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Capitol Journal

News & Views from the 50 States

April 8, 2013

Physician Shortage



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Capitol Journal will be
available on April 15th.

Top Story

With millions of new patients soon entering the health system, states are pondering whether to allow non-MD health care providers to offer patients services they could previously only get from their doctor.

SNCJ Spotlight

States ponder broadening health care scopes of practice

There has long been friction in the relationship between doctors and other health care providers, with the former ferociously guarding their turf against incursion from the latter. But with the Affordable Care Act soon to bring 33 million new patients into the system, many states are pondering whether it is time to allow nurses, physician assistants, optometrists and even dentists to offer patients services



By Rich Ehisen

they could previously only get from their primary care physician.

According to State Net, as of March 25, 33 states this year have collectively introduced over 140 bills that address medical “scope of practice” issues — the standards that determine which medical providers can offer which services. Those regulations also determine how and what those providers are paid. The bulk of the bills deal with licensing and other issues surrounding advanced practice nursing, the use of physician assistants and the ability to write prescriptions.

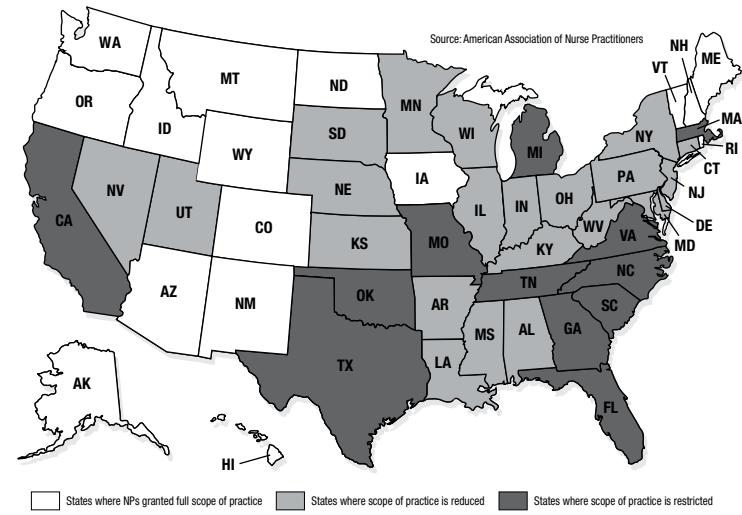
The push by nurses and other medical providers to be allowed to do more is not new. Many of these groups have been working to expand their professional boundaries for years. But that drive has ramped up significantly since the passage and subsequent

U.S. Supreme Court validation of the Affordable Care Act. According to the National Conference of State Legislatures, between January, 2011 and December, 2012 states, U.S. territories and the District of Columbia have combined to introduce 1,795 “scope” bills, with 349 becoming law. Although NCSL does not have official data previous to 2011, NCSL Health Program Policy Associate Kara Hinkley says “there has been increased legislative interest in this issue, even from 2012 to 2013.”

That increase is due mainly to concern over how a medical system that many already see as over-burdened will accommodate tens of millions of newly-insured patients. According to the Association of American Medical Colleges, the nation’s supply of primary care physicians was 9,000 less than demand in 2010. By 2020, that shortfall will grow to approximately 45,000; by 2025 it will reach 66,000. When estimates for specialists are considered, the total doctor shortage will climb to over 90,000 within the decade and to over 130,000 by 2025. That impact would likely be felt the most in low-income and rural areas, which often already have limited access to primary care doctors.

Efforts are underway in many states to get more qualified doctors into the pipeline, with incentives both to get promising students to choose medical school as well as to

Bird's eye view



Some states give nurse practitioners more leeway than others

Regulations governing the scope of practice for nurse practitioners vary across the states. Sixteen grant NPs full authority to examine patients, diagnose illnesses, order diagnostic tests and prescribe treatment under the exclusive supervision of the states' nursing boards. Twenty-two states reduce NPs' ability to engage in at least one area of nurse practice and require a collaborative agreement with an outside health discipline for NPs to provide patient care. Twelve states restrict NPs' ability to engage in at least one area of nurse practice and require supervision, delegation or team management by an outside health discipline.



get more doctors to choose primary care, particularly in underserved areas, for their practice. But getting someone from first year med school to full licensure and practice is at best a many-year process. It is also one that leaves virtually every new doctor with a mountain of loan debt, making more lucrative specialty fields far more enticing.

To some, the answer is in measures like Nevada's SB 69, which would make the Silver State the 17th to allow nurse practitioners with advanced degrees the ability to work without the usual mandated doctor oversight. Under that proposal, nurses with a master's degree or higher could treat patients much as a primary care doctor would, including ordering and interpreting tests and prescribing medications. The measure is now in the Nevada Senate Health and Human Services Committee. Similar bills are pending in at least 10 others.

Those proposals have drawn vigorous support from nurses groups like the American Association of Nurse Practitioners.

"We have a ready-made, no-added-cost workforce in place that could be providing care at a much higher level if we modernize our state laws," AANP Director of Health Policy and State Issues Taynin Kopanos recently told the *Washington Post*. "The question for states is, are you going to fully deploy this resource or not?"

