

Lab Work



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Capitol Journal will be
available on May 6th.

Top Story

*Long the "laboratories
of democracy," states
in the first quarter of
this year have been
experimenting avidly
in all directions.*

SNCJ Spotlight

Boldness of the States: Experiments Abound on Many Issues

States have the capacity to serve as laboratories of democracy and try out "economic practices and institutions to meet changing social and economic needs," Justice Louis Brandeis wrote in a famous dissenting opinion 81 years ago. During the first quarter of 2013, these state laboratories have been experimenting avidly in all directions.

A Cannon Perspective



With Lou Cannon

Several states, led by North Dakota and Arkansas, have imposed strict restrictions likely to provoke a new round of legal challenges to *Roe v. Wade*, the 1973 decision by the U.S. Supreme Court establishing a woman's right to an abortion. Other states are discussing overhaul of their tax systems to attract investment; Ohio has privatized its economic-development agency with this goal in mind. Maryland and Wyoming are raising gas taxes and Virginia is changing its gas-tax system to shift funds to road construction and other transportation needs. Still other states are dealing with the challenges of the strange new world of unmanned aircraft, better known as drones.

There are several reasons for the rash of experimentation, the foremost of which is that states are in better financial condition than at any time since the onset of the Great Recession. After 13 consecutive quarters of increased revenue most states are near the budget levels of 2007, adjusted for inflation. Their increased fiscal health has freed them to take creative actions instead of pinching pennies.

In addition lawmakers want to make up for lagging federal efforts in reforming education and rebuilding infrastructure. "The states are giving America's schools their biggest overhaul in living memory," *The Economist* recently editorialized. It noted that 45 states are developing new curriculums and that "schools and teachers are at last being held accountable for results."

Infrastructure deficiencies were cited both by Democratic Gov. Martin O'Malley in Maryland and Republican Gov. Bob McDonnell in Virginia as they took different approaches toward a common goal of providing more money for building roads. McDonnell won bipartisan approval of complex legislation that converts the state's gas tax from a conventional pennies-per-gallon formula to a 3.5 percent tax on the wholesale fuel price. By taking a percentage rather than a flat fee, the levy will rise with inflation, freeing up \$3.5 billion for new projects. The governor claims the bill will lower gas prices at the pump; his critics dispute this prediction.

No one disputes that gas prices will rise in Maryland under a bill O'Malley signed last July that imposes a sales tax on gasoline in three stages, reaching 20 cents a gallon by 2016. Gas prices also will go up in Wyoming, as thoroughly Republican as Maryland is Democratic, under a bill signed in February by GOP Gov. Matt Mead. The measure boosts the state gasoline tax 10 cents a gallon to avoid dipping into the general fund for road construction and repairs.

States and local governments may have more running room than the federal government for making difficult political decisions on taxes and other issues because they are more popular with voters. In a national survey released on April 15, the Pew

The week in session

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

States in Special Session: CA "a", WV "a"

States Adjourned in 2013: AK, GA, ID, KY, MD, MS, NM, SD, UT, VA, VA "b", WY

Letters indicate special/extraordinary sessions

— Compiled By FELICA CARILLO
(session information current as of 4/17/2013)
Source: State Net database

Research Center found that 63 percent of respondents expressed a favorable opinion of local government and that 57 percent did so of state government. In contrast, only 28 percent of voters viewed the federal government favorably.

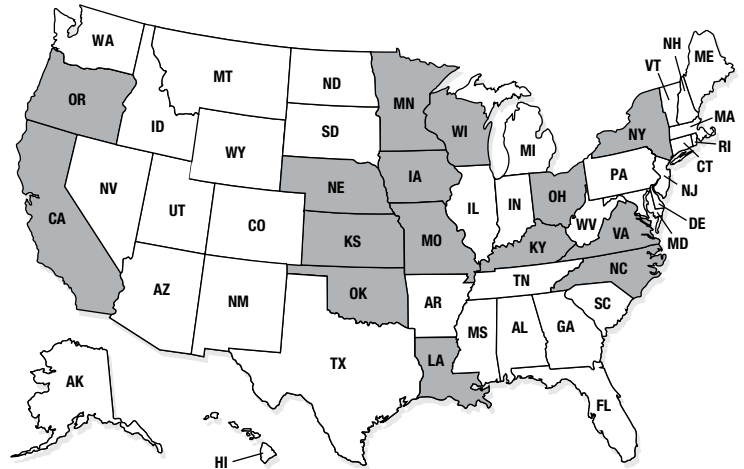
Finally, state experimentation is a continuing byproduct of the rightward turn taken by many states after Republicans won big in the 2010 legislative elections. These victories were cemented the following year with redistrictings based on the decennial census, enabling the GOP in 2012 to retain statehouse control in a majority of states even as President Obama won re-election. There are now 23 states with a Republican governor and GOP majorities in both chambers. In addition, Republicans hold practical control in Virginia where the two parties are tied in the State Senate, but a GOP lieutenant governor holds the tie-breaking vote.

Many of these “red” states have pushed a conservative agenda on social issues, especially abortion. In the past six weeks five states — Alabama, Arkansas, Kansas, North Dakota and Virginia — have adopted restrictive abortion laws. The most far-reaching is a package of three anti-abortion measures signed into law by Republican Gov. Jack Dalrymple of North Dakota after being passed by that state’s GOP-controlled Legislature.

