

# Capitol Journal

News & Views from the 50 States

May 19, 2014

## Voter ID



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The next issue of Capitol Journal will be available on June 2nd.

### Top Story

*A series of state and federal courts have slowed the steady march toward stricter voter identification requirements. But it is too early to know what impact those legal decisions will have.*

## SNCJ Spotlight

### Partisan politics clouds real voting issue: making it better

State and federal courts have slowed the steady march of the states toward sterner standards of voter identification.

A state judge in Arkansas and a federal judge in Wisconsin recently struck down strict voter ID laws. Pennsylvania Gov. Tom Corbett (R) has decided not to appeal an earlier state court decision invalidating

## A Cannon Perspective



With Lou Cannon



voter fraud in the 2012 elections. Some 270 alleged fraud cases were eventually referred to law enforcement, less than five one-thousandths of 1 percent of the 5.63 million persons who cast ballots. Results were equally unimpressive in Iowa, where Secretary of State Matt Schultz (R) recently completed a two-year, \$250,000 investigation that discovered only 117 cases of voter fraud out of almost 1.6 million ballots cast. Another 17 are still under investigation. Of those 134 cases, however, only 27 people have been charged with a crime and only six have been convicted.

Of even more significance, only a handful of these referrals produced criminal charges. Prosecutors surveyed by the Northeast Ohio Media Group found that many voters suspected of falsely registering at the wrong address had simply moved. In other cases, said Franklin County prosecutor Ron O'Brien, a Republican, "a number of elderly voters who had apparent memory issues... voted twice or attempted to vote twice. A criminal prosecution was not deemed proper."

But the Democratic claim that strict identification laws suppress the vote is as devoid of evidence as the Republican fantasy of widespread voter fraud. Indiana and Georgia enacted strict voter ID laws in 2008. The U.S. Supreme Court upheld the Indiana law by a 6-3 vote, in the process clearing the way for the similar Georgia statute. Critics of voter ID predicted dire consequences, but minority voting in these states has not declined.

Tim Storey, a political analyst with NCSL, suggests that advocates and critics of voter ID parties tend to become captives of their rhetoric instead of relying on objective analysis. Storey said that both parties typically view any proposed electoral reform "through the prism of partisan advantage."

That's unfortunate, because states have made some useful changes that have the potential to expand the electorate. Most important of these is online voting registration, pioneered by Arizona in 2002. Nineteen states now offer online registration. Four others have approved the concept but not yet implemented it.

Online registration has the added value of saving money. Arizona, for instance, reduced costs from 83 cents per paper registration to 3 cents per online registration. Other states with online registration have also experienced significant cost savings.

But in an election year it's hard for impartial discussion of electoral reform to prevail against the competing partisan narratives.

The Democratic case was presented in a *New York Times* story that lumped voter ID laws with efforts in Republican-controlled states to limit the days and hours that polls are open "in particular cutting into weekend voting favored by low-income voters and blacks, who sometimes caravan from churches to polls on the Sunday before election."

Liberals have also cited U.S. District Judge Lynn Adelman's sharply-worded decision striking down Wisconsin's strict voter ID law. Adelman said the law unduly burdened minority voters, many of whom lacked photo identification. He also found no evidence of voter impersonation in Wisconsin. The state's Republican leaders plan to appeal.



On the conservative side, writing in *National Review Online*, John Fund, co-author of a book on voting fraud, made the case that such fraud is endemic in Philadelphia, no matter which party is in control.

As a political issue, the suspicion that Republicans want to suppress the vote has helped Democrats, who in the 2012 elections used this charge to mobilize their base. Saying openly what other members of his party have said privately, U.S. Sen. Rand Paul (R-Kentucky) recently told the *New York Times* that Republicans may have over-emphasized voting fraud.

“I think it’s wrong for Republicans to go too crazy on this issue because it’s offending people,” Paul said. He later softened his language while emphasizing that he also favored allowing convicted felons to regain their voting rights, an issue of importance to African Americans.

Paul’s break from partisan orthodoxy is welcome. It would be even more welcome if both parties scrapped formulaic talking points about “ballot security” and “voter suppression,” embraced modern technology and tried seriously to improve the voting process.

In a society where identification is often annoyingly required for trivial financial transactions, voter ID is unlikely to disappear. So the practical alternative for those who distrust such laws is to improve them. Among the possibilities are biometric solutions such as finger prints and retinal scans that could be used at polling booths instead of photo identification.

Some will hear the footsteps of Big Brother in such methods. They may prefer a less intrusive experiment pioneered in Minnesota and Nevada and now used by jurisdictions, mostly counties, in 27 states. It’s called the “electronic poll book,” which is an electronic version of the voter rolls. Many counties that have used it say it speeds the voting process and enables an easy check of voter data. It also shifts responsibility for voter identification from the voter to the state.

