

News & Views from the 50 States

March 4, 2013

## Sequestration Cuts



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The next issue of Capitol Journal will be available on March 11th.

### Top Story

*Passionate partisanship is doing nothing to move the White House and Congress toward a solution that avoids sequestration's worst case scenarios.*

## SNCJ Spotlight

**In our view: In sequester, truth is the first casualty**

Left in place, the \$85 billion in automatic federal spending cuts that went into effect on March 1 — a.k.a. “the sequester” — will set criminals free, delay flights, lock kids out of day care and send thousands of teachers and police to the unemployment line. Or perhaps those reductions will have minimal impact, and are a long-overdue first step in tackling the



By Rich Ehsen

nation's \$16 trillion budget deficit that will actually spur economic growth.

Which of these scenarios you believe may depend on your political leanings. Both could have elements of the truth, or maybe just what comedian Stephen Colbert famously dubbed "truthiness" — the overwhelming belief that "What I say is right, and [nothing] anyone else says could possibly be true."

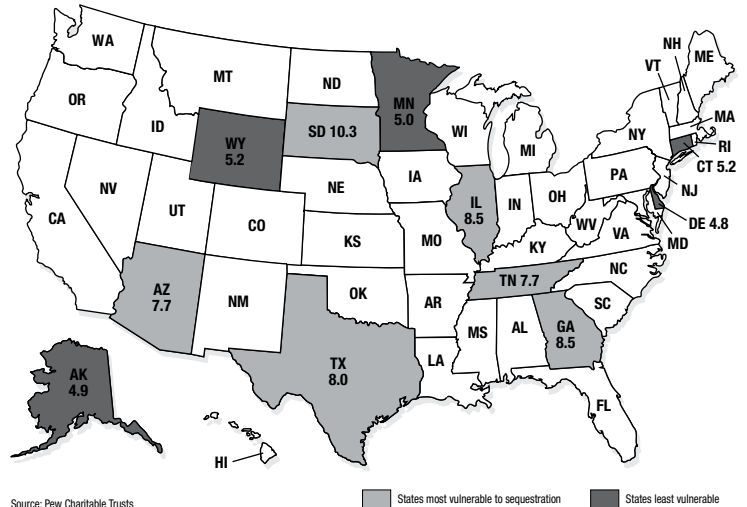
Truthiness has unfortunately dominated the sequestration debate, much as it dominated the "fiscal cliff" discussion that preceded it at the beginning of the year. And while passionate pontification from opposing ends of the political spectrum may appeal to the most devoutly partisan among us, it has done nothing to move the White House and Congress toward a solution that avoids sequestration's worst case scenarios.

Neither political party has been above the fray: The White House has been in full campaign mode, with President Obama spending copious time and energy lobbying the public to lean on their Congressional representatives to devise a plan to avoid the cuts. To wit, his administration released a state-by-state breakdown that showed devastating job losses and threats to public health and safety. He shared the same message with the nation's governors last weekend at the winter meeting of the National Governors Association in Washington D.C. The president acknowledged that the worst of the impacts "will not all be felt on day one," but insisted they would surely come.

Republicans, meanwhile, scoff at it all, essentially trivializing the cuts and accusing the president of, as Rep. Jon Cornyn (R-Texas) told *Fox News*, of dramatizing the impact of the sequester "to scare people in order to grow the size of government."

While this is all so much of what has become business as usual in Washington, the "new normal" so to speak, the sequester is nowhere near as cut and dry.

## Bird's eye view



### Potential impact of 'sequestration' varies across states

The across-the-board federal spending cuts known as "sequestration" would potentially impact some states more than others as some states' finances are more intertwined with those of the federal government. According to analysis of federal government data by The Pew Charitable Trusts, South Dakota is the most vulnerable state; it receives federal funding equivalent to 10.3 percent of its total state revenues in 2010 that is subject to the sequester. Delaware is potentially the least vulnerable state, with federal grants amounting to 4.8 percent of its 2010 revenues at risk.



When folks woke up this morning, virtually none of the worst case scenarios — delayed flights, kids being kicked out of government-run day care, cops and teachers being cut loose — had come to be. Nor will they come tomorrow, or the next day or the day after that. In fact, over 80 percent of federal aid to states is exempt from sequester cuts. As the National Association of State Budget Officers (NASBO) notes, Medicaid, the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF) are in fact all exempt from the sequester.

Public agencies and private companies that rely on government dollars have also been preparing for cutbacks for months. That preparation will undoubtedly limit the initial hit. Cuts will be implemented over months, some bigger than others, creating what Homeland Security Director Janet Napolitano called “a rolling ball” that keeps slowly growing.

