

June 3, 2013

## Prying Eyes



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The next issue of Capitol Journal will be available on June 10th.

### Top Story

*Last year, a handful of states adopted laws barring employers from forcing workers to hand over their social media passwords. Now a growing number are following suit.*

## SNCJ Spotlight

### More states bar the boss from workers' social media sites

Amidst concern over employee privacy rights, a growing number of states have restricted the access of employers to their workers' and job applicants' social media accounts.

As of May 22, six states this year have adopted such laws. Oregon Gov. John Kitzhaber (D) and Washington Gov. Jay Inslee (D) were the latest to sign on, inking their names to OR HB 2654 and WA



By Rich Ehsen

SB 5211, on May 22 and May 21 respectively. They joined governors in Utah, Arkansas, New Mexico and Colorado who have signed similar bills in 2013. Those states join the four — Maryland, California, Illinois and Michigan — who first adopted the prohibitions last year (See “States move to keep workers’ social media passwords away from the boss” in the June 11, 2012 issue of *SNCJ*).

Arkansas lawmakers actually endorsed two privacy measures this year: HB 1901, which enacts the restrictions on private sector employers, and HB 1902, which applies the protection to students and employees of public universities and colleges. Gov. Mike Beebe (D) signed both in April. New Jersey also enacted a measure that applies to schools (AB 2879). The two states constitute the fifth and sixth overall, joining California, Delaware, New Jersey and Michigan, which adopted the measures in 2012.

Bills restricting access by employers have also reached the governor’s desk in Vermont (SB 7) and New Jersey (AB 2878). Vermont Gov. Pete Shumlin (D) is expected to sign his state’s measures into law.

Things are less certain in New Jersey, where Gov. Chris Christie (R) conditionally vetoed AB 2878 on May 6. Many considered that measure to be the most restrictive in the nation. In addition to barring employers from asking for the access information, workers and job applicants would have been able to sue employers for even asking if they have social media accounts. In his veto message, Christie said the bill would not only bar employers from legitimately assessing a job candidate’s social media capabilities at a time when such skills are often a significant part of their duties, it also would potentially open employers up to frivolous lawsuits. Although the bill originally passed with a veto-proof majority in both houses, the Assembly went along with the governor, voting unanimously on May 20 to concur with his request to drop that element of the bill. It is now in the Senate and will likely return soon to Christie’s desk.

Several more states may also follow suit. Bills in Louisiana, Connecticut, Missouri, West Virginia, Texas and California have cleared at least one chamber, with all but the Texas bill (HB 318) coming via an overwhelming vote. Three (LA HB 314, MO SB 164 and WV HB 2966) were unanimous. While California already restricts password access for private sector employers, its bill (AB 25) would broaden that restriction to include public sector employers.

Overall, according to State Net, 35 states have introduced social media access restriction bills this year. Most of those adopted have generally been in line with previous successful measures. There are some variations, however. In New Mexico, SB 371, signed by Gov. Susana Martinez (R) on April 5, applies only to job seekers,

## The week in session

**States in Regular Session:** AZ, CA, CT, DC, DE, IL, KS, LA, MA, ME, MI, MO, NC, NE, NH, NJ, NV, NY, OH, OR, PA, PR, RI, US, WI

**States in Special Session:** CA “a”, TX “a”, WA “a”

**States Adjourned in 2013:** AL, AR, AK, CO, FL, GA, HI, IA, ID, IN, KY, MD, MN, MT, MS, ND, NM, OK, SD, TN, TX, UT, VA, VA “b”, VT, WA, WV, WV “a”, WY

Letters indicate special/extraordinary sessions

— Compiled By FELICA CARILLO  
(session information current as of 5/29/2013)  
Source: State Net database

not current employees. In Utah, the bill signed by Gov. Gary Herbert (R) on March 26 (HB 100) applies to both public and private sector employers.

The bills adopted in Oregon, Washington and Utah also bar employers from “shoulder surfing” — forcing the worker to log into their account and then looking at the site over their shoulder — or from requiring the worker or applicant to “friend” the employer so the employee’s page is then viewable. Bills signed in Colorado and Arkansas have no such limitations.

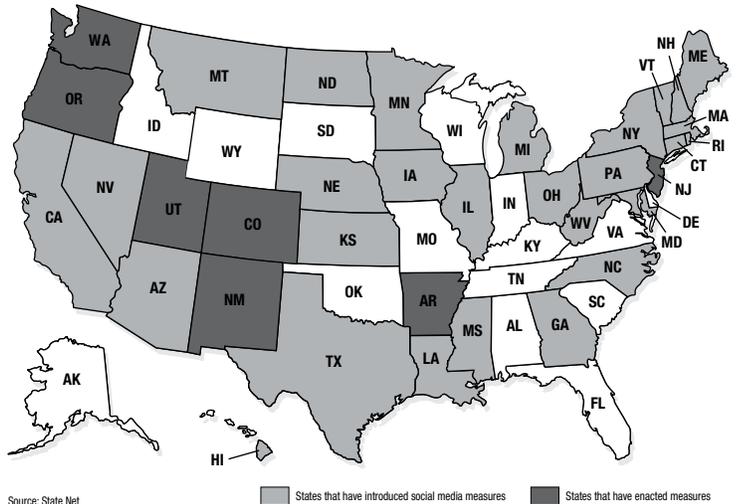
Some measures also allow employers limited ability to seek out what is on an employee’s Facebook or Twitter account. The Illinois House, for instance, has endorsed HB 1047, which would

