

News & Views from the 50 States

February 18, 2013

Labor Pains



©iStockphoto.com/APCortizasJr

Budget & taxes

Still no sequester deal in sight

4

Politics & leadership

VA transportation funding overhaul hits more bumps

7

Governors

New York fracking decision delayed

10

Bird's eye view

2

Hot issues

12

Once around the statehouse lightly

17

The next issue of Capitol Journal will be available on March 4th.

Top Story

The national union membership rate fell last year to its lowest level in nearly a century, and there's no shortage of reasons for that decline.

SNCJ Spotlight

Union membership took big hit in 2012

The number of American workers grew by 2.4 million in 2012. But fewer of them were members of a union. In fact, the national union membership rate fell last year to its lowest level in nearly a century. And there's no shortage of reasons for that decline.

Union membership in the United States has generally been in a state of decline since the 1950s,



By Korey Clark

when it peaked at about 25 percent. But last year's drop was precipitous: 400,000 members, according to a report last month from the Bureau of Labor Statistics (BLS), taking the total to 14.3 million. That represents about 11.3 percent of the total U.S. workforce, the lowest union membership rate since 1916, when it stood at 11.2 percent, according to a study by Rutgers economists Leo Troy and Neil Sheffin.

Labor experts say several factors contributed to the steep decline. One is the recent laws passed in Wisconsin, Indiana and other states rolling back the power of public employee unions. The BLS report showed that Wisconsin and Indiana were among the states with the highest union-membership drops last year, 13 percent and 18 respectively.

Public-sector unions as a whole didn't fare well, shedding 234,000 members and about 1 percent of their membership rate, which now stands at 35.9 percent.

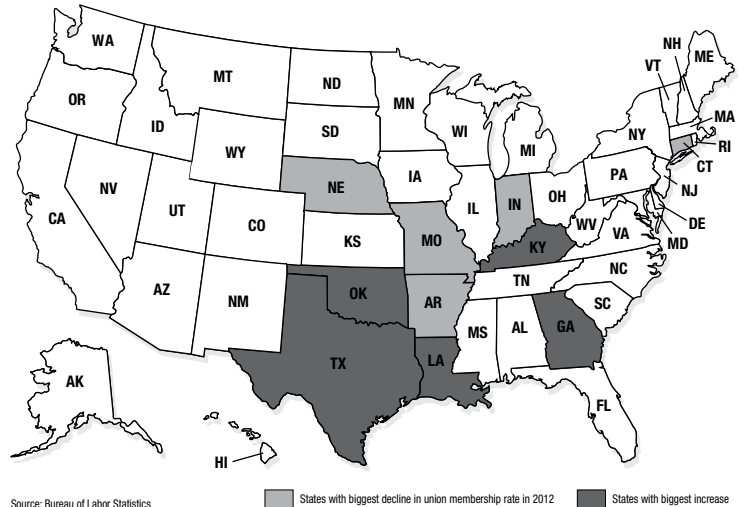
"I am really surprised that the drop in unionization was as large as it is in a single year, and it was particularly big in the public sector," said Barry T. Hirsch, a labor economist at Georgia State University: "It does seem you are seeing reductions in some of the states that you might expect."

Private-sector unions didn't do too much better last year, with manufacturers like Boeing and Volkswagen continuing their expansion into nonunion states and job gains coming to industry sectors that aren't heavily unionized like retail and restaurants. There were signs of resistance to the latter trend in the Black Friday protests at Walmarts across the country and the one-day fast-food-worker strike in New York City in November.

Union officials say the unions aren't to blame for the decline in membership.

"It's not a simple story that we don't have our act together," said William Spriggs, chief economist for the A.F.L.-C.I.O.

Bird's eye view



Union membership declined in most states in 2012

The number of American workers who are members of a union fell by nearly 400,000 — from 14.8 million to 14.4 million — in 2012, according to a report released last month by the Bureau of Labor Statistics. The union membership rate last year was 11.3 percent, down from 11.8 percent in 2011. Arkansas had the biggest percentage drop (-21.3 percent), with its ranks of union members shrinking from 47,000 to 43,000. But while union membership declined in most states, it grew in nearly a dozen, and substantially in some, including Louisiana (39.0 percent), Oklahoma (22.3 percent) and Kentucky (16.0 percent).



● ● ● ● ●

0

T

1

a

ar

—

Budget & taxes

S TILL NO SEQUESTER DEAL IN SIGHT: In his State of the Union address last week, President Obama said both Democrats and Republicans agree that the \$1.2 trillion in across-the-board spending cuts known as the sequester “are a really bad idea.” But Democrats and Republicans in Congress are nowhere near an agreement to keep those cuts from taking effect on March 1.

“It’s pretty clear to me that the sequester’s going to go into effect,” said Senate Minority Leader Mitch McConnell (R-Kentucky).

He said there was “an eerie similarity here...to previous occurrences.”

“Take no action, go right up to the deadline, and have an 11th-hour negotiation. Read my lips: I’m not interested in an 11th-hour negotiation.”