Some people, however, will feel the pain right away. While most schools will not absorb cuts until next year, so-called “impact aid” districts — those on federal property, predominantly on military bases and Indian reservations — will take their cuts right away. The Department of Education says there are about 1,200 such districts facing a total of \$60 million in spending cuts, effective March 1.

Not that the hurt won’t eventually get everywhere else as well. Under current conditions, it most certainly will. The sequester is a 10-year process designed to cut \$1.1 trillion out of the federal budget, with cuts of almost 8 percent to defense spending and 5 percent on the domestic front. In a statement released last week, the National Conference of State Legislatures said states will lose \$5.8 billion in federal aid in FY 2013 alone.

Worse, NCSL notes, is the ongoing “uncertainty” this all creates for the states. This includes not only the March 1 cuts, but “the second sequester coming March 27 [when the federal government must either pass a budget or adopt a resolution to fund government operations], the FY 2013 continuing resolution and the 2014 federal budget.” Federal dollars comprise 34 percent of overall state spending, and since most state budgets are finalized in the spring, this uncertainty leaves them to “face the near-impossible challenge of balancing their budgets without knowing how much federal funding to expect.”

States with a big military presence — bases, large numbers of civilian Department of Defense employees or both — could eventually face the biggest hits. According to the the White House, in California, 64,000 civilian Defense Dept workers could face furloughs; Virginia could furlough up to 90,000. Maryland could furlough 46,000; Washington 29,000, North Carolina 22,000 and Hawaii 20,000. Texas could lose \$233 million in base operations funding, while South Carolina could lose \$81 million.

A bigger question is what all this will do to the nation’s already slow economic recovery. In spite of many predictions of Wall Street panic and a return to recession, markets have so far remained calm. The Dow Jones Industrial Average in fact hit a

near-record high last week, climbing to 14,075 on Wednesday. But economist Dean Baker, co-director of the Center for Economic and Policy Research in Washington DC, says it is unreasonable to expect the cuts won't become a drag on the economy.

"This is pulling money out of an economy that is already growing very slowly, which is a further hit to growth," he says. "At best, this economy is growing at about 2 percent right now, which is not even enough to keep up with the growth in the labor force. That means we're going to end up with an increase in unemployment."

Whether any of these more dire predictions come true remains to be determined. As SNCJ columnist Lou Cannon wrote in last Thursday's *RealClearPolitics*, "the sky is not falling — yet." That is a key qualifier. With most of the worst sequestration

## **"How March 27 works out depends on how March 1 works out."**

impacts not due in the short term, all eyes now are on the next line in the sand, March 27. Since no actual budget deal is expected, Congress must either approve a new concurrent funding resolution or shut the government down. Baker calls the latter scenario

"unlikely," saying lawmakers will likely use this as an opportunity to reconfigure this round of sequestration cuts, dropping the meat cleaver in favor of more precise cuts that spare effective government programs and target bloated ones.

"How March 27 works out depends on how March 1 works out," he says. "If there are bad results, the public may well pressure the government to act."

We'll see. My colleague Lou Cannon, noted above, is considered by many to be the finest of former president Ronald Reagan's many biographers. As Cannon notes, Reagan once told him that the most overlooked accomplishment on his resume was his time as president of the Screen Actors Guild, Hollywood's most powerful union. When asked what he learned there that was so important, Reagan replied, "That the purpose of a negotiation is to get an agreement."

It is a lesson seemingly lost on the White House and Congress these days.

— By RICH EHISEN

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# Budget & taxes

**V**A PASSES TRANSPORTATION FUNDING OVERHAUL: On the final day of their legislative session, Virginia lawmakers approved a plan overhauling the way the state will pay for its roads, highways and mass transit.

Under the plan, the state's 17.5 cents-per-gallon tax on gasoline — which hadn't been changed in more than two decades — will be replaced by a new 3.5 percent wholesale tax on motor fuels that will rise with inflation. The plan also boosts the sales tax on nonfood items to 5.3 percent from 5 percent and directs more of that revenue to transportation. An additional regional funding mechanism will raise the

sales tax in Northern Virginia and Hampton Roads to 6 percent and require all of that revenue to be spent exclusively on transportation projects in those regions.

The plan comes after weeks of twists and turns in Gov. Robert McDonnell's (R) effort to get a transportation funding overhaul through the General Assembly. (See BUMPY ROAD CONTINUES FOR VA TRANSPORTATION FUNDING OVERHAUL in the February 18 issue of *SNCJ*.) The plan passed the GOP-controlled House with the slimmest majority of the Republican caucus voting for it. And the following day it passed the Senate, split 20-20 between Republicans and Democrats, with only eight Republican "Yes" votes, after Democrats got McDonnell to agree in writing to the Affordable Care Act's prescribed expansion of Medicaid.