One of the North Dakota measures forbids abortion once a fetal heartbeat is “detectable,” which can be as early as six weeks into a pregnancy. In signing the bill into law Dalrymple hinted it might be found unconstitutional. “Although the likelihood of this measure surviving a court challenge remains in question, this bill is nevertheless a legitimate attempt by a state legislature to discover the boundaries of *Roe v. Wade*,” the North Dakota governor said in a statement.

The Arkansas law limits abortions to the first 12 weeks of pregnancy. Three new Kansas laws say that life begins at conception, bar tax breaks for abortion providers and prohibit abortion based on sex selection. Alabama and Virginia have raised safety

Bird’s eye view



Source: Institute on Taxation and Public Policy, Huffington Post, Forbes

States with greatest potential for major tax reform

2013 billed as year of tax reform

Last year the Institute on Taxation and Public Policy identified 15 states “with potential for major tax reform in 2013.” Those states included Louisiana, Nebraska and North Carolina, whose governors have vowed to completely repeal their states’ corporate and individual income taxes; Kansas, which has been working on an extension of its sales tax to plug the budget gap created by the major tax cuts it enacted last year; and Minnesota, which is considering an income tax hike on its highest earners. ITEP said that with more states having gained one-party control of state government in the November elections, tax reform issues were likely to dominate this year’s legislative sessions.



requirements for abortion clinics that Planned Parenthood, which supports abortions, says some clinics will find difficult to meet. All these laws face potential legal challenges.

Although North Dakota seeks a return to the past on abortion, the state may have a foothold on the future when it comes to the use of unmanned aircraft. The University of North Dakota is the first to offer a degree in unmanned aviation, and businesses in Grand Forks expect a boom in these remote-controlled drones to monitor everything from crop-devouring insects to criminal suspects. Chris Anderson, who owns a lobbyist website devoted to drones, has predicted: “The sky’s going to be dark with these things.”

Perhaps, but states and cities are of two minds about drones, which are often associated in the public mind with U.S. killings of targeted terrorist suspects (and sometimes civilians) in Pakistan and other world danger spots.

Civil libertarians on both the right and left worry that unmanned aircraft can violate privacy rights. Virginia in February approved a two-year moratorium on drone aircraft; Idaho this month passed a stricter law prohibiting use of drones to spy on

“Civil libertarians on both the right and left worry that unmanned aircraft can violate privacy rights.”

anyone without written consent. Idaho State Sen. Chuck Winder (R), author of the measure, said it was an attempt to “prevent high-tech window peeping.”

California may also be getting into the act, albeit more cautiously. The Judiciary Committee in the State Senate has approved a bill establishing civil and criminal penalties for drone operators who violate privacy rights. Sen. Alex Padilla (D), the bill’s author, acknowledges, however, that there are legitimate uses for drones, which the Federal Aviation Agency (FAA) estimates could exceed 10,000 by 2020.

For many states the goal of becoming one of six federally designated sites for testing unmanned aircraft transcends worries about privacy intrusions. Fifty groups in 37 states have with state encouragement applied for these designations, hoping they will generate jobs from a growing industry. Most of these groups avoid the word, “drone,” which they consider pejorative, and say that privacy concerns have been overstated.

“Corn doesn’t care” about unmanned aircraft, said Kyle Snyder, director of the NextGen Air Transportation Center at North Carolina State, which has been testing in airspace over crops. The FAA, which has been overseeing the testing, nonetheless says that existing privacy laws have been observed in North Carolina and other states.

It’s too early to know if unmanned aircraft are the wave of the future or a passing fad. It may also be premature to assess the results of state experimentation in education or changes in the tax structure or to predict if new state abortion laws will survive examination by the U.S. Supreme Court.

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Whatever happens, states are demonstrating in 2013 that they have significant roles to play in governance, in the process demonstrating the foresight of Justice Brandeis. “It is one of the happy incidents of the federal system,” he wrote in his 1932 opinion, “that a single courageous state may, if its citizens choose, serve as a laboratory and try novel social and economic experiences without risk to the rest of the country.”

— By Lou Cannon

Budget & taxes

KS TAX REFORM WORST IN NATION: Joe Henchman of the conservative Tax Foundation and Nick Johnson of the left-leaning Center on Budget and Policy Priorities rarely agree on anything having to do with taxes. But when *Governing* magazine recently asked the two tax policy experts to identify the best and worst tax reform efforts in the nation, both agreed the worst was the tax law passed last year in Kansas.

The two analysts were particularly critical of the centerpiece of the plan: elimination of the state income tax on sole proprietorships and other “pass through” businesses, so called because their income is not taxed and passes through to the owners who pay taxes on it as individual income.

“That’s an incentive to game the tax system without doing anything productive for the economy,” Henchman told *Governing*. “They think things like the pass-through exemption will encourage small business, and to be fair, it might. But they are doing it in a way that violates the tax principle of neutrality,” the widely accepted principle that tax systems should be structured so decisions are made on their economic merits rather than their tax consequences.

Johnson said the tax plan “fails almost every test of good tax policy.”

“Vertically, it’s beneficial to high-income taxpayers and harmful to low,” he said. “It doesn’t do much for the middle either. Horizontally, its exemption of pass-through entities creates inequities and tax avoidance, which of course then goes back to sustainability because it balloons cost.”

What’s more, neither of the two analysts thought the plan would do much to jump start the state’s economy or create jobs.

