

A Burning Issue



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September 13, 2010

Budget & taxes Publicly funded stadiums bad investment	5
Politics & leadership FL GOP nationalizing local and state races	7
Governors Rendell against halting shale drilling	10
Bird's eye view	2
Hot issues	12
Once around the statehouse lightly	15

The next issue of
 Capitol Journal will be
 available on September 20th.

Top Story

More and more smokers are turning to electronic cigarettes to break their traditional tobacco habits. But federal and state authorities are skeptical about the e-cigs' safety.

SNCJ Spotlight

States, feds grapple with fast growing e-cigarette industry

On any given day, approximately 45 million Americans will light up a traditional tobacco cigarette...or two or three or more. But in recent years, a growing number of smokers have given up their usual brand in favor of an electronic cigarette that allows them to inhale a liquid vapor, usually but not always containing nicotine, instead of dry tobacco. While e-cigarette sellers hail the product as a clean, safe alternative to standard cigarettes, the federal Food and Drug Administration and a growing number of states disagree.



Introduced in China around 2002, e-cigarettes often look and feel like the real thing, but are made of plastic and metal and powered by a small battery that heats a liquid solution in the “cigarette’s” disposable cartridge. Many even have a glowing tip like a real cigarette.

The faux butts began showing up in America in 2006 and quickly caught on with smokers, many of whom used them as a means to cut back on their “real” habit. According to some estimates, the number of new e-cigarette users worldwide increases by 20,000 a day, and the total market value now stands at \$100 million. Some sellers, however, dispute those figures.

“There is no way to know what the total market really is,” says Ron MacDonald, CEO of Crown 7, an ARIZONA-based company that sells e-cigarettes and accessories online. “Is it more than \$5 million a year? Yes. Is it less than \$100 million? I’d say so.”

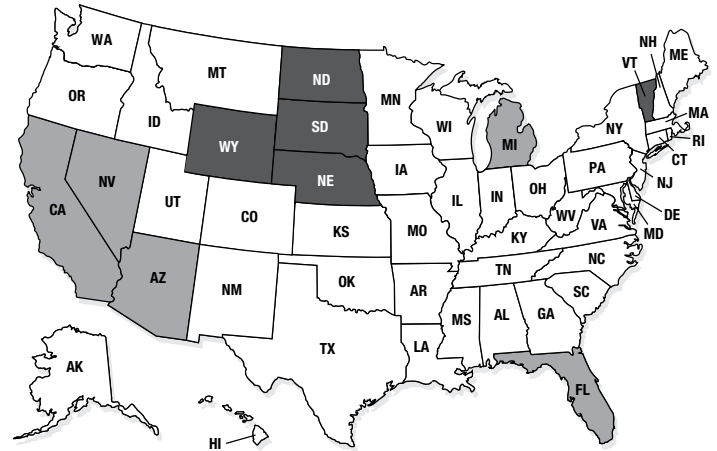
Whatever the actual size of the market, e-cigarettes have clearly struck a nerve with federal regulators and some state lawmakers.

One primary issue is whether e-cigarettes are safe. This may seem like a dubious argument in light of the known health dangers of the product they are replacing, but the FDA contends it is anything but. According to a report issued last year, an initial FDA study of a handful of e-cigarette brands found a number of quality control issues, including some cartridges containing chemicals known to be toxic to humans.

Dr. Prue Talbot, a researcher at the University of California Riverside, also notes that while many scientists agree that e-cigarettes are likely less directly harmful than their tobacco cousins, they are still concerned about the long-term effects of these chemicals on heavy users.

“We don’t know that yet because there has not been that kind of study,” she says. But Talbot notes that her own research has indicated several significant concerns, including often-misleading labeling on the liquid cartridges that could result in users

Bird’s eye view



Source: Associated Press, Yahoo News

■ Most economically stressed states in July ■ Least economically stressed states

Nevada still most economically stressed state

NEVADA remains the most financially stressed state in the nation, according to the Associated Press’ most recent monthly analysis of economic conditions around the country. NEVADA’s AP Stress Index score, which has been the nation’s highest for most of the year, rose eight tenths of a point to 22.1 in July. Put another way, 1 in 4.5 Nevadans was either unemployed, had a home in foreclosure or had filed for bankruptcy as of last month. While the most fiscally stressed state became more so, the opposite is true of the state at the opposite end of the AP’s index, NORTH DAKOTA, which saw its stress score dip half a point to 4.24.



inhaling far more nicotine than they think they are. She says that the liquid tends to leak and stick to the user's hand, noting research she says "shows nicotine may be converted into carcinogens."