"This isn't any bill, this is the only bill, and we did not reach this decision lightly without hundreds of hours of anguish and numbers-crunching," said Senate Majority Leader Thomas K. Norment Jr. (R). "It is the only solution we could come up with."

That solution was quite a bit different than the one McDonnell initially proposed, which among other things had called for elimination of the gas tax altogether, but he seemed satisfied with the result nonetheless.

"This is a historic day in Virginia," he said in a written statement. "We have worked together across party lines to find common ground and pass the first sustainable long-term transportation funding plan in 27 years. There is a 'Virginia Way' of cooperation and problem solving, and we saw it work again today in Richmond." (WASHINGTON POST, STATE NET)

**NEWTOWN SPURS SPENDING ON MENTAL HEALTH:** Between 2009 and 2012 an estimated \$4.3 billion in mental-health spending was slashed from state budgets. But in the wake of the shooting massacre in Newtown, Connecticut, lawmakers and governors of both parties are pushing to restore some of that funding.

Last month Wisconsin Gov. Scott Walker (R) proposed a nearly \$30 million increase in mental health funding in his state budget. Colorado Gov. John Hickenlooper (D) has proposed \$18.5 million in mental health initiatives, including a statewide mental-health crisis hotline and walk-in centers. And a Republican state representative in Pennsylvania is leading an effort to reclaim \$84 million in mental health funding cut from the state's most recent budget.

## Upcoming elections

(3/1/2013 - 3/22/2013)

03/02/2013

### **Louisiana Special Election**

House Districts 65 and 79

### **Texas Special Runoff**

Senate District 6

03/05/2013

### **Georgia Special Runoff**

House District 71

03/12/2013

### **Alabama Special Runoff**

Senate District 35

### **California Special Primary**

Senate Districts 32 and 40

### **Mississippi Special Election**

House District 36

### **South Carolina Special Election**

House District 17

03/19/2013

### **New Hampshire Special Election**

House Hillsborough District 9  
(Manchester Ward 2)

### **South Carolina Special Primary**

US Senate (CD 1)

Mental health advocates are hopeful about the shift on the issue.

“It would be good if we could undo some of the damage of recent years,” said Debbie Plotnick, senior director of state policy for Mental Health America. “We’ve had years of cuts, and they’ve been drastic. We’re seeing a rethinking of that. I wish it would turn on a dime.” (WASHINGTON POST)

## 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**

**KS’ ‘GLIDE PATH’ TO NO INCOME TAX NOT SMOOTH:** Last year Kansas eliminated the state income tax for about 190,000 small businesses and lowered the rate for high-income earners. Gov. Sam Brownback (R) says he’s put the state on a “glide path to zero” income taxes.

With GOP supermajorities in both legislative chambers, the state is in a unique position.

“I think the road is open,” Brownback says. “I think we do provide an alternative model. I think we do provide a red-state model.

Jonathan Williams, director of the Tax and Fiscal Policy Task Force for the conservative-leaning American Legislative Exchange Council, seems to approve of that model.

“Well, Gov. Brownback has made very bold moves towards making Kansas a more competitive place to do business and to create jobs,” he said.

Unsurprisingly, the model has also found favor among small businesses, such as the accounting firm Meara Welch Browne, which recently relocated to Kansas from Missouri. The company’s short move “from just a mile or two” on one side of the state line to “literally...a few hundred yards” on the other has boosted its income by over 6 percent, according to partner Steve Browne.

But Republican state Rep. Barbara Bollier isn’t a fan of Brownback’s red-state model. Although pro-business, she has a hard time swallowing the \$850 million per year the state now stands to lose in revenue. With a third of the state’s general fund coming from the income tax and neighboring states now talking about lowering or eliminating their own income taxes, Boiler fears a race to the bottom leading to job losses and painful budget cuts.

“I have a hard time looking at the schoolchildren in my neighborhood and saying, ‘I’m going to do an experiment on you, and if we lose, your schools are going down the tubes,’” she said.

To keep that from happening in the short term, Brownback is now proposing the extension of a sales tax that’s about to expire and the elimination of some tax deductions, which would actually result in a \$455 million net increase in state revenue, earning the governor’s red-state model the sobriquet “Robin Hood in reverse” among Democrats.

● Kansas state Rep. Scott Schwab (R) doesn't much care for the new wrinkle in Brownback's plan either.

● "So you're asking me to raise taxes today for a tax cut in five years," he said.

