

October 22, 2012

Statehouse Elections



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The next issue of Capitol Journal will be available on November 5th.

Top Story

Largely because of favorable redistrictings, Republicans entered the 2012 elections with an advantage that should enable them to keep control of the U.S. House and a majority of legislatures regardless of the outcome of the down-to-the-wire presidential race.

SNCJ Spotlight

Redistricting gives GOP key edge in many state elections

Timing is crucial in politics, as Democrats were reminded to their dismay in 2010 when Republicans scored their largest legislative gains in more than seven decades in a year that coincided with the decennial census.

The headline news of the 2010 elections was that Republicans had reclaimed control of the U.S. House

A Cannon Perspective



With Lou Cannon

of Representatives, which they had lost four years earlier, by winning 63 seats. But the state legislative victories were even more consequential for the future.

Every 10 years states redraw congressional and legislative districts on the basis of the census. Because of their momentous 2010 victories, in which Republicans won 720 seats and 24 legislative chambers previously held by Democrats, Republicans controlled a majority of states during the post-census redistrictings. For the most part, according to political analyst Tim Storey of the National Conference of State Legislatures, Republicans opted to protect GOP seats that might have become vulnerable in a Democratic year rather than reaching a bridge too far to add new seats.

Largely because of favorable redistrictings, Republicans entered the 2012 elections with an advantage that should enable the GOP to keep control of the U.S. House and a majority of legislatures regardless of the outcome of the down-to-the-wire presidential race. Currently, Republicans control both legislative chambers in 26 states compared to 15 states in which Democrats control both chambers. Power is divided between the parties in eight states. (Nebraska has a non-partisan unicameral legislature.) Republicans control 59 chambers and Democrats 36. The Alaska House, the Oregon House and the Virginia Senate are tied.

Republicans hold 29 governorships compared to 20 for the Democrats with one independent and could add to their margin in 2012. Only 11 states hold gubernatorial elections this year and only three are in states governed by Republicans: the GOP strongholds of Indiana, North Dakota and Utah where Republican victories seem assured.

Four of the eight states with Democratic governors — Delaware, Missouri, Vermont and West Virginia — have incumbents who are favored to win re-election. But Republicans have mounted a fierce challenge to Democrats in the four states without incumbents. These four are Montana, New Hampshire, North Carolina and Washington. Jennifer Duffy of the *Cook Political Report* says Republicans should

gain at least one governorship and could win all four “if everything breaks their way.”

The consensus view is that Republicans have their best chance in North Carolina, where former Charlotte Mayor Pat McCrory, the GOP nominee, has a hefty lead in the polls

over his Democratic opponent, Lt. Gov. Walter Dalton. Duffy rates the other three states as toss-ups.

More than 6,000 state legislative seats are being contested in the 2012 election, 82 percent of the total. Partisan control, at least on paper, is up for grabs in only 18 to 20 of the 86 chambers for which elections will be held. The last three elections have been “wave elections,” defined as an election in which one party wins 20 or more U.S. House seats and usually a larger number of legislative seats. The Democrats won wave elections in 2006 and 2008. With the electorate closely

“With the electorate closely divided, neither party anticipates a wave election this year.”

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Republican legislative candidates may have been helped by Mitt Romney's late surge since the presidential contest often influences down-ballot races, especially in battleground states. "The first debate (between President Obama and Romney) changed the dynamic of the presidential race and may have been helpful to Republicans in legislative races," Storey said. Nonetheless, both parties have opportunities to win legislative chambers in November. Here are the 12 states and 18 chambers deemed most likely to change partisan hands:

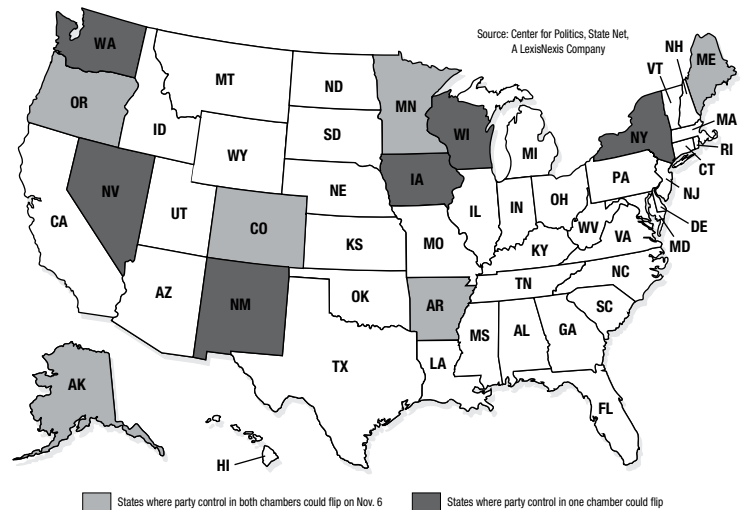
Alaska — The Senate, the nation's smallest, has operated effectively despite a 10-10 tie under a two-party coalition with a moderate Republican presiding as a tie-breaker. Conservative Republicans hope the GOP can add a seat so they can dissolve the coalition. The House, in which Republicans hold a 22-18 edge, is also in play.