amend the current Prairie State law to allow employers to ask for an employee’s personal social media access information if that worker uses the site for business purposes. The measure, which would grant the workers the right to reject the request, is awaiting a vote in the Senate. Another measure, SB 2306, would amend the state’s current law to specify it pertains only to blocking employer access to an employee’s or job applicant’s personal social media accounts, not those sponsored by the company.

New laws in Colorado, Washington, Utah and Arkansas also contain the “investigation exception,” which allows employers to ask for the access information if they suspect a worker is using it to leak proprietary information. But there is a variation in how they are applied. In Washington, for instance, employers may still request content from a worker’s social media account if an investigation reveals there is a legitimate reason to do so. Even so, the worker may decline the boss’s request, while workers in other states may not.

Privacy advocates have hailed the slew of new restrictions. In a statement, Washington Sen. Steve Hobbs (D), who authored SB 5211, noted technological advances that allow mass information sharing have made it that much more critical to guard that information.

## Bird’s eye view



### Majority of states considering social media legislation

Thirty-five states have introduced legislation this year to prohibit businesses from requesting access to the social media accounts of current or prospective employees, or to bar public colleges and universities from requesting such access from students, according to State Net analysts. Seven of those states — Arkansas, Colorado, New Jersey, New Mexico, Oregon, Utah and Washington — have enacted measures so far. Other social media measures are also awaiting gubernatorial action in New Jersey, Illinois and Vermont.



“Privacy shouldn’t be a thing of the past that we are forced to sacrifice every time technology moves forward” he said.

But the laws also raise questions. For one, in spite of a high number of media stories on the issue, there is scant evidence that many employers ever ask employees or job applicants to surrender their log-ins. Most media references in fact cite a single 2010 case in Maryland involving a Department of Corrections employee who was ordered to surrender his Facebook information as a condition of rehire after taking a leave of absence. The employee complied but later contacted the state chapter of the American Civil Liberties Union, which challenged the policy. That led to legislation last year making the Old Line State the first to block the practice.

“The vast majority of these stories are only anecdotal,” says Philip Gordon, an attorney with the Denver office of Littler Mendelson, where he chairs the Privacy and Data Protection Practice Group. He points to a 2012 survey his firm did of nearly 1,000 C-level executives, human resource managers and legal counsel from companies across the nation with capitalization up to \$4 billion that indicated 99 percent of companies don’t seek out such information.

There are other concerns as well. So much variation now in state law, Gordon says, will make it much harder for multi-state employers to be in compliance. It also makes it likely there will be legal challenges to some of the laws’ tenets.

“In states where shoulder surfing is not explicitly forbidden, would a court rule that it is permitted or that an employer is just trying to find a cute way around these laws?” he asks. “And what about Twitter accounts? Some of these laws bar an employer from asking an employee to friend them on Facebook. Does that mean the boss also can’t ask for the workers’ Twitter handle, which is otherwise public information? Some of this will ultimately come down to how a court interprets the law.”

It is conceivable it could also end up being decided in Congress. A group of lawmakers in the U.S. House of Representatives has introduced legislation with their own social media access restrictions, HR 537, the Social Networking Online Protection Act (SNOA). Unlike state measures, SNOA would apply to both employers and schools.

The bill’s chances, however, are unclear. An earlier version of the bill from lead sponsor Eliot Engel (D-NY) died quietly last year when Congress adjourned without voting on it. Another Democrat, Rep. Ed Perlmutter of Colorado, took his own swing at the issue in April by adding an amendment to HR 624, the Cyber Intelligence Sharing and Protection Act (CISPA), an omnibus cybersecurity bill. While House lawmakers approved the bill, they rejected the amendment.

— *By RICH EHISEN*

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# Budget & taxes

**C A RELEASES HEALTH EXCHANGE RATES:** Last month, California released details about the insurers that will offer plans through the state's newly created health exchange and the premiums that millions of residents can expect to pay for that coverage.