“Evidence suggests that there’s no goose to the economy from this or, if there is one, it will be small,” said Johnson. “The real big problem here is that because it costs so much money, it will make it harder for Kansas to make other kinds of investments that are important to a strong economy like education and infrastructure.”

The analysts did disagree on which state had the best tax reform plan. Henchman said Rhode Island, which cut tax rates, reduced credits, eliminated itemized

deductions and increased the standard deduction for most taxpayers, while Johnson said Massachusetts, which is considering increasing income tax rates and lowering sales taxes, actions he said would make the state's tax code more progressive. (WICHITA EAGLE, GOVERNING)

CONGRESSIONAL DEM BLASTS SEQUESTER IN WAKE OF BOSTON BOMBING: While some members of Congress saw the Boston Marathon bombing as a wake-up call that the nation has become too complacent about terrorism in the years since Sept. 11, 2001 (see "CONGRESS TALKS ABOUT TERRORISM" in Politics & leadership), U.S. House Minority Whip Steny Hoyer (D) also viewed the incident as a clear demonstration of why Congress should have stopped the automatic, across-the-board spending cuts known as sequestration from taking effect in March.

"I think there are multiple reasons for ensuring that we invest in our security, both domestic and international security. That we invest in the education of our children, that we invest in growing jobs in America and don't pursue any irrational policy of cutting the highest priorities and the lowest priorities by essentially the same percentage." (POLITICO)

OH'S \$500 OIL RESOURCE FRUSTRATING DRILLERS: The Utica Shale formation in eastern Ohio grabbed the national spotlight two years ago when the state's Department of Natural Resources estimated it held 5.5 billion barrels of recoverable oil, more than twice Yemen's oil resource and worth nearly \$500 billion. But U.S. drillers that set up rigs on the region's rolling farmland are now selling off their acreage because production is not meeting up with the initial predictions.

"The results were somewhat disappointing," said Philip Weiss, an analyst with Argus Research. Early data, he said, is showing "it's not as good as we thought it was going to be."

"We have a lot to learn about producing from these shales," said Jeff Daniels, who runs Ohio State University's Subsurface Energy Resource Center. (BLOOMBERG.COM)

BUDGETS IN BRIEF: On the last day of its session, **ALASKA's** Legislature passed a multibillion-dollar oil tax cut in the hopes of boosting production, which has been declining since the late 1980s. The Senate's approval of House changes to SB 21 came despite concerns that the potential impacts of the measure weren't completely understood and might send the state's budget deep into the red (ASSOCIATED PRESS, JUNEAU EMPIRE, STATE NET). • **FLORIDA's** House and Senate have voted unanimously to ease the rules on discharging treated sewage into the ocean. If signed by Gov. Rick Scott (R), the measure could save counties in South Florida \$1.6 billion (MIAMI HERALD).

— Compiled by KOREY CLARK

Politics & leadership

WASHINGTON SPOILING ‘LABORATORIES OF DEMOCRACY’?

As Lou Cannon notes in this week’s *SNCJ Spotlight*, U.S. Supreme Court Justice Louis Brandeis’s famous dissent to the majority opinion in *New State Ice Company v. Liebmann* 81 years ago posed the idea that states could serve as laboratories of democracy, trying “novel social and economic experiments.” A little more recently, in his seminal book, *Laboratories of Democracy*, David Osborne suggested that the willingness to work across party lines was key to some of the most successful experiments that have come out of the states over the past few decades on issues ranging from education to welfare.

Increasingly, however, policymaking at the state level has tended to split right down party lines the way it has for some time in Washington. On March 8, for instance, South Dakota became the first state to expressly allow school employees to carry guns when the state’s Republican governor, Dennis Daugaard, signed legislation sent to him by the GOP-controlled Legislature. The same day, Colorado’s Democrat-led Legislature gave preliminary approval to the state’s most sweeping gun-control package in years, which Democratic Gov. John Hickenlooper later signed.

Over the course of the following week, North Dakota’s Republican-led Legislature approved the most restrictive abortion law in the nation and Louisiana Gov. Bobby Jindal (R) proposed eliminating his state’s personal income and corporate taxes, while Maryland’s Democrat-controlled Legislature voted to repeal that state’s death penalty, and gay marriage legislation cleared Democrat-led legislative committees in Minnesota’s House and Senate.

“I can’t recall any time in American history where there was such a conscious effort to create such broad divisions, without any sense of how it is all going to turn out,” said Donald Kettl, dean of the University of Maryland’s public-policy school.

The recent partisan wave may have been set in motion by the 2010 elections, which carried Republican majorities into power in states across the nation and resulted in sweeping legislative changes on such issues as collective-bargaining rights for public employees and government spending. But now Democrats are pushing their own agenda with equal vigor.

Since the 1990s, for instance, the gun control debate has basically been dominated by the NRA and gun owners, with most state laws on the issue authorizing citizens to carry concealed weapons or loosening the restrictions on where individuals with such permits can carry their weapons. But since the mass shooting in Newtown, Connecticut last year, Democrat-controlled states that have long been silent on the issue — including those with strong gun control laws already on their books — have regained their voices.

“We have had strong states for years,” said Brian Malte, director of mobilization for the Brady Campaign to Prevent Gun Violence. “But, that said, the states with stronger gun laws hadn’t passed [further] laws in a while. [Now] that’s really ramped up.”