Arkansas — Democrats hold an eight-seat edge in the House and a five-seat edge in the Senate in a state symbolically important because it's the last Democratic bastion in the region. Every other legislative chamber in the 10 other states of the old Confederacy is controlled by the GOP, which has mounted a well-funded campaign to win both Arkansas chambers in a state where Obama is unpopular.

Colorado — This presidential election battleground is among the closest of the swing states. Democrats hold a five-seat edge in the Senate and Republicans a one-seat margin in the House, where GOP control is in jeopardy.

Iowa — Democrats hold a two-seat advantage in the Senate in a state in which the Legislature impartially redistricted. Iowa is also a presidential battleground where control of the Senate could be influenced by the outcome at the top of the ticket.

Bird's eye view



Only 18 legislative chambers up for grabs in November

Of the 87 state legislative chambers in which seats will be contested on Nov. 6, only 18 have a good chance of changing party control, according to Tim Storey of the National Conference of State Legislatures. Nine of those chambers are currently controlled by Democrats, including the party's only remaining three in the South: Arkansas' House and Senate, and Kentucky's House. Republicans hold the majority in seven of the chambers, while control is split between the parties in the other two, Alaska's Senate and Oregon's House.



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Senate in Montana, where Republicans hold a six-vote edge. Democrats could pick up a slew of seats in New Hampshire, the nation's largest legislature, but the GOP margin of 290-104 seems insurmountable.

Legislatures matter. They spend a collective \$1.5 trillion a year and have historically advanced the national policy agenda during times when government is divided between the parties in Washington, as it has been the last two years and could be again after the November election.

With the wind at their back after their 2010 victories, Republican-controlled legislatures pursued a conservative agenda on issues of abortion, immigration, collective bargaining, pension reform and voter identification, among other issues, many of which will be on the table again next year. If the Affordable Care Act, often called Obamacare, survives, states will have an additional role in 2013 of setting up marketplaces, known as exchanges, in which consumers can shop for affordable health care insurance.

So there's much at stake in the 2012 legislative elections, as Democrats seek to mount a comeback and Republicans try to hold their edge.

— *By Lou Cannon*

Upcoming stories

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

- **Elections**
- **Fracking**
- **2013 previews**

Budget & taxes

TAX DODGERS DOGGING CA: California's budget is so in the red that Gov. Jerry Brown (D) has placed a multi-billion tax measure on the state's November ballot to try to avoid having to make deep cuts to education and public safety funding. But one reason the state is in such fiscal trouble is because it has been unable to collect all of the taxes it is owed by individuals and businesses. The outstanding debt currently stands at \$8 billion, and some of the debtors have owed the state millions of dollars for years.

The state's Franchise Tax Board began publishing a list of the top tax delinquents — those owing more than \$100,000 and having been notified by the agency at least seven times — in 2007. Tax board spokesman Daniel Tahara said the plan was to give the delinquent taxpayers "motivation to get back into compliance." But the agency has collected only \$177 million from individuals and businesses on the Top 500 Delinquent Taxpayers list so far.

That may largely be due to the fact that many of the tax debtors have gone bankrupt, leading some to question the value of publicly humiliating them.

“If somebody goes bankrupt, they are already embarrassed,” said Mark Gergen, a professor at the UC Berkeley School of Law who studies tax issues. “If you want to have this public disclosure as a way of embarrassing people, you aren’t doing a big service by adding them to this list.”

Some of those on the delinquent taxpayers list, however, have quietly dissolved their tax-burdened companies and formed new ones under different names or simply continue to conduct business as usual. And the tax board has gotten more aggressive with such offenders by filing liens against their assets or seeking to suspend their professional licenses.

But even that hasn’t necessarily produced results. Baldomero De Leon Jr., M.D., a board-certified doctor of internal medicine in Walnut Creek, owes the state more than \$4.1 million in corporate income taxes, according to the tax board, and his name has appeared at — where it currently resides — or near the top of the board’s delinquent taxpayers list since 2010. But the state can only collect on the lien it has placed on his practice if his assets are sold, and it can’t revoke his medical license because it’s a personal license and his taxes are owed by his company.

The state hasn’t had any better luck with Caresystems Inc., a home health care company in Vacaville. No. 3 on the board’s list, with a tax debt of over \$1.9 million, the secretary of state’s office lists the company as having dissolved. But the company’s CEO, Anthony Thekkek, is reportedly running a nursing home company, Thekkek Health Services Inc., at the same address. (BAY CITIZEN [SAN FRANCISCO])

FORECLOSURE SETTLEMENT FUNDS NOT ALL GOING TOWARD HOMEOWNER RELIEF: When states reached a \$25 billion settlement in March with five of the nation’s largest mortgage lenders over charges they improperly processed foreclosures, it was hailed as the biggest government-industry accord since the multi-state tobacco settlement in 1998. But the states’ share of that money hasn’t all been going toward helping distressed homeowners, as expected.

