA** Gov. Jan Brewer (R) signs HB 2045, which requires doctors and hospitals to make available to the public the price of their most commonly provided services. Doctors will be required to post pricing for their 25 most commonly performed services, while hospitals must post the costs for their top 50 services (ARIZONA GOVERNOR’S OFFICE). • The **NEW JERSEY** Assembly approves SB 2842, a bill that would eliminate the need for written consent from both a pediatrician and a psychiatrist for juveniles to be eligible to be treated with medical marijuana. Under the measure, which now moves to Gov. Chris Christie (R) for review, treatment could begin with only one medical professional’s approval (STATE NET, PHILADELPHIA INQUIRER). • The **OREGON** House approves HB 3460, which would create a state licensing system for medical marijuana retailers. It moves to the Senate (PORTLAND OREGONIAN). • Also in **OREGON**, the House approves SB 604, legislation that would create a single credentialing system for Beaver State health care providers. Under the current system, doctors must be credentialed by hospitals and insurers separately. The measure moves to Gov. John Kitzhaber (D) for review (PORTLAND OREGONIAN). • **CALIFORNIA** Gov. Jerry Brown (D) signs AB 1X-1 and SB 1X-1, two bills which collectively authorize the Golden State to expand its Medicaid program to cover more than 1 million additional residents in accordance with the Affordable Care Act (STATE NET).

IMMIGRATION: A three-judge panel of the 9th U.S. Circuit Court of Appeals upholds a 2006 voter-approved **ARIZONA** constitutional amendment which bars judges from releasing unauthorized immigrants who have been accused of certain serious offenses “if the proof is evident or the presumption great as to the present charge.” Opponents of the law said they will appeal the decision to the full court (EAST VALLEY TRIBUNE [MESA]).



SOCIAL POLICY: The **TEXAS** Senate fails to adopt SB 5, a bill that would have banned abortion after the 20th week of pregnancy, required physicians to have hospital admitting privileges within 30 miles of an abortion facility, required the procedure to be performed in ambulatory surgical centers and doctors to administer drugs that induce abortion in person. The Senate actually approved the measure on a 19-10 vote after an 11-hour opposing filibuster by Sen. Wendy Davis (D) and another two hours of Democratic procedural maneuvering, but the vote came minutes after the midnight deadline, making it invalid (TEXAS TRIBUNE [AUSTIN]). • The **NEW JERSEY** Senate approves SB 2814, which would allow adoptees to obtain a copy of their birth certificate and to request information about their family history. The measure is now in the Assembly (STAR-LEDGER [NEWARK]). • Staying in **NEW JERSEY**, the Assembly approves AB 3371, which would ban mental health providers from using so-called “gay conversion” therapy on gay minors. It moves to the Senate (STAR-LEDGER [NEWARK]). • **ARIZONA** Gov. Jan Brewer (R) signs HB 2205, which bars welfare recipients from using cash benefits at liquor stores, casinos, gaming and racing facilities or adult entertainment establishments (ARIZONA GOVERNOR’S OFFICE). • Also in **ARIZONA**, Gov. Brewer vetoes HB 2144, which would have allowed foster children to be adopted while their birth parents were still fighting to keep them (ARIZONA CAPITOL TIMES [PHOENIX]). • **PENNSYLVANIA** Gov. Tom Corbett (R) signs legislation that bars insurers selling insurance through an as-yet-to-be created health benefits exchange from including abortion services in that coverage (PATRIOT-NEWS [HARRISBURG]). • **LOUISIANA** Gov. Bobby Jindal (R) vetoes SB 162, which would have created a new legal and regulatory framework for surrogate births in the Pelican State (TIMES-PICAYUNE [NEW ORLEANS]).

POTPOURRI: In an effort to prevent gasoline shortages during natural or other disasters, the **NEW JERSEY** Assembly approves AB 3930, a bill that would allow gas stations to get zero-interest loans to pay for wiring gas stations to generators. It moves now to the Senate (NORTHJERSEY.COM). • **PENNSYLVANIA** Gov. Tom Corbett (R) signs SB 644, which allows wild boars to continue being imported to the Keystone State for hunting on private ranches (STATE NET, PHILADELPHIA INQUIRER). • **HAWAII** Gov. Neil Abercrombie (D) signs several animal protection bills, including SB 6, which bars the use of steel-jawed leg-hold traps and limits the use of snares and certain other traps in residential areas where domesticated pets may fall victim and suffer serious injury (HAWAII GOVERNOR’S OFFICE).