Thirteen companies will sell policies through the state marketplace, including three of the state's largest insurers, Anthem Blue Cross, Blue Shield of California and Kaiser Permanente. Premiums will vary based on age, household size, region and type of coverage, categorized into five tiers: bronze, silver, gold, platinum and catastrophic coverage. A 40-year-old San Francisco resident who earns over \$46,000 a year will be able to choose from five plans ranging from \$221 to \$501 per month, while a 40-year-old Fresno resident who earns about \$15,000 a year and qualifies for federal premium-lowering subsidies will have four plans to choose from and pay between \$53 and \$102 per month for mid-range silver coverage.

"We've hit a home run for consumers because we have affordable rates, we have better coverage and real choice for consumers across the entire state," said Peter V. Lee, director of Covered California, the state agency managing the exchange.

Lee also said that although rates will likely go up for many higher wage earners when coverage through the exchange begins next year in accordance with the Affordable Care Act, not by the 30-percent average the Milliman consulting group estimated in March.

"What we see in the rates submitted to us...are rates going up far lower than the best estimate of what Milliman thought might happen — and way below the worst-case estimates of doom and gloom," he said.

But others found fault with California's insurance marketplace. California Insurance Commissioner Dave Jones, for instance, was troubled by the fact that three of the state's major insurers — Aetna, Cigna and United Healthcare — will not be selling policies on the exchange's individual market.

"There are only three statewide health insurers selling in Covered California," he said, "which means less statewide competition than we'd hoped to see in the new marketplace."

Some of the state's 5 million residents who aren't insured through employers but whose incomes make them ineligible for the federal subsidies that would lower their premiums also fear they may be in for a little sticker shock next year. Katharine King, a 59-year-old, self-employed concert and event producer in Santa Monica, calculates that her monthly premium could jump more than \$100 a month, from \$497 to nearly \$600.

"The Affordable Care Act is still not all that affordable unless you qualify for a federal subsidy, which I will not," she said. "It will likely be another case of the

middle class kind of getting screwed.” (SACRAMENTO BEE, LOS ANGELES TIMES, SAN FRANCISCO CHRONICLE, ASSOCIATED PRESS)

**MAJOR TAX RELIEF DEAL REACHED IN IL:** Negotiators from Iowa’s Republican-controlled House and Democrat-controlled Senate reached agreement last month on a sweeping tax relief plan that represents a merger of initiatives proposed by members of both chambers and Gov. Terry Branstad (R). Among other things Senate File 295 would create a \$50 million business property tax credit that would gradually increase to \$125 million by fiscal year 2017, lower the property tax assessment growth cap for residential and agricultural property from 4 percent to 3 percent, and increase the Earned Income Tax Credit from 7 percent to 14 percent in 2013 and 15 percent in 2014.

The property tax proposal alone is expected to cost the state \$136 million in fiscal year 2015 and nearly \$384 million by fiscal 2024 to “backfill” local government revenues.

“I would say that this is not our perfect bill,” said Senate Majority Leader Michael Gronstal (D). “We would have focused this differently. We would have focused more resources on small businesses.”

But Gronstal added that the state’s voters had chosen to put both Democrats and Republicans in charge of the government and “we think that behooves all of us to work together.” (DES MOINES REGISTER, STATE NET)

**KS GOV’S ‘GRAND EXPERIMENT’ SUFFERS SETBACK:** The Kansas House rejected Gov. Sam Brownback’s (R) \$857 million tax proposal last week, throwing the governor’s so-called “grand experiment” — an income-sales tax swap to try to stimulate the state’s economy — into turmoil with the legislative session already five days beyond its scheduled adjournment date.

House GOP leaders urged their super majority caucus to approve the plan, which would have set the state sales tax at 6 percent, which is scheduled to fall to 5.7 percent on July 1; phased out itemized income tax deductions; and lowered the top income tax rate from 4.9 percent to 3.5 percent and the bottom rate from 3 percent to 2.3 percent.

House Speaker Ray Merrick (R) told the caucus that if the plan didn’t pass, “Look to be here a long time. We start at ground zero.”

But the plan fell on a bipartisan 42-71 vote, with numerous freshman Republicans elected on an anti-tax platform opposing it. It probably didn’t help matters that Senate Majority Leader Terry Bruce (R) said a week earlier that freshmen House members were having trouble understanding tax policy because they had “spent half the session trying to find out where the bathrooms are.”

Senate President Susan Wagle (R) said the next move might be to focus on the state budget and have the House vote on an appropriations bill agreed on by House and Senate GOP leaders. (LAWRENCE JOURNAL-WORLD)



**MN ENACTS \$2.1B IN TAXES:** In contrast to the moves to cut or eliminate individual and corporate taxes in much of the country, with Republicans controlling nearly half of the nation’s statehouses, Minnesota Gov. Mark Dayton (D) signed legislation last month imposing \$2.1 billion in new taxes, mostly on wealthy residents. The tax package, backed by the Democratic-Farmer-Labor Party, which controls both of the state’s legislative chambers along with the governor’s office, is intended to provide funding for expanding early-childhood education programs, freezing tuition at state universities, and providing jobs initiatives and property tax refunds, as well as closing the state’s budget hole.