But one of the biggest concerns for most e-cigarette opponents is how they are marketed. Some sellers have sold them as a safe and easy way to help smokers kick their habit, a claim the FDA says would require sellers to undertake expensive clinical trials to prove. Others note that the product often comes in flavors like bubble gum and chocolate, leading opponents to accuse sellers of targeting teenagers.

"These products are clearly being marketed to young people," says Talbot. "We could end up with a lot of young people developing a lifetime addiction to nicotine they would not have otherwise."

But Crown 7's MacDonald vigorously disputes that contention.

"Nobody in this business wants to sell to minors," he says. "Be realistic. No kid is going to spend \$100 [starter kits run anywhere from \$60-\$120] for electronic cigarettes when there are so many similar products they can get cheaper, including real tobacco cigarettes."

But that concern has clearly resonated with lawmakers. According to State Net, at least seven states considered bills in 2010 to regulate e-cigarettes, including ILLINOIS, NEW YORK, ARIZONA and MARYLAND. Movement has been sporadic, though a few bills have shown some legs. In ILLINOIS, for instance, SB 3174 has cleared the Senate and is now pending in the House. That measure would bar sale of e-cigarettes until the product achieves FDA approval. Another measure, NEW YORK Assembly Bill 9529, which would bar the sale of e-cigarettes only to minors, cleared the Assembly and is now in the Senate.

A similar bill in CALIFORNIA, SB 882, has been endorsed by the Legislature and awaits action from Gov. Arnold Schwarzenegger (R). The governor vetoed a bill last year (CA 2009 SB 400) that would have barred the sale of e-cigarettes entirely in the Golden State. He has not indicated what he will do with this year's bill. His veto message from last year, however, noted that while he supported barring the sale of e-cigarettes to minors, "if adults want to purchase and consume these products with an understanding of the associated health risks, they should be able to do so unless and until federal law changes the legal status of these tobacco products."

The week in session

States in Regular Session: DC, MI, NY, OH(if needed), PA, PR, US

States in Recess: CA, NJ

States in Special Session: PA "a"

Special Sessions in Recess: CA "f", CT "a", CT "b", DE "b", NY "w"

Upcoming Special Sessions: VA "a"
Regarding ABC Privatization TBA - Nov.

States in Informal Session: MA

States in Veto Session: MO (09/15/2010), NH (10/13/2010)

States Currently Prefiling or Drafting for 2011: FL, KY, MT, ND, NV, VA

States Adjourned in 2010: AK, AL, AR, AZ, CO, CT, DE, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MN, MO, MS, NC, NE, NH, NM, OK, RI, SC, SD, TN, UT, VA, VT, WA, WI, WV, WY

State Special Sessions Adjourned in 2010: AZ "a", AZ "b", AZ "c", AZ "d", CA "e", CA "h", FL "a", HI "d", HI "e", KY "a", MN "a", MO "a", MS "a", MS "b", NH "a", NJ "a", NM "a", NV "b", NY "w", OR "a", TN "a", WA "a", WI "b", WV "a", WV "b"

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS
(session information current as of 9/3/2010)
Source: State Net database

While some measures remain in doubt, things are far more certain in UTAH, where in March Gov. Gary Herbert (R) signed HB 88, which enacts a number of e-cigarette restrictions. Those include barring the use of a fake ID to buy them, prohibiting them in schools, mental health and correctional facilities and making it illegal to provide them to a minor. Last January, former NEW JERSEY Gov. Jon Corzine (D) signed a bill (2008 AB 4227) banning e-cigarettes in workplaces and other indoor public places and prohibiting their sale to minors. NEW HAMPSHIRE Gov. John Litch (D) signed HB 1541, a measure that bars the sale of e-cigarettes and nicotine juice — the liquid that they use — to minors.

The only outright ban, however, is in OREGON, where in 2009 Attorney General John Kroger successfully sued a trio of retailers and Sottera, Inc., the national distributor of e-cigarette NJOY, to stop the sale of those products in the Beaver State. In August of this year, the state also reached an agreement with FLORIDA-based Smoking Everywhere Inc., one of the nation’s largest e-cigarette sellers, in which the company agreed to pay \$120,000 in fines and to stop selling any tobacco or e-cigarette products in the state.

The dual between e-cigarette sellers and the FDA could come to a head very soon. The FDA has challenged a January federal court ruling that said the agency overstepped its authority by deeming e-cigarettes smoking cessation drug-delivery devices, arguing they should be regulated under the much more lenient rules applied to traditional tobacco and cigarette products. A federal court is set to begin hearing oral arguments in the case this month.

In the meantime, e-cigarette user Angela Carmi of Sacramento, CALIFORNIA, says she is not likely to change her “vapor-habit” any time soon. A smoker for two decades, Carmi says she switched from tobacco to the vapor version about six months ago in an effort to stop smoking entirely. She is aware of the health concerns, but says the e-cigarettes’ benefits far outweigh the negatives. Like many smokers, Carmi cites the appeal of being able to feel like she is smoking a real cigarette, something that nicotine gums and patches don’t provide.