California Senator Ed Hernandez (D) echoed those sentiments last month in introducing a trio of bills that would significantly broaden the scope of practice for Golden State nurse practitioners, optometrists and pharmacists. At a press conference, Hernandez said helping the uninsured obtain health coverage was only part of the ACA's promise.

"We are working hard at the state level to ensure every Californian has access to affordable, quality health coverage, but what good is a health insurance card if you can't get into see a health care provider when you need one?" he said. "We need to make better use of the trained healthcare workforce we already have if we are ever going to meet demand," he said.

But to Dr. Ruth Haskins, a licensed obstetrician and gynecologist practicing in Folsom, California, it isn't nearly as simple as that. She says midwives, nurse practitioners and physician assistants are already "essentially practicing medicine" and should be able to "maximize what they have been trained to do," particularly as patient rolls grow significantly in the coming years. Taking doctors out of the loop, however, would have unintended consequences.

"Right now, when a problem develops or a patient's care becomes more complex, the paraprofessional has someone they can rely on," she says. "The patient always is ultimately in the hands of a doctor when things get scary. My hope is that whatever system we adopt that puts the maximum use of our paraprofessionals into action, there is always still a very well-trained physician who can handle those complexities when they arise."

Hernandez's bills also drew sharp criticism from the California Medical Association. CMA spokesperson Molly Weedn said the measures are so broadly

written they could endanger public health. SB 492, for instance, would allow optometrists to treat virtually any condition related to the eye, which theoretically could mean anything from Botox injections to surgery for migraines that affect vision. SB 493 would allow pharmacists to prescribe medications without consulting patients' doctors first, while SB 491 would allow nurse practitioners to set up an independent office without any collaborative relationship with a doctor and without making any distinction between the many types and specialties of nurse practitioners, i.e. surgical, pediatric, primary care etc.

But Hernandez defended the measures, saying they are merely a starting point for what will surely be an active debate over the next few months. In a statement, Hernandez also noted the success similar efforts have had elsewhere, saying "There's no reason these licensed professionals can't perform additional services like they do in other states, which have reported no decline in patient safety whatsoever."

Sentiment seems to be growing in that favor. The National Governors Association and the National Academy of Sciences' Institute of Medicine have both endorsed the concept of granting nurse practitioners more leeway to practice independently. And last year, Florida Gov. Rick Scott (R) signed legislation that allows Sunshine State pharmacists to administer shingles vaccinations. The Florida Medical Association vigorously objected to the proposal at first but eventually agreed after the measure was amended to require patients to first obtain a prescription from their doctor before getting the actual shot from a pharmacist.

Donald Balasa, Executive Director of the Chicago-based American Association of Medical Assistants, sees the debate broadening even more in the future. As nurse practitioners and physician assistants obtain more responsibility, they also need to be able to delegate some tasks to medical assistants, the scope of which is also still in flux. He says the demands of the Affordable Care Act, however, will eventually likely push the envelope for all medical professionals.

"With such an influx of patients, it doesn't seem realistic to not have nurse practitioners, physician assistants and medical assistants all working at the top of their license," he says.

Or even beyond the top if some lawmakers get their way.

The week in session

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

States in Special Session: CA "a", VA "b"

States Currently Prefiling or Drafting for 2013: LA

States Adjourned in 2013: KY, NM, SD, UT, VA

Letters indicate special/extraordinary sessions

— Compiled By FELICA CARILLO
(session information current as of 4/3/2013)
Source: State Net database

Budget & taxes

NY HIGH COURT UPHOLDS INTERNET AFFILIATE LAW: In the long-running feud over online sales taxes, the federal courts have consistently held that Internet retailers must have a “physical presence” such as a warehouse or employees in a state to be subject to that state’s sales tax. A handful of states, including New York, however, have sought to expand the definition of physical presence legislatively to include so-called affiliates, independent contractors who are paid to promote the Internet retailers on their own websites.

Amazon.com Inc. and Overstock.com Inc. challenged that definition in court, arguing that affiliates were not employees and therefore did not constitute a physical presence. On March 28, New York’s highest court, the Court of Appeals, rejected that argument, upholding a lower court ruling requiring the Internet retailers to collect New York sales tax from New York residents.

“The world has changed dramatically in the last two decades, and it may be that the physical presence test is outdated,” the court said. “An entity may now have a profound impact upon a foreign jurisdiction solely through its virtual projection via the Internet.... The presence requirement will be satisfied if economic activities are performed in New York by the seller’s employees or on its behalf.”

Overstock said it might appeal the ruling.

“It’s unfortunate and the [U.S.] Supreme Court ought to look at this,” said the company’s acting chief executive Jonathan Johnson. “We have states saying different things,” he said, pointing to an Illinois Supreme Court ruling invalidating a similar tax. (BOSTON GLOBE, REUTERS, ACCOUNTINGWEB.COM, NEWYORKCOURTS.GOV)

VA TRANSPORTATION PLAN SURVIVES VETO SESSION: In their veto session last week, Virginia lawmakers assented to Gov. Bob McDonnell’s (R) amendments to the \$6 billion transportation funding plan raising the state sales tax to 5.3 percent and converting the per-gallon gas tax to a wholesale tax.