Under the terms of the agreement, Ally Financial Inc., Bank of America Corp., Citibank Inc., J.P. Morgan Chase & Co. and Wells Fargo & Co. were required to provide \$20 billion in mortgage relief directly to homeowners. The \$2.5 billion states received was supposed to be used “to the extent practicable...for purposes intended to avoid foreclosures,” among other things.

But according to a report by Enterprise Community Partners, a housing nonprofit, only about \$1 billion of the state funds have been allocated for some type of homeowner relief so far, while \$1 billion has been funneled into state general funds. Only 14 states are planning to spend their entire allotments on housing aid, while nine plan to spend most of their funds that way, according to the report. And many of the largest states have opted for the general-fund route.

“It’s an incredible frustration,” said Andrew Jakabovics, who co-authored the report.

The allocation of the foreclosure funds has touched off battles across the country. Consumer advocacy groups sued Arizona over its decision to designate roughly half of its \$98 million payout for general fund use.

“Virtually everything in the settlement is about providing relief for distressed homeowners,” said Tim Hogan, executive director of the Arizona Center for Law in the Public Interest and an attorney for the plaintiffs in the suit. “I don’t see how you can take these funds for something else.”

A state judge dismissed the suit this month. But Hogan said he’ll appeal that ruling.

In South Carolina, Gov. Nikki Haley (R) vetoed the Legislature’s diversion of \$10 million from the state’s \$31 million foreclosure settlement allocation to a campaign to lure out-of-state businesses, which she called both “inappropriate” and a “raid.” The Legislature overturned her veto and allocated the remaining \$21 million to the state’s general fund.

(WALL STREET JOURNAL, EAST VALLEY TRIBUNE [MESA], STATE NET)

NY CITIES ‘CLOSE TO BANKRUPTCY’: Several of New York’s largest cities, including Rochester, Syracuse and Yonkers, are “close to bankruptcy,” a source close to the mayors of those cities said last week. The mayors have been in secret talks on their financial options in recent weeks, and aides to Gov. Andrew Cuomo (D) are working on a plan to link aid to the cities to “workout plans” that reduce the cities’ labor, pension and education costs, the source said.

“The mayors have got to come to the state with a plan that explains what’s causing their problems and how they plan to solve it,” said a Cuomo administration official. “To come to us year after year for a handout as they have been doing, only to come back next year asking for the same handout, is a nonstarter. It doesn’t work.”

Creating local control boards for the cities is reportedly another measure being considered. Whatever the changes, however, Albany Mayor Jerry Jennings, who has also been in on the talks, said they’d better be big and come quick.

“There has to be dramatic changes very soon; things are getting worse,” he said.
(NEW YORK POST)

BUDGETS IN BRIEF: Despite **ILLINOIS’** fiscal woes, the state has hired 1,203 employees since the start of the fiscal year on July 1, according to records compiled by the state Comptroller’s office. Many of the new employees are replacing

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: 236

Number of Intros last week: 320

Number of Enacted/Adopted last week: 169

Number of 2012 Prefiles to date: 14,143

Number of 2012 Intros to date: 84,308

Number of 2012 Session Enacted/Adopted overall to date: 28,203

Number of bills currently in State Net Database: 180,616

— Compiled By FELICIA CARRILLO
(measures current as of 10/18/2012)
Source: State Net database

— *Compiled by KOREY CLARK*

“We know firsthand that decades of marijuana arrests have failed to reduce use,” Mandingo says in a current ad. “And the drug cartels are pocketing all the profits.”

There is evidence that the various tactics are working, with a SurveyUSA poll conducted last month showing 57 percent of likely voters in Washington backing I-502. Recent polling has also shown majority support for Colorado's Amendment 64 too but only minimal support for Oregon's Measure 80.

If either the Washington or Colorado measure passes, it may be largely due to the failure of Prop. 19.

“I think these campaigns did learn a lot from the Prop. 19 experience,” said Beau Kilmer, co-director of the RAND Corporation’s Drug Policy Research Center. “There were a lot of meetings after the fact and there’s some serious money [involved], all of which makes it easier to tease out potential liabilities and run a campaign where you’re doing focus groups and you have lots of televised advertisements.” (CHRISTIAN SCIENCE MONITOR, STATE NET)

SURPRISING ALLIANCE SPARKS RIFT IN MD: A few weeks ago, immigrant advocacy groups, including CASA of Maryland, formed an alliance with gay rights groups to co-promote two controversial initiatives on Maryland's November ballot: Question 4, seeking to make some undocumented immigrants eligible for in-state college tuition rates, and Question 6, seeking to legalize same-sex marriage. The coalition was motivated at least in part, CASA said in announcing it, by recent research from the Pew Hispanic Center and the National Council of La Raza showing a majority of Hispanics support same-sex marriage.

But some members of the Latino religious community in the state have strongly opposed the move.

“I think it’s really a big mistake on [CASA’s] part to join the two issues, which are quite distinct,” said Monsignor Mark Brennan, pastor of St. Martin of Tours, a Catholic church in Gaithersburg with 2,500 Hispanic congregants that has worked with CASA in the past. “From what I’m hearing from my people, CASA’s stance offends them.”