Voting is a foundation of American democracy. Instead of cheap political appeals, voters deserve reforms that make it easier to register and vote while also guarding against any abuse of the process. The spread of on-line registration and such experiments as the electronic poll book suggest that such reforms are within reach.

— *By Lou Cannon*

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# Budget & taxes

**S TATES SOURING ON PROPERTY TAXES:** Not for the first time, Pennsylvania Sen. David Argall (R) is backing a bill that would replace property taxes levied by school districts with higher state income and sales taxes. But this year, more than half of the state's senators are co-sponsoring his bill.

One reason the measure has gained traction may be that, as Argall said, the property tax "has very little connection to the ability to pay."

"It can literally make people homeless," he said. "It can drive seniors on a fixed income out of a home that they may have built 50 or 60 years ago. It's incredibly unfair."

**"It can literally make people homeless."**

Opposition to the tax seems to be gaining traction in other states as well. In New York, Gov. Andrew Cuomo (D) and state lawmakers agreed in March to provide

\$1.5 billion in property tax relief as part of a plan to cut local government spending by sharing services. In Connecticut, a bill that would have made nonprofit entities subject to property taxes died in the Senate, and the House declined to consider the issue. And in Texas, large commercial property owners have successfully challenged hundreds of property tax assessments in court.

**"Every public financing expert in the world says it's the ideal tax for public services and he wants to eliminate it?"**

But property tax supporters say it is a relatively "good" tax because the revenues it generates are controlled locally and used to pay for things that taxpayers can readily appreciate, like education and public safety. David Brunori, a professor of public policy at George Washington University, actually called Argall's plan to scrap his state's tax "asinine."

"Every public financing expert in the world says it's the ideal tax for public services and he wants to eliminate it? It's efficient, effective and it's generally a very good tax," he said. (STATELINE.ORG)

**CA GOV'S BUDGET PLAN CALLS FOR MORE SPENDING:** California Gov. Jerry Brown (D) proposed a revised 2014-15 budget last week that calls for nearly \$1 billion more in spending than his draft proposal in January.

The new \$107.8-billion spending plan includes a sizable increase in Medicaid funding to cover the cost of expanding the program from 7.9 million people to 11.5 million to accommodate the rise in enrollments that has accompanied the rollout of the Affordable Care Act. The proposal also includes a 30-year plan for paying down the state's teacher pension liability, estimated at nearly \$74 billion.

"This May revision is good news for California," Brown said. "It shows that California can afford to provide health care to many more people, while at the same time paying its debts and shoring up the long-troubled teachers' retirement system."

The governor also said Democratic lawmakers who control the state's Legislature and outside interest groups are pressing for the restoration of funding for social services and other programs slashed during the recession. But he said overspending has caused budget deficits in most of the last 15 years.

"There are many good ideas, in healthcare, in schooling, the environment, in prison reform, in court expansion, but we only have so much money. We do live within the revenues given," he said.

Brown will now have to sell lawmakers on his plan by the state's June 15 budget deadline. (LOS ANGELES TIMES, WALL STREET JOURNAL)

**STATE FISCAL HEALTH STILL 'STABLE':** The slow and steady improvement that has characterized state finances for most of the post-Great Recession era is continuing, according to the National Conference of State Legislatures' Spring 2014 "State Budget Update," which is based on a survey of legislative fiscal officers in all 50 states.

Most state officials still describe their fiscal situations as "stable," with those in 34 states expecting to meet revenue estimates for FY 2014 and those in nine states expecting to exceed them. Officials in 22 states expect spending to be over budget, although not substantially.

But despite the considerable improvement in state fiscal conditions since the recession, officials still have concerns.

"While state officials are happy to have moved beyond the pain of the recession, they are still concerned about sluggish revenue growth, rebuilding reserves, tax policy and long-term spending," said Arturo Perez, director of NCSL's fiscal affairs program. (NATIONAL CONFERENCE OF STATE LEGISLATURES)

**BUDGETS IN BRIEF: MISSISSIPPI** lawmakers approved \$17 million in state disaster relief in response to last month's deadly tornadoes (CLARION-LEDGER [JACKSON]). • **OHIO's** Supreme Court will likely hear two lawsuits challenging Cleveland's so-called "jock tax," a 2-percent income tax on professional athletes from out of town each time their teams play in the city. The lawsuits, filed by a pair of former NFL players — Indianapolis Colts center Jeff Saturday and Chicago Bears linebacker Hunter Hillenmeyer — allege Cleveland charges visiting athletes higher income taxes than other out-of-town workers (CLEVELAND.COM). • **NEW JERSEY** Gov. Chris Christie (R) has proposed 23 fee increases expected to generate \$32.3 million in revenue in his new budget for the upcoming fiscal year. The proposals include a \$15 hike in the fee for non-criminal fingerprinting and a \$20 increase in the licensing fee for home improvement contractors (STAR-LEDGER [NEWARK]). • **MISSOURI's** General Assembly passed a bill last week (HJR 68) placing a measure on the Nov. 4 statewide ballot seeking to temporarily raise the state sales tax by .75 percent for transportation projects (ST. LOUIS POST-DISPATCH, STATE NET).