“The e-cigarette offers me something that in a moment of weakness won’t set me back to square one,” she says.

The court’s ruling on the FDA challenge could go a long way toward whether Carmi and her fellow e-cigarette aficionados are able to access the product in the future. As UC Riverside’s Talbot sees it, it could determine how states move forward from here as well. In her view, the FDA has a sound argument.

“This is not really a tobacco product, it is a drug delivery product,” she says. “If the FDA doesn’t do more, then more states will get involved.”

— By RICH EHISEN

Budget & taxes

PUBLICLY FUNDED STADIUMS BAD INVESTMENTS: Seattle's Kingdome was razed in 2000. But residents of WASHINGTON's King County still owe more than \$80 million on the stadium. And they're not alone. Taxpayers are still paying for abandoned stadiums in numerous other U.S. cities, including Houston, Kansas City, MISSOURI, Memphis and Pittsburgh.

But the granddaddy of all sports facilities-cum-financial albatrosses is NEW JERSEY's Giants Stadium, demolished in May to make way for the New Meadowlands Stadium. The former home of the New York Giants and New York Jets football teams still carries about \$110 million in debt, or about \$13 for every Garden State resident.

The stadium was part of the Meadowlands Sports Complex, which included the Izod Center, the previous home court of the NBA's New Jersey Nets and home ice of the NHL's New Jersey Devils as well as a horseracing track, which opened in 1976. At first, the complex was a success. The stadium sold out regularly despite mediocre teams. And the New Jersey Sports and Exposition Authority, which ran the complex, made enough money in its first six years to cover its interest and principal payments and even send \$60 million in profits to the state.

"Initially, the complex had a strong economic rationale," said James W. Hughes, the dean of Rutgers University's Edward J. Bloustein School of Planning and Public Policy. "But this being NEW JERSEY, they couldn't leave well enough alone. All of a sudden, what had been a net revenue producer gradually slipped into the red."

In the 1980s, a recession, casinos in Atlantic City, off-track betting in NEW YORK and state-run lotteries eroded the racetrack's take, which made up the bulk of the Authority's income. Seeking additional revenue, the Authority attempted to build a new stadium to lure the Yankees from New York City. But it had \$356 million in bonds to pay off, and racetrack attendance was continuing to fall.

The Authority asked lawmakers to return the \$60 million it had given the state, but they refused. Then, voters rejected a \$185 million stadium bond proposal. The speaker of the Assembly at the time, Charles L. Hardwick, said the Authority needed "better long-term planning and a cost-cutting program, not a massive infusion of state money, in order to maintain good financial health." But by 1992, with the Authority's finances further strained, the state began taking its debts onto its balance sheet.

Up until the 1960s, public works projects were confined mainly to bridges, roads and other basic infrastructure that was used by all and wasn't likely to be built by the private sector. With very few exceptions, such as County Stadium in Milwaukee, sports teams built their own stadiums.



But when pro sports began expanding into cities across the country, politicians and business leaders began pushing for taxpayer-funded stadiums to attract teams. New York built Shea Stadium, for instance, for the expansion Mets, and Oakland built a stadium to lure the Athletics away from Kansas City, MISSOURI. Occasionally, politicians argued that the stadiums would generate enough revenue to cover the cost of their construction.

Economists now, however, almost uniformly agree that publicly financed stadiums almost never pay for themselves. The notable exceptions, like Baltimore’s Camden Yards, have generally required dedicated taxes or large infusions of money from the private sector.

“Stadiums are sold as enormous draws for events, but the economics are clear that they aren’t helping,” said Andrew Moylan, the director of government affairs at the National Taxpayers Union. “It’s another way to add insult to injury for taxpayers.”

There don’t appear to be any quick solutions for the taxpayers that have fallen for the sales pitch, however. In July, NEW JERSEY Gov. Chris Christie (R) endorsed proposals to lease the Izod Center and Meadowlands racetrack to outside operators. But he was somewhat more circumspect about how to go about paying off the Sports and Exposition Authority’s bond debt.

“Believe me, I’m not unaware of the debt situation that was left here in my lap by decisions made by previous administrations,” the governor said, standing on the 50-yard line of the New Meadowlands Stadium. “But we’re just going to have to deal with it.” (NEW YORK TIMES)

BUDGETS IN BRIEF: Budget analysts in **FLORIDA** issued a revamped forecast last week projecting a \$2.5 billion shortfall instead of the \$5.5 billion forecast a year ago. They credit the federal stimulus, years of spending cuts and Indian gambling money for the brighter fiscal outlook (ST. PETERSBURG TIMES).