Indeed, a new survey from the Pew Research Center indicates that only a small majority of Latino Catholics support same-sex marriage and a strong majority of Latino evangelical Protestants oppose it.

There was even the suggestion the issue might affect parishioners' future relations with CASA. Brennan said "it could cause some re-evaluation in our community of 'Hey, what's CASA all about?'" And when asked whether he would work with CASA again, Bishop Angel Nunez of the Bilingual Christian Church of Baltimore, a longtime CASA ally, said, "We will probably see after the election." (WASHINGTON POST, STATE NET)

BIG YEAR FOR LEGISLATIVE TURNOVER: At the start of Missouri's 2011 legislative session, about half of the members of the House were new, as

a result of the 2010 elections. And next year there will be even more freshman lawmakers in the state because regardless of how many incumbents this year's elections unseat, a third of the Legislature will be termed out of office.

Missouri is just an extreme example of what's about to happen in statehouses across the country. This year's elections are coming after the once-a-decade legislative redistricting that always results in more turnover because many incumbents are forced to run in unfamiliar districts or, alternatively, opt to retire. Term limits in Missouri and 14 other states will only add to the churn.

Those two factors, combined with the high turnover in 2010, owing to the Republican wave that swept many Democratic incumbents from office, mean that nearly half of all state legislators sworn in next year could have less than two years' experience, according to Karl Kurtz and Tim Storey of the National Conference of State Legislatures. And the election experts say this year could also mark the highest rate of legislative turnover in two consecutive election cycles in 50 years. (STATELINE.ORG, NATIONAL CONFERENCE OF STATE LEGISLATURES)

In case you missed it

When voters go to the polls next month, they'll decide more than just the makeup of state and national government. They will also decide a wealth of ballot measures covering everything from death to taxes.

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

http://www.statenet.com/capitol_journal/10-15-2012/html#sncj_spotlight

POLITICS IN BRIEF: The U.S. Supreme Court has denied **OHIO's** request to reverse a lower court ruling blocking a state law that would have reduced the state's early voting period by three days for all voters except members of the military (STATELINE.ORG). • In another case that didn't go **OHIO's** way, the 6th U.S. Court of Appeals in Cincinnati upheld a lower court's ruling mandating that provisional ballots cast in the correct polling place but wrong precinct not be thrown out, as Buckeye State law had required (STATELINE.ORG). • The U.S. Supreme Court has agreed to hear a challenge to **ARIZONA's** new law requiring proof of citizenship to vote. The law was blocked by a federal appeals court, which ruled that it conflicted with federal law (STATELINE.ORG). • The **LOUISIANA** Supreme Court named its first black chief justice last week. Justice Bernette Johnson, who will replace retiring Justice Catherine "Kitty" Kimball, will also be the second elected African-American to serve on the state's 199-year-old court (WALL STREET JOURNAL). • **MONTANA's** campaign contribution limits will remain in place for the November election, after the 9th U.S. Circuit Court of Appeals put a hold on a lower court ruling that would have allowed for unlimited spending on state races (BILLINGS GAZETTE). • Backers of an effort to develop a privately run casino near Portland, **OREGON** announced last week they were abandoning their campaign to pass a pair of ballot measures that would authorize the state's first nontribal casino and site it at a former greyhound racetrack because they don't have enough votes to do so. The propositions — Measure 82 and 83 — will remain on the ballot, however (OREGONLIVE.COM).

— Compiled by KOREY CLARK

Governors

CUOMO TIES LAWMAKER' RAISE TO HIKING MINIMUM WAGE:

New York Gov. Andrew Cuomo (D) said last week he will block any attempt by Empire State lawmakers to raise their own salaries for the first time since 1999 when they return to session after the election unless they first tackle what he called "the people's agenda."

Tops on that list include hiking the minimum wage, reforming the state's "stop-and-frisk" laws and decriminalizing the possession of small amounts of marijuana. All were part of Cuomo's agenda last year.

"If there is an opportunity for the Legislature to act, I'm going to be looking for them to act on the people's agenda," he told reporters. "I understand they may have an interest in a pay raise. I'm interested in a people's agenda and that's what the session would be about."

"I understand what they want," Cuomo added, "but I'm more interested in what the people want."

Cuomo did not offer specifics on a minimum wage hike. Earlier this year, the Assembly endorsed legislation to raise the wage from its current \$7.25 to \$8.50 and tie future increases to inflation (AB 9148), but that measure stalled in the Senate.

"I'm interested in a people's agenda and that's what the session would be about."

Cuomo did not openly support the bill. He has, however, been up front with his own proposal to change a state law that makes the possession of 25 grams or less of marijuana a violation but the public display of pot only a misdemeanor.

The situation, he says is made worse by the New York Police Department's stop-and-frisk tactics, which critics contend disproportionately impact young African-American men. Under that policy, police can detain someone with little reason and force them to empty their pockets, often revealing small amounts of pot that subsequently allow the holder to be arrested.