● Not doing so, however, could collapse the state's budget, which would likely be even more unpopular. (NATIONAL PUBLIC RADIO)

**CA PARK'S SECRET SURPLUS DATES BACK DECADES:** Last July revelations surfaced in California that the Department of Parks and Recreation had an unreported cash reserve totaling \$20 million even as it was threatening to close 70 state parks due to budget cuts. In the months since then, the department's leadership has been replaced, and Gov. Jerry Brown (D) and lawmakers have approved a plan to spend the \$20 million stash on park operations.

But a new investigation into the scandal by the state's auditor has revealed that the surplus has been around as long as 20 years. And although the probe revealed no new evidence that the money had ever been spent illegally, it also failed to shed any additional light on how the surplus accumulated in the first place.

"Neither current staff nor documentation we reviewed in the department's accounting and budget files had an explanation for what originally caused the differences or why the issue was never resolved," said a report on the investigation released last month.

That news was galling to state Assemblywoman Beth Gaines (R).

"I'm appalled that a department in the state of California can operate with such a loose accounting system," she said.

The state has made some effort to address the problem, however. Last year, it imposed a new rule requiring department heads to certify the budget information they report is accurate, under penalty of perjury. (SACRAMENTO BEE)

**BUDGETS IN BRIEF:** Last month, **NEVADA** became the first state in the nation to authorize interactive gaming with Gov. Brian Sandoval's (R) signing of AB 114. The law will remove regulatory barriers impeding interstate online gaming (LAS VEGAS REVIEW-JOURNAL, STATE NET). • The Obama administration intends to give states the go-ahead to cut Medicaid payments to doctors and other health care providers to hold down costs. The administration's position was set forth in a brief filed with the U.S. Court of Appeals for the Ninth Circuit, in San Francisco, defending **CALIFORNIA's** decision to cut Medicaid payments to many providers by 10 percent (NEW YORK TIMES). • **NEW JERSEY** Gov. Chris Christie (R) proposed a \$32.9 billion budget that would put nearly \$1.7 billion into the state's underfunded public employee pension system and expand Medicaid coverage for thousands of residents. But the plan delays property tax relief and includes no promised income tax cut (NORTHJERSEY.COM)

— Compiled by KOREY CLARK

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# Politics & leadership

**SUPREME COURT DOCKET DREDGES UP GOP DIVISIONS:** Last month the U.S. Supreme Court heard arguments in a challenge to a key part of the Voting Rights Act of 1965. This month the justices will consider a pair of cases relating to same-sex marriage. Also on the docket are cases concerning voter ID and affirmative action.

The high court's current calendar is the last thing some Republicans — still nursing the wounds from their 2012 election losses over some of the very same hot-button social issues — want to see. Some say the party's stance on the divisive issues could even lead to its demise.

"If Republicans want to become the Whigs, they should stick to their guns on all of these issues," quipped John Lehman, a Navy secretary during the Reagan administration and an adviser to Mitt Romney's 2012 presidential campaign.

That's precisely what Republican leaders in the U.S. House are doing on the issue of same-sex marriage, retaining top Supreme Court litigator Paul Clement to persuade the justices to retain the central provision of the Defense of Marriage Act,

**"We don't need two Democratic parties in our country."**

forbidding federal benefits for same sex couples. But privately some Republicans are saying that losing that case would be the best thing for the party politically by taking the issue off the table without alienating the party's base.

Others, however, argue that shifting on any of the issues before the court in order to appeal to the minority and young voters they failed to win over last November would undermine the party.

"We don't need two Democratic parties in our country," said Louisiana Gov. Bobby Jindal (R). "I would resist efforts in our party to try to just copy Democratic principles just because they were successful in this last election." (POLITICO)

## **STATES LAUNCH PREEMPTIVE STRIKE ON FEDERAL GUN LAW:**

A wave of lawmakers in at least 20 states are pushing back against the Obama administration's effort to pass tougher gun restrictions in the wake of the Sandy Hook Elementary School shooting. Some are promoting bills like the Firearms Freedom Act, introduced in Alabama, Michigan and Oklahoma, among other states, advancing the argument that guns and ammunition manufactured and kept within a state's borders have nothing to do with interstate commerce and are, therefore, not subject to federal regulation. Wyoming's GOP-controlled House has passed a measure declaring any future federal ban on semiautomatic weapons that remain solely within the state unenforceable. And Pennsylvania's Right to Bear Arms Protection Act would make it



a felony, punishable by up to seven years in prison, for a government official to try to enforce new federal gun restrictions in that state.