Among other things, the governor lowered the alternative fuel vehicle annual fee in the bill (HB 2313) from \$100 to \$64. He also changed the language in a regional tax provision for Hampton Roads and Northern Virginia in response to constitutional concerns raised by Attorney General Kenneth Cuccinelli.

Quentin Kidd, director of the Wason Center for Public Policy at Christopher Newport University, said Democrats completely backed the transportation plan, while most Republicans “grudgingly” supported it, and there hadn’t been “enough noise” to overturn any of McDonnell’s changes. (WASHINGTON TIMES, VIRGINIAN-PILOT [NORFOLK], STATE NET)

COURT RULING DOESN'T DETER MULTISTATE LIBOR PROBE:

Last month, U.S. District Judge Naomi Reice Buchwald in Manhattan threw out a “substantial portion” of the proposed lawsuits alleging wrongdoing by banks in connection with the London interbank offered rate, known as the Libor. Among the

legal actions torpedoed by the judge’s ruling were a class-action suit filed by the city of Baltimore, claiming it suffered losses on derivatives as a result of the alleged interest-rate manipulation, and a suit filed by money-management firm Charles Schwab alleging banks engaged in racketeering.

“This reflects a judge who doesn’t want to spend the rest of her judicial career dealing with Libor cases.”

Despite Buchwald’s ruling, 30 states, led by New York and Connecticut, are moving ahead with

their investigation into allegations of interest-rate rigging of the Libor. A spokesman for New York Attorney General Eric Schneiderman said the ruling “does not have any impact on our multistate probe into losses incurred as a result of Libor... manipulation.”

The ruling drew a clear line between enforcement actions and private lawsuits, stating there were “many requirements that private plaintiffs must satisfy, but which government agencies need not.”

Some legal experts suggested much of the ruling might not actually survive on appeal.

“This reflects a judge who doesn’t want to spend the rest of her judicial career dealing with Libor cases,” said James Cox, a law professor at Duke University.

But if the ruling does stand, it will significantly reduce the financial cost of the Libor mess on the banks involved. It is likely to be some time, however, before it is known what that total cost will be.

“This is still in the early innings,” said Darrell Duffie, a professor of finance at Stanford University. It “may be years before we are able to get a relatively precise estimate of the ultimate total damages,” he said. (WALL STREET JOURNAL)

BUDGETS IN BRIEF: U.S. Bankruptcy Court Judge Christopher Klein has approved Stockton, CALIFORNIA’s petition for bankruptcy. The city of 300,000 is the largest ever in the U.S. to file for bankruptcy (REUTERS). • Defending lawsuits over Act 10, WISCONSIN’s 2011 law ending collective bargaining for most public workers, has cost the state’s taxpayers \$850,000. But a spokesman for Gov. Scott Walker (R) said Act 10 will ultimately save taxpayers far more by forcing public workers to cover more of their health care and pension costs (MILWAUKEE JOURNAL SENTINEL). • Cancer clinics across the nation have started turning away Medicare patients as a result of sequestration cuts. Oncologists say the reduction in federal funding for Medicare, which went into effect on April 1, makes administering expensive chemotherapy drugs financially unsustainable (WASHINGTON POST). •

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WASHINGTON Gov. Jay Inslee (D) has proposed raising \$1.2 billion for education by closing tax breaks and extending existing taxes. But he'll have to persuade the Senate, led by Republicans for the first time in eight years, to eliminate exemptions like the sales-tax break on bottled water and make "temporary" surcharges on beer and certain businesses permanent (SEATTLE TIMES).

— Compiled by KOREY CLARK

Politics & leadership

CT ENACTS SWEEPING GUN CONTROL LAW: Last week in Connecticut, where less than four months ago Adam Lanza fired 154 shots in four minutes from a Bushmaster AR-15 semiautomatic rifle, killing 26 children and teachers at Sandy Hook Elementary School, lawmakers passed and Gov. Dannel Malloy (D) signed what some called the most comprehensive gun control measure in the nation.

The measure (SB 1160), drafted over the last month by a bipartisan group of legislative leaders, among other things bans the sale of magazines carrying 10 or more bullets, expands the state's existing ban on assault weapons, mandates background checks on all firearms purchasers and establishes a registry of weapons offenders.

Gun owners and manufacturers, who had packed the Capitol carrying signs that said "Connecticut the Un-Constitution State," "N.R.A. Stand and Fight" and "Shall Not Be Infringed," said the legislation focused on the wrong issues.

"It's a mental health issue, not a firearms issue," said Jake McGuigan, director of government relations for the National Shooting Sports Foundation, based in Newtown. "Nothing in this legislation would have stopped what happened in this horrible tragedy in Sandy Hook."

The legislation includes mental health provisions, such as the creation of a program to help teachers recognize signs of mental illness, but Sen. Donald E. Williams Jr. (D) said mental health isn't the only issue involved in mass shootings.

"It's access to the weapons of war, the access to the weapons that can kill mass amounts of children or adults in our schools and in our communities," he said. "That's the essential issue when it comes to mass killings."