In addition to Colorado, the Democrat-dominated states of Connecticut, Maryland and New York have all tightened their gun controls, and gun-control measures are also advancing in California, Delaware, Oregon, and New Jersey.

Republican led South Dakota, meanwhile, has authorized the arming of school employees, while Republican lawmakers in Idaho, Michigan, Mississippi, Missouri, Texas, Virginia, and Wyoming have backed mostly symbolic legislation to block enforcement of any new federal gun-control measures.

The widening red state-blue state divide has been fostered by the nation’s electorate, which has tilted more states decisively toward one party or the other. Republicans now control both legislative chambers and the governor’s office in 24 states, while Democrats hold unified control in 12, leaving a relatively small number of states with divided governments.

State policymakers have also faced pressure from above, in the form of national groups like the American Legislative Exchange Council, which has built a robust system for propagating conservative proposals among right-leaning states. Arizona’s former centrist Democratic governor Bruce Babbitt said the framing of policy issues as part of the national partisan struggle has diminished states’ ability to innovate.

“The divergences in the laboratory-of-democracy idea ought to grow out of grassroots experience” in the states he said. “It’s not the case now. It’s a top-down divergence being driven by national ideological arguments.”

That sharp separation raises some ponderous questions.

“On issues of social policy, are we prepared for fundamentally dividing the country?” asks the University of Maryland’s Kettl. “When you have a couple that is legally married in one state that moves to another state where gay marriage is not legal, what happens to them? ... We’re going back through a hidden door we didn’t know existed to envision what ‘equal protection’ means.”

The national political landscape also certainly appears less conducive to the sort of non-partisan state innovations Osborne profiled in *Laboratories of Democracy*. As the *National Journal* put it: “Not long ago, the states mostly operated as an exception to the war between the parties in Washington. Now they look more like an extension of it.” (NATIONAL JOURNAL, STATE NET)

CONGRESS TALKS ABOUT TERRORISM: The attention of Congressional lawmakers was diverted from immigration and gun control last week by talk of terrorism in the aftermath of the Boston Marathon bombing.

In a speech on the U.S. Senate floor, Minority Leader Mitch McConnell (R-Kentucky) said, “The complacency that prevailed prior to September 11 has actually returned,” but the incident in Boston reminds us “that serious threats to our way of life remain.”

U.S. Rep William Keating (D-Massachusetts), a member of the House Committee on Homeland Security, commented on how vulnerable Americans remain to terrorist attacks.

“Even though we’re so much better on pure preparedness — light years — the situations posed and the threats posed are greater, and they’re harder to detect,” he said. “I’m not saying it’s the case here, but threats of lone wolves and people dealing in groups of two or three make it harder to detect. You just don’t have the forewarning.”

Responding to the speculation that the Boston attack might have been carried out by a foreign national possibly with a student visa, U.S. Rep. Steve King (R-Iowa) said, “If that’s the case, then we need to take a look at the big picture.”

“We need to take a look at the visa-waiver program and wonder what we’re doing,” he added. “If we can’t background-check people that are coming from Saudi Arabia, how do we think we are going to background check the 11 million to 20 million people that are here from who knows where?”

Others, including U.S. Sen. Marco Rubio (R-Florida), warned against jumping to any conclusions.

“We know very little about Boston other than that it was obviously an act of terror. We don’t know who carried it out or why they carried it out, and I would caution everyone to be very careful about linking the two.” (BOSTON GLOBE)

CROWDED RACE FOR LT GOV IN VA: Ordinarily, the post of lieutenant governor in Virginia — and most other states, for that matter — is, in the words of Stephen Farnsworth, a professor of political science at the University of Mary Washington, a “one-way ticket to oblivion.” But this year, nine candidates, two Democrats and seven Republicans, are vying for the job. And that’s because this year’s lieutenant governor’s race is “likely to be vital to the future direction of the commonwealth,” said Farnsworth.

“The lieutenant governor breaks the ties for most legislation in the Senate, and senators do not face the voters for two years.”

With the Senate currently split 20-20 between Republicans and Democrats but effectively under GOP control because of the tie-breaking vote of Lt. Gov. Bill Bolling (R), this year’s election will determine whether the chamber remains in Republican hands or shifts to Democratic control.

Democrats will choose between former U.S. chief technology officer Aneesh Chopra and state Sen. Ralph Northam in a primary on June 11. Republicans,

Upcoming elections

(4/19/2013 - 5/10/2013)

04/23/2013

District of Columbia Special Election

Council At-Large Council Seat

04/30/2013

Massachusetts Special Primary
Senate 1st Suffolk

US Senate (Class 2)

05/07/2013

Michigan Special Election
Senate District 27

South Carolina Special Election
US House (CD 1)

meanwhile, have opted to forego a primary for a convention this election cycle. So on May 18, a few thousand Republicans, rather than the state's entire electorate, will choose the GOP nominee from among former state Sen. Jeannemarie Devolites Davis; Chesapeake minister E.W. Jackson; Del. L. Scott Lingamfelter; state Sen. Stephen H. Martin; Pete Snyder, a technology entrepreneur; Corey A. Stewart, chair of the Prince William Board of County Supervisors; and Susan Stimpson, chair of the Stafford County Board of Supervisors.