— *Compiled by KOREY CLARK*

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# Politics & leadership

## **S** TATE AND LOCAL GOVERNMENTS RECRUITING

**ENTREPRENEURS:** Virginia Del. Steve Landes (R), a banker, sponsored a bill enacted in March aimed at recruiting successful entrepreneurs, willing to donate their time for up to a year out of a sense of civic duty, to help state agencies stimulate business and job growth, become more responsive to the public and eliminate inefficiency.

The legislation is similar to that introduced in California, Connecticut, Georgia, Kentucky, Massachusetts, Michigan, Mississippi, Ohio, New York and Tennessee, and approved last year in Texas. It also parallels efforts by dozens of cities and counties to establish entrepreneur-in-residence programs of their own. In San Francisco, for instance, Mayor Edwin Lee chose six startup companies in March that will collaborate with city departments on a variety of issues, including how to boost social engagement with the community to reduce crime. And in Los Angeles, Mayor Eric Garcetti appointed two experienced entrepreneurs this month to advise the city on how to “foster ideas to get businesses off the ground and create jobs.”

Virginia Del. Landes summed up the thinking that likely motivated many of the various entrepreneur-in-residence efforts.

“Those of us in business always say we want government to be more businesslike,” he said. “Government is not a business. But maybe we can be more business-like, and use some [entrepreneurial] techniques and ideas and philosophy of the private sector in government.” (STATELINE.ORG)

**POLITICAL BATTLES IN WI NOT HURTING VOTER TURNOUT:** After all the protests and then all the recall elections and attendant attack ads sparked by Wisconsin Gov. Scott Walker’s (R) union-busting policies three years ago, you’d think Wisconsinites would be burnt out on politics. But in the last presidential election, Ozaukee County in southeastern Wisconsin had the highest voter turnout of any county with a population over 50,000 in the country, at 84 percent. The Democratic stronghold of Milwaukee had one of the highest voter turnouts of any large urban county in the nation, at 74 percent. And the more diminutive city of Brookfield — where Republican nominee Mitt Romney received two-thirds of the vote — managed a whopping 90-percent turnout, exceeding the nationwide rate by more than 30 points.

So is it possible that polarization — instead of turning off voters — actually makes them more interested in politics? In Wisconsin, at least, the answer to that question appears to be yes.

“To foster high rates of voter turnout, you need two things at opposite ends of the spectrum,” said David Campbell, a professor of political science at the University



of Notre Dame. Those two things, he said, are: “highly competitive places politically, where you feel compelled to vote to advance your interests, because your vote is going to matter” and places “where elections aren’t competitive but that means everybody has kind of the same view and same values.”

Southeastern Wisconsin, in particular, evidently has an abundance of both types of places.

“You have what you might call the perfect storm,” Campbell said. “You’ve got both the consensus and the conflict. That just adds more fuel to the fire.”

But Wisconsin’s experience also indicates there’s a downside to the level of political engagement reached there. During the height of the state’s recall battles, a third of voters reportedly stopped talking about politics with someone they knew because of the disagreements it led to. (MILWAUKEE JOURNAL SENTINEL)

**POLITICS IN BRIEF:** Two **RHODE ISLAND** lawmakers received threatening letters in connection with their investigation of the state’s failed \$75 million investment into retired ballplayer Curt Schilling’s video-game company, 38 Studios, which filed for bankruptcy in 2012 (PROVIDENCE JOURNAL). • Five incumbent Democratic delegates and one Republican delegate were ousted in **VIRGINIA**’s legislative primaries last Tuesday. All 100 seats in the state’s House are up for grabs this year, with Democrats holding a six-seat majority (ASSOCIATED PRESS, INTELLIGENCER & WHEELING NEWS REGISTER). • A county circuit court judge has put a hold on **ILLINOIS**’ new pension reform law pending a ruling on its constitutionality (CHICAGO TRIBUNE). • **WISCONSIN** election officials said this month they can no longer enforce a state law limiting the total amount donors can give political candidates to \$10,000 per year, in light of a recent U.S. Supreme Court ruling declaring similar limits on donations to congressional candidates an unconstitutional restriction of free speech (MILWAUKEE JOURNAL SENTINEL). • **NEW YORK** Lt. Gov. Robert Duffy (D) informed Gov. Andrew Cuomo (D) this month that he would not be seeking re-election with him in the fall because of leg and back pain he suffered while traveling throughout the state during his current term (SYRACUSE.COM).