“It is just what government should be doing, and just what Republicans refuse to acknowledge government should be doing,” Dayton said of the plan. (WALL STREET JOURNAL, STATE NET)

**BUDGETS IN BRIEF:** The WISCONSIN Legislature’s Joint Finance Committee signed off last week on giving Gov. Scott Walker (R) broad authority to sell state property without seeking competitive bids. But it stipulated that lawmakers would still have to approve any sale (LAWRENCE JOURNAL WORLD).

- **FLORIDA** has paid back the \$3.5 billion federal loan it took out to pay weekly unemployment benefits during the recession. The final payment of \$9.2 million last week went toward interest, which totaled \$99.5 million (TAMPA BAY TIMES).
- **NEW JERSEY** Gov. Chris Christie (R) announced a \$300 million federally funded program to buy 300 flood-prone homes along the Passaic River and 1,000 homes damaged by superstorm Sandy (NORTHJERSEY.COM)

— *Compiled by KOREY CLARK*

## Upcoming elections

(5/30/2013 - 6/25/2013)

06/04/2013

**Missouri Special Election**

US House (CD 8)

**New Hampshire Special Election**

House Sullivan County District 4

**New Jersey Primary Election**

Assembly (All)

Senate (All)

Constitutional Officers: Governor, Lieutenant

Governor

06/11/2013

**Connecticut Special Election**

House District 53

**Florida Special Election**

House District 2

**Virginia Primary Election**

House (All)

Constitutional Officers: Governor, Lieutenant

Governor, Attorney General

06/25/2013

**Kentucky Special Election**

House District 56

**Massachusetts Special Election**

House 8th Suffolk

US Senate Class 2

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# Politics & leadership

**AZ ABORTION BAN DECLARED UNCONSTITUTIONAL:** A three-judge panel of the United States Court of Appeals for the Ninth Circuit in San Francisco struck down Arizona's new abortion law last month, ruling it was unconstitutional "under a long line of invariable Supreme Court precedents" guaranteeing a woman's right to end a pregnancy any time before a fetus is deemed to be viable outside the womb, which is generally 24 weeks after conception.

Arizona's law, enacted in April 2012 outlawed abortions performed 20 weeks after a woman's last menstrual period, or about 18 weeks after fertilization, on the theory, rejected by many medical groups, that a fetus can feel pain at that point. But the American Civil Liberties Union and other groups filed suit against the law on behalf of three physicians and their patients last year.

The appellate panel ruled that a fetus's viability should be determined by doctors and not legislators.

"While the state may regulate the model and manner of abortion prior to fetal viability, it may not proscribe a woman from electing abortion, nor may it impose an undue burden on her choice through regulation," Judge Marsha S. Berzon wrote in the opinion for the panel.

Dan Pochoda, legal director of the ACLU's Arizona chapter, called the decision "the strongest and most definitive" so far on recent laws restricting abortions. The ruling also applies to eight other Western states under the Ninth Circuit's jurisdiction, including Idaho, where a similar law has already been declared unconstitutional.

(NEW YORK TIMES)

**GUN RIGHTS RECALL FIGHT COMING TO CO:** It's not an election year and with their legislative session over, most Colorado lawmakers are off on summer vacation. But a Democratic campaign office is still in full swing, with volunteers reviewing maps and working the phones.

They are preparing for recall efforts directed at Senate President John Morse (D) and three other Democrats over their votes in favor of tightening the state's gun controls after the shooting massacres in Aurora, Colorado and Newtown, Connecticut last year.

The targeted lawmakers weren't necessarily the architects of the gun control legislation, but they all represent districts where there are enough Republicans to give gun-rights advocates the hope of sending a message in the only state outside the East Coast that adopted significant statewide gun controls this year.

"Colorado seems to be the testing ground for some of the gun measures, so this has national implications," said Victor Head, a plumber in Pueblo, COLORADO who is organizing one of the recall campaigns. (NATIONAL PUBLIC RADIO)



## HIGH COURT COULD DISMISS CA'S GAY

**MARRIAGE BAN:** Supporters of gay marriage believe the U.S. Supreme Court may dismiss the appeal of a lower court ruling striking down California's voter-approved 2008 ban on gay marriage — Proposition 8 — on a technicality. The justices, they say, could decide the backers of the ballot measure had no legal standing to defend the law in federal court, where U.S. District Judge Vaughn R. Walker struck it down in 2010.

A dismissal on standing could touch off another legal battle over whether Walker's decision applies statewide or only to the two couples who filed suit against the law or the counties in which they live, Los Angeles and Alameda (LOS ANGELES TIMES).