That attitude is galling to Democrats working on a plan — which would reportedly raise taxes on the nation’s highest earners and bar companies from deducting the cost of moving jobs out of the country — to delay the sequester for 10 months.

U.S. Senate Majority Leader Harry Reid (D-Nevada) said Republicans “seem content to sit on the sidelines” and allow the automatic spending cuts to take effect “without closing a single tax loophole or asking millionaires to contribute a single penny.”

But U.S. Rep. Tom Cole (R-Oklahoma) said he understands the frustration of his party’s leadership, having previously agreed to delay the cuts more than once.

“We’ve done it twice already,” he said.

And U.S. Sen. Orrin Hatch (R-Utah) said the Democrats’ push for new revenue wasn’t “going to fly” with Republicans in either chamber, who have said repeatedly they won’t accept any deficit-reduction proposal that includes new revenue, after agreeing to raise tax rates on top earners as part of a deal in January.

“These devastating events are no longer distant problems. The wolf is at the door.”

“It’s posturing,” Hatch said of the Democrats’ plan. They’re attempting to look like they’re trying to do something when they actually know their plan is “dead on arrival,” he said.

Republicans are being pressured, however, by the military, with about half of

the sequestration cuts aimed squarely at defense spending. The Defense Department has said the cuts could leave it with insufficient funding to pay for its health-care system for military personnel, known as Tricare, as well as threaten the war readiness of all branches of the armed services.

“These devastating events are no longer distant problems,” Deputy Defense Secretary Ashton Carter told the Senate Armed Services Committee last week. “The wolf is at the door.”

U.S. Senator Kelly Ayotte (R-New Hampshire), for one, seems to fully appreciate the urgency of the situation. She is pushing to delay the sequester until the end of September by freezing congressional pay and cutting the federal workforce through attrition.

“There are other proposals that could be brought forward that are all spending cuts,” she said.
(BLOOMBERG, STATE NET)

GOV’S BUSINESS TAX CUT NO SURE THING IN FL: Florida Gov. Rick Scott’s (R) top legislative priority this year is a \$141 million tax cut for manufacturers.

“We need to build up manufacturing jobs in the great state of Florida,” he said when he unveiled his \$74.2 billion budget plan last month.

Up until last November, turning such a proposal into law might not have been too difficult for Scott, given that his party held supermajorities in both legislative chambers. But as a result of the 2012 elections, he’ll now need Democratic votes in both the 40-member Senate, where Republicans hold a 26-14 majority, and the 120-member House, where the GOP’s majority is 76-44, to get the 27 votes and 80 votes needed, respectively, for passage of his plan.

The prospects of that don’t seem too encouraging, judging from the remarks of Rep. Perry Thurston (D), Minority Leader of the House.

“I doubt that’ll be able to get a supermajority,” he said. “It’s just another [business] incentive. We don’t know if it works.”

There’s no guarantee Scott will even get every Republican vote, particularly in the Senate where lawmakers tend to be more independent. (MIAMI HERALD, STATE NET, NATIONAL CONFERENCE OF STATE LEGISLATURES)

PENSION PROBLEMS NOTHING NEW TO IL: Illinois’ \$97 billion unfunded pension liability — among the largest in the nation — was apparently decades in the making.

“Of principle concern to the Commission is the accumulation of large unfunded accrued liabilities resulting for the most part from the inadequacy of government contributions in prior years to meet increases in costs due to the upward trend in salary rates and large additions to the membership of the funds,” the Illinois Public Employees Pension Laws Commission stated in a report to then-Gov. William Stratton — in 1959.

Upcoming elections

(2/15/2013 - 3/8/2013)

02/19/2013

New Hampshire Special Election
House Hillsborough 31

02/26/2013

Alabama Special Primary
House District 97

Illinois Special Primary
US House (CD 02)

Mississippi Special Runoff
Senate District 28

03/02/2013

Louisiana Special Election
House Districts 65 and 79

03/05/2013

Georgia Special Runoff
House District 71

A letter from the State Universities Retirement System to delegates of the state's 1970 Constitutional Convention indicated the state's public employee pensions were already running a debt in 1946 and that lawmakers had failed to take action to keep the pension system from falling further into the red.

"Despite this legislative mandate for stabilization of the past service liabilities, the General Assembly refused to appropriate the necessary funds to meet this requirement during the 1969 and 1970 legislative sessions," the letter said.

Laurence Msall, president of the Civic Federation of Chicago, summed up the matter simply.