Some legal experts say the measures would not likely withstand a legal challenge. The precedent set by a 2005 Supreme Court ruling upholding federal restrictions on homegrown marijuana in California on the grounds that marijuana moves in a national market dooms such proposals, they say.

“There’s apparently some people out there who have yet to read the Constitution,” said Ladd Everitt, director of communications for the Coalition to Stop Gun Violence.

But enforceability isn’t the only concern of lawmakers backing the gun rights legislation. As Nebraska state Sen. Charlie Janssen put it in an Internet message seeking to generate support for his measure: “It is time to send a message to those in Washington, D.C., that we will not stand for the continual erosion of our rights and freedoms.” (LOS ANGELES TIMES)

**BIPARTISAN PUSH FOR RECREATIONAL POT IN ME:** Lawmakers from both sides of the political aisle unveiled a bill last month that would give Maine voters the opportunity to legalize marijuana — already legal for medical purposes — for recreational use.

If approved by the Legislature and by voters in 2014, ME LR 21, sponsored by Rep. Diane Russell (D) and co-sponsored by Rep. Aaron Libby (R), would make possession of up to 2.5 ounces of pot legal and tax the drug at the rate of \$50 per ounce.

“We have retail establishments that grow and supply [medical] marijuana to responsible consumers,” said Russell. “We have proven here in Maine that this can be done for medicinal purposes and it’s now time to institute that same strict regulatory infrastructure for responsible adult recreational consumers.” (BANGOR DAILY NEWS, STATE NET)

**POLITICS IN BRIEF:** Over \$550,000 in taxpayer money was used by **MICHIGAN** state government agencies to lobby the state Legislature last year. State officials said the money went towards staff time spent advancing agency interests and the broader agenda of Republican Gov. Rick Snyder (LANSING STATE JOURNAL, STATE NET). • **NEBRASKA** Sen. Bill Avery has proposed legislation (LB 448) that would bar lobbyists from making campaign donations to lawmakers when the Legislature is in session. Twenty-eight other states already have such a restriction (LINCOLN JOURNAL STAR). • **FLORIDA’s** Miami-Dade elections website

## 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, NJ, NH, NM, NV, OH, OK, OR, PR, RI, SD, TN, TX, US, UT, VT, WA, WI, WV, WY

**States in Recess:** FL

**States in Special Session:** CA “a”

**States Currently Prefiling or Drafting for 2013:** LA

**States Adjourned in 2013:** VA

Letters indicate special/extraordinary sessions

— Compiled By FELICA CARILLO  
(session information current as of 2//2013)  
Source: State Net database

received 2,552 fraudulent online requests for absentee ballots from an unknown hacker during the Aug. 14 primary elections. The elections department's software flagged the requests, which came over a relatively short period of time and from only a handful of IP address, and no ballots were sent out (MIAMI HERALD).

— *Compiled by KOREY CLARK*

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# Governors

**TWO MORE GOP GOVS ENDORSE MEDICAID EXPANSION:** New Jersey Gov. Chris Christie and Florida Gov. Rick Scott last week joined a small but slowly growing contingent of Republican governors to switch gears on expanding their state's Medicaid program as called for by the Affordable Care Act. Christie, one of the GOP's most vocal opponents of federal health care reform, made the announcement last Tuesday during his annual state budget address. It came just days after Scott — another previously devout ACA opponent — said he would now back the expansion.

The two join GOP governors from six other states — Nevada, North Dakota, Arizona, Ohio, New Mexico and Michigan — which have broken ranks with their party to endorse the expansion.

Scott said he supports a “limited” expansion that would last for three years, the time the federal government has said it will pay its full cost. After that, he said, the state would reassess whether it wants to continue. In the mean time, he said he could not “in good conscience deny Floridians that needed access to health care.”

Both he and Christie said money was the driver behind their decisions, noting that refusing to go along would only result in federal money targeted for them instead being distributed to other states.

“To be clear, our options are either having Floridians pay to fund this program in other states while denying health care to our citizens or using federal funding to help some of the poorest in our state with the Medicaid program as we explore other health care reforms,” Scott told reporters.

The Congressional Budget Office has estimated the total tab for expanding Medicaid across the nation at approximately \$638 billion through 2023. The federal government will pay 100 percent of that cost through 2017, after which it will cover 90 percent of those costs. Overall, the CBO says the expansion will cost states about \$63 billion. (NEW YORK TIMES, MIAMI HERALD, BLOOMBERG BUSINESSWEEK)

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**MALLOY PITCHES GUN CONTROL PLAN:** Connecticut Gov. Dannel P. Malloy (D) introduced a list of what he called “common sense” gun control measures. The measures include expanding the state’s ban on assault weapons and requiring background checks for all gun purchases, including those made through private parties. Other restrictions include limiting the size of ammunition magazines and requiring that guns be locked up when not in use.