In general, however, lawmakers were deeply divided on the issue. Two of the 22 Democrats in the Senate and 13 of the 98 Democrats in the House voted against the bill, and six of the 14 Republicans in the Senate and 20 of the 51 Republicans in the House voted for it.

Sen. Catherine Osten, one of the Democrats who cast a no vote, said: "I also cried when those children died that day, as everyone here did, and if I could assure those

parents that this legislation would stop that from happening again, I would vote yes.”
(NEW YORK TIMES, STATE NET)

WI REELECTS CONSERVATIVE JUSTICE: Two years after a divisive Supreme Court election, Wisconsin voters returned to the polls last Tuesday and easily reelected conservative Justice Pat Roggensack over liberal challenger Ed Fallone.

The state’s electorate had been closely divided in the 2011 Supreme Court race, widely considered a referendum on Gov. Scott Walker’s (R) effort to strip public workers of their collective bargaining rights. But voters seemed to have little difficulty last week in choosing Roggensack over Fallone, a Marquette University law professor with no experience on the bench, giving the sitting justice 57 percent of the vote.

Fallone had attempted to cast Roggensack as one of the reasons for the court’s reputation for divisiveness and dysfunction, exemplified most prominently in the accusation during the summer of 2011 that Justice David Prosser had choked another justice during deliberation on the collective bargaining measure.

“People in Wisconsin don’t want to see that in their government, they certainly don’t want to see that in the court,” said Fallone.

But the Roggensack campaign focused on Fallone’s lack of judicial experience.

“Ed Fallone doesn’t actually understand what goes on in the court. He’s an associate professor,” said Brandon Scholz, of the Roggensack campaign.

Roggensack also out-fundraised Fallone by a sizeable margin, raising nearly \$500,000 to Fallone’s, \$314,000.

And the state’s voters seem to have largely forgotten the political controversy that surrounded the race two years ago.

“The 2011 race was so close to what was happening with the governor and the legislature that really put a spotlight on it,” said David Helpap, a political science professor at the University of Wisconsin-Green Bay. “That has kind of subsided over the last several years — I’m just not sure (voters) make the connection.”

Roggensack’s victory means the court will maintain its 4-3 conservative majority as it faces a host of controversial issues, including the state’s voter ID law, Walker’s collective bargaining overhaul and a dispute between business and environmental interests over open-pit, iron ore mining. (STATELINE.ORG)

CORRUPTION CASE UPSETS NY SENATE COALITION: When a group of Senate Democrats broke away from their party last fall and teamed up with Republicans to take control of the chamber, they recruited Sen. Malcolm Smith (D) as their only nonwhite member. They rewarded Smith for joining them by naming him chairman of the Social Services Committee and vice chairman of the Finance Committee.

But last week Smith was charged with bribery in his unsuccessful attempt to qualify for New York’s Republican mayoral primary. Lawmakers and Gov. Andrew Cuomo (D) denounced Smith’s alleged conduct.

“We have zero tolerance for any violation of the public integrity and the public trust, so they’re very serious,” the governor said.

Even members of the fragile two-party Senate coalition turned on Smith, stripping him of his committee posts and suggesting he should resign.

“From what I understand in the papers, not every state legislature has this degree of criminality that’s been exposed.”

“Given the level of criminality alleged, I believe that Senator Smith should seriously consider whether or not he can continue to effectively serve his constituents,” said Sen. Jeffrey Klein, the leader of the breakaway Democrats.

If Smith were to lose his seat, the coalition could still retain control of the Senate. But his arrest is a public relations disaster for Klein and his breakaway group, the Independent Democratic Conference,

which Klein formed in 2011 because of his frustration with the scandals that had plagued the Senate’s Democrats.

“It’s ironic that the I.D.C. was born in part to dissociate itself from the perceived corruption in the State Senate, and now one of its members is tainted by it,” said Dick Dadey, executive director of the government watchdog group Citizens Union.

U.S. Rep. Hakeem Jeffries (D-New York) suggested the incident might kill the I.D.C.

“Raw political ambition gave birth to the I.D.C., and raw political ambition will likely lead to its demise,” he said. “It’s a mind-set problem that puts politics over policy.”

Preet Bharara, the United States attorney in Manhattan, said the problem wasn’t limited to just the I.D.C.