"I would say [the race is] almost impossible to quantify," said Davis
(RICHMOND TIMES-DISPATCH, WASHINGTON POST)

POLITICS IN BRIEF: WASHINGTON's Republican-controlled Senate declined to vote on a gun-control bill with bipartisan support before a key legislative deadline last week. The inaction has likely killed HB 1840, which would have required some gun owners with restraining or protective orders against them to surrender their weapons temporarily (SEATTLE TIMES, STATE NET). •

ILLINOIS Republican Party Chairman Pat Brady survived an effort to immediately oust him from his post over his support for same-sex marriage. But state GOP leaders have approved a succession strategy that could see Brady replaced within the next few weeks (CHICAGO TRIBUNE). • Non-violent felons will be able to vote in **DELAWARE** immediately upon being discharged from incarceration after the state's Senate approved an amendment last week removing a constitutional provision barring felons from voting for five years after serving out their sentences (WILMINGTON NEWS JOURNAL).

— *Compiled by KOREY CLARK*

Governors

BROWN CHANGES COURSE ON CA PRISONS: California Gov. Jerry Brown (D) has reversed course on his vow to challenge a federal court's order to continue reducing the Golden State's prison population. A three-judge panel last Thursday rejected the Brown administration's plea to end the court order, which requires the state prisons to get down to 137.5 percent of capacity before the end of the year. The court also threatened to hold Brown and prison officials in contempt if they didn't comply. Speaking from a trade mission in China, Brown last week said the state would not go along and would appeal the issue all the way back to the U.S. Supreme Court if necessary (See "CA struggles with Brown's prison realignment" in the April 15 issue of *SNCF*). The high court has already upheld the order once, rejecting California's appeal in 2011.

But Brown's defiance lasted only a few days. Before leaving China last Tuesday, the governor still vowed to appeal but also acknowledged that his administration has little wiggle room with the courts and would have to comply with their wishes.

"I think there is a lot of room there," he told reporters, "But at the same time, with the court threatening contempt at every level, when the Supreme Court gives these three judges the green light, then we have to do what they tell us, and we'll have a list of 9,000 or 10,000 of our finer inmates that will be ready for neighborhood visitations throughout California."

The governor was referencing his own earlier warnings that the state has already removed all of the least dangerous inmates from state prisons — shifting many to county under an ongoing prison realignment — and any further releases will have to include far more dangerous offenders who could pose a significant threat to the public.

Brown also noted before leaving China that he was pessimistic about achieving another stated goal for this year, reforming the California Environmental Quality Act, or CEQA. Brown, who has previously dubbed reforming the 40-year old law "the Lord's work," said he doubted there was political will to get a reform bill through given intense opposition from labor and environmental groups, two of the Democratic governor's staunch support groups.

This was news, however, to Senate pro Tem Darrell Steinberg (D), who told reporters "I don't know why he would say that." Steinberg said he is still committed to updating the 44-year-old law and plans to "sit down with the governor" to discuss the issue as soon as possible. There are about a dozen CEQA reform measures pending in the Legislature, including Steinberg's own SB 371, which would, among several things, greatly expand the definition of urban infill projects, which are exempt from some of the law's more restrictive requirements. (STATE NET, SACRAMENTO BEE, LOS ANGELES TIMES)

Upcoming stories

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

- **Mental health**
- **Fracking**
- **Health care reform**

TOMBLIN PRISON, EDUCATION REFORMS PASS MUSTER: West Virginia lawmakers delivered Gov. Earl Ray Tomblin's (D) the top two items on his legislative wish list this session: major reform measures for education and the state's overflowing prison system. The education bill, SB 359, gives county school districts more control over the annual calendar and educator hiring, rewards teachers who attain national certification or serve in critical-need areas and advances Tomblin's goals for grade school reading and high school college and career readiness. The prisons bill, SB 371, looks to reduce recidivism by promoting supervised release and local-level counseling and rehabilitation services for drug offenders rather than just jail time. The governor's office said the law is expected to save the state about \$140 million over the next five years, providing about \$25 million for community-based

substance abuse treatment programs for inmates out on probation and parole. (WEST VIRGINIA GOVERNOR'S OFFICE, THE REPUBLIC)

FL HOUSE COUNTERS SCOTT MEDICAID PLAN: The Florida House issued its proposal last week to provide health care coverage to more of the state's poorest residents, a plan that drew an immediate negative response from both Democrats and Gov. Rick Scott (R). Under the House plan, the state would reject billions of dollars in federal funding to pay for expanding Medicaid eligibility to 138 percent of the federal poverty line, estimated to be around \$51 billion over 10 years. It would instead provide limited coverage to parents and disabled adults under 100 percent of the federal poverty level, covering only about 115,000 of the estimated 1 million Sunshine State residents who would gain coverage under Medicaid expansion. The proposal was in contrast with one from the Senate that would take the federal Medicaid funds but use them — and several billion more in state dollars — to subsidize private health care insurance for those newly-eligible for the joint federal-state program. Scott said the House plan would “cost Florida taxpayers on top of what they are already taxed under the President’s new healthcare law.” He added he supports the current Senate plan because it “will provide healthcare services to thousands of uninsured Floridians while the program is 100 percent federally funded.” House Democrats, meanwhile, are pondering a vote against the state budget if House Republicans don’t come up with a plan equal to the Senate proposal. (FLORIDA CENTER FOR INVESTIGATIVE REPORTING, WUSF NEWS [TAMPA], WSFU-TV [TALLAHASSEE], ORLANDO SUN-SENTINEL)

EXECUTIVE ORDERS: ARIZONA Gov. Jan Brewer (R) signs EO 2013-04, which establishes the Governor’s Task Force on Human Trafficking. The group will make recommendations for any changes in the law, administrative practice or law enforcement training aimed at reducing human trafficking in the Grand Canyon State (STATE NET). • **MINNESOTA** Gov. Mark Dayton (D) issues EO 13-02, which declared a weather state of emergency in the Gopher State and which allows vehicles used to pump sewage from septic systems or used to transport sewage from septic systems to be exempted from the seasonal load restrictions on local and state highways and streets (STATE NET).

