

July 15, 2013

## Time Out



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The next issue of Capitol Journal will be available on July 22nd.

## Top Story

*Business leaders hailed the Obama administration's unexpected delay of a deadline on large employers to provide their workers with health coverage. But even bigger deadlines loom in the near future.*

## SNCJ Spotlight

### In our view: Changes challenge ACA implementation

Faced with growing complaints from employers over the complexity of implementing the Affordable Care Act by next January, the Obama administration on July 2 announced it would postpone for one year enforcement of a provision of the law that requires large employers, those with 50 or more workers, to offer those employees health coverage or face fines. The new deadline is now January 1, 2015.



By Rich Ehsen

The unexpected decision was lauded in the business community. U.S. Chamber of Commerce Senior Vice President Randy Johnson characterized the views of many business advocates, telling *Bloomberg* that “the administration has finally recognized the obvious — employers need more time and clarification of the rules of the road before implementing the employer mandate.”

Micah Weinberg, a consultant for the Bay Area Council, a San Francisco-based pro-business group that supports the ACA, said that assertion “is absolutely true.” He says the most profoundly impacted businesses are not the larger ones the law already applies to, but those with employee numbers close to the 50-worker threshold who are looking to grow.

“Most very large businesses are already in compliance,” he says. “But for smaller firms, that portion of the law is an order of magnitude more complicated than any other portion of it.”

Even so, the announcement took many observers off guard. But while the delay was surprising, the political hue and cry it incited from both the law’s opponents and its supporters was not, with the former claiming it as proof that the ACA is fatally flawed and the latter downplaying the delay as merely a common sense adjustment that would make the law’s eventual full implementation easier on everyone.

Republicans were also quick to note that the new deadline falls after the 2014 Congressional elections, ostensibly removing it as an issue and offering some protection for vulnerable Democrats who support the law. But some ACA supporters were unhappy with the delay too. They contend it will confuse many consumers — who might think the entire law has been delayed. Rich Umbdenstock, president of the Chicago-based American Hospitals Association, implied in a statement that the delay could also erode public trust in the measure.

“The goal of the ACA was to extend coverage to the uninsured, which required a shared responsibility from all stakeholders,” he said. “We are concerned that the delay further erodes the coverage that was envisioned.”

The delay has also given energy to ongoing efforts by Congressional Republicans to repeal the law. While that remains highly unlikely, the *Washington Post* reports House Republicans have already started a push to demand a repeal of the ACA’s other critical tenet: the individual mandate to buy health coverage. According to the *Post*, House Speaker John Boehner (R-Ohio) rallied his troops last week at a closed door meeting, telling them, “Is it fair for the president of the United States to give American businesses an exemption from his health care law’s mandates without giving the same

## The week in session

**States in Regular Session:** CA, DC, MA, MI, NC, OH, SC, US,

**States in Special Session:** DE “b”, TX “b”

**States in Recess:** CA “a”, IL, NH, NY, NJ, PA, PR, WI

**States Adjourned in 2013:** AK, AL, AR, AZ, AZ “a”, CO, CT, DC, DE, DE “a”, FL, GA, HI, IA, ID, IL “a”, IN, KS, KY, LA, MD, MN, MO, MS, MS “a”, MT, ND, NE, NJ “a”, NM, NV, NV “a”, OK, OR, RI, SD, TX, TX “a”, UT, VA, VA “a”, VA “b”, VT, WA, WA “a”, WA “b”, WV, WV “a”, WV “b”, WY

**States currently prefilng for 2014 Session:** AL, KY, MT, TN

Letters indicate special/extraordinary sessions

— Compiled By FELICA CARILLO  
(session information current as of 7/10/2013)  
Source: State Net database

exemption to the rest of America?  
Hell no, it's not fair."