"What has happened is a culture and a willingness by past governors and General Assemblies to take a very short-term perspective on the costs of underfunding the pension systems," he said. "It was easier to underfund pensions than not fund other programs." (STATE JOURNAL-REGISTER [SPRINGFIELD])

BUDGETS IN BRIEF: GEORGIA Gov. Nathan Deal (R) signed a measure, SB 24, that will require hospitals to pay the state 1.45 percent of their net patient revenue. The so-called "bed tax" will help the state close a \$700 million hole in its current health care budget but will reportedly not be nearly enough to cover the health care needs of the state's growing population over the next two years (ATLANTA JOURNAL-CONSTITUTION, STATE NET). • Officials in Jefferson County, **ALABAMA** approved a "plan support agreement" with Dublin-based Depfa Bank PLC that could be a first step toward a plan for the county to exit Chapter 9 bankruptcy. The county's governing commission voted over a year ago to file the then-largest municipal bankruptcy in U.S. history (AL.COM, BIRMINGHAM NEWS). • **OHIO** Gov. John Kasich (R) has proposed broadening the state's sales tax to include 82 currently untaxed services, including admission to sports and cultural events. The sales-tax expansion would generate an estimated \$4.5 billion in additional revenue (CINCINNATI.COM, STATE NET). • Twenty-eight members of **WASHINGTON's** House have signed on to a bill that would direct as much as \$182 million a year of the state's new marijuana tax revenue — courtesy of voter-approved Initiative 502 — toward expansion of the state's publicly funded preschool program for the needy. Supporters of the measure, HB 1723, cited research from the University of North Carolina at Chapel Hill indicating that poor children who attend preschool are less likely to use marijuana than those who don't (NEWS TRIBUNE [TACOMA], STATE NET). • **NORTH CAROLINA's** Republican-controlled Legislature approved deep cuts to jobless benefits last week, despite their state's having the fifth-highest unemployment rate in the nation, at 9.2 percent. Gov. Pat McCrory (R) is expected to sign the legislation, which would make the state the

Upcoming stories

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

- **Pharmacy regulation**
- **Fracking**
- **Sequestration**

● eighth to roll back jobless benefits under the fiscal pressure of the recession (NEW YORK TIMES). • The economic and population growth in **NORTH DAKOTA** that fueled a \$1.6 billion state surplus appears to be leveling off. The state's Office of Management and Budget reported last week that the state will see about \$45 million less in revenues in the 2013-15 biennium than was originally forecast (FORUM OF FARGO-MOORHEAD).

— *Compiled by KOREY CLARK*

Politics & leadership

VA TRANSPORTATION FUNDING OVERHAUL HITS MORE BUMPS: Virginia continued down the road to transportation funding reform last week, but not without hitting a few more bumps.

The first came when the transportation funding bill (HB 2313) proposed by Gov. Bob McDonnell (R) and approved with some amendments by the GOP-controlled House of Delegates on Feb. 5th reached the Senate Finance Committee last Tuesday.

When Del. S. Chris Jones (R) attempted to present the bill to the committee in the absence of the bill's sponsor, House Speaker William J. Howell (R), Senate Republican Leader Thomas Norment (R) demanded that Howell present his own bill.

"I am speaking on behalf of the House," Jones responded. He went on to say that proxies routinely present bills when the sponsors are unavailable and that since it was the last day for committees to act on revenue bills they shouldn't delay action on the transportation measure.

Norment proceeded to scold Jones for what he referred to as a "demagoguery lecture."

"You don't need to go home and tell your constituents any more than I do that we did not act," Norment said. "We are going to act. You may not like how we're going to act, but we will act."

Jones shot back: "We can go back and forth about demagoguery, but the facts are the facts."

Howell never appeared, so the committee decided instead to have Sen. Frank W. Wagner (R) present his amendment to Howell's bill. It amounted to a wholesale rewrite of the measure, most notably stripping out McDonnell's plan to replace the state's 17 1/2 cents-per-gallon gas tax with an increase in the sales tax and instead keeping the gas tax, raising it by 5 cents and allowing it to rise with inflation.

The full Senate went on to approve the amended version of the bill 26-14, with all of the "no" votes in the chamber, evenly divided between Democrats and Republicans, coming from members of the GOP.

McDonnell wasn't happy with the measure as passed.

"The Senate bill uses far too little in general funds, which is an essential part of a solution," he said. "I remain convinced that the gas tax is a declining revenue source and therefore we must look for new ways to meet our growing transportation needs. The Senate bill, though, will raise gas taxes and gas prices for the consumer."

The House didn't like the amended version of the bill either, rejecting the Senate's changes. But the bill remains alive, in a conference committee, which is significant progress from a couple of weeks ago when Senate Democrats were vowing to kill any transportation plan in retaliation for the redistricting maneuver Republicans attempted last month. (See GOP SNEAKS THROUGH LEGISLATIVE REMAP IN VA in Feb. 4 issue of *SNCJ*.) It's also further than the Commonwealth has gotten on the issue in nearly a generation.

"A realistic transportation solution is within our grasp," said Lt. Gov. Bill Bolling (R), who presides over the Senate. "But to get it, everybody's going to have to be willing to compromise."

Del. C. Todd Gilbert (R), however, doesn't see much room for that on an issue that has pushed lawmakers to their ideological limits.