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

CAPITOL CRIMES AND MISDEMEANORS: As a concept, a novel about corrupt, sex-crazed politicians is not exactly, well, novel. But when the author is the wife of a well known former California lawmaker, and said novel contains numerous plot points that bear more than a passing resemblance to actual events that took place under the Capitol dome in Sacramento, people take notice. Although “Tea Party Teddy,” written by Dianne Harman, wife of former GOP Assemblyman and Senator Tom Harman is not likely to make any best seller lists — if a preview chapter on Amazon.com accurately reflects the rest of the book, it’s the writing that’s criminal — Capitol types will no doubt be checking to see if they recognize themselves in any of the book’s lusty, power-mad characters. In an email detailed in the *Sacramento Bee*, Harman acknowledges that some actually are doppelgangers for the real thing, but “the names have been changed to protect the not-so-innocent.”

WHERE THERE’S SMOKE, THERE’S...YOGA? Former California Gov. Arnold Schwarzenegger was renowned for the smoking tent he kept in the private courtyard adjacent to his office in the Capitol. But current Gov. Jerry Brown, a self-acknowledged health aficionado, has no use for such things. Not that he ignores the spot. In fact, the gov recently had a ping pong table placed there, and last week his office posted a picture on Twitter of Brown playing against a visiting Chinese government official. Other uses abound. As the *Sacramento Bee* reports, about 20 administration employees gathered there recently to practice their yoga. No word if Sutter, Brown’s celebrity Welsh Corgi, was on hand to lead them in a bit of downward facing dog.

HIS HEROES HAVE ALWAYS BEEN COWBOYS: And they still are it seems. Speaking to some grade school kids recently, New Jersey Gov. Chris Christie issued a shocking admission: he is a Dallas Cowboys fan! And how does a guy who otherwise lives and breathes all things Jersey end up a fan of a team in Texas instead of the hometown New York Giants, who only play their home games in the Meadowlands, for crying out loud? Amid a plethora of boos, Christie told the kids he became a Cowboys fan when he was about their age, mostly because he liked their All Pro quarterback, Roger Staubach. It also didn’t help that the Giants of the day were awful, leading Christie’s father to spend a lot of Sunday afternoons yelling at the TV...which, as the *NFL Network* reports, led young Christie to ironically ask himself, “Why would I want to root for a team that makes you angry?”



CULINARY STIMULUS, BADGER STYLE: Based on the last few years of political warfare in Wisconsin, one might think Badger State pols cannot agree on anything. That would be wrong. Pastries have brought the two sides together. As the *LaCrosse Tribune* reports, three Dems and three Reeps recently sent Gov. Scott Walker a letter urging him not to veto a portion of a budget bill that dubs the kringle — a large donut-like thingie made predominantly in Racine County — the official state pastry. The gang of six claims making the kringle the state’s go-to goodie will boost the county’s bottom line. That part may be true, but we’re pretty sure munching down on kringles has already given plenty of folks in Racine a big boost to their personal bottom lines. No word yet from the gov on what he’ll do.

READY AND RARING TO GO: There was no shortage of pontificating and bloviating on all sides of the gay marriage issue last week. But one of the best and briefest commentaries came from California Assemblyman Tom Ammiano, one of several openly gay Golden State lawmakers. Rushing into a press conference from chairing a committee meeting, Ammiano said a few lines and then summed up his personal joy over the rulings by saying he was “ready to say ‘yes’ to the dress,” a reference to the popular cable show of that name based in a Manhattan bridal shop. He then scurried back out the door, but not before reminding a few colleagues he needed their votes on pending bills.

— *By RICH EHISEN*



Editor: Rich Ehsen — capj@statenet.com
Associate Editor: Korey Clark — capj@statenet.com
Contributing Editors: Mary Peck
Editorial Advisor: Lou Cannon
Correspondents: Richard Cox (CA), Steve Karas (CA),
James Ross (CA), Lauren Davis (MA) and
Ben Livingood (PA)
Graphic Design: Vanessa Perez
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