**POLITICS IN BRIEF:** A state-issued report found that only one out of five state employees earning \$150,000 to \$200,000 a year in **WYOMING** is a woman, while roughly three out of four employees in lower-paid jobs are women (CASPER STAR-TRIBUNE). • **FLORIDA** Gov. Rick Scott (R) signed legislation approved on the last day of the session reversing several of the election provisions passed by the GOP-led Legislature in 2011 ahead of the 2012 presidential race. Those changes, which Democrats considered an attempt to suppress the vote for President Barack Obama, included limits on early voting that contributed to long lines at the polls on Election Day in some districts (MIAMI HERALD). • **ARKANSAS** state Treasurer Martha Shoffner (D) resigned last month after appearing in federal court on an extortion charge. Shoffner is accused of receiving kickbacks for directing state bond business to a single broker (ARKANSAS NEWS BUREAU). • **MASSACHUSETTS** Lt. Gov. Timothy P. Murray (D), considered a front-runner for governor, abruptly announced his resignation last month over a string of controversies, including an early morning car accident. Because the state's constitution does not allow Gov. Deval Patrick (D) to appoint a replacement for Murray, his departure will leave the state's second-highest governmental post vacant until a new administration takes office in 2015 (BOSTON GLOBE). • **TEXAS'** Senate Committee on State Affairs approved a bill (SB 612) that would require state legislators to take drug tests the day they take office (TEXAS TRIBUNE, STATE NET).

## Upcoming stories

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

- **Prison reform**
- **GMO issues**
- **Health care reform**

— Compiled by **KOREY CLARK**

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# Governors

**HICKENLOOPER SIGNS CO POT REGS INTO LAW:** Colorado Gov. John Hickenlooper (D) signed six bills last Tuesday to regulate how the Centennial State will implement the legalization of recreational marijuana use. Hickenlooper, an opponent of last year's voter-endorsed state ballot measure (Amendment 64) that legalized small amounts of pot, said the six-bill package would "provide clarity and create common sense regulations" for the new law. But he also made it clear he feels many questions are yet to be answered regarding its impact on the state.

"Recreational marijuana is really a completely new entity," he told reporters. "Certainly, this industry will create jobs. Whether it's good for the brand of our state is still up in the air. But the voters passed Amendment 64 by a clear majority. That's why we're going to implement it as effectively as we possibly can."

He also said he still expects the federal government to weigh in soon, noting that both Colorado and Washington, which also legalized marijuana last year, are each in violation of federal drug laws.

"We are optimistic that they are going to be a little more specific in their approach on this issue," he said.

In the mean time, the laws he signed cover a broad range of issues. Two measures, HB 1317 and SB 283, establish the regulatory framework for the drug's sale. The laws allow Coloradoans to buy up to one ounce of the drug from specially licensed stores, while residents of other states can buy no more than a quarter of an ounce. Among the other measures, HB 1318 addresses tax rates on pot sales, which must be approved by voters, while HB 1325 sets the limit of THC — the ingredient in marijuana that makes users high — allowable in a driver's blood for DUI arrests.

That limit, 5 nano-grams, drew opposition from medical marijuana users, who argued it was too low. Regular use, they say, often produces higher THC amounts in a person's bloodstream without necessarily impairing them. But law enforcement was adamant from the outset that lawmakers set some standard for drivers. It took multiple attempts before lawmakers settled on HB 1325, which House Minority Leader Mark Waller (R) called "the most important public safety legislation that is signed into law this year."

Another bill, SB 241, creates a regulatory framework for the growth, manufacture and sale of industrial hemp, a cousin to the marijuana plant that does not contain THC. Two other bills, HB 1042 and HB 1238, deal with state income tax deductions for medical pot users and a requirement that pot dispensaries be licensed by both state and local governments respectively.

While all sides noted that the framework the bill package creates may change over time, marijuana legalization proponents hailed it as a model that may soon be mimicked by other states.

“We are going to see a very big change here in our nation over the next several years,” said Mason Tvert, a spokesman for the national legalization advocacy group Marijuana Policy Project. “And Colorado will really be at the root of much of it.” (DENVER BUSINESS JOURNAL, KDVR.COM [DENVER], STATE NET, COLORADOAN [FT. COLLINS], HUFFINGTON POST)

**BREWER VETOES BILLS, PUSHES MEDICAID EXPANSION:** Arizona Gov. Jan Brewer (R) followed through on a vow to veto all bills sent her way until lawmakers endorse her proposal to expand the state’s Medicaid program in line with the Affordable Care Act. Brewer nixed five bills on May 23, offering lawmakers a bit of chastising in the process.

“I warned that I would not sign additional measures into law until we see resolution of the two most pressing issues facing us: adoption of a fiscal 2014 state budget and plan for Medicaid,” Brewer wrote in a letter that accompanied the vetoes. “It is disappointing I must demonstrate the moratorium was not an idle threat.”