Assembly Speaker Sheldon Silver (D) and Senate Majority Leader Dean Skelos (R) both said they had not discussed a special session agenda with the governor, though Silver spokesperson Michael Wyland said the minimum wage issues "should be a part of any special session later this year." (NEWSDAY, DAILY NEWS, WGRZ.COM [BUFFALO]).

CORBETT SAYS NO MORE DRILLING IN STATE PARKS: Pennsylvania Gov. Tom Corbett (R) dismissed rumors last week that his administration plans to lift a moratorium on gas drilling on state park lands, telling reporters "We are not drilling in the state parks."

Corbett was responding to growing speculation that the abrupt resignation earlier this month of state parks director John Norbeck was connected to the governor's desire to end the drilling ban. Norbeck indicated he was forced to resign over his opposition to gas drilling and commercial logging in the parks. The Keystone State has 120 state parks comprising around 300,000 acres of public land.

That fueled speculation among environmental groups that Corbett was set to endorse mining and timbering on state lands. But the governor vigorously denied that possibility during a news conference about drilling impact fees collected this fall.

"Can we put that to rest? I don't know where that came from," he said. "There was a moratorium put on the state forests. We haven't lifted that. We haven't even talked about lifting that. We haven't talked about drilling in the state parks." (PITTSBURGH POST-GAZETTE, PHILADELPHIA INQUIRER, TIMES-TRIBUNE [SCRANTON])

HERBERT ISSUES ED PLAN: Utah Gov. Gary Herbert (R) outlined a proposal last week he said would raise the number of Beehive State residents with college degrees to 66 percent by 2020.

Currently, about 43 percent of Utahans hold a post-secondary degree or certification. Under Herbert's plan, 13 percent would hold a board-approved certification, 14 would achieve an associate's degree, 28 percent would obtain a bachelor's degree and 11 percent would earn a graduate degree. The proposal contains a number of benchmarks to ensure the state will get there, including calling for a 90 percent proficiency among students in third, sixth and eighth grade reading and math, and achieving a 90 percent high school graduation rate and an 80 percent post-secondary enrollment rate.

But while the plan drew cheers from lawmakers, business leaders and education officials, all acknowledged that getting there is not going to come cheap. State school board leaders said they will ask lawmakers to hike the state's per-pupil spending next year and to fully fund anticipated enrollment growth. Utah Commissioner of Higher Education Dave Buhler said colleges and universities will also seek an additional \$20 million in state funds, which he said his system will match.

Herbert was optimistic that lawmakers will fund the effort.

"It's not going to be easy, but it is absolutely a necessity," Herbert told the *Salt Lake Tribune*. "We have work to do." (SALT LAKE TRIBUNE, DAILY HERALD [PROVO], DESERET NEWS [SALT LAKE CITY])

The week in session

States in Regular Session: DC, MA, NJ, OH

States in Recess: IL, NY, MI, PA

In Pro Forma Session: US

States Currently Prefiling or Drafting for 2013: AL, FL, KY, MT, ND, NH, NV, VA

States Adjourned in 2012: AK, AL, AR, AZ, CA, CO, CT, DE, FL, GA, HI, IA, ID, IN, KS, KY, LA, MD, ME, MN, MO, MS, NC, NE, NH, NM, OK, OR, PR, RI, SC, SD, TN, UT, VT, WA, WI, WV, WY

State Special Sessions Adjourned in 2012: AK "c", AL "a", CO "a", CT "a", CT "b", DE "b", FL "b", HI "b", KY "a", MD "a", MD "b", MN "b", NJ "a", NY "a", PR "c", PR "d", UT "a", VA "a", WA "c", WA "d", WV "a"

Letters indicate special/extraordinary sessions

— Compiled By DENA BLODGETT
(session information current as of 10/18/2012)
Source: State Net database

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GOVERNORS IN BRIEF: **ALASKA** Gov. Sean Parnell (R) said last week he has no plans to change his administration's policy requiring employees to use state email accounts for conducting state business. He was responding to the state Supreme Court's ruling that state officials may use private email and text messaging accounts to conduct state business, but that those messages may be subject to disclosure and state open records laws (ANCHORAGE DAILY NEWS). • **ILLINOIS** Gov. Pat Quinn (D) launched a \$1 billion effort to upgrade sewer lines, water mains and water treatment plants across the Prairie State. Officials said the initiative expands an existing program that offers low-interest loans to local governments seeking to avoid environmental hazards brought on by an aging infrastructure (CHICAGO TRIBUNE). • **ALABAMA** Gov. Robert Bentley (R) announced he will seek legislation in 2013 that would incentivize eligible state employees to retire. The plan would offer multiple fiscal options to the Heart of Dixie's 10,579 state workers and 6,062 teachers who are currently eligible for retirement. Bentley said his efforts are part of an overall plan to cut \$1 billion from the state's operating expenses (WBRC.COM [MONTGOMERY]). • **RHODE ISLAND** Gov. Lincoln Chafee (I) announced the Ocean State's first statewide cyber security plan, which outlines policies and procedures for guiding the state in the event of a loss of cyber connectivity. The plan is designed to meet four goals: sustaining government operations, educating the public and business community, cyber defense and economic workforce development (PROVIDENCE JOURNAL).