- A federal appeals court has reinstated **WISCONSIN**’s controversial minimum markup law on gasoline sales, which a lower court blocked enforcement of last year. The law requires retailers to mark up gas 6 percent over certain costs or 9.18 percent over the average wholesale price, whichever is greater (MILWAUKEE JOURNAL SENTINEL).
- Budget negotiators for **MICHIGAN** legislative leaders and Gov. Jennifer Granholm (D) reached a deal last week on an FY 2011 state spending plan that includes an early retirement plan for state employees and no general tax increase. If the deal survives the legislative process, it will close the projected \$484 million deficit for the spending year that starts Oct. 1 and avoid the budget brinkmanship of the last few years (DETROIT FREE PRESS).

Upcoming stories

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

- **Time to bag plastics?**
- **Lou Cannon’s global perspective**
- **Ballot measure previews**

— Compiled by **KOREY CLARK**

Politics & leadership

FL GOP NATIONALIZING LOCAL AND STATE RACES: Watch the FLORIDA Republican Party's latest TV advertisement in opposition to Democratic gubernatorial candidate Alex Sink and you might think she's running for Congress instead of governor. The ad features footage of President Obama urging people to do "whatever it takes" to elect Sink and a narrator gravely noting that she supported both Obama's stimulus package and the health care overhaul.

With just about all signs pointing to big gains for the Republican Party in the fall midterms, GOP strategists in the Sunshine State are seeking to turn even local and

state races into referendums on Obama and the Democrats who control Congress.

"He is a single radioactive boat anchor, to mix metaphors, for every Democrat candidate," Republican consultant Rick Wilson said of Obama. "Welcome to our party circa 2008 when every word out of the Democrats' mouth was George W. Bush."

A recent Quinnipiac University poll found FLORIDA voters were actually

split down the middle on Obama's performance, with 47 percent approving of it and 47 percent disapproving. But the critics appear far more energized. Nearly 400,000 more Republicans turned out for the state's Aug. 24 primary than Democrats. And hammering away on Obama and Washington is one way to keep those GOP voters fired up.

"To keep the intensity level strong you focus on those issues people are angry about and it's, 'Look, you've got the keys to the car and we don't like the way you're

driving right now,' " said Republican consultant David Johnson of Tallahassee.

Democrats, however, say it's Republicans who have been in the driver's seat in FLORIDA state government, and that will help Democrats in the state races.

"It's hard to be anti-incumbent in a state where Republicans are incumbents," said Sen. Dan Gelber (D), who's running for attorney general. He noted that his Republican opponent, Pam Bondi, has featured Nancy Pelosi and Sarah Palin on her campaign website.

"He is a single radioactive boat anchor, to mix metaphors, for every Democrat candidate. Welcome to our party circa 2008 when every word out of the Democrats' mouth was George W. Bush."

"It's hard to be anti-incumbent in a state where Republicans are incumbents."



“It’s almost like she’s creating an alternative election where it’s Sarah Palin vs. Nancy Pelosi instead of talking about our visions.”

Sink is taking a similar tack in responding to her opponent’s efforts to wrap Obama around her neck.

“Unfortunately, Rick Scott seems to think that running for governor is all about President Obama,” she says in a new TV spot. “While Rick Scott is focused on Obama, I’m focused on creating jobs.”

The prospects for Sink, at least, look reasonably good. A CNN/Time poll this month showed her leading her opponent in the governor’s race 49 percent to 42 percent, with a margin of error of plus or minus 3.5 percent.

FLORIDA also has a track record of defying partisan waves. Then-Republican Charlie Crist, now an Independent, was elected governor in 2006 amid a Democratic tide, and Democratic Gov. Lawton Chiles was re-elected in 1994, during a major Republican swell.

And the strategy Sink is taking seems to be an effective one. Gov. Chiles “withstood the tide by making it a FLORIDA race about FLORIDA issues, and

who you want at the helm of FLORIDA regardless what you think about what’s going on in Washington,” said Democratic strategist Karl Koch of Tampa, who worked on Chiles’ campaign.

“That’s the road map,” he said. “People draw distinctions between federal and state offices, and you wouldn’t see numbers like that CNN poll if they didn’t.”

The Democratic Governors Association considers the FLORIDA governor’s race one of its best hopes for picking off a Republican office, owing not just to Sink’s strength but also to Scott’s connection to a health care company fined \$1.7 billion for Medicare fraud.

“We couldn’t have asked for a better candidate to run against,” said DGA Executive Director Nathan Daschle. “Rick Scott is the Madoff of Medicare. This is the guy whose company had the single largest settlement for Medicare and Medicaid fraud, \$1.7 billion...He pleaded the Fifth 75 times in depositions. I don’t know how he can credibly say he wants to be the governor of this state.”