The Grand Canyon State Senate has approved Brewer’s Medicaid plan, but it is so far stalled in the House. The tone surrounding the issue has also grown increasingly nasty. At least nine House Republicans — including some who do not support the governor’s proposal — say they have received disturbing or threatening emails and phone calls from outside the Capitol warning them not to go along with the expansion. State police are investigating the matter. (ARIZONA REPUBLIC [PHOENIX], WASHINGTON POST, ASSOCIATED PRESS)

**CHAFEE BECOMES DEM, WILL SEEK SECOND TERM:** Rhode Island Gov. Lincoln Chafee, a former Republican turned Independent, announced he will seek a second term next year. This time, however, he will do so as a Democrat. Chafee spokeswoman Christine Hunsinger said the governor made the decision based on his policy positions, which he feels align more with Democrats than with Republicans. He previously served in the U.S. House of Representatives from 1999 to 2007 as a member of the GOP, where he often took positions that were in stark contrast to those of the rest of the party, including opposing the Iraq war and then-president George W. Bush’s second term. (REUTERS, USA TODAY)

**MCDONNELL TO RESTORE FELON VOTING RIGHTS:** Virginia Gov. Robert McDonnell (R) has announced that effective July 15 he would automatically, on a case-by-case-basis, begin restoring voting privileges to non-violent felons who have completed their sentence and satisfied certain conditions. McDonnell says he will remove the application process for nonviolent felons and that, after the



administration verifies a nonviolent felon has served their time and met any other legal requirements related to their sentence, will send the individual a letter restoring their voting rights. The move is expected to impact about 350,000 Old Dominion residents. (WASHINGTON POST, RICHMOND TIMES-DISPATCH)

**GOVERNORS IN BRIEF:** The National Governors Association named **TENNESSEE** Gov. Bill Haslam (R) and **OREGON** Gov. John Kitzhaber (D) as co-chairs of a task force tasked with studying innovative Medicaid programs. The committee also includes Democratic Govs. Jerry Brown of **CALIFORNIA**, Mike Beebe of **ARKANSAS** and Andrew Cuomo of **NEW YORK** as well as Republican Govs. Susana Martinez of **NEW MEXICO**, Robert Bentley of **ALABAMA** and Gary Herbert of **UTAH** among others (NATIONAL GOVERNORS ASSOCIATION).

- **MINNESOTA** Gov. Mark Dayton (D) signed legislation to freeze resident, undergraduate tuition at Gopher State public colleges and universities for two years. The freeze was part of an omnibus education bill (SB 1236) that also increases funding for state college grants and other college aid programs (MINNEAPOLIS STAR TRIBUNE, MINNESOTA GOVERNOR'S OFFICE).

— *Compiled by RICH EHISEN*

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## Hot issues

**B** **USINESS:** The **CONNECTICUT** House approves HB 6527, legislation that would require food products to include labels telling consumers of any genetically modified organisms. But for the bill to go into effect, five other states with an aggregate population of 25 million people must pass similar legislation, with two of those states being **NEW JERSEY**, **NEW YORK** or another that borders Connecticut. The bill is now back in the Senate, which had earlier passed a bill (SB 802) requiring only three other states to adopt similar legislation (HARTFORD COURANT).

- **ALABAMA** Gov. Robert Bentley (R) signs SB 286, legislation that, among other things, allows employees to bring guns to their workplace parking lot provided the weapons are out of sight and locked in a car (BIRMINGHAM NEWS).
- The **OREGON** House approves SB 558A, a bill that expands the foreclosure mediation program lawmakers created last year to apply to foreclosures pursued by lenders in courts. It moves to Gov. John Kitzhaber (D) for review (PORTLAND OREGONIAN).
- The **CONNECTICUT** Senate approves SB 387, which would raise the minimum wage from \$8.25 to \$9.00 per hour by Jan. 1, 2015. The measure moves to the House (CONNECTICUT POST [HARTFORD]).
- The **CALIFORNIA** Senate approves SB 648, which would subject e-cigarettes to the same prohibitions



as regular cigarettes. It moves to the Assembly (SACRAMENTO BEE). • Also in **CALIFORNIA**, the Assembly unanimously approves AB 227, a bill that would allow small business owners who receive notice of a technical signage violation of Proposition 65 — the Golden State statute requiring businesses to display signage warning consumers of potentially hazardous materials on site — to achieve compliance within fourteen days and pay a small civil fine. It moves to the Senate (STATE NET). • Staying in **CALIFORNIA**, the Assembly approves AB 667, which would require an economic impact report outlining the potential economic impacts caused to the local communities by large developments commonly known as “big box” or “superstores.” It moves to the Senate (STATE NET). • **MINNESOTA** Gov. Mark Dayton (D) signs SB 778, legislation that allows in-home child and personal care providers to unionize (STATE NET, MINNEAPOLIS STAR-TRIBUNE).