“From what I understand in the papers, not every state legislature has this degree of criminality that’s been exposed,” he said. “So clearly there is some problem here....” (NEW YORK TIMES)

POLITICS IN BRIEF: MARYLAND’s House of Delegates passed a restrictive gun-control measure last week that would among other things ban assault weapons and magazines holding more than 10 bullets. (For more information see *Governors* in this issue.) The bill (SB 281) returns for concurrence to the Senate (WASHINGTON POST, STATE NET). • Last week NEVADA Democratic Assemblyman Steven Brooks became the first lawmaker ever to be expelled from that state’s Legislature. Brooks was arrested in January on suspicion of threatening Assembly Speaker Marilyn Kirkpatrick (D), and the following month he was accused of grabbing for a police officer’s gun during an arrest in Las Vegas on suspicion of domestic battery. Hours after his expulsion from the Assembly he was arrested in CALIFORNIA on charges including resisting arrest following a high-speed chase (LOS ANGELES TIMES). • Lawmakers in HAWAII’s House killed a bill last week seeking to

decriminalize small amounts of marijuana, the last of several attempts in the state's Legislature this year to legalize the drug (ASSOCIATED PRESS, GARDEN ISLAND). • **MISSISSIPPI** State Rep. Jessica Upshaw (R), a lawmaker since 2004, was found dead last week in a home in Mendenhall, the victim of an apparent suicide. The 53-year-old was the fifth **MISSISSIPPI** legislator to die in as many months, although the other four — two representatives and two senators — died of natural causes (ASSOCIATED PRESS, SAN FRANCISCO CHRONICLE).

— Compiled by KOREY CLARK

Governors

HOOSIER HOUSE ALTERS PENCE MEDICAID PLAN: The Indiana House Public Health Committee endorsed SB 551, Gov. Mike Pence's (R) plan to expand Medicaid in the Hoosier State by merging the federal program with the state's own Healthy Indiana Plan. But lawmakers want to pay for the merger via standard Medicaid funding rather than block grants as Pence has called for. Such grants would give the governor more control over how the Medicaid expansion would work.

Under the Affordable Care Act, new Medicaid applicants would be able to earn up to 138 percent of the federal poverty level. That is a significant jump for Indians, who are currently limited by the state to earning no more than 24 percent of the federal poverty level. Use of the expanded guidelines would add an estimated 400,000 people to the state's Medicaid rolls.

Gov. Pence has refused to endorse an expansion unless the U.S. Centers for Medicare and Medicaid Services both approve his request for block grants and allow the state to run the program through the Healthy Indiana Plan, which was originally designed to help pay medical costs of poor residents who do not qualify for Medicaid. The CMMS, however, has already rejected one such request from former Gov. Mitch Daniels (R), who petitioned them in 2011. The agency said then that HIP's coverage does not meet the minimum Medicaid expansion standards. Democrats also argue that HIP's ongoing costs are already equal to those for Medicaid, making it much less of a value for the state and for the program's participants.

The bill, which has already cleared the Senate, is now in the House Ways and Means Committee. (INDIANAPOLIS BUSINESS JOURNAL, INDIANAPOLIS STAR, LAFAYETTE JOURNAL & COURIER)

MCCRORY PITCHES NC MEDICAID CHANGES: North Carolina Gov. Pat McCrory (R) proposed a major overhaul of the Tar Heel State's Medicaid program

last week. Under his plan, the state would pay a small number of private-sector managed care providers to take over delivery of health care services to Medicaid enrollees. Those providers would be chosen via an open-bidding process and be paid a set per-person fee rather than on a fee-for-service basis. Providers would be paid more for taking on sicker patients and would have to operate statewide so they could not cherry pick the healthiest populations and ignore others. McCrory said the changes were vital for the state to get a handle on its Medicaid costs, which have chronically gone over budget. The program was \$418 million in the red last year. Federal officials must approve the changes before they could be implemented. (FAYETTEVILLE OBSERVER, CHARLOTTE OBSERVER)

Upcoming stories

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

- **Gun control**
- **Fracking**
- **Health care reform**

O'MALLEY CLOSE TO MAJOR GUN VICTORY: The Maryland House last week endorsed SB 281, Gov. Martin O'Malley's sweeping gun-control measure that would be one of the toughest in the nation. If the Senate concurs with the House bill — a virtual certainty — Maryland would ban a wide array of assault-style weapons, limit ammunition magazines to no more than 10 rounds, place greater restrictions on gun purchases by the mentally ill and require gun buyers to obtain a license and submit fingerprints to authorities.

The vote came just one day before Connecticut Gov. Dannel P. Malloy (D) signed similar legislation in Connecticut (See *Politics and leadership* in this issue). It marks a significant political victory for O'Malley, who made the measure a touchstone of his agenda for this year. (WASHINGTON POST, BALTIMORE SUN, UPI)

MARTINEZ SIGNS REFORM BILLS: New Mexico Gov. Susana Martinez (R) signed 74 bills last week, including a major teacher pension measure and four others that drastically alter the operation of the state's Public Regulation Commission. The pension measure, SB 115, lowers teacher cost-of-living adjustments over the next 30 years and requires current teachers and other educational employees to permanently pay more into their retirement system if they earn \$20,000 or more a year. The PRC package establishes minimum standards for commissioners; make the Insurance Division a separate entity outside of the PRC; move the responsibility of registering corporations to the Secretary of State's Office; and deregulates motor carriers, such as taxis and moving companies. Martinez also signed SB 334, which will enact a new system that will automatically set the rates employers pay into the state unemployment insurance program. Set to go into effect in 2015, it replaces the current system in which the governor and state lawmakers negotiate those rates through legislation. (ALBUQUERQUE BUSINESS FIRST, SANTA FE NEW MEXICAN, NEW MEXICO GOVERNOR'S OFFICE)