GOVERNORS IN BRIEF: Saying it would make long-term solutions to wolf predation costs harder to achieve, Idaho Gov. C.L. “Butch Otter” (R) vetoed a bill that would have forced the state Department of Fish and Game to divert up to \$100,000 to a program aimed at managing the state’s wolf population. Otter said the bill would have created a rift between sportsmen and ranchers (STATE NET, IDAHO STATE JOURNAL [BOISE]). • **KENTUCKY** Gov. Steve Beshear (D) said last week he will decide by July 1 whether to expand Medicaid in the Bluegrass State. He said

his administration is looking at several factors, including cost, before deciding whether to expand the program to serve an additional 400,000 residents (LEXINGTON HERALD-LEADER). • **ARIZONA** Gov. Jan Brewer (R) signed a bill that will create a four-year pilot project that ties school funding to performance for a group of five public school districts and five charter schools. The governor urged lawmakers to pass a bill creating a similar connection between performance and funding for all school districts and charters (ARIZONA CAPITOL TIMES). • **NEW JERSEY** Gov. Chris Christie (R) signed SB 589, a bill that doubles the requirement for gross sales from land that an owner seeks to declare as farmland and imposes a fine up to \$5,000 for those who knowingly violate the law. The measure was dubbed the “fake farmers” measure because it seeks to end the practice of large landowners’ claiming a farmland assessment with a minimal amount of effort or sales (BERGEN DAILY RECORD). • **ILLINOIS** Gov. Pat Quinn (D) introduced a six-year, \$12.62 billion program to improve the Prairie State’s infrastructure, including building over 2,142 miles of highway and improving, replacing, or rehabilitating 517 bridges. Quinn said the program will be paid for with \$7.2 billion in federal funds and \$1.9 billion in state funds, with local and other sources providing the remainder (NEWS GAZETTE [CHAMPAIGN-URBANA]). • **MICHIGAN** Gov. Rick Snyder (R) proposed sweeping changes to the Wolverine State’s no-fault auto insurance law, introducing a plan that would cap unlimited personal injury protection coverage at \$1 million, limit what medical providers charge insurers for auto-related injuries and create an authority to combat insurance fraud. Legislation, which would also require insurers to lower auto insurance premiums by at least \$125 per vehicle in the first year, is expected to be introduced this week (DETROIT FREE PRESS). • **MASSACHUSETTS** Gov. Deval Patrick (D) lashed out at the media last week in the aftermath of the terrorist bombing at the Boston Marathon. Patrick, who was upset at press reports that falsely claimed a suspect had been arrested, said people need “to brace themselves for a certain amount of misinformation and rumors masquerading as news because everyone is so anxious to fill the time” (POLITICO). • **MISSOURI** Gov. Jay Nixon (D) announced last week that the state would end the controversial practice of scanning certificates granting permission to carry concealed guns and holding them in a state database of driver’s license information (COLUMBIA DAILY TRIBUNE).

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: 417

Number of Intros last week: 2,691

Number of Enacted/Adopted last week: 1,596

Number of 2013 Prefiles to date: 24,400

Number of 2013 Intros to date: 109,880

Number of 2013 Session Enacted/ Adopted overall to date: 16,420

Number of bills currently in State Net Database: 155,802

— Compiled By FELICIA CARILLO
(measures current as of 4/17/2013)
Source: State Net database

Hot issues

BUSINESS: The **OREGON** Senate approves SB 558, which would expand the state's foreclosure mediation program to include court-supervised foreclosures. It moves to the House (PORTLAND OREGONIAN). • **ARIZONA** Gov. Jan Brewer (R) signs HB 2312, which bans marketers from sending unsolicited text messages to cell phones (ARIZONA CAPITOL TIMES [PHOENIX]). • **MISSISSIPPI** Gov. Phil Bryant (R) vetoes SB 2526, which would have allowed Magnolia State residents to buy small amounts of liquor in a wet county and drive through dry counties to another wet county. Bryant said the bill would undermine liquor enforcement laws (HATTIESBURG AMERICAN). • The **OREGON** House approves HB 2654, a bill that would bar employers from requiring employees and job applicants to grant them access to their personal social media accounts. It moves to the Senate (PORTLAND OREGONIAN). • Social media passwords are also the issue in **WASHINGTON**, where the House approves SB 5211, a bill that would bar employers from requiring workers to surrender their access information. The bill, which would allow employers to look at an account if they suspect a worker is revealing proprietary information, moves back to the Senate (SEATTLE TIMES). • Still in **WASHINGTON**, the Senate endorses HB 1001, which would allow movie theaters to sell wine and beer without first obtaining a restaurant license or restricting alcohol-purchasing patrons to specific seating areas. The measure moves back to the House (COLUMBIAN). • Also in **WASHINGTON**, the House approves SB 5045, legislation that would allow day spas to offer customers free glasses of wine or beer. It returns to the Senate (STATE NET, PORTLAND OREGONIAN). • **KANSAS** Gov. Sam Brownback (R) signs HB 2069, which bars local governments from entering into contracts that impose "prevailing wage" mandates on employers (TOPEKA CAPITAL-JOURNAL). • **NEW JERSEY** Gov. Chris Christie (R) vetoes SB 2425, which would have expanded the state's project labor agreement law to include work on highways, bridges, pumping stations and water and sewage treatment plants. The measure would have let local governments use all union workers when hiring contractors to rebuild key pieces of infrastructure damaged by Hurricane Sandy (NEWARK STAR-LEDGER).