**CRIME & PUNISHMENT:** The **LOUISIANA** Senate approves HB 279, which would, among several things, add human trafficking to the state’s definition of “racketeering activity.” It goes to Gov. Bobby Jindal (R) for review (TIMES-PICAYUNE [NEW ORLEANS]). • Also in **LOUISIANA**, the Senate approves HB 219, which would bar Pelican State courts from disqualifying a prospective parent from adopting a child based solely on the adult’s criminal history. It moves to Gov. Jindal (TIMES-PICAYUNE [NEW ORLEANS]). • Staying in **LOUISIANA**, Gov. Jindal signs HB 10 and HB 15, which collectively add dozens of hallucinogens and various families of synthetic marijuana to the state’s list of banned substances (TIMES-PICAYUNE [NEW ORLEANS]). • **NEVADA** Gov. Brian Sandoval (R) signs SB 139, legislation that allows Silver State judges to impose extra sentences on people who commit crimes in which the victim is a transgender person (LAS VEGAS REVIEW-JOURNAL).

**EDUCATION:** The **ILLINOIS** Senate approves HB 2675, a bill that would require public schools that teach sex education to provide students with information about birth control. It is now with Gov. Pat Quinn (D) for review (CHICAGO TRIBUNE). • The **NEVADA** Senate fails to act on AB 230, which would have required Silver State schools to develop a medically accurate, age-appropriate sex education program that included instruction in not only abstaining from sex, but in

## 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:** 50

**Number of Intros last week:** 1,728

**Number of Enacted/Adopted last week:** 2,315

**Number of 2013 Prefiles to date:** 25,373

**Number of 2013 Intros to date:** 120,843

**Number of 2013 Session Enacted/Adopted overall to date:** 27,372

**Number of bills currently in State Net Database:**

— Compiled By FELICIA CARILLO  
(measures current as of 5/29/2013)  
Source: State Net database



birth control and on abortions. The measure is now dead for the year (LAS VEGAS REVIEW-JOURNAL).

**ENERGY: MINNESOTA** Gov. Mark Dayton (D) signs HB 854, legislation that requires Gopher State investor-owned utilities to get 1.5 percent of their power from solar energy by 2020 and 10 percent by 2030 (BRAINERD DISPATCH, MINNESOTA GOVERNOR’S OFFICE).

## In case you missed it

The U.S. Senate has passed two long awaited pieces of legislation, the Marketplace Fairness Act and the Water Resources Development Act, which will have a major impact on states. But will the House follow suit?

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

[http://www.statenet.com/capitol\\_journal/05-20-2013/html#snclj\\_spotlight](http://www.statenet.com/capitol_journal/05-20-2013/html#snclj_spotlight)

**ENVIRONMENT:** The **CONNECTICUT** Senate approves a bill that would impose a \$100 fine on residents who fail to control the growth of bamboo on their property and require people who sell or install running bamboo to educate customers on the plant’s growing habits and recommended containment methods. The bill, which also makes people who plant running bamboo liable for any damage it causes to neighboring properties, including the cost of removing any bamboo that spreads to neighboring properties, moves to Gov. Dannel P. Malloy (D) for review (CBSLOCAL.COM [WTIC [HARTFORD]]). • The **OREGON** Senate approves HB 3364, a bill that requires Beaver State government agencies to minimize their use of pesticides, coordinate their efforts and find alternatives on state-owned lands. It moves to Gov. John Kitzhaber (D), who is expected to sign it into law (STATESMAN JOURNAL [SALEM]). • The **CALIFORNIA** Senate unanimously approves SB 731, a measure that would amend and streamline the California Environmental Quality Act, CEQA. The bill would, among several things, standardize statewide thresholds for the environmental impacts of traffic and noise for infill projects and prohibit lawsuits based solely on a project’s aesthetics. It moves to the Assembly (STATE NET).

**HEALTH & SCIENCE:** The **LOUISIANA** House rejects HB 233, which would have required the Pelican State to accept federal funding to pay for expanding Medicaid rolls provided the expansion was done via a private insurance model (TIMES-PICAYUNE [NEW ORLEANS]). • The **NEVADA** Assembly approves SB 266, a bill that would require health insurers to cover oral chemotherapy as they do traditional intravenous chemotherapy treatments. It returns to the Senate (LAS VEGAS REVIEW-JOURNAL). • The **NEW HAMPSHIRE** Senate approves HB 573, a measure that would legalize the use of marijuana for medical purposes. It returns to the House (STATE NET, CONCORD MONITOR). • The **CALIFORNIA** Assembly Appropriations Committee rejects AB 332, a bill that would have required the use of condoms and other protective barriers for actors appearing in adult films (SACRAMENTO BEE).

**IMMIGRATION:** The **CALIFORNIA** Senate approves SB 516, which would require foreign labor contractors to be registered in the Golden State, prohibit



contractors from charging fees to workers for recruitment, and require full disclosure of the terms and conditions of proposed employment. Senators also endorse SB 666, a companion measure that makes it illegal to report or threaten to report a worker’s immigration status or that of their family in retaliation of an employee attempting to exercise his or her rights in the workplace, such as complaints of unsafe working conditions or sexual harassment. Both measures move to the Assembly (STATE NET).