— Compiled by *RICH EHISEN*

Hot issues

BUSINESS: The **PENNSYLVANIA** House approves HB 1548, which would require television production companies to extend the same protections to child actors who appear in reality shows as those given on the sets of movies and other television programs. The bill, which moves now to Gov. Tom Corbett (R), would allow children to work no more than eight hours a day or 48 hours a week and no later than 10 p.m. on school nights. It would also require that a parent or guardian accompany a child under 16 at all times. A teacher would also have to be present on the set, and producers would have to establish trust accounts for their young actors. Gov. Corbett is expected to sign it into law (PHILADELPHIA INQUIRER). • **MICHIGAN** Gov. Rick Snyder (R) signs HB 5128, which allows for the creation of business courts with jurisdiction over business and commercial cases in which the amount in contention exceeds \$25,000 (MICHIGAN GOVERNOR'S OFFICE). • The **NEW JERSEY** Assembly approves AB 801, so-called "ambulance chaser" legislation that would allow only persons involved in an accident, those injured by

that accident, insurance companies and government authorities immediate access to accident injury reports. All others would be required to wait for three months. The measure is now in the Senate (STAR-LEDGER NEWARK]).

CRIME & PUNISHMENT: The **MICHIGAN** Senate unanimously approves SB 1209, which among other things expands the state's definition of "predatory conduct" to include pre-offense actions taken toward an officer posing as a potential victim, and SB 1313, which would expand the definition of "producing" or "making" child porn to specifically include the making of new copies of such videos. Both are now in the House (LANSING STATE JOURNAL, STATE NET).

• Still in **MICHIGAN**, Gov. Rick Snyder (R) signs three measures to deter the false reporting of a crime: HB 5431, which makes it illegal to falsely report a crime or accident, HB 5432, which allows courts to require those convicted of falsely reporting a crime or medical emergency to reimburse the state or local government, and HB 5433, which lays out penalties of four to 10 years for falsely reporting various crimes (MICHIGAN GOVERNOR'S OFFICE). • Also in **MICHIGAN**, Gov. Snyder signs HB 5159 and HB 5162, which together allow circuit and district courts to create supervised treatment programs for veterans suffering from mental illness or drug or alcohol dependency (MICHIGAN GOVERNOR'S OFFICE). • The **PENNSYLVANIA** Senate and House endorse HB 815, which would make it a misdemeanor for minors to transmit nude or sexually explicit images of themselves or other youths. The measure would also create harsher penalties for minors that create a nude image of another youth without their consent, or who transmit such an image with the intent to coerce, intimidate or harass that person. The bill moves to Gov. Tom Corbett (R) for review (MORNING CALL [ALLENTOWN]). • Also in **PENNSYLVANIA**, lawmakers approve SB 850, legislation that would create tiered sentencing for minors convicted of murder. Current Keystone State law requires judges to sentence anyone convicted of first- or second-degree murder to life in prison without parole, regardless of the perpetrator's age. The measure moves now to Gov. Corbett for review (STATELINE.ORG).

EDUCATION: The **PENNSYLVANIA** House declines to address SB 1115, Senate-endorsed legislation that would have, among several things, established a study commission to recommend a new funding system for charter schools, extended the five-year length of charter schools' charter renewal to 10 years and required tuition payments to go directly from the state to charters. Supporters plan to reintroduce the measure next year (POST-GAZETTE [PITTSBURGH]). • The U.S. Dept. of Education approves **UTAH's** No Child Left Behind waiver request. The Beehive State becomes the 34th to be granted a waiver from the strictest NCLB requirements (IDAHO STATESMEN [BOISE]). • The **NEW JERSEY** Assembly approves AB 1688, which would bar public colleges and universities from allowing

credit card companies to directly solicit their students. The measure moves to the Senate (STAR-LEDGER [NEWARK]).

HEALTH & SCIENCE: The **NEW JERSEY** Assembly gives final approval to SB 2135, which would create a health insurance exchange — an online one-stop shopping site for consumers and small businesses to purchase health insurance — in the Garden State. The measure moves to Gov. Chris Christie (R), who vetoed similar legislation (AB 2171) earlier this year (STAR-LEDGER [NEWARK]). • The **MICHIGAN** Senate approves SB 1293 and SB 1294, which together would end health insurer Blue Cross' tax-exempt status, change it from a charitable trust to a customer-owned nonprofit and require it to contribute about \$1.5 billion over 18 years to a foundation aimed at improving public health. The measures, strongly supported by Gov. Rick Snyder (R), move now to the House (CRAIN'S DETROIT BUSINESS).

HOMELAND SECURITY: The **NEW JERSEY** Assembly approves AB 2948, which would require out-of-state law enforcement agencies to notify Garden State authorities at least one day in advance of crossing the border to conduct counter-terrorism operations. The measure migrates now to the Senate (STAR-LEDGER [NEWARK]).