CRIME & PUNISHMENT: The **WASHINGTON** Senate approves HB 1341, a bill that would allow wrongfully convicted people to seek compensation from the state for the years they were imprisoned. It returns to the House (PORTLAND OREGONIAN). • The **OREGON** House approves HB 2710, which would require law enforcement agencies to obtain a search warrant before using drones to gather evidence. It moves to the Senate (PORTLAND OREGONIAN). • The **FLORIDA** House unanimously approves SB 92, which would bar local law enforcement officials

from using drones without a warrant or threat of a terrorist attack and prohibits information collected by drones to be used as evidence in court. It moves to Gov. Rick Scott (R) for review (TAMPA BAY TIMES). • The **NEVADA** Senate approves SB 365, which would make it a crime to claim to be a war hero in an effort to gain something of benefit. The so-called “stolen valor” measure moves to the House (RENO GAZETTE JOURNAL).

EDUCATION: The **MONTANA** Senate approves SB 112, legislation that would require student athletes who show signs of a concussion to be removed from play and held out until cleared by a medical professional. The bill, which also requires coaches and parents to receive training on spotting and dealing with concussions, goes to Gov. Steve Bullock (D) for review (MISSOULIAN). • **ARIZONA** Gov. Jan Brewer (R) vetoes HB 2054, a bill that would have allowed charter schools to enroll some disabled pre-school students. Gov. Brewer noted lawmakers did not include funding to pay for those students (ARIZONA CAPITOL TIMES [PHOENIX]). • **NEW JERSEY** Gov. Chris Christie (R) signs SB 2057, which requires Garden State school districts that provide students with laptops, cell phones or other electronic devices to also inform them in writing that the device may track their movements (NORTHJERSEY.COM). • **ARKANSAS** Gov. Mike Beebe (D) signs SB 65, which caps the number of transfers allowed from one district in a year to no more than 3 percent of the district’s student population and bars transfers that would conflict with a federal desegregation order issued last year. The law goes into effect immediately (ARKANSAS NEWS [LITTLE ROCK]). • **OKLAHOMA** Gov. Mary Fallin (R) signs several school safety bills, including SB 256, which requires school districts to conduct lockdown drills in addition to fire, intruder and tornado emergency drills (OKLAHOMAN [OKLAHOMA CITY]). • **MISSISSIPPI** Gov. Phil Bryant (R) signs HB 369, which caps the growth of charter schools in the Magnolia State at 15 per year and allows school districts rated A, B, or C to reject charter proposals (HATTIESBURG AMERICAN). • Also in **MISSISSIPPI**, Gov. Bryant signs SB 2347, a bill that ends the social promotion of third grade students who are not reading at grade level (MISSISSIPPI GOVERNOR’S OFFICE).

ENVIRONMENT: The **INDIANA** House approves SB 487, a bill that would allow the Hoosier State’s five “high-fence” deer hunting preserves to remain in business. The measure, which sets rules for how those preserves must operate, moves back to the Senate (INDIANAPOLIS STAR). • The **MONTANA** House rejects SB 143, a bill that would have increased the number of hunting licenses for bison and prohibited the future relocation of the animals (HELENA INDEPENDENT RECORD]).

HEALTH & SCIENCE: The **MONTANA** Senate rejects HB 505, which would have made it illegal for doctors or caregivers to help terminally ill patients to kill

themselves. The Treasure State Supreme Court ruled in 2009 that state law does not prohibit assisted suicide (MISSOULIAN). • **ARIZONA** Gov. Jan Brewer (R) vetoes SB 1115, a bill that would have required medical facilities to post their direct-pay prices for certain services online. The governors said the measure would open the state up to litigation (EAST VALLEY TRIBUNE [MESA]). • The **ALABAMA** Senate approves SB 229, which would allow certified nurse practitioners operating under the supervision of a collaborating physician to prescribe certain painkillers, antibiotics and other medications. It is now in the House (BIRMINGHAM NEWS). • **NORTH DAKOTA** Gov. Jack Dalrymple (R) signs HB 1362, which expands eligibility for Medicaid in the Flickertail State to meet federal standards under the Affordable Care Act. The law is expected to add about 20,000 people to the program (BISMARCK TRIBUNE). • The **ILLINOIS** House approves HB 1, legislation that would legalize the use of marijuana for medical purposes. The bill moves to the Senate (CHICAGO TRIBUNE).

In case you missed it

States — even some controlled by usually tax-averse Republicans — are opting to increase gas taxes and other fees to provide funding for transportation projects.

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

http://www.statenet.com/capitol_journal/04-22-2013/html#sncl_spotlight.