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: 297

Number of Intros last week: 141

Number of Enacted/Adopted last week: 65

Number of 2010 Session Prefiles to date: 21,046

Number of 2010 Intros to date: 88,734

Number of 2010 Session Enacted/Adopted overall to date: 28,266

Number of 2009-10 bills currently in State Net Database: 188,422

— Compiled By JAMES ROSS
(measures current as of 9/9/2010)
Source: State Net database

“That’s the road map. People draw distinctions between federal and state offices, and you wouldn’t see numbers like that CNN poll if they didn’t.”



Jen Baker, spokeswoman for Scott’s campaign, fires back with the “O” word.

“Alex Sink is a down-the-line Obama liberal and is advocating the same economically destructive policies in the state that already has led to record unemployment, a mortgage catastrophe and a huge statewide debt. She has been asleep at the wheel and has failed to lead.” (ST. PETERSBURG TIMES)

At Issue in the States

Want to learn more about State Net, our legislative experts or the Capitol Journal staff? Visit our blog, <http://statenet.typepad.com/at-issue-in-the-states/>. It's a great way to find out in a flash what's going on in statehouses across the country...like yours!

AZ GREEN PARTY DISAVOWS 11 CANDIDATES: Eleven Green Party candidates who won primaries last month in ARIZONA are “shams.” That’s the contention of the state’s Green Party, which filed a federal lawsuit last week aimed at blocking the candidates from reaching the Nov. 2 ballot.

The suit alleges that allowing the 11 candidates to qualify as members of the Green Party would violate the party’s 1st Amendment rights by forcing it “to associate with candidates who have not been selected by the [party] and who do not represent the [party’s] values and platform.”

The party also contends that the state’s election laws set different standards for qualifying major- and third-party candidates, in violation of the equal protection clause of the 14th Amendment. For instance, Thomas Meadows only needed one vote to qualify as a Green Party write-in candidate for state treasurer (although he actually received 60), while a write-in Democrat would have needed 5,124 votes and a write-in Republican would have needed 5,609.[ilp]

A bit of the Green Party’s work has already been done for it: Michelle Lochmann, a write-in candidate for secretary of state has withdrawn from the general election.

But it’s not just the Greens who are concerned about the remaining 10 Green Party candidates. The candidates, all of whom registered shortly before the deadline to qualify as write-ins in the primary, are seeking statewide, congressional and legislative seats, generally in races where Democrats are considered to be competitive.

Consequently, the state’s Democratic Party is calling for an investigation of the candidates and several Republicans for possible voter fraud. The Republicans named by the Democrats say they haven’t violated election law and their intention was only to broaden interest in the races. (ARIZONA REPUBLIC [PHOENIX])

POLITICS IN BRIEF: The number of MASSACHUSETTS voters registered as Republicans has slipped to a recent low — just 11.34 percent of the electorate — according to figures released by the secretary of state’s office last week. The GOP has lost 9,067 voters since August 2008 and 28,789 since 2006 (BOSTON GLOBE).

— Compiled by KOREY CLARK

Governors

RENDELL AGAINST HALTING SHALE DRILLING: Gov. Ed Rendell (D) met with officials in western PENNSYLVANIA last Tuesday to drum up support for his proposed tax on Marcellus Shale drillers. Rendell cited significant concerns expressed by communities about both the environmental effects of the process used to extract natural gas and about incurring the costs associated with drilling accidents.

The drilling process, known as hydraulic fracturing or fracking, involves the injection of millions of gallons of chemical-laden water deep underground to break up the shale and let natural gas escape, leaving much of the water below ground. Drilling opponents contend that makes it a serious threat both to underground water quality and supply. The industry, meanwhile, contends the process has an excellent safety record, with no proof it has caused water contamination in other locales.

Some officials have suggested that the state should enact a moratorium on fracking similar to a ban currently in place in NEW YORK. But Rendell told a small group of protesters that he opposes such a ban.

“I would like tomorrow to be able to comb my hair in a pompadour,” the balding Rendell told one of the protesters, “but it’s not going to happen.”

Rendell said he disagreed with the contention that a moratorium was the only way to manage the situation, saying “I think we can find a balance” between encouraging the natural gas industry’s growth and keeping the environment safe.

“The second reason is because it doesn’t matter what I think. The Legislature will never vote for a moratorium,” he said.