"There are pretty clear lines in the sand that have always been drawn by the respective sides here," he said. "There are those who say the general fund is untouchable, and there are those who say tax increases are a nonstarter. And I don't see how any bill successfully hits the governor's desk without somebody or both sides breaking on that." (WASHINGTON TIMES, WASHINGTON POST, STATE NET)

PRO-POT AND PRO-GUN MOVEMENTS SHARE COMMON GOAL:

In the seven weeks since the start of the year, lawmakers in at least 16 states have introduced legislation seeking to dramatically loosen restrictions on guns. Over that same period, lawmakers in at least 18 states have introduced legislation seeking to dramatically loosen restrictions on marijuana.

An example of the former category of bills is Alaska's HB 69, which would exempt "certain firearms and firearm accessories in this state from federal regulation" and provide "criminal penalties for federal officials who enforce or attempt to enforce a federal law, regulation, rule, or order regulating certain firearms and firearm accessories in this state."

An example of the latter group of bills is New Hampshire's HB 492, which states: "In the interest of the efficient use of law enforcement resources, enhancing revenue for public purposes, and individual freedom, the people of the state of New Hampshire find and declare that the use of marijuana should be legal for persons 21 years of age or older and taxed in a manner similar to alcohol."

The gun bills were spurred by the threat of federal regulation in the aftermath of the Sandy Hook Elementary School shooting, while the marijuana bills were motivated by the stunning election successes last November of legalization measures

in Colorado and Washington. But despite their diverse origins, their vastly different subject matter and the variation in statutory language from bill to bill and state to state, the two groups of bills share at least a couple of things in common: They both aim to exert greater state control over something that is subject to federal regulation. And, consequently, they run afoul of the U.S. Constitution. Eventually, either federal law or the state laws will have to give. (ATLANTIC)

PROSPECTS GOOD FOR OH

REDISTRICTING OVERHAUL: Support appears to be growing in Ohio to turn the task of drawing the state's legislative and congressional districts over to a bipartisan commission. In December, the Senate, divided 23-10 between Republicans and Democrats, passed a plan to do so by a vote of 32 to 1.

"It seems we have as much bipartisan momentum to head in the same direction as we ever have," said Secretary of State Jon Husted (R).

One major reason for that may be that it's about the longest possible time before any redistricting changes would take effect. With the next redistricting not coming until after the 2020 census and legislators in Ohio term limited to eight consecutive years in office, those casting votes now have no personal stake in the outcome. (STATELINE.ORG)

POLITICS IN BRIEF: HAWAII's House Judiciary Committee tabled a bill last week that would have made it legal for those 21 years old or older to possess up to an ounce of marijuana for personal use because the proposal lacked the votes for passage in the full chamber (HONOLULU STAR-ADVERTISER). • A bill that would place all new state employees in **FLORIDA** in a 401(k)-style retirement plan received subcommittee approval in the state's House on a party-line vote (TAMPA BAY TIMES). • A **VIRGINIA** House subcommittee opted not to take up legislation approved by the Senate amending the constitution to automatically restore the voting rights of nonviolent felons who have completed their sentences. Consequently, all former felons will still have to obtain a pardon from the governor to regain their rights to vote and serve on a jury (STATELINE.ORG).

— Compiled by KOREY CLARK

The week in session

States in Regular Session: AK, AL, AR, AZ, CA, CO, CT, DC, DE, GA, HI, IA, ID, IL, IN, KS, KY, MA, MD, ME, MI, MN, MO, MS, MT, NC, ND, NE, NH, NM, NV, OH, OK, OR, PR, RI, SD, TN, TX, US, UT, VA, VT, WA, WI, WV, WY

States in Recess: NJ, SC

States in Special Session: CA "a"

States Currently Prefiling or Drafting for 2013: LA

States Projected to Adjourn: VA

States Adjourned in 2013: DC, IL, PR

State Special Sessions Adjourned in 2013: DE "a", IL "a", NJ "a", PR "b", PR "c", PR "d", PR "e", VA "a", WI "b"

Letters indicate special/extraordinary sessions

— Compiled By DENA BLODGETT
(session information current as of 2/14/2013)
Source: State Net database

Governors

NEW YORK FRACKING DECISION DELAYED: Saying it was not a decision that should be rushed, New York Gov. Andrew Cuomo (D) said his administration is delaying a decision to end or extend a four-year moratorium on hydraulic fracturing, or fracking, in the Empire State. The decision came after state Health Commissioner Nirav Shah said he needed a few more weeks to complete a study of fracking's long-term health impacts. Cuomo ordered the study last fall.

Shah's delay had a dominoes effect. Without his review, the state Department of Environmental Conservation was forced to miss its Wednesday deadline for issuing a long-anticipated environmental impact report on fracking, a review it needed to meet a Feb. 27 deadline to set new rules for the controversial process. Fracking, which entails injecting millions of gallons of chemically treated water into deep underground shale formations to access oil and natural gas deposits, has been on hold in New York since 2008.

Cuomo has been under increasing pressure from both supporters and opponents of the process to make a decision on fracking, and critics complained last week that his deliberate pace has been more political than pragmatic. He rejected those claims, telling reporters that he wouldn't rush Shah to meet an "arbitrary" deadline.

"People say you should rush; I'm not going to rush anyone," he said. "This is too important to make a mistake. If the health commissioner says he needs more time to come to an intelligent conclusion, then he needs more time to come to an intelligent conclusion."