HERBERT SIGNS ALL REMAINING BILLS:

Utah Gov. Gary Herbert (R) signed more than 50 bills last Wednesday, the deadline for him to act on the remaining measures from this legislative session. Those bills included SB 271, a controversial proposal that changes how the state grades schools. Herbert's office received over 1,200 emails about the bill, 98 percent of which they said were in opposition. Herbert acknowledged "there may be some problems with the bill's formula," but said state officials would work with stakeholders to work out any problems "in a timely way." Herbert's signing spree also may have short circuited a possible override of his veto of HB 76, a bill that would have allowed Utahans to carry concealed weapons without a permit. Although the bill passed with a veto-proof two-thirds majority in both chambers, Senate President Wayne Niederhauser (R) said support for an override session was weakening even before Herbert signed off on the rest of the bills awaiting his decision. "Obviously with one bill, it makes it less likely than otherwise to have a session," he said. Lawmakers have until May 13 to make that decision. (DESERET NEWS [SALT LAKE CITY], SALT LAKE TRIBUNE)

Upcoming elections

(4/3/2013 - 4/24/2013)

04/06/2013

Louisiana Special Election

House District 65

04/09/2013

Alabama Special Runoff

House District 97

Illinois Special Election

US House (CD 2)

04/16/2013

Mississippi Special Runoff

House District 11

04/23/2013

District of Columbia Special Election

Council At-Large Council Seat

GOVERNORS IN BRIEF: Three GOP state governors — **VIRGINIA** Gov. Robert McDonnell, **IOWA** Gov. Terry Branstad and **WISCONSIN** Gov. Scott Walker — will travel to China this week to attend the third annual U.S.-China Governors Forum. They will be joined by Guam Gov. Eddie Calvo. They will not, however, be joined by **CALIFORNIA** Gov. Jerry Brown (D), who will also be in China this week on a trade mission of his own. Brown will be on hand for the opening of the Golden State's new trade and investment office, which has been closed since 2003. Brown spokesperson Evan Westrup said Brown has no planned events with the other governors (NATIONAL GOVERNOR'S ASSOCIATION, STATE NET, CALIFORNIA GOVERNOR'S OFFICE). • Still in **CALIFORNIA**, Gov. Brown announced the formation of a task force that will advise his administration on efforts to grow the state's defense industry. The Governor's Military Council will also advise on how the state can best protect itself against the impact of federal sequestration cuts (CALIFORNIA GOVERNOR'S OFFICE). • **NORTH CAROLINA** Gov. Pat McCrory (R) has eliminated the state's Office of Hispanic/Latino Affairs, moving it into the Office of Community and Constituent Affairs. The move drew strong rebukes from Democrats and the Latino community, which said the action runs counter to the GOP's stated goal of developing a better relationship with Latinos (CHARLOTTE OBSERVER).

— Compiled by RICH EHISEN

Hot issues

BUSINESS: The **GEORGIA** House approves HB 99, which would allow home beer brewers to produce up to 100 gallons per year for a single person or up to 200 gallons in homes where two or more drinking-age adults reside. The bill is now with Gov. Nathan Deal (R) for review (ATHENS BANNER-HERALD, STATE NET). • Also in **GEORGIA**, lawmakers endorse HB 517, which would allow Peach State grocery stores to sell beer and wine within 100 yards of a college campus. It goes to Gov. Deal for review (ATHENS BANNER-HERALD).

• The **KANSAS** Senate approves HB 2201, which would relieve Sunflower State phone companies from state laws that require them to provide phone service to poor people on Lifeline subsidies or difficult-to-reach rural customers. It has returned to the House (KANSAS CITY STAR). • The **NEBRASKA** Legislature gives final approval to LB 105, legislation that would require child care providers to furnish the Cornhusker State Department of Health and Human Services with proof of liability coverage of at least \$100,000 per occurrence. It goes to Gov. Dave Heineman (R) for review (LINCOLN JOURNAL STAR). • The **MAINE** Senate approves HB 430, which would raise the Pine Tree State minimum wage to \$9 an hour by 2016 and tie future increases to the consumer price index. The measure returns to the House (BANGOR DAILY NEWS). • **NEW JERSEY** Gov. Chris Christie (R) signs AB 2142, which would bar residents younger than 17 from using commercial tanning booths. The bill also bars those younger than 14 from using tanning sprays (NEW JERSEY GOVERNOR'S OFFICE). • **NEW MEXICO** Gov. Susana Martinez (R) signs two bills that impact the horse racing industry: SB 72, which provides funding to ensure that racehorse testing takes place at a lab that meets or exceeds national standards; and SB 444, which will allow the state horse racing commission to impose penalties up to \$100,000, or the amount of a horse's winnings if that's greater, for violations of the state's racing rules, including those against the use of performance-enhancing drugs (NEW MEXICO GOVERNOR'S OFFICE). • The **WEST VIRGINIA** House approves HB 2979, which would raise the state's minimum acceptable broadband download speed to six megabits per second, a change that would allow telecommunication firms to apply for state funds to provide faster service statewide. It moves to the Senate (CHARLESTON GAZETTE).