Rendell and Legislative leaders crafted a Marcellus Shale tax earlier this year as part of the Keystone State’s budget (SB 1042). That tax has to be approved by Oct. 1 to raise up to \$70 million this fiscal year to help erase a \$282 million budget deficit. But Rendell cast doubt that he and lawmakers would meet that deadline, saying he would veto any proposal that didn’t come “awfully close” to his proposed 5 percent severance tax on the value of the extracted gas, plus a levy of 4.7 cents per thousand cubic feet of gas. Rendell likened the proposal to a similar levy already in place in WEST VIRGINIA, saying such a tax could raise up to \$475 million a year in new revenue within five years. (PITTSBURGH POST-GAZETTE, PHILADELPHIA INQUIRER, BLOOMBERG BUSINESS WEEK)

CHRISTIE ROLLS OUT ETHICS PLAN: With a sharp eye trained on the Democrat-controlled Legislature, NEW JERSEY Gov. Chris Christie (R) rolled out a sweeping new ethics proposal last week that would expand Garden State lawmakers’ financial disclosure requirements, crack down on conflicts of interest, and close loopholes in campaign finance laws.

Christie also called for an end to public officials holding more than one elected office by the end of the 2010-11 legislative session, and for banning all state, county, and local officials and employees from receiving a second public salary. The governor also conditionally vetoed an ethics bill (AB 2768) that would require state officials to file financial disclosure statements by May 15, proposing instead to make disclosure requirements stricter for all government officials. Lawmakers currently have to disclose less detail than the executive branch.

The governor also called on lawmakers to enact restrictions on campaign contributions from public employee labor unions, a historically strong source of financial support for Democrats. Not surprisingly, the man the Garden State media has dubbed “Gov. Wrecking Ball” also took the opportunity to hit Democratic lawmakers with a few verbal jabs in the process.

“When they passed pay-to-play during the McGreevey/Codey/Corzine years, they didn’t apply them to labor unions. Now I’m sure this was just an oversight,” Christie said sarcastically during his remarks at a town hall meeting in Raritan Township. “I’m sure that had nothing to do with the fact that labor unions, in the main, support Democratic candidates for office, and that business, in the main, supports Republican candidates.”

Christie’s approach didn’t go over well with Assembly Majority Leader Joseph Cryan (D), a dual-office holder who makes \$112,000 as a Union County undersheriff. Cryan accused Christie of scapegoating the Legislature, saying the governor was simply looking for “a new enemy.”

Some Dems, however, expressed at least limited support for the governor’s proposal. State Senate President Stephen Sweeney (D) said in a statement that “there appear to be areas of likely agreement.” But he also called on the governor to open the books of Reform New Jersey Now, a political organization tied to Christie’s allies that Democrats have accused of skirting campaign-finance rules.

Upcoming elections

9/09/2010 - 9/30/2010

09/14/2010

Delaware Primary Election

House (All)

Senate 1, 5, 7, 8, 9, 12, 13, 14, 15, 19, 20

Constitutional Officers: Treasurer,
Attorney General, Auditor

US House (All)

US Senate

District of Columbia Primary Election

Council Ward 1, Ward 3, Ward 5,
Ward 6; Member at Large

US House (All)

Maryland Primary Election

House (All)

Senate (All)

Constitutional Officers:

Governor, Lieutenant Governor, Attorney
General, Comptroller

US House (All)

US Senate

Massachusetts Primary Election

House (All)

Senate (All)

Constitutional Officers:

Governor, Lieutenant Governor,
Secretary of the Commonwealth,
Treasurer, Attorney General, Auditor

US House (All)

New Hampshire Primary Election

House (All)

Senate (All)

Constitutional Officers: Governor

US House (All)

US Senate

New York Primary Election

Assembly (All)

Senate (All)

Constitutional Officers:

Governor, Lieutenant Governor, Attorney
General,

Comptroller

US House (All)

US Senate

(continues on next page)



Christie plans to continue outlining his “reform agenda” at a series of town halls throughout September. (PHILADELPHIA INQUIRER, NEWARK STAR-LEDGER)

GOVERNORS IN BRIEF: MASSACHUSETTS

Gov. Deval Patrick (D) urged lawmakers to return to Beacon Hill to revive a seemingly dead casino bill (HB 500) he says will create much needed jobs in the Bay State. In July, lawmakers approved a bill that would have allowed the building of three resort casinos and the inclusion of slots at two racetracks. Patrick removed and returned the so-called racino portion of the bill to the Legislature, but the session ended before lawmakers resolved whether to override or approve the governor’s changes to the bill (BOSTON GLOBE). • **FLORIDA**

Gov. Charlie Crist (I) ordered a review of a French company competing to build a high-speed rail line in the Sunshine State, saying he was concerned about questions over the company’s role in the Holocaust (ST. PETERSBURG TIMES). • **MICHIGAN** Gov. Jennifer Granholm (D) called on lawmakers to raise the number of mandatory school days in the Wolverine State from the current 165 to 180, a standard the state has not required since the 2002-2003 school year.