Missing the deadline, however, likely means the state will have to begin the regulatory review process over again, including opening it up to another 45-day public comment period. DEC chief Joseph Martens said the state could conceivably still issue gas-drilling permits once Shah's report is in, providing it does not raise any major health or environmental issues. (NEW YORK TIMES, DEMOCRAT & CHRONICLE [SYRACUSE], PRESS AND SUN BULLETIN [BINGHAMTON])

WALKER PROPOSES HYBRID MEDICAID EXPANSION: Wisconsin Gov. Scott Walker (R) has rejected expanding Medicaid in the Badger State, instead proposing a hybrid plan that would allow more of the state's poorest residents into the plan while moving others out. Under the proposal, an estimated 82,000 new people — mostly very poor adults without dependent children — would qualify for the state Medicaid plan, known as BadgerCare, while around 87,000 would be dropped. Those losing coverage would be directed to get insurance through a health benefits exchange, one of the main tenets of the Affordable Care Act. Walker has already said the state will not participate in running its exchange, leaving it instead to the federal government.

Walker said his plan, which needs approval from both state lawmakers and the U.S. Department of Health and Human Services, would result in “fewer people in the state who are dependent on government.” He said it would also protect taxpayers from the “uncertainty” of the cost of long-term Medicaid expansion.

Reaction to the proposal was mostly along party lines, with Republicans voicing support and Democrats opposition. To date, GOP governors in six states — Ohio, Michigan, New Mexico, Arizona, North Dakota and Nevada — have said they will go along with ACA’s call to expand Medicaid, while 14 have now opted against it. (MILWAUKEE JOURNAL-SENTINEL, POLITICO, LACROSSE TRIBUNE)

INSLEE INTROS JOBS PACKAGE: Washington Gov. Jay Inslee (D) unveiled a \$120 million jobs package last Wednesday. Under his “Washington Jobs Agenda,” the state would provide big tax breaks to some new companies, create 500 new slots in aerospace-training programs and undertake an effort to ensure Evergreen State colleges and universities are turning out more students with math- and science-based skills. Some of the biggest tax breaks would go to startup companies and those that hire military veterans. Others would support clean energy companies and those pushing innovative technologies like electric cars.

The proposal generally drew support from both Republicans and Democrats, though several noted that the Legislature is already fast approaching the deadline for hearing bills, Feb. 22 for measures not connected to the budget and March 1 for those which are.

“It’s one thing to go out and say you’re going to change the world and do something different,” said House Minority Leader Richard DeBolt (R). “But if you miss your timelines — oops — then that doesn’t work for anybody. So he’s got to pick up the pace.” (SEATTLE TIMES, PORTLAND OREGONIAN)

SNYDER PUSHES MI LAWMAKERS FOR HEALTH EXCHANGE:

Michigan Gov. Rick Snyder (R) urged lawmakers to quickly approve spending a \$31 million federal grant to help build the Wolverine State’s health benefits exchange or the state will be at risk of paying for necessary technology infrastructure itself. Snyder is pursuing a state-federal partnership on the exchange, which is a major aspect of federal health reform, but the GOP-led legislature has been hesitant to endorse any part of implementing the Affordable Care Act. The technology changes, however, are needed even if lawmakers reject a partnership because the state must be able to link electronically with the federal exchange, which will be used to determine people’s eligibility for Medicaid and income-based federal aid to help pay premiums on private insurance bought through the exchange. Snyder said lawmakers need to sign off on spending the money within the next few weeks. (MLIVE.COM, DETROIT NEWS)

KITZHABER BACKS IMMIGRANT TUITION BILL: Calling it a “long overdue policy change,” Oregon Gov. John Kitzhaber (D) endorsed new legislation

(HB 2787) last week that would allow undocumented immigrant students to pay in-state tuition at Beaver State colleges and universities. He was joined by several business leaders in calling on lawmakers to approve the measure. Although a similar bill passed the Senate in 2011, it later died in the GOP-controlled House. Democrats, however, now control both legislative chambers, and legislative leaders expect the measure to pass. Three Republicans — Rep. John Huffman, Rep. Bob Jenson and Sen. Chuck Thomsen — have signed on as co-sponsors. (PORTLAND OREGONIAN, STATESMAN-JOURNAL [SALEM])