CRIME & PUNISHMENT: The **KANSAS** Senate gives final approval to SB 16, which would enact a Sunflower State version of the federal Racketeering Influenced and Corrupt Organization Act. The RICO statute gives law enforcement officials the ability to charge gang members for engaging in several connected crimes, rather than individual crimes. It moves to Gov. Sam Brownback (R), who is expected

to sign it (**WICHITA EAGLE**). • Still in **KANSAS**, Gov. Brownback signs HB 2252, a bill that eliminates the statute of limitations for the crimes of rape and aggravated sodomy. The measure also allows victims of other violent sexual crimes 10 years after turning age 18 to report a crime (**KANSAS CITY STAR**). •

MONTANA Gov. Steve Bullock (D) signs SB 213, which requires out-of-state sex offenders living in the Treasure State to submit a DNA sample to a statewide sex offender DNA database (**MISSOULIAN**). • Still in **MONTANA**, Gov. Bullock signs HB 140, which makes it a crime to possess or sell synthetic drugs commonly sold as “bath salts” or “spice” (**BILLINGS GAZETTE**). • The **IDAHO** House and Senate give final approval to SB 1134, which bars police from using unmanned aircraft to conduct surveillance without a warrant. The bill, which grants exceptions for emergencies like a hostage standoff, moves now to Gov. Butch Otter (R) for review (**STATE NET**, **IDAHO STATESMAN** [**BOISE**]). • The **NORTH DAKOTA** House approves SB 2211, which would make animal cruelty a Class C felony. The measure returns to the Senate (**BISMARCK TRIBUNE**).

EDUCATION: The **MISSISSIPPI** Senate approves HB 369, which would allow for the establishment of up to 15 charter schools in the Magnolia State. The bill, which limits enrollment to students living in the district where the schools are established, moves to Gov Phil Bryant (R), who is expected to sign it (**JACKSON CLARION-LEDGER**). • Staying in **MISSISSIPPI**, lawmakers give final approval to SB 2659, which would establish a state fund to help Magnolia State schools to pay for armed security officers. The bill would also allow schools to develop their own security plans, including arming teachers. It moves to Gov. Bryant, who is expected to sign it (**JACKSON CLARION-LEDGER**).

ENERGY: The **ALASKA** House endorses HB 4, which would give the Alaska Gasline Development Corporation broad power to continue building a natural gas pipeline to carry gas from the North Slope to the south-central part of the state. The bill, which would exempt the AGDC from the state procurement code, judicial review, Regulatory Commission of Alaska tariff regulation, and state hiring requirements, moves to the Senate (**ALASKA DISPATCH** [**ANCHORAGE**]).

ENVIRONMENT: **WASHINGTON** Gov. Jay Inslee (D) signs SB 5802, which authorizes the hiring of an independent consultant to review the Evergreen State’s efforts to cut carbon emissions and for an associated group of legislators and other leaders to use that evaluation to recommend actions to reduce pollution associated with climate change (**SEATTLE TIMES**).

In case you missed it

The Supreme Court took up the highly controversial topic of gay marriage last week. But it surprisingly also agreed to hear an equally controversial case on affirmative action.

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

http://www.statenet.com/capitol_journal/04-01-2013/html#sncj_spotlight

HEALTH & SCIENCE: The **IDAHO** Senate kills HB 292, a House-approved measure that would have made it a felony to assault a health care worker, punishable by up to five years in jail (**IDAHO STATESMAN** [BOISE]). • **NEW MEXICO** Gov.

Susana Martinez (R) signs SB 221, a bill that will create a state-run health insurance exchange in the Land of Enchantment. The law takes effect immediately (**SANTA FE NEW MEXICAN**, **NEW MEXICO GOVERNOR'S OFFICE**). • **UTAH** Gov.

Gary Herbert (R) signs HB 13, which bars people from smoking in a car when minor children are present (**DESERET NEWS** [SALT LAKE CITY]).

• The **WEST VIRGINIA** Senate approves SB 22, which would require health insurance policies that cover maternity services to provide those benefits to everyone covered by the policy, not just the policy holder. It moves to the House (**CHARLESTON GAZETTE**, **STATE NET**).

IMMIGRATION: The **GEORGIA** Legislature gives final approval to SB 160, which would bar undocumented immigrants from obtaining Peach State driver's licenses, grants, public housing and retirement benefits. It moves to Gov. Nathan Deal (R) for review (**ATLANTA JOURNAL-CONSTITUTION**). • **UTAH** Gov. Gary Herbert (R) signs SB 225, which postpones for two years a law that would create a guest worker program for undocumented immigrants in the Beehive State (**SALT LAKE TRIBUNE**). • **OREGON** Gov. John Kitzhaber (D) signs HB 2787, which allows undocumented immigrants who have graduated from Beaver State high schools to pay in-state college tuition. Students must have attended an in-state high school for at least three years and be able to prove their intent to obtain legal status or citizenship in the United States (**STATESMAN JOURNAL** [SALEM]).