The minimum requirement is set to climb to 170 days for the 2012-2013 academic year (DETROIT FREE PRESS). • **NEW JERSEY** Gov. Chris Christie (R) submitted legislation to end financial support for the NJN, the Garden State’s public television station. The governor wants the station to either become a non-profit or be sold off to another broadcasting entity (NEWARK STAR-LEDGER).

— *Compiled by RICH EHISEN*

Upcoming elections (cont.)
9/09/2010 - 9/30/2010

Rhode Island Primary Election

House (All)
Senate (All)
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State, Treasurer,
Attorney General
US House (All)

Wisconsin Primary Election

Assembly (All)
Senate (Odd)
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State,
Treasurer, Attorney General,
Superintendent of Public Instruction
US House (All)
US Senate

09/18/2010

Hawaii Primary Election

House (All)
Senate 2, 4, 8, 9, 10, 11, 13, 14, 15,
19, 20, 24, 25
Constitutional Officers:
Governor, Lieutenant Governor
US House (All)
US Senate



Hot issues

BUSINESS: The **CALIFORNIA** Legislature endorses AB 1743, which would bar a person from acting as a so-called placement agent in connection with any potential investment made by the **CALIFORNIA** Public Employee Retirement System unless that person is registered as a lobbyist. Placement agents



serve as an intermediary between investors and companies seeking investment capital. The measure has moved to Gov. Arnold Schwarzenegger (R) for review (STATE NET). • Still in **CALIFORNIA**, lawmakers endorse AB 2437, which would create a state fund that would provide government-backed loans of up to \$10 million to manufacturing firms with at least 200 employees. The program is intended to attract or retain those companies, or to allow those already in the state to expand their operations. It has also moved to Gov. Schwarzenegger (STATE NET). • Also in **CALIFORNIA**, lawmakers approve SB 882, which would make it illegal to sell electronic cigarettes to a minor. (See SN CJ Spotlight in this issue.) An e-cigarette is a battery-powered device that allows the user to inhale a vaporized solution that often contains nicotine. It has also moved to Gov. Schwarzenegger (STATE NET).

In case you missed it

A major computer crash recently wreaked havoc in VIRGINIA. Now other states with similar computer systems are wondering if they could be next.

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

http://www.statenet.com/capitol_journal/09-06-2010/html

EDUCATION: Federal investigators say **ARIZONA** is violating the 1964 Civil Rights Act by shortchanging thousands of students whose first language is not English. Officials say the state has classified many thousands of children as proficient in English even though they are not. If not remedied, the Grand Canyon State could lose millions of dollars in federal education funding (**ARIZONA REPUBLIC [PHOENIX]**). • The **CALIFORNIA** Legislature approves AB 1413, which would make undocumented immigrants who otherwise meet residency requirements eligible to pay in-state college tuition. The measure is now with Gov. Arnold Schwarzenegger (R), who has vetoed similar legislation in each of the last five years (STATE NET).

ENVIRONMENT: The **CALIFORNIA** Assembly and Senate approve AB 1343, which would require paint manufacturers to develop and implement a program to collect, transport, and process postconsumer paint to reduce the costs and environmental impacts of the disposal of postconsumer paint in the state. It is now with Gov. Arnold Schwarzenegger (R) for review (STATE NET). • Also in **CALIFORNIA**, lawmakers endorse AB 737, which would expand recycling to every multi-family dwelling and commercial business statewide. The measure, which would also direct state officials to develop a plan to divert a minimum of 75 percent of the state's solid wastes to recycling and composting programs by 2020, is now with Gov. Schwarzenegger (R).

HEALTH & SCIENCE: The **CALIFORNIA** Legislature approves AB 2084, which would require that day care centers serve milk that contains no more than 1 percent fat. The bill, which would apply only to children two years old or older, would also limit juice servings to no more than one per day and bar beverages with added sweeteners. It is now with Gov. Arnold Schwarzenegger (R) for review (STATE NET).



IMMIGRATION: VIRGINIA Gov. Robert McDonnell (R) orders the state Department of Motor Vehicles to no longer accept a standard federal employment document as proof of a driver's license applicant's legal presence in the United States. The Old Dominion will continue to accept approximately 20 other federal documents as proof of legal status (VIRGINIAN-PILOT [NORFOLK]).