— *Compiled by KOREY CLARK*

## Upcoming stories

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

- **Millennials lawmakers**
- **State legislative elections**
- **Compassionate use**

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# Governors

**PENCE INTROS NEW MEDICAID ALTERNATIVE PROPOSAL:** Indiana Gov. Mike Pence (R) has unveiled his latest alternative proposal to expanding Medicaid as called for under the federal Affordable Care Act. The proposal he announced last Thursday would use federal money intended to pay for expansion of the joint state-federal Medicaid plan to instead fund a two-tiered system that would offer coverage to approximately 350,000 currently-uninsured Hoosiers through the state-run Healthy Indiana Plan. The first tier would offer limited coverage at little or no cost to participants, while the second tier would offer better coverage, including dental and vision care, but require the recipient to pay a higher portion of the cost.

It's not the first time Pence has tried to use the HIP alternative. The state has in fact been negotiating that option with the federal government for over a year, and was granted an extension last fall that allowed it to keep HIP running through the end of 2014. But the Obama administration has also objected to the plan's current cost-sharing formula — which requires enrollees to pay an annual deductible of \$1,100 — and its enrollment cap. Pence's new proposal still has the deductible, and it in fact has risen to \$2,500, though the state would cover the additional cost. But the proposal also drops the enrollment cap and does away with monthly premiums for first tier participants, though they would be required to pay co-pays for doctors' visits, with the exception of those for preventive care and family planning issues.

Indiana has applied for a five-year waiver. If granted, it would join 26 states and Washington D.C. that have undertaken some form of Medicaid or a related expansion to cover working adults living near the federal poverty line. The state must now open up a period of public comment before it can officially file its application with the Centers for Medicare and Medicaid Services in June. Utah and Pennsylvania have also filed waiver applications, which are pending. (WASHINGTON POST, POST-TRIBUNE [CHICAGO], WTHR.COM [INDIANAPOLIS])

**HICKENLOOPER SIGNS WILDFIRE-RELATED BILLS:** Colorado Gov. John Hickenlooper (D) signed a trio of bills last week aimed at helping the Centennial State fight wildfires, including a measure that allows the state to spend \$20 million to purchase or contract aircraft to comprise an aerial firefighting fleet to spot and contain fires in their early stages. The bill, SB 164, apportions \$19.4 million to buy two high-technology fire-detecting airplanes and contract with as many as four firefighting helicopters and four single-engine air tankers. Hickenlooper said heavy snow and rain in all but a small portion of the state this winter has led to expectations of only an average fire season. Even so, he said, it was an investment worth making.

“Getting to these fires early makes all the difference in the world,” Hickenlooper told reporters at the bill signing ceremony.



©

The two other measures give Colorado more power to loan money for community forest-thinning projects and clarify permitting for prescribed fires. (DENVER POST, GAZETTE [COLORADO SPRINGS], KDVR.COM [DENVER])

**BROWN RUFFLES TOP DEM'S FEATHERS:** California Gov. Jerry Brown (D) has developed a carefully-crafted image as a backstop against runaway spending his fellow Democrats would presumably do if he wasn't there to stop them. That frugal persona has helped the state rebound nicely from the depths of the Great Recession and cast Brown as the alleged "adult in the room" running herd on a group of undisciplined lawmakers too fast to spend short-term money on long-term commitments. It's an image that plays well nationally and one Brown — if his penchant for talking long and often to East Coast news outlets while religiously avoiding the Sacramento press corps is any indication — seems to dearly covet. But it has also not always endeared him to his own party.

That was clearly on display last week when Senate pro Tem Darrell Steinberg (D) reacted strongly to Brown's May budget revision proposal. Although Brown took advantage of \$2 billion in unexpected revenue to pad some of his proposed spending (see "CA GOV'S BUDGET PLAN CALLS FOR MORE SPENDING" in Budget & Taxes in this issue), he made a point during his announcement press conference to again accuse the Legislature — controlled in both chambers by Democrats — of pushing ill-advised spending proposals he opposes. Without naming it directly, he used Steinberg's proposal to fund universal pre-school for all Golden State 4-year-olds as his main example.

Meeting with reporters in his Capitol office on Wednesday, Steinberg lauded Brown and most of his budget. But he also took the opportunity to lash back at Brown over both his limited spending proposals and constant criticism.