GOVERNORS IN BRIEF: A new Public Policy Polling survey showed that **LOUISIANA** Gov. Bobby Jindal's (R) approval rating has dropped to 37 percent, down 21 points from 2010. The poll results came a week after a Voter/Consumer Research Poll showed the governor's approval rating had fallen to 49 percent (NEW ORLEANS TIMES-PICAYUNE). • **OREGON** Gov. John Kitzhaber (D) issues Executive Order 13-02, which creates the Task Force on Traumatic Brain Injury, tasked with formulating policies with state agencies to better serve people with serious brain injuries (STATE NET). • **NEW MEXICO** Gov. Susana Martinez (R) has endorsed HB 77, a bill that would require a federal background check on people who purchase guns at gun shows. Martinez, a gun-rights supporter, said she supports the bill because it would keep "guns out of the hands of people who don't have any business having guns." The House approved the bill last week (SANTA FE NEW MEXICAN). • **PENNSYLVANIA** Gov. Tom Corbett (R) said he will sign legislation (SB 187) that would require any fines paid to the NCAA by Penn State be held for exclusive use in the Keystone State. The university has agreed to pay \$60 million in fines over five years for its role in the Jerry Sandusky child molestation case. The measure is expected to get to Corbett's desk this week (HARRISBURG PATRIOT-NEWS). • **MICHIGAN** Gov. Rick Snyder (R) issues Executive Order No. 2013-4, which creates the Governor's Task Force on Child Abuse and Neglect, tasked with reviewing and evaluating the state's child protection laws and making appropriate recommendations to the governor (STATE NET).

— Compiled by RICH EHISEN

Hot issues

BUSINESS: The **KENTUCKY** Senate approves SB 13, which would allow liquor sales on Election Day in the Bluegrass State. It moves to the House (LEXINGTON COURIER-JOURNAL). • The **TENNESSEE** Senate approves SB 142, which would allow employees with a concealed carry weapons

● ● ● ● ●

permit to store their guns in vehicles parked at work even if their employer objects. The measure is now in the House (CHATTANOOGA TIMES FREE PRESS). • The **GEORGIA** House unanimously approves HB 101, which would exempt Peach State nonprofits from needing a state permit to sell food at short-term events. The measure moves to the Senate (ATLANTA JOURNAL-CONSTITUTION). • The **NEBRASKA** Legislature approves LB 91, which would require geologists seeking to obtain or renew their license to disclose felony convictions, the suspension or revocation of their license in another state and any issues involving dishonest or unethical behavior (LINCOLN JOURNAL-STAR). • The **COLORADO** House State, Veterans and Military Affairs Committee rejects HB 1066, which would have allowed a person accused of discrimination to assert their religious convictions in any civil action and then recover attorney's fees (DENVER POST). • The **MISSISSIPPI** House and Senate each approve measures (HB 1182 and SB 2687) that would bar local governments from adopting their own food regulations, such as requiring nutritional labeling at restaurants, banning junk foods and keeping toys out of meals. The bills each now move to the opposite chambers for review (BILOXI SUN-HERALD). • The **NEW HAMPSHIRE** House rejects HB 323, legislation that would have made the Granite State the 24th to adopt so-called right-to-work laws that make it illegal for labor and management to voluntarily bargain a mandate that all workers have to pay agency fees to cover the cost of labor negotiations (KEENE SENTINEL). • The **OREGON** House approves HB 2131, which would allow pest control companies to report bedbug contamination to county health departments without exposing their findings to state public records laws. It moves to the Senate (PORTLAND OREGONIAN).

CRIME & PUNISHMENT: The **ARKANSAS** House approves HB 1203, which would expand the definition of human trafficking and make it a Class Y felony punishable by 10 to 40 years or life in prison. It is now in the Senate (ARKANSAS NEWS [LITTLE ROCK]). • Also in **ARKANSAS**, the Senate approves SB 170, which would allow a pregnant woman to use physical force or deadly force to protect herself or her unborn child. It moves to the House (ARKANSAS NEWS [LITTLE ROCK]). • The **MARYLAND** Senate approves SB 74, which would make it illegal to pilot a nonmotorized sailboat while drunk. The measure has moved to the House (THE CAPITAL [ANNAPOLIS]). • The **ALABAMA** Senate approves SB 108, legislation that would consolidate state law enforcement agencies and create a secretary of public safety that is appointed by the governor. It has moved to the House (STATE NET, MONTGOMERY ADVERTISER). • The **GEORGIA** Senate gives final approval to HB 55, which would allow Peach State law enforcement to conduct wiretaps across county lines. It moves to Gov. Nathan Deal (R) for review (ATLANTA JOURNAL-CONSTITUTION).

EDUCATION: The **MONTANA** Senate approves SB 112, which would require prep athletes showing signs of a concussion to be pulled from competition until cleared by a doctor. The measure, which would also require coaches and parents to receive greater information about dealing with concussions in young athletes, moves to the House (**HELENA INDEPENDENT RECORD**). • **WYOMING** Gov. Matt Mead (R) allows HB 223 — a bill that would permit the selection of University of Wyoming and state community college presidents to be closed to the public — to become law without his signature (**CASPER STAR-TRIBUNE**). • Also in **WYOMING**, the Senate Education Committee rejects HB 105, a bill that would have allowed anyone 21 or over with a concealed carry weapons permit to carry firearms on an Equality State school campus (**CASPER STAR-TRIBUNE**). • The **UTAH** House rejects HB 278, which would have required school districts to do a cursory earthquake safety review of schools built prior to 1975 when the districts want to issue bonds to build new schools (**SALT LAKE TRIBUNE**). • The **VIRGINIA** Senate approves HB 1617, which would allow Old Dominion student clubs or organizations to restrict membership to those committed to their missions and bar schools from discriminating against clubs that make club participation exclusive. The measure moves to Gov. Robert McDonnell (R) for review (**VIRGINIAN-PILOT [NORFOLK]**). • The **KENTUCKY** Senate approves SB 8, which would require public schools to conduct safety drills twice a year, conduct classes inside locked classrooms and keep all outside doors locked as well. The measure moves to the House (**LEXINGTON COURIER-JOURNAL**). • The **WASHINGTON** Senate approves SB 5197, which would require all Evergreen State public schools to install panic alarm systems by 2014. It moves to the House (**SEATTLE TIMES**). • The **MISSISSIPPI** House approves HB 1112, which would make it expressly legal for students to pray before public school groups and events, prohibit students from being punished for expressing their religious beliefs at school or in their schoolwork and allow students to organize religious clubs and prayer groups. It moves to the Senate (**JACKSON CLARION-LEDGER**).