**SOCIAL POLICY:** The 9<sup>th</sup> U.S. Circuit Court of Appeals overturns an **ARIZONA** law barring women from obtaining an abortion after the 20<sup>th</sup> week of pregnancy. Proponents of the law are expected to appeal to the U.S. Supreme Court (EAST VALLEY TRIBUNE [MESA]).

**POTPOURRI:** The **CALIFORNIA** Senate approves SB 15, which would establish rules for the use of drones in the Golden State. The measure, which would make operators subject to civil penalties for using drones to invade someone’s privacy and bar the aircraft from being armed with weapons, moves to the Assembly (STATE NET). • **WEST VIRGINIA** Gov. Earl Ray Tomblin (D) signs HB 2108, legislation that allows police to pull over drivers if they or their passengers aren’t wearing seat belts. Previously drivers had to be stopped for another violation. The law goes into effect in July (CHARLESTON GAZETTE). • **FLORIDA** Gov. Rick Scott (R) signs SB 52, a bill that makes the Sunshine State the 40<sup>th</sup> to bar motorists from sending or reading text messages or emails while behind the wheel. Violators face a \$30 fine (MIAMI HERALD, STATE NET). • The **ILLINOIS** House gives final approval to HB 1247, which would bar Prairie State motorists from using a handheld cell phone while driving. It moves to Gov. Pat Quinn (D) for review (NEWS-GAZETTE [CHAMPAIGN-URBANA]).

— *Compiled by RICH EHISEN*

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# Once around the statehouse lightly

**K**EEPING UP WITH THE COPY CATS: It’s almost impossible these days to avoid the Kardashian clan. Though most of the hubbub revolves around the family’s reality TV show and the drama-filled love life of daughter Kim, younger sibling Khloe has carved out her own empire as well. But attention to her every waking move has its drawbacks. As the *New York Daily News* reports, a photo of Khloe wearing a shirt from the clothing line she runs with her NBA-hoopster hubby

Lamar Odom drew the attention of New York Gov. Andrew Cuomo. The gov may or may not have liked the shirt, but his administration most certainly was not happy that the shirt's logo looked suspiciously like the one used by the Empire State Department of Agriculture. A cease and desist letter — with a promise to sue — soon followed. Ms. Kardashian did not reply, but the shirt quickly vanished from the company website.

**FASHION STATEMENT:** Speaking of fashion, male lawmakers are looking more dapper these days around the state Senate. As the *Albany Times-Union* reports, Sen. Jose Serrano has sparked a new trend by eschewing the standard long tie in favor of wearing bow ties. At least a few of his colleagues have joined in, as have several male staffers. But how long it lasts remains to be seen. A similar wave rolled through the Assembly a decade or so ago but didn't last long. For many, it takes the right person to really rock a bow tie. Assemblyman Andrew Hevesi says he was not that person, noting that bow ties make him “look like Howdy Doody.” But Assemblyman Michael Benedetto says there could be a functional use for them: he suggests having Gov. Cuomo start sporting one to “signal the end of the session.” The gov, a devout long tie enthusiast, had no comment.

**GOVERNOR SMARTER THAN YOU:** California Gov. Jerry Brown loves to litter his frequent speechifying with arcane literary or historical references. While national reporters and others not tasked with detailing the gov's daily activities eat it right up, most of the Capitol press corps rolls its collective eyes at such affectations, reasoning that the gov just likes to be sure everyone knows he is the smartest guy in the room. Brown himself seemed to confirm that recently during a speech to the state Chamber of Commerce. Brown noted his affinity for Latin, mostly because “It's obscure and makes you smarter than everybody.” The gov also noted that he was told back in Jesuit school that someone without four years of Latin couldn't think well. “Now I can't find anybody that takes Latin,” he said, adding, “I don't find that many people who think, either, so, maybe those priests were right.”

**THIS SHORE'S NOT BIG ENOUGH FOR BOTH OF US:** New Jersey Gov. Chris Christie has never hidden his disdain for the infamous “Jersey Shore,” the now-defunct MTV reality show that critics contend depicted the title area in a very bad light. Christie was one of the show's harshest critics, a fact not lost on the hard partying 20-somethings that made up the show's cast. When the gov and cast member Nicole “Snooki” Polizzi both ended up at the Boardwalk in Seaside Heights last week, the reality star finagled a meeting to confront Christie. As the *Asbury Park Press* reports, the gov was polite — certainly more so than the churlish Snooki — but he was clearly not swayed. She walked away, huffing that Christie “just doesn't like us.” Now and forever, let's presume A) that's true and B) inviting the gov and Snooki to the same party is a really bad idea.

— By RICH EHISEN



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