SOCIAL POLICY: The 2nd U.S. Circuit Court of Appeals in **NEW YORK** rules that the federal Defense of Marriage Act, which limits marriage to one man and one woman, is unconstitutional. It is the second federal court to rule against the law. Several other appeals are pending before the U.S. Supreme Court, which is expected to take up the case this fall (REUTERS). • The **NEW JERSEY** Assembly gives final approval to SB 599, which would require Garden State foster home providers to undergo evaluations to see if they are fit to continue caring for a disabled person, and require case managers' supervisors to visit the foster home residents every two years. The bill moves to Gov. Chris Christie (R) for review (STAR-LEDGER [NEWARK]).

POTPOURRI: The **ALASKA** Supreme Court rules that state officials may use private email accounts to conduct state business, but that those messages may be public records subject to public disclosure. The high court's ruling upholds a lower court opinion that found that use of private email accounts wasn't in itself a violation of state public records law (ASSOCIATED PRESS). • **MICHIGAN** Gov. Rick Snyder (R) signs HB 5391, which allows transportation service providers to conduct background checks before hiring individuals responsible for the transit of children, disabled citizens or the elderly (MICHIGAN GOVERNOR'S OFFICE). • Still in **MICHIGAN**, Gov. Snyder signs HB 5292, which allows disabled veterans to obtain hunting and fishing licenses at no cost (MICHIGAN GOVERNOR'S OFFICE).

— Compiled by RICH EHISEN

Once around the statehouse lightly

GOTTA BLAME SOMEONE: It was a season seemingly destined for glory. But the Washington Nationals suffered an ignominious ending, coughing up a six-run lead in the deciding game of the National League Division Series to snatch defeat from the jaws of victory, suddenly ending what had been a storybook season. While rational folks understand the Nats lost to a vastly more experienced St. Louis Cardinals team — the defending World Series champs — some folks see a darker reason. As recently noted in this space, on October 3 Teddy Roosevelt (mascot likeness, not the real person) ended a 538-game losing streak, finally beating fellow former presidents Washington, Jefferson and Lincoln in the team's nightly "race of the commanders in chief." Drunk with success, Teddy won several more in a row during the playoffs...and thus, some fans claim, cursed the team! That excuse of course ignores the fact that the bulk of Teddy's losing streak was matched by the Nats, who until this year were the epitome of awful. Alas, in baseball and politics, memories can be short.

BASIC BROWN: He has come a long way since his days as "Gov. Moonbeam," and California Gov. Jerry Brown has plenty of words of wisdom to share about the journey. Appearing recently in *Esquire* magazine, Brown reveals that, among other things, he is the only governor to ever "have actually taken vows of poverty, chastity, and obedience." Given the Golden State's ongoing issues with a structural budget deficit that annually leaves it billions of dollars in the red, the vow of poverty still seems pretty appropriate.

JERSEY BOY: Some folks will surely recall Gov. Brown's recent dustup with New Jersey Gov. Chris Christie in which Brown challenged the, uh, *full-figured* Christie to a contest of sit-ups, pull-ups and a 5K race. Christie smartly declined, but he didn't seem to mind appearing in the same issue of *Esquire* with Brown. He also wisely didn't touch upon the whole brouhaha with his California counterpart. He did, however, take a jab at his predecessor, former Garden State Gov. Jon Corzine, whom he noted he had once seen leaving a Bruce Springsteen concert early. "You cannot be from New Jersey and have left a Bruce Springsteen concert early," Christie said. The gov's man crush on Springsteen is legendary, so it should be no surprise that Corzine bugging out of one of the Boss's concerts didn't sit well with him.

— By RICH EHISEN

Upcoming elections 10/19/2012 - 11/8/2012

10/23/2012

Alabama Special Primary
House Districts 30, 34

11/06/2012

Alabama General Election
US House (All)

Alaska General Election

House (All)
Senate Districts A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, Q, R, S and T
US House (All)

Arizona General Election

House (All)
Senate (All)
US House (All)
US Senate

Arkansas General Election

House (All)
Senate (All)
US House (All)

California General Election

Assembly (All)
Senate (Odd)
US House (All)
US Senate

California Special Primary

Senate District 4

Colorado General Election

House (All)
Senate Districts 4, 8, 10, 12, 14, 17, 18, 19, 21, 22, 23, 25, 26, 27, 28, 29, 31, 32, 33, 35
US House (All)

Connecticut General Election

House (All)
Senate (All)
US House (All)
US Senate

Delaware General Election

House (All)
Senate Districts 2, 3, 4, 6, 10, 11, 16, 17, 18 and 21
Constitutional Officers:
Governor, Lieutenant Governor,
Commissioner of Insurance
US House (All)
US Senate

District of Columbia General Election

Council At-Large Districts and
Wards 2, 4, 7 and 8
US House (All)

District of Columbia Special Election

Chairman of the Council

Florida General Election

House (All)
Senate (All)
US House (All)
US Senate

Georgia General Election

House (All)
Senate (All)
US House (All)