Malloy offered his plan after becoming frustrated with the slow pace of efforts underway in the General Assembly, which has three subcommittees working on their own gun control package. But his impatience drew criticism from lawmakers on both sides of the aisle. House Minority Leader Jeff Cafero Jr. (R) chided Malloy, saying his proposals were all part of the package lawmakers are already working on.

“Expand the assault weapon ban? Duh. Decrease the size of magazines? Duh. Storage and universal background checks? Duh,” he said. (CONNECTICUT MIRROR, CONNECTICUT POST, WATERBURY REPUBLICAN AMERICAN)

**SNYDER ORDERS MENTAL HEALTH SYSTEM REVIEW:** Saying “mental health is just as important as physical health,” Michigan Gov. Rick Snyder (R) issued a pair of executive orders last week intended to bolster the Wolverine State’s mental health system. Those orders (EO 2013-6 and EO 2013-7) will create two separate commissions tasked with addressing different aspects of mental health care: the six-member Mental Health and Wellness Commission, which will explore mental health solutions related to education, public safety, military veterans, service delivery and other areas, and the 14-member Mental Health Diversion Council, which will devise ways to divert those with mental illnesses or substance abuse problems out of the state’s criminal justice system and into appropriate medical treatment. Both commissions will issue their proposals later this year. (MLIVE.COM, MICHIGAN GOVERNOR’S OFFICE, DETROIT NEWS)

**TOMBLIN INTROS PRISON REFORM PLAN:** West Virginia Gov. Earl Ray Tomblin (D) introduced legislation last week to ease overcrowding in the state’s prison system. Measures in the bill include letting some nonviolent offenders out of jail up to six months early, shortening sentences for those who violate their probation or parole on technical grounds and letting judges sentence some drug offenders to substance abuse treatment rather than to jail. State prison officials say overcrowding is at a crisis stage, with the system at approximately 1,900 prisoners over its 5,400-inmate capacity. The proposal (SB 371 and HB 2726) will be heard first in the Senate, probably as early as this week. (CHARLESTON GAZETTE, HUNTINGTON HERALD DISPATCH)

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**GOVERNORS IN BRIEF:** As expected, **PENNSYLVANIA** Gov. Tom Corbett (R) signed SB 187, a bill that requires all proceeds from NCAA fines paid by Penn State University in relation to the Jerry Sandusky child molestation case to be used exclusively in the Keystone State. Legal experts expect the NCAA to challenge in court whether the state has the power to dictate where the money is spent (PATRIOT-NEWS [HARRISBURG]). • **NEW YORK** Gov. Andrew Cuomo (D) proposed requiring that more than one third of the Empire State's approximately 6,000 gas stations have backup power in case of a major outage. Under the plan, which Cuomo added to his budget proposal, stations would be reimbursed up to \$10,000 of the cost of obtaining and wiring a backup generator. The funds would come from federal disaster aid (DEMOCRAT AND CHRONICLE [SYRACUSE]). • **WISCONSIN** Gov. Scott Walker (R) has proposed charging state employees who smoke \$50 a month more for their health insurance (SUPERIOR TELEGRAM). • The **IOWA** House has approved Gov. Terry Branstad's (R) top priority for this session: an education reform proposal that gives teachers pay raises and new leadership and mentorship opportunities but which also comes with a stricter evaluation process. The measure, HF 215, has moved to the Senate (STATE NET, DES MOINES REGISTER). • **OREGON** Gov. John Kitzhaber (D) urged lawmakers to support HJR 1, which would allow Beaver State voters to determine whether the state will abolish capital punishment. If referred, it would go before voters in November, 2014 (STATESMAN JOURNAL [SALEM]). • **CALIFORNIA** Gov. Jerry Brown (D) certified a billion dollar solar power project in Southern California for fast-tracked judicial and legislative review, action intended to insulate it from extended environmental review and litigation. It is the second time Brown has granted such a designation since the passage in 2011 of AB 900. That legislation allows challenges made under the California Environmental Quality Act against certain large projects to be moved directly to the State Court of Appeals (STATE NET).