ENVIRONMENT: **MONTANA** Gov. Steve Bullock (D) signs HB 73, which makes several changes to the Treasure State's wolf management laws, including: allowing hunters to purchase up to three wolf licenses and to use them within 24 hours, authorizing the use of electronic calls, lowering the price of a nonresident wolf

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: 578

Number of Intros last week: 6,482

Number of Enacted/Adopted last week: 628

Number of 2013 Prefiles to date: 19,076

Number of 2013 Intros to date: 60,073

Number of 2013 Session Enacted/Adopted overall to date: 3,296

Number of bills currently in State Net Database: 106,021

— Compiled By DENA BLODGETT
(measures current as of 2/13/2013)
Source: State Net database

license from \$350 to \$50, permitting hunting and trapping of wolves near national parks, and allowing wildlife officials to close such areas after established wolf harvest quotas are met (MISSOULIAN).

HEALTH & SCIENCE: The **GEORGIA** Senate approves SB 65, which would allow mental health providers to involuntarily commit patients who appear to be mentally ill and a danger to themselves or others to an institution for 72 hours. The bill moves to the House (ATLANTA JOURNAL-CONSTITUTION). • Also in **GEORGIA**, the House approves HB 198, legislation that would require health insurance “navigators” — officials tasked with helping Peach State residents utilize federally-mandated health benefits exchanges — to be licensed by the state. It moves to the Senate (ATLANTA JOURNAL-CONSTITUTION). • The **INDIANA** Senate endorses SB 496, which would cap annual over-the-counter sales of pseudoephedrine-based medications at 61.2 grams per person. It moves to the House (INDIANAPOLIS STAR). • **ARKANSAS** Gov. Mike Beebe (D) signs HB 1100, which will prohibit insurers from offering coverage for elective abortions through the state’s health insurance exchange except through a separate rider on the policy with a separate premium paid by the consumer (ARKANSAS NEWS [LITTLE ROCK]). • The **UTAH** House approves HB 13, a bill that would make it illegal to smoke in a car when children are present. The measure, which would make the act a secondary infraction subject to a warning the first year after its passage and a \$45 fine thereafter, moves to the Senate (SALT LAKE TRIBUNE). • The **KENTUCKY** Senate approves SB 9, a bill that would create a medical review panel to assess lawsuits alleging abuse at nursing homes. It moves to the House (LEXINGTON COURIER-JOURNAL).

SOCIAL POLICY: The **ILLINOIS** Senate approves SB 10, which would legalize same-sex marriage in the Prairie State. The bill would allow religious institutions to defer from performing gay marriage ceremonies and allow couples currently in civil unions to convert them to legal marriages within one year of the law taking effect. It moves to the House (CHICAGO TRIBUNE). • The **NORTH DAKOTA** House approves two abortion measures: HB 1305, which would make it a Class A misdemeanor for a physician to knowingly perform an abortion based specifically on gender or on genetic abnormalities and HB 1456, legislation that would require physicians to check for a heartbeat before performing an abortion and bar them from conducting one if a heartbeat is detected. The bills are now in the Senate (BISMARCK TRIBUNE). • The **COLORADO** Senate gives initial approval to SB 11, which would authorize civil unions in the Centennial State. The chamber must approve it again this week to send it to the House (DENVER POST). • The **COLORADO** Senate Judiciary Committee rejects SB 56, which would have banned “sex-selection” abortions (DENVER POST). • **ARKANSAS** Gov. Mike

● ● ● ● ●

Beebe (D) signs SB 71, which allows houses of worship to decide individually whether to let someone with a concealed handgun permit carry a weapon on the premises (ARKANSAS NEWS [LITTLE ROCK]). • A federal judge permanently bars **ARIZONA** from cutting off funds to Planned Parenthood solely because the organization performs abortions. Opponents are expected to appeal Judge Neil Wake's ruling to the 9th U.S. Circuit Court of Appeals (EAST VALLEY TRIBUNE [MESA]). • The **VERMONT** Senate approves SB 77, which would grant doctors and family members immunity from criminal or civil action if they participate while a terminally ill patient self-administers a lethal dose of medication. The bill, which would require doctors to warn a patient that the medicine could prove lethal if taken at a certain dose, moves to the House (BURLINGTON FREE PRESS).