Georgia Special Primary

Senate District 30

Hawaii General Election

House (All)
Senate (All)
US House (All)
US Senate

Idaho General Election

House (All)
Senate (All)
US House (All)

Illinois General Election

House (All)
Senate (All)
US House (All)

Indiana General Election

House (All)
Senate Districts 2, 3, 5, 7-10, 12, 16, 18, 20, 24, 28, 30, 32-37, 40, 42, 44, and 50
Constitutional Officers: Governor,
Lieutenant Governor, Attorney
General, Superintendent
of Public Instruction
US House (All)
US Senate

Iowa General Election

House (All)
Senate (Even)
US House (All)

Kansas General Election

House (All)
Senate (All)
US House (All)

Kentucky General Election

House (All)
Senate (Odd)
US House (All)

Kentucky Special Election

Senate District 19

Louisiana Open Primary

US House (All)

Maine General Election

House (All)
Senate (All)
US House (All)
US Senate

Maryland General Election

US House (All)
US Senate

Massachusetts General Election

House (All)
Senate (All)
US House (All)
US Senate

Michigan General Election

House (All)
US House (All)
US Senate

Michigan Special Election

US House (CD 11)

Minnesota General Election

House (All)
Senate (All)
US House (All)
US Senate

Mississippi General Election

US House (All)
US Senate

Mississippi Special Election

House Seats Plus District 52
Senate District 19

Missouri General Election

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

Montana General Election

Senate 2, 3, 6, 7, 9, 10, 16, 18, 19,
21, 22, 24, 26, 27, 33, 34, 36, 37, 38,
41, 43, 45, 46, 47, and 50
Constitutional Officers: Governor,
Lieutenant Governor, Secretary
of State, Attorney General,
Auditor, Superintendent of Public
Instruction
US House (All)
US Senate

Upcoming elections 10/19/2012 - 11/8/2012

Nebraska General Election

Legislature (Odd)
US House (All)
US Senate

Nevada General Election

Assembly (All)
Senate Clark County: 1, 3, 4, 5, 6, 7, 11, Washoe 3,
Central Senatorial and Rural
Senatorial
US House (All)
US Senate

New Hampshire General Election

House (All)
Senate (All)
Constitutional Officers: Governor
US House (All)

New Jersey General Election

US House (All)
US Senate

New Jersey Special Election

Assembly Districts 4, 16, 26
US House (10th Congressional
District)

New Mexico General Election

House (All)
Senate (All)
US House (All)
US Senate

New York General Election

Assembly (All)
Senate (All)
US House (All)
US Senate

North Carolina General Election

House (All)
Senate (All)
Constitutional Officers: Governor,
Lieutenant Governor, Secretary
of State, Treasurer, Attorney
General, Auditor, Commissioner
of Agriculture, Commissioner of
Insurance, Commissioner of Labor
US House (All)

North Dakota General Election

House (Even)
Senate (Even)
Constitutional Officers: Governor,
Lieutenant Governor, Treasurer,
Auditor, Commissioner of
Insurance and Superintendent of
Public Instruction
US House (All)
US Senate

Ohio General Election

House (All)
Senate (Even)
US House (All)
US Senate

Oklahoma General Election

House (All)
Senate (Odd)
US House (All)

Oregon General Election

House (All)
Senate Districts 1, 2, 5, 9, 12, 14,
18, 21, 22, 23, 25, 27, 28, 29 and 30
Constitutional Officers: Secretary
of State, Treasurer, Attorney
General, Commissioner of
Labor and Industries
US House (All)

Pennsylvania General Election

House (All)
Senate (Odd)
Constitutional Officers: Treasurer,
Attorney General, Auditor General
US House (All)
US Senate

Rhode Island General Election

House (All)
Senate (All)
US House (All)
US Senate

South Carolina General Election

House (All)
Senate (All)
US House (All)

South Dakota General Election

House (All)
Senate (All)
US House (All)

Tennessee General Election

House (All)
Senate (Even)
US House (All)
US Senate

Texas General Election

House (All)
Senate (All)
US House (All)
US Senate

Utah General Election

House (All)
Senate Districts 1, 6, 7, 8, 10, 13,
14, 16, 19, 20, 23, 24, 25, 27, 28
and 29

Constitutional Officers: Governor,
Lieutenant Governor, Treasurer,
Attorney General, Auditor
US House (All)
US Senate

Vermont General Election

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

Virginia General Election

US House (All)
US Senate

Washington General Election

House (All)
Senate 1-5, 9-12, 14, 16-20, 22-25,
28, 39-40, 49-50
Constitutional Officers: Governor,
Lieutenant Governor, Secretary of
State, Treasurer, Attorney General,
Auditor, Commissioner of
Public Lands, Insurance
Commissioner, Superintendent of
Public Instruction
US House (All)
US Senate

West Virginia General Election

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

West Virginia Special Election

US Senate (Class 1)

Wisconsin General Election

Assembly (All)
Senate (Even)
US House (All)
US Senate

Wisconsin Special Primary

Senate District 33

Wyoming General Election

House (All)
Senate (Even)
US House (All)
US Senate



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