## Upcoming elections

(5/16/2014 - 6/6/2014)

05/20/2014

### **Arkansas Primary Election**

House (All)

Senate Districts 3-6, 8-10, 14-15, 17-20, 24, 30-31, 33 and 35

Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Auditor, Commissioner of State Lands

US House (All)

US Senate (Class 2)

### **Georgia Primary Election**

House (All)

Senate (All)

Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Attorney General, Comptroller General/Commissioner of Insurance, Superintendent of Education, Commissioner of Labor

US House (All)

US Senate (Class 2)

### **Idaho Primary Election**

House (All)

Senate (All)

Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Controller, Superintendent of Public Instruction

US House (All)

US Senate (Class 2)

### **Kentucky Primary Election**

House (All)

Senate (Even)

US House (All)

US Senate (Class 2)

### **Oregon Primary Election**

House (All)

Senate Districts 3, 4, 6, 7, 8, 10, 11, 13, 15, 16, 17, 19, 20, 24, and 26

Constitutional Officers: Governor, Commissioner of Labor and Industries

US House (All)

US Senate (Class 2)

### **Pennsylvania Primary Election**

House (All)

Senate (Even)

Constitutional Officers: Governor, Lieutenant Governor

US House (All)

“I take exception to the notion that the governor is the great fiscal steward having to hold back the spenders in the Democrat-led Legislature to maintain fiscal responsibility for the state,” Steinberg said. “It’s just not true. The facts do not bear that out.”

Steinberg noted that he and other leaders from both parties had made “billions of dollars in cuts” during the Great Recession “because the state’s fiscal stability was more important than any of the programs we all care so deeply about.” Referencing a Senate pro Tem predecessor known for salty language, he said, “I’m channeling my inner John Burton and calling B.S.”

Steinberg also noted the consistent support that he and other Democratic lawmakers have given Brown in gaining legislative approval for his own pet project, High Speed Rail, which has grown increasingly unpopular with the public. Steinberg further intimated that lawmakers might be inclined to leverage further HSR funds as a way to convince Brown to allocate more money for their wants this time around.

“We have more than lifted to help the governor get his priorities,” he added. “It’s time that he do a little lifting as well to help meet our priorities.”

Lawmakers have until June 15 to work out the state’s new budget. (STATE NET)

**GOVERNORS IN BRIEF: ARIZONA** Gov. Jan Brewer (R) asked the state Supreme Court to review an appeals court ruling that said three dozen Grand Canyon State lawmakers that oppose expanding Medicaid may challenge the expansion in court. Brewer says the three do not have legal standing to pursue the case and that halting the expansion will cost around 150,000 residents their health care coverage (ARIZONA REPUBLIC [PHOENIX]). • **NEW YORK** Gov. Andrew Cuomo (D) signed a bill last week implementing the Service Disabled Veteran-Owned Business Act, which establishes a goal of having disabled veteran-owned companies garnering 6 percent of all state contracts. That goal is double the one set for federal government contracts (BUSINESS JOURNAL

## Upcoming elections (cont.)

(5/16/2014 - 6/6/2014)

05/27/2014

### **Texas Primary Runoff**

House (All)

Senate Districts 2, 3, 5, 7-10, 14-17, 23, 25, 30, 31

Constitutional Officers: Attorney General, Comptroller of Public Accounts  
US House (CD 4, CD 23, and CD 36)  
US Senate (Class 2)

06/03/2014

### **Alabama Primary Election**

House (All)

Senate (All)

Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Auditor, Commissioner of Agriculture and Industries

US House (All)

US Senate (Class 2)

### **California Primary Election**

Assembly (All)

Senate (Even)

Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Controller, Insurance Commissioner, Superintendent of Public Instruction  
US House (All)

### **Iowa Primary Election**

House (All)

Senate (Odd)

Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Auditor, Secretary of Agriculture and Land Stewardship

US House (All)

US Senate (Class 2)

### **Mississippi Primary Election**

US House (All)

US Senate (Class 2)

### **Montana Primary Election**

House (All)

Senate 1, 4, 5, 8, 11-15, 17, 20, 23, 25, 28-32, 35, 39, 40, 42, 44, 48 and 49

US House (All)

US Senate (Class 2)

### **New Jersey Primary Election**

US House (All)

US Senate (Class 2)



OF NEW YORK [SYRACUSE]). • **FLORIDA** Gov. Rick Scott (R) signed 58 bills last week, including over a dozen education measures. He also signed a trio of bills that enact sales tax holidays for hurricane season supplies, energy efficient appliances and back-to-school clothes and supplies (TAMPA BAY TIMES, LOCAL10.COM [MIAMI]). • **VIRGINIA** Gov. Terry McAuliffe (D) ordered a state review of the rules under which clinics that provide abortion services must operate. Old Dominion lawmakers adopted regulations in 2011 that require such clinics to meet hospital-style building codes. They are set to take effect in June, which some abortion advocates say could potentially force many of the state’s 18 clinics to close (WASHINGTON POST).