SOCIAL POLICY: The **ALABAMA** House gives final approval to HB 57, which would require Heart of Dixie doctors who perform abortions to have admitting privileges at a local hospital. The measure moves to Gov. Robert Bentley (R), who has said he will sign it (**MONTGOMERY ADVERTISER**). • The **INDIANA** House approves SB 371, which would require clinics that administer RU-486, the so-called "morning after" pill, to also have full surgical facilities. The bill moves to back to the Senate (**STATE NET**, **COLUMBUS DISPATCH**). • The **KANSAS** Senate gives final approval to SB 149, which would allow the state to require drug tests whenever there is a reasonable suspicion that someone getting welfare or unemployment benefits is

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: 1,081

Number of Intros last week: 1,902

Number of Enacted/Adopted last week:
1,702

Number of 2013 Prefiles to date: 23,643

Number of 2013 Intros to date: 103,959

**Number of 2013 Session Enacted/
Adopted overall to date:** 12,790

**Number of bills currently in State Net
Database:** 149,891

— Compiled By FELICIA CARILLO
(measures current as of 4/3/2013)

Source: State Net database

using drugs. It moves to Gov. Sam Brownback (R) for review (**WICHITA EAGLE**). • **VIRGINIA** lawmakers uphold Gov. Robert McDonnell's (R) amendment to HB 1900, an addition that bars health plans offered through an Old Dominion health benefits exchange from covering abortion services (**VIRGINIAN-PILOT [NORFOLK]**).

POTPOURRI: The **MARYLAND** House approves SB 281, legislation that would ban the sale of assault-style weapons, limit ammunition magazines to no more than 10 rounds, and require gun purchasers to undergo training, submit fingerprints and obtain a license. The measure moves to a conference committee (**BALTIMORE SUN**). • **CONNECTICUT** Gov. Dannel P. Malloy (D) signs SB 1160, which among several things, adds more than 100 firearms to the state's current list of prohibited assault-style weapons and bars the sale of ammunition magazines with more than 10 rounds (**WASHINGTON POST**). • **MONTANA** Gov. Steve Bullock (D) vetoes two gun-related bills: SB 302, which would have prohibited local and state police from enforcing any federal gun bans and HB 27, which would have allowed silencers when hunting wolves (**MISSOULIAN**).

— Compiled by *RICH EHISEN*

Once around the statehouse lightly

FOR THEIR EYES ONLY: There are definitely some perks to being a lawmaker. Case in point comes from Maryland, where the Baltimore Raven's reign supreme in the world of the National Football League. As the *Baltimore Sun* reports, a few members of the team, accompanied by the glitzy Lombardi Trophy, visited the statehouse in Annapolis last month to schmooze with a group of football-mad lawmakers in the House of Delegates. The self-proclaimed "Ravens Caucus" apparently spent their Fridays last season awash in purple and black (the Ravens' colors) and leading their colleagues in rousing renditions of "Who Let the Dogs Out?" Sadly, the perk parade stopped at the statehouse door — the event was for lawmakers only. Even House Speaker Michael Busch couldn't buck the rules on that one. "I had to tell my family they couldn't come," he lamented.

ALL CRABBED OUT: Lest you think that Old Line State lawmakers are preoccupied with frivolous things these days, take heart. As the *Washington Examiner* reports, the good folks there in the Senate spent time last week debating the merits of dubbing the soft-shell blue crab sandwich the official state sandwich. While one might

logically presume that good old Maryland crab cakes might be more worthy of an “official” state designation, think again. The bill’s sponsor, Sen. Richard Colburn, noted that the blue crab is already its official crustacean. Besides, he said, the crab meat in an authentic Maryland crab cake may actually come from as far away as Thailand. That buzzkill aside, Colburn’s proposal has at least one fan in Senate President Thomas V. Mike Miller Jr., who urged lawmakers to vote for the measure in spite of its wanting to honor “probably the ugliest sandwich in the history of the world.”

GOVERNOR TRUSTWORTHY: British Prince Harry’s last trip to America was, shall we say, revealing. For those not obsessed with royal watching, the good prince made world news after nude photos of him and some adoring fans he met in Las Vegas showed up on the Internet. Well, Harry is returning to America in May, this time to visit New Jersey. But Harry’s grandmum, Queen Elizabeth II, needn’t worry that history will repeat itself. As the *New York Times* reports, Gov. Chris Christie says he will be with Harry for the entire day, and that “nobody’s going to get naked” during the visit. “I think I can assure the people of New Jersey that. Much to their relief,” he added. Amen, brother.

SO MUCH FOR RESTRAINT: When the Utah Legislature convened in January, House Speaker Becky Lockhart urged her colleagues to back off on the number of bills they introduced this year, noting that even a normal number would “add another 200 pages of code to the 200 pages we added last year.” Lawmakers, she said, should “slow down” and consider whether their bills were really necessary before filing them. Well, as the *Salt Lake Tribune* reports, lawmakers took that advice to heart...and overwhelmingly decided their bills were absolutely crucial! Lawmakers, in fact, introduced 748 bills, approving 524. Both figures are records. Senate President Wayne Neiderhauser took note, saying “It highlights for me that we don’t want to be in session more than 45 days.”

— By RICH EHISEN

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