SOCIAL POLICY: The **VIRGINIA** Board of Health gives final approval to rules that categorize clinics which provide five or more abortions per month as a hospital. The rule change, which could force those facilities to make significant structural upgrades in order to comply with hospitals' vastly different building code requirements, was ordered by SB 924, passed by Old Dominion lawmakers in 2011 (POLITICO). • **NORTH DAKOTA** Gov. Jack Dalrymple (R) signs SB 2368, which bans women from having an abortion after the 20th week of pregnancy. Opponents are expected to challenge the law in court (BISMARCK TRIBUNE). • A federal court blocks enforcement of a new **MISSISSIPPI** law that requires doctors who perform abortions to have admission rights at local hospitals. U.S. District Judge Daniel P. Jordan III extended his own earlier injunction against the 2012 law until legal challenges to it are decided (REUTERS). • **KANSAS** Gov. Sam Brownback (R) signs legislation that allows Sunflower State authorities to require any welfare recipient suspected of using illegal drugs to submit to a drug screening, with those who fail losing their benefits until they complete a drug treatment and job skills program. A second failed test will result in a yearlong loss of benefits. The bill goes into effect on July 1 (KANSAS CITY STAR). • The **FLORIDA** House approves HB 1129, which would require doctors to provide emergency care if a failed abortion somehow produces an infant who is born alive. The bill moves to the Senate (MIAMI HERALD). • The **MISSOURI** House approves HB 400, which would require doctors prescribing abortion inducing medications to be present when a patient takes the medication and to make a reasonable effort to have the patient return within 12-18 days for a follow-up exam. It moves to the Senate (STATE NET).

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POTPOURRI: The **ARIZONA** Senate approves HB 2455, which would bar local governments from destroying guns they purchase in gun buyback programs, requiring them instead to sell those weapons to federally licensed gun dealers. It goes to Gov. Jan Brewer (R) for review (EAST VALLEY TRIBUNE [MESA]). • **MONTANA** Gov. Steve Bullock (D) vetoes HB 304, which would have allowed any person eligible to own a firearm to carry a concealed weapon without a permit within city limits (HELENA INDEPENDENT RECORD). • The **TEXAS** House approves HB 63, which would make statewide a ban on drivers from reading, writing or sending text messages while behind the wheel. More than two dozen Lone Star State cities already bar texting while driving. The measure moves to the Senate (AUSTIN AMERICAN-STATESMAN).

— Compiled by RICH EHISEN

Once around the statehouse lightly

WHEN IT RAINS, IT GOBBLES: After three years of trying, Kansas Gov. Sam Brownback finally nailed a nice adult tom turkey last week. But as the *Wichita Eagle* reports, the story was far from over. As the governor later explained, he fired at a bird, which then escaped into the bushes. Moments later, he spotted it and finished it off. But wait, it turns out his second shot took out a different bird, which he figured out only after discovering the carcass of the first one. While that might normally be great luck, the governor had a permit to shoot just one turkey. He dutifully called a game warden and insisted he be given a ticket. His honesty will come with a price, with such violations typically garnering fines and fees of around \$200. Although it was an honest error, he didn't try wiggling out of it, saying "I'll just have to pay...I did it."

DOGGONE GOVERNOR: California Democrats gathered in Sacramento last weekend for their annual convention, with all the usual political heavyweights on hand to fire up the troops. All but one, that is, as Gov. Jerry Brown was still gone to China on a trade mission. But while the party faithful probably missed having the gov on hand, Brown tossed them a bone by sending a stellar replacement: his enormously popular Pembroke Welsh Corgi, Sutter. As the *Sacramento Bee* reports, Sutter worked the room just about everywhere he went, drawing raves, oohs and ahs from a bevy of adoring fans. These may be heady days for Brown, but we're pretty sure that's even better than he would have done.

THE KING OF HAIR GEL: Speaking of the California Dem confab, Sutter wasn't the only gubernatorial substitute there looking to make a splash. As the Associated Press reports, Lt. Gov. Gavin Newsom, whose lust for the gov's job is as obvious as the copious amounts of gel he uses on his hair, delivered perhaps the line of the weekend. Harkening back to President Obama's recent klutzy comment that attorney general Kamala Harris was the "best looking" AG in the country, the model-handsome Newsom joked he was offended that the president didn't offer him similar kudos. "I was disappointed, so disappointed, the president didn't mention the best-looking LG in history," he said, adding "But Cruz Bustamante has that locked up." The reference of course being to the former lite gov, who is about a foot shorter, much rounder and, ummm, vastly more follicly challenged than Newsom.

SOME KIND OF WRINKLE: We’ve come a long way since the days when derogatory racial, sexual, cultural and religious slurs were as common in statehouses as at the local bar. But those days are not completely in the past. As the *Oklahoma City Oklahoman* reports, and YouTube video backs up, during a recent debate on a bill impacting small businesses, Oklahoma House Leader Dennis Johnson noted that some of his customers “might try to Jew me down on the price” of his merchandise. On the video, you can see the comment’s impact on his colleagues, one of whom whispers to Johnson from off camera. Johnson at first seems surprised before saying, “I apologize to the Jews,” noting they are “good small businessmen as well.” Johnson, who appeared genuinely chastened, offered another, more sincere mea culpa the next day, saying the phrase came from “a wrinkle” in his brain and vowed never to do it again.

— *By RICH EHISEN*

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