— Compiled by *RICH EHISEN*

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## Hot issues

**B**USINESS: The U.S. Supreme Court rejects a request to review an appellate court ruling which upheld a **CALIFORNIA** law preventing optical companies from offering both eye exams and glasses. Three national optical companies that offer both services — Lenscrafters Inc., Eye Care Centers of America, Inc. and the National Association of Optometrists & Opticians — had waged a decade-long battle to overturn the law. Golden State law allows only optometrists and ophthalmologists to perform both services (SACRAMENTO BEE). • The

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**NEW HAMPSHIRE** House approves HB 482, which would require landlords to investigate a tenant's report of insect or rodent infestations within seven days. And landlords would have to take measures to eliminate the infestation. It is now in the Senate (MANCHESTER UNION LEADER). • **NEVADA** Gov. Brian Sandoval (R) signs AB 114, which makes the Silver State the first to legalize interstate online poker. The measure, which also allows the state to enter into gambling compacts with other states, goes into effect immediately (LAS VEGAS SUN). • **NEW JERSEY** Gov. Chris Christie (R) signs AB 2578, legislation that allows limited online gambling within its borders. The law allows Atlantic City casinos to offer Internet versions of their slot machines and table games normally offered on the casino floor. The law, which contains a 10-year sunset clause, will not take effect until the state Division of Gaming Enforcement establishes a start date (U.S. NEWS & BUSINESS REPORT, STATE NET). • The **ARIZONA** House approves HB 2147, which would require Grand Canyon State workers to present documents showing they're eligible when filing for unemployment insurance benefits. It is now in the Senate (STATE NET, ARIZONA CAPITAL TIMES [PHOENIX]). • The **UTAH** House approves HB 100, which would bar employers from demanding workers and job applicants hand over their social networking access information. The measure, which would also bar Beehive State colleges and universities from forcing students to surrender that information, moves to the Senate (SALT LAKE TRIBUNE). • Still in **UTAH**, the Senate passes SB 167, which would allow Beehive State restaurants to get one master liquor license instead of separate licenses for each eatery. It moves to the House (SALT LAKE TRIBUNE). • The **WYOMING** Legislature gives final approval to HB 77, which would allow the Equality State to develop a lottery and to participate in multi-state games like Powerball. It moves to Gov. Matt Mead (R) for review (CASPER STAR-TRIBUNE).

**CRIME & PUNISHMENT:** The U.S. Supreme Court rules that a signal from a properly-trained drug-sniffing dog is sufficient to establish probable cause for police to conduct a warrantless search of a vehicle during a roadside stop. The decision reverses a ruling by the **FLORIDA** Supreme Court (STATE NET). • The **KENTUCKY** House approves HB 89, a bill that would require police to take DNA samples from people they arrest on felony charges. It moves to the Senate (BANGOR DAILY NEWS). • The **NEW HAMPSHIRE** House approves HB 388, legislation that would give gun owners immunity from civil penalties if their weapon is stolen and used in a crime. It moves to the Senate (MANCHESTER UNION LEADER). • The **NORTH DAKOTA** House approves HB 1373, a bill that would require law enforcement to get a warrant before using aerial drones to conduct surveillance of private citizens in a criminal investigation. It moves to the Senate (BISMARCK TRIBUNE).

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— Compiled By FELICIA CARILLO  
(measures current as of 2/27/2013)  
Source: State Net database

or offices that prescribe controlled substances. The measure, which excludes hospitals and nursing homes, moves to the House (LEXINGTON COURIER-JOURNAL).

**IMMIGRATION:** The **OREGON** House approves HB 2787, which would grant in-state tuition for undocumented students who have attended school in the country for at least five years. The measure, which would also require students to have studied at a Beaver State high school for at least three years, have graduated and show intention to become a U.S. citizen or lawful permanent resident, moves to the Senate (PORTLAND OREGONIAN). • The **COLORADO** Senate endorses SB 33, legislation that would also allow students who have attended a Centennial State high school for at least three years and who have graduated to attend public colleges and universities at the in-state tuition rate regardless of their immigration status. It moves to the House (DENVER POST).

**SOCIAL POLICY:** The **UTAH** Senate approves SB 60, which would require the state to collect data on the race or ethnicity of women obtaining an abortion, the state of the pregnancy at the time of the procedure and the reason for terminating the pregnancy. It moves to the House (SALT LAKE TRIBUNE). • The **ALABAMA** House approves HB 57, which would require that a physician licensed to work in the state be present at every abortion procedure. It is now in the Senate (BIRMINGHAM NEWS). • The **ARKANSAS** House gives final approval to HB 1037, which would bar abortions after the 20<sup>th</sup> week of pregnancy. It moves to Gov. Mike Beebe (D) for review (ARKANSAS NEWS [LITTLE ROCK]). • Still in **ARKANSAS**, the House endorses SB 134, which would ban an abortion if a fetal heartbeat can be detected at 12 weeks or later into a pregnancy. The measure has returned to the Senate (ARKANSAS NEWS, STATE NET). • The **NORTH DAKOTA** House rejects HB 1385, which would have required welfare applicants to pass a drug test before receiving benefits (BISMARCK TRIBUNE). • The **WASHINGTON** House approves HB 1044, legislation that would require most Evergreen State insurers to include abortion services in their coverage plans. It moves to the Senate (COLUMBIAN). • The **INDIANA** House approves HB 1483, legislation that would require randomly selected welfare recipients to pass a drug test to retain their benefits. It moves to the Senate (INDIANAPOLIS STAR). • Also in **INDIANA**, the Senate adopts SB 371, which would require Hoosier State women seeking to use the abortion-inducing drug RU486 to first undergo an ultrasound. It moves to the House (INDIANAPOLIS STAR).