In case you missed it

Although most GOP governors still oppose expanding Medicaid coverage in their states, a small but growing number of influential Republican chief executives are signing on.

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

http://www.statenet.com/capitol_journal/02-11-2013/html#sncl Spotlight

POTPOURRI: The **NORTH DAKOTA** Senate unanimously approves SB 2211, which would define separate types of animal mistreatment and make animal cruelty a felony. The bill, which would also establish a penalty for leaving an animal in a vehicle without ensuring its safety and streamline the process for seizing abused animals, moves to the House (BISMARCK TRIBUNE). • The **MONTANA** House rejects HB 215, legislation that would have made the Winchester Model 1873 rifle the Treasure State's official gun. The bill drew fierce opposition from Native American lawmakers, who said the weapon was used to bring "devastation" to their ancestors (BILLINGS GAZETTE). • The **VIRGINIA** House approves a heavily amended version of SB 1335, which would end public access to information on concealed carry weapons permit holders. It returns to the Senate, where the version passed only allowed withholding of permit information upon request by someone who has been granted a protective order in a domestic violence case (VIRGINIAN-PILOT [NORFOLK]). • The **NEW MEXICO** House approves HB 77, a bill that would require federal background checks on people who buy guns at gun shows. It moves to the Senate (STATE NET, SANTA FE NEW MEXICAN).

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

DUMB IT DOWN, PLEASE: Anyone who has ever read a Web site privacy policy knows it practically takes a law degree to understand what the user is agreeing to. Most are long — sometimes pages and pages — and all are in legalese that leaves the average consumer baffled. Enter AB 242, a measure from California Assemblyman Ed Chau that would force Internet sites to make their privacy notices dramatically shorter and easier to understand. Under the bill, no such policy could be more than 100 words. And as the *Sacramento Bee* reports, Chau isn't afraid to practice what he preaches: his bill is only 64 words long.

GOV ON THE LOOSE: Texas Gov. Rick Perry's attempts to lure away California businesses continued last week, with Perry ditching the radio ads for a personal visit to the Golden State. The Lone Star State is far from the first to attempt gobbling up dissatisfied California companies — Arizona and Nevada already have their own recruiting offices in the state — but Perry's overt pitch has clearly struck a nerve. As noted here last week, Gov. Jerry Brown compared Perry's efforts to flatulence, and the *Sacramento Bee* called them "a cry for help." The *Bee* piled on, calling Perry's gaffe-filled 2012 presidential campaign "a joke" and chiding him for the Dallas Cowboys not making the Super Bowl since 1996. A Democratic Texas group called the Lone Star Project even got into the act, airing ads of their own warning that Perry had "got out again" and calling him "Gov. Oops." Ouch.

PEDAL INTO THE METAL: We've all seen them: bikes racing alongside or in between cars slowed by heavy traffic. It can be annoying for sure, enough so that some less in-control drivers have been known to suddenly open their door just in time for a speeding bicyclist to plow into it, sending that person careening through the air. Noting the obvious dangers, Virginia Sen. Chap Petersen proposed legislation barring the practice. It passed the Senate but, as the *Washington Post* reports, crashed hard in the House. Petersen was disappointed, but kept a semblance of humor about it, releasing a statement entitled "Petersen's bicycle safety bill hits House Transportation Committee: Does not survive."

50 SHADES OF GRAY: Rural eastern Washington has long been at odds with the more urban western side of the state over how to manage the state's eight known gray wolf packs. The east siders, dominated by ranchers and farmers, want to be able to kill wolves that threaten their livestock, a proposal that is anathema to

● environmentalists in the west. Now, Rep. Joel Kretz, who represents the Evergreen
● State's rural northeastern corner, has had enough. Saying "all Washingtonians should
● be able to share in the benefits of an expanding wolf population," he has introduced
● legislation to relocate some wolves to the western part of the state. His colleagues
there are, to say the least, not amused. State Sen. Kevin Ranker called it "a stupid
bill" and a "waste of resources." Of course, his ire might be related to the fact that
Kretz's bill specifically calls for wolves to be sent to his district.

— By *RICH EHISEN*

Editor: Rich Ehisen — 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

State Net ISSN: 1521-8449

State Net®
A LexisNexis® Company



You've just read **State Net Capitol Journal**, the insider's source for political and legislative news in the 50 states.

State Net Capitol Journal is published 40 times annually and delivered over the Web or email.

**For a FREE subscription,
visit our Website at
www.statenet.com
and click on the
"Register Now" icon.
Or call us at
916.444.0840**

A publication of State Net — *Information and Intelligence on the 50 States & Congress*

The Power to Know. Act. Connect.

Unique State Net tools, methods and expertise overcome the challenge of managing government affairs information. We help minimize your risks and empower your team for success.

State Net: the service you can trust when you need to be right.

Learn more about our issue-based reporting solutions today:
info@statenet.com or www.statenet.com • 800.726.4566