SOCIAL POLICY: A federal court in **CALIFORNIA** rules that the U.S. Army's ban on openly gay members is unconstitutional. U.S. District Judge Virginia A. Phillips said the Army's policy of "don't ask, don't tell" violates soldiers' First Amendment rights. The court stayed the ruling in order to give the Army time to appeal (WASHINGTON POST). • The **CALIFORNIA** Legislature endorses SB 1029, which would allow individuals to obtain up to 30 syringes or needles for personal use without a prescription from a pharmacy, and authorize pharmacists and physicians to distribute up to 30 needles to an individual without a prescription solely for personal use. It is now with Gov. Arnold Schwarzenegger (R) for review (CALIFORNIA WATCH [SACRAMENTO]). • Still in **CALIFORNIA**, the state Supreme Court refuses a request to force Schwarzenegger and Attorney General Jerry Brown (D) to defend the state's law banning same-sex marriage in federal court. Both have refused to appeal a federal judge's ruling striking down the voter-approved measure. The conservative group that made the request is expected to take their case to a federal appeals court (SAN FRANCISCO CHRONICLE).

POTPOURRI: The **CALIFORNIA** Legislature approves SB 127, which would remove a sunset clause that required health clubs to have an automatic external defibrillator, and train personnel in its use. It is now with Gov. Arnold Schwarzenegger (R) for review (CALIFORNIA WATCH [SACRAMENTO]). • A federal court overturns a **NEBRASKA** law that makes it a crime to mutilate a U.S. or state flag. U.S. District Judge Richard Kopf was not clear, however, if his ruling applied to all Cornhusker State residents or only to members of the Topeka, **KANSAS**-based Westboro Baptist Church, who regularly burn, shred or walk on the American flag in protest of what they claim is U.S. tolerance of homosexuals (LINCOLN JOURNAL STAR).

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

HOW MUCH TO LIE, CHEAT AND STEAL? As often noted in this space, fringe political candidates often inject a little shock value into their campaigns in order to get noticed. Case in point, part of NEVADA independent gubernatorial candidate Eugene “Gino” DeSimone’s platform includes something he calls the “free limit plan.” According to the Associated Press, that means allowing drivers who pay a \$25 up-front fee to go 90 miles-per-hour on certain Silver State highways, with the bucks going into state coffers. Motorists signing up for the high-speed hi-jinx would first have to have their cars inspected by a mechanic for a safety clearance, then purchase a transponder that would alert a satellite that the driver is ready to put the hammer down...and warn off cops by letting them know they have paid for the right to blow past them like a rocket. Shockingly, the NEVADA Highway Patrol doesn’t think much of the idea.

PUMPING UP THE VOTE: Speaking of appealing to voters’ more narcissistic desires, check out Venezuelan National Assembly candidate Gustavo Rojas, who is raffling off breast enlargement surgery as a way to raise campaign cash. According to Reuters, cosmetic surgery, and breast augmentation in particular, is wildly popular in Venezuela, where image-consciousness is at an all-time high. Rojas says he isn’t worried about backlash from those who accuse him of being sexist, saying “Some people raffle TVs and we decided to offer this. It’s an interesting prize and there’s a lot of interest.”

GOVERNOR ROPE’EM: IDAHO governor Butch Otter may wear a suit and tie for his day job, but don’t expect him to toss out his cowboy boots. When not holding the reins of Gem State government, Otter can often be found atop his horse working on his favorite pastime, calf roping. As the *Magic Valley Times-News* reports, Otter put his skills on display last week in the team roping competition at the Twin Falls County Fair. With his partner assigned to rope the dashing calf’s rear hoofs, the gov was supposed to lasso the critter’s horns. Unfortunately, Otter’s aim was a bit off and his team went home empty handed. On the bright side, he got something a lot of governors aren’t getting these days: a big hand from the audience.

PRESENTING GOVERNOR BOBBLEHEAD: The CALIFORNIA gubernatorial race may still be almost two months away, but GOP candidate Meg Whitman has already staked out a huge victory over her Democratic rival, state



Attorney General Jerry Brown. As the *Sacramento Bee* reports, Whitman eked out a narrow win over Brown in a promotion put on by the Sacramento River Cats minor league baseball team, a contest to see which candidate's bobblehead doll the fans preferred. Although it was a close race, the team ran out of Whitman's doll first. For those who scoff at such seeming foolishness, there is some precedent to this unscientific polling process: In 2008, a similar contest showed fans greatly preferred presidential candidate Barack Obama over his rival, ARIZONA Sen. John McCain. Not everyone was so interested in the contest, however. When asked about it, River Cats' manager Tony DeFrancesco responded thus: "I thought Arnold was the governor?"

— By RICH EHISEN

Editor: Rich Ehsen — capj@statenet.com

Associate Editor: Korey Clark — capj@statenet.com

Contributing Editors: Virginia Nelson, Art Zimmerman

Editorial Advisor: Lou Cannon

Correspondents: Richard Cox (CA), Steve Karas (CA), Bruce McKeeman (CA), James Ross (CA), Linda Mendenhall (IL), Lauren Davis (MA) and Ben Livingood (PA)

Graphic Design: Vanessa Perez

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