**POTPOURRI:** The **ARKANSAS** House gives final approval to HB 131, which would deny public access to personal information of people who apply for or hold a concealed-carry handgun permit. The measure goes now to Gov. Mike Beebe (D) for review (ARKANSAS NEWS [LITTLE ROCK]). • **MAINE** Gov. Paul LePage

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Governors Association in Washington D.C. As the *Sacramento Bee* reports, the great and powerful Oz told govs they should set examples by losing weight, quitting smoking and generally taking better care of themselves. Oh, and they should be getting frisky more often. Noting that Americans have sex only once a week on average, Oz said getting busy at least twice a week would add three years to their life and make it “a lot more fun.” And forget using a hectic schedule as an excuse to abstain. Oz said that doubling up on the intimacy was a goal “very achievable for this highly performing group of individuals.” So to speak.

**SOME THINGS NEVER CHANGE:** California Gov. Jerry Brown was also at the big NGA event last week. Per usual, however, he had his own agenda. As the *Sacramento Bee* reports, Brown eschewed checking into the conference hotel in favor of staying with an ex-aide who lives in the area. Brown said he in fact rarely stays at hotels, preferring to lodge with friends whenever possible. California First Lady Anne Gust noted that her hubby is no fan of the sky high mini-bar prices most hotels charge, which is certainly in line with his longstanding reputation for uber frugality. But Brown denied his lodging choices are about money, saying he just prefers to be around friends and “to be able to go in the refrigerator in the middle of the night.”

**A BLUE STATE AFTER ALL:** Feeling blue? According to a study from the University of Vermont in which researchers examined millions of tweets looking for words they associated with sadness and happiness, you probably live in Louisiana. While Pelican State tweeters used plenty of “sad” words, researchers said their moroseness rating had more to do with the blueness of their language — Louisianans tend to cuss a lot. Other, uh, scientific connections were made to the mention of words like “wings,” “ham” and “heartburn,” all of which apparently are correlated with personal sorrow. In contrast, mind you, to “happy” words like “tofu,” “apple,” and “sushi.” As the *Baton Rouge Advocate* reports, this touched a nerve with Lt. Gov. Jay Dardenne, who said researchers should “ask actual Louisianians what they would say about their own level of happiness.” We’re guessing he also had some choice “sad” words that went unsaid.

**BETTER LATE THAN NEVER:** It only took 149 years, but Mississippi has officially ratified the 13th Amendment. Congress passed the amendment, which abolished slavery in the United States, in 1864. It received the necessary ratification from two-thirds of the states by Dec. 6, 1865, although many dragged their feet for years. This included Mississippi, which didn’t endorse it until 1995. But wait! As the *Jackson Clarion-Ledger* reports, the state never submitted the paperwork to the Office of the Official Register. The omission was recently discovered by a state resident who became intrigued after seeing the movie “Lincoln,” which details the 16<sup>th</sup> president’s battle to end slavery. He mentioned it to a co-worker, who tracked

down the 1995 resolution and then contacted Secretary of State Delbert Hosemann, who agreed to file the necessary paperwork. Federal officials certified the documents on Feb. 7 and the rest is finally, once and for all, history.

**AND THE OSCAR FOR HYPERBOLE GOES TO:** Last week's Oscars telecast drew both record ratings and howling condemnation of the show's often off-color host, comedian Seth McFarlane. Among those in the latter group are California Assemblywoman Bonnie Lowenthal and Sen. Hannah-Beth Jackson. The lawmakers were so incensed over McFarlane's shtick, which they considered degrading to women, that they sent the Academy of Motion Picture Arts and Scientists a letter demanding it use more discretion in choosing future hosts for the show. They also griped that his performance "sets the fight for gender equality, dignity, and respect back decades." Gosh, who knew lame jokes had such power?

— *By RICH EHISEN*

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