— *Compiled by RICH EHISEN*

Upcoming elections (cont.)  
(5/16/2014 - 6/6/2014)

**New Jersey Special Primary**  
US House (CD 1)

**New Mexico Primary Election**  
House (All)  
Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Auditor, Commissioner Of Public Lands  
US House (All)  
US Senate (Class 2)

**South Dakota Primary Election**  
House (All)  
Senate (All)  
Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Commissioner of School and Public Lands  
US House (All)  
US Senate (Class 2)

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# Hot issues

**B**USINESS: The **NEW HAMPSHIRE** House passes SB 207, so-called “paycheck equity” legislation that would prohibit employers from making people sign agreements not to disclose their salaries as a condition of employment and extends to three years the time workers have to file claims of pay discrimination after learning of gender-based inequity. It moves to Gov. Maggie Hassan (D) for review (FOSTER’S DAILY DEMOCRAT). • **MINNESOTA** Gov. Mark Dayton (D) signs SB 1740, legislation making the Gopher State the first to require smartphones to have a kill switch that allows the owner to disable it should the phone be stolen. The law goes into effect July 1, 2015 (STATE NET, MINNEAPOLIS STAR TRIBUNE). • The **CALIFORNIA** Senate approves SB 962, which would require smartphones sold in the Golden State to also have kill switches. It moves to the Assembly (LOS ANGELES TIMES). • Back in **MINNESOTA**, Gov. Dayton signs a nine-bill package that collectively requires state contractors to certify that they pay women and men equally for similar jobs, extends parental leave to 12 weeks and requires employers to accommodate the needs of pregnant workers and those who have recently given birth (MINNEAPOLIS STAR TRIBUNE). • The **MASSACHUSETTS** Senate approves SB 2132, which would create a bill of rights for home caregivers, including nannies and other domestic workers. The

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measure, which would among several things codify that domestic workers are eligible for government services and benefits such as unemployment insurance, workers compensation and minimum wage protections, moves to the House (BOSTON GLOBE, STATE NET).

- The **ILLINOIS** House approves SB 2937, which broadens the state’s regulations on the use of drones to include those put in use by private parties. It moves to Gov. Pat Quinn (D) for review (STATE NET, WICS.COM [SPRINGFIELD]).
- The **LOUISIANA** House gives final approval to HB 746, a bill that would ban anyone under 18 from using a tanning bed. It moves to Gov. Bobby Jindal (R), who is expected to sign it (TIMES-PICAYUNE [NEW ORLEANS]).
- Also in **LOUISIANA**, the House approves HB 340, which would bar employers and universities from demanding access to social media, personal email and other online accounts. It moves to Gov. Jindal for review (ADVOCATE [BATON ROUGE]).
- The **NEW JERSEY** Senate approves SB 1440, which would bar employers from requiring job applicants to already be employed. It moves to the Assembly (STAR-LEDGER [NEWARK]).
- The **DELAWARE** House approves HB 241, a bill that would ban the sale of electronic cigarettes to minors. It moves to Gov. Jack Markell (D), who is expected to sign it (DELAWARE STATE NEWS [DOVER]).

**CRIME & PUNISHMENT:** The **NEW YORK** Senate approves SB 1850, which would create a public database of violent felons similar to the state’s sex offender registry. The measure, which would require all individuals convicted of a violent felony to register with the state Department of Criminal Justice Services upon discharge, parole or release from any state or local facility, hospital or institution, moves to the Assembly (LEGISLATIVE GAZETTE [ALBANY]).

**EDUCATION:** The **MINNESOTA** Senate approves a comprehensive education reform bill that would among several things, encourage educators to emphasize students’ existing skills and allow teaching license candidates who are unable to pass the state’s “basic skills test” to use ACT or SAT scores instead to show they are proficient. It moves to Gov. Mark Dayton (D) for review (TWIN CITIES PIONEER PRESS).

- **CONNECTICUT** Gov. Dannel P. Malloy (D) signs HB 5029, a bill that requires colleges and universities to clearly lay out in writing all options available to sexual assault victims, including deciding for themselves whether to go to campus police, speak with law enforcement off-campus, contact an advocate

## The week in session

**States in Regular Session:** CA, DC, DE, IL, LA, MA, MI, MN, MO, NC, NH, NJ, NY, OH, OK, PR, RI, SC, TN, US, WI

**States in Special Session:** CA “b”, VA “a”

**States in Recess:** KS, PA

**States currently prefilng for 2015 Session:** MT

**States adjourned in 2014:** AK, AL, AR, AZ, CA “a”, CO, CT, DE “b”, FL, GA, HI, IA, ID, IL “a”, IL “b”, IN, KY, MD, ME, MS, MS “a”, MS “b”, NE, NM, OR, PR “a”, PR “b”, SD, UT, VA, VT, WA, WA “a”, WA “b”, WA “c”, WI “c”, WV, WV “a”, WY

Letters indicate special/extraordinary sessions

— Compiled By FELICA CARILLO  
(session information current as of 5/15/2014)  
Source: State Net database

or go to a hospital. It also requires university disciplinary officers to undergo training each year (CONNECTICUT GOVERNOR'S OFFICE). • **FLORIDA** Gov. Rick Scott (R) signs SB 188, which bars Sunshine State schools from taking palm scans, iris scans or fingerprints of their students. The law also requires the state Department of Education to assign students numbers to replace the use of social security numbers to manage school records (SECUREIDNEWS.COM). • The **OKLAHOMA** House gives final approval to HB 2625, a bill that would allow parents and educators the joint ability to promote a student who fails the third-grade reading test. It goes now to Gov. Mary Fallin (R) for review (OKLAHOMAN [OKLAHOMA CITY]).

**ENVIRONMENT:** The **NEW JERSEY** Senate approves SB 1041, legislation that would ban companies from treating, discharging, disposing, and storing waste from hydraulic fracturing, known as fracking, in the Garden State. It moves to the Assembly (STAR-LEDGER [NEWARK]). • The U.S. Fish and Wildlife Service publishes a final rule allowing the reintroduction of a “non-essential experimental” population of wood bison into three areas of **ALASKA**. State officials expect to begin the process in early 2015 (ANCHORAGE DAILY NEWS). • The **LOUISIANA** House rejects HB 1275, legislation that would have required oil and gas drillers to inform the public and local officials before seeking permits to conduct fracking in a parish where the practice has not been done previously. The bill is now dead for the year (TIMES-PICAYUNE [NEW ORLEANS]).

**HEALTH & SCIENCE:** The **PENNSYLVANIA** Senate approves SB 1180, a measure that would create a prescription drug monitoring program to prevent drug addicts or dealers from “doctor shopping” to get multiple orders of narcotics. It moves to the House (OBSERVER-REPORTER [WASHINGTON]). • The **MICHIGAN** Senate approves SB 704 and SB 904, which together establish new licensing and record-keeping standards for compounding pharmacies and require pharmacies, manufacturers and distributors to have a pharmacist in charge. They also designate compounding pharmacy violations as felonies and require certain applicants to undergo criminal history checks. Both bills are now in the House (DETROIT

## 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 2014 Prefiles last week:** 272

**Number of 2015 Prefiles last week:** 9

**Number of Intros last week:** 1,101

**Number of Enacted/Adopted last week:** 676

**Number of 2014 Prefiles to date:** 20,956

**Number of 2015 Prefiles to date:** 133

**Number of 2014 Intros to date:** 73,901

**Number of 2013 Session Enacted/Adopted overall to date:** 40,747

**Number of 2014 Session Enacted/Adopted overall to date:** 18,041

**Number of bills currently in State Net Database:** 163,126

— Compiled By FELICIA CARILLO  
(measures current as of 5/15/2014)  
Source: State Net database



FREE PRESS, STATE NET). • The **DELAWARE** Senate approves SB 193, a bill that would require doctors to tell their patients if they discover dense breast tissue during mammograms. Dense breast tissue is a risk factor for breast cancer and may hide cancerous growths that can be detected by further testing, such as an MRI. It moves to the House (DELAWARE PUBLIC MEDIA, STATE NET).

## In case you missed it

Electric carmaker Tesla is at the cutting edge of automotive technology. But its direct-to-consumers sales model cuts a little too close to the bone for some states.

In case you missed it, the story can be found on our Web site at

[http://www.statenet.com/capitol\\_journal/05-12-2014/html#snj\\_spotlight](http://www.statenet.com/capitol_journal/05-12-2014/html#snj_spotlight)

**IMMIGRATION:** The **CALIFORNIA** Senate approves SB 1159, which would allow unauthorized immigrants to practice medicine. It is now with the Assembly (LOS ANGELES TIMES). • **FLORIDA** Gov. Rick Scott (R) signs HB 755, which allows unauthorized immigrants to practice law in the Sunshine State (TAMPA BAY TIMES).

**SOCIAL POLICY:** The **MISSOURI** House gives final approval to HB 1307, which would increase the waiting period for obtaining an abortion from 24 hours to 72 hours. It goes to Gov. Jay Nixon (D) for review (ST. LOUIS POST-DISPATCH). • The **LOUISIANA** Senate approves HB 187, a bill that would allow Pelican State couples and a woman to enter into a surrogacy birth relationship. It moves to Gov. Bobby Jindal (R) for review (TIMES-PICAYUNE [NEW ORLEANS]). • Also in **LOUISIANA**, the Senate approves HB 388, a bill requiring doctors who perform abortions to have admitting privileges at a hospital within 30 miles of their practice. It returns to the House (WWNO.ORG [NEW ORLEANS]). • The 9<sup>th</sup> U.S. Circuit Court of Appeals temporarily stays a lower court’s ruling that an **IDAHO** law banning same-sex marriage is unconstitutional. U.S. District Magistrate Judge Candy Dale had earlier rejected Gov. Butch Otter’s (R) request to put pending marriages on hold until the state can appeal the ruling. Justices on the 9<sup>th</sup> Circuit Court said they are considering imposing a permanent stay until all appeals are exhausted (IDAHO STATESMAN [BOISE], LOS ANGELES TIMES).

**POTPOURRI:** The **LOUISIANA** Senate approves HB 72, which would allow Pelican State residents with concealed carry permits to carry guns into bars and restaurants that serve alcohol. The bill moves to Gov. Bobby Jindal (R) for review (ADVOCATE [BATON ROUGE]).

— *Compiled by RICH EHISEN*

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# Once around the statehouse lightly

**I**NAUGURATION OR CORONATION? No question the advancement of California Assemblymember Toni Atkins to the position of Speaker was a noteworthy event. Atkins is only the third woman to ever hold that job in the Golden State, is the first Speaker who represents the fine city of San Diego and is only the second openly gay woman in the nation to ever lead a legislative body. Even so, her official ascension was a bit over the top, preceded by an Aretha-esque performance of the Star Spangled Banner, a pair of rousing songs from a huge gospel choir farmed in from Los Angeles — which was actually quite good — and then a half dozen occasionally long-winded speeches from her colleagues. All of which made the decidedly low key Atkins seem a bit uncomfortable at times. It also inspired many in the Capitol Press Corps to wonder aloud — or at least on Twitter — if the ceremony would last longer than her Speakership. Atkins terms out in 2016.

**WITH AGE COMES WISDOM:** The change in Assembly Speakers wasn't the only big news around the California Capitol last week. Gov. Jerry Brown also issued his annual May budget revision. Given that the state has around \$2 billion more in revenue than earlier predicted it was mostly good news. But of course there is never enough money to meet all the various wants and needs of the state's lawmakers — not to mention its high speed rail-loving governor — so compromises must still be met. Asked during his budget press conference about how he will prioritize all the requests, Brown replied, "My top priority is to make my wife [First Lady Anne Gust Brown] happy." Proving the old line from Richard Pryor, "You don't get to be old by being no fool."

**SPEAKING OF FOOLS,** or at least really foolish things people say, allow me to introduce the lawyer Kentucky Gov. Steve Beshear hired to defend the Bluegrass State's ban on same-sex marriage. As the *Lexington Courier-Journal* reports, attorney Leigh Gross Latherow told the 6<sup>th</sup> U.S. Circuit Court of Appeals that the state needs to keep the ban to ensure that its birth rate doesn't decline. That, she says, would cause all kind of economic havoc, such as reduced demand for goods and services and a decimated work force. The one thing she never got around to, however, is just how allowing same-sex couples to marry would induce heterosexuals to stop having kids. Or to stop gay couples from having kids through adoption or other methods. Which all might explain why state Attorney General Jack Conway declined to defend the law in the first place.



**MAYBE THEY SHOULD HAVE A BIG APPLE:** As regular readers of this space know, we regularly poke fun at lawmakers who spend copious time working to name “official” state whatevers: rocks, plants, birds or foods. The latest came last week as the New York Senate spent 45 minutes debating a proposal from Sen. Michael Ranzenhofer to make yogurt the official Empire State snack. Upstate New York, which he represents, is one of the nation’s largest dairy-producing regions. But that clearly didn’t mean much to urban lawmakers, several of whom mocked the proposal with queries as to yogurt’s benefit over snacks like potato chips or pretzels. But as the Associated Press reports, Sen. Liz Krueger said there was method to the madness. Krueger and many of her colleagues thought the whole thing was silly, saying that if the Senate leaders “make us talk about yogurt, then that’s what we’ll talk about until they give us something better to do.” Perhaps, but the bill passed anyway.

— *By RICH EHISEN*



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