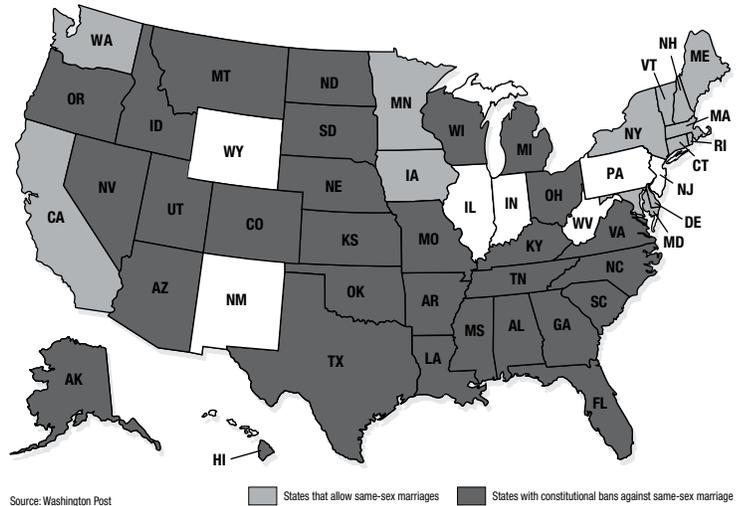
The Speaker has vowed multiple votes on the issue this month, one to codify the employer mandate delay and another to grant the same stay for individuals. While this is tasty red meat for the Republican base, it's not going to produce a wholesale repeal: the White House has made it clear it will not entertain any delay of the individual mandate. White House spokesperson Jay Carney said that critics are being "willfully ignorant about past precedent" in implementing complex laws such as the ACA.

While the partisan warriors garner copious amounts of media attention doing battle over the employer mandate, much less attention has been paid to other ACA changes the Obama administration quietly announced just days later, on July 5. And while the employer mandate affects only a relatively small number of companies — statistics show that 94 percent of employers with 50 to 199 workers already provide health coverage for their workers, a figure that climbs to 98 percent for companies with 200 or more — these alterations could potentially impact many states.

First, the administration decided that for the first year of their operation, the 17 state-run health benefits exchanges (including the District of Columbia's) will not have to verify enrollees' claims that their employer does not offer health coverage or that it is too pricey (more than 9.5 percent of employee income). The federal government was initially supposed to do this verification for the exchanges, but has determined it does not have the manpower to do so. Rather than sticking state exchanges with the task during their startup phase, the feds are going to just let it slide until 2015. Even then, the checks will be done via random sampling rather than comprehensive checking.

The administration is also streamlining its original plan to back-check any applicants who report income that is 10 percent less than what federal data showed them making in the previous year, the idea being to ensure folks don't use ginned up

## Bird's eye view



### Texas leads nation in 'sin tax' revenue

Texas derives more revenue from taxes on tobacco, alcohol and pari-mutuel betting than any other state, according to a recent ranking by Bloomberg, based on the U.S. Census Bureau's 2012 State Government Tax Collections survey. The state took in \$2.4 billion in "sin taxes" last year. The No. 2 spot in Bloomberg's rankings was occupied by New York, which collected \$1.9 billion in such taxes. Wyoming received the least amount of sin tax revenue, \$27.8 million, followed by North Dakota, at \$37.3 million.





income figures to game the system and receive federal subsidies they do not qualify for. The exchanges will still have to verify incomes, but for 2014 only they will have to accept applicants' numbers if no other electronic figures are available. If so, however, they will also have to review a random sampling of similar cases. (Finally, states will also be given until 2015 to begin electronically disseminating information about Medicaid benefits to recipients of those services.

The toxic political back and forth surrounding the ACA is not going away any time soon. But within all the self-serving rhetoric, there really is a major issue at stake in the large-employer debate. While, as noted above, the vast majority of large employers already provide their workers with health coverage, around 10,000 don't. As such, many critics note that in 2014 taxpayers are picking up the tab for their workers whose health care is subsidized through an exchange or Medicaid, which not only alleviates an expense but gives them a competitive edge over employers who do offer insurance.

But others note this could also be a conduit to a broadening of another conversation, one that focuses on whether it is wise to continue focusing so much time, energy and money on continuing the practice of employer-provided insurance in the first place.

Others also note that the real deadline to be concerned with is fast approaching: the Oct. 1 opening of enrollment for both state- and federally-run health exchanges. States have been frantically racing to be ready to begin enrollment on that date,

but a report issued last month by the Government Accountability Office suggests most states have failed to complete myriad tasks associated with running the exchanges, from IT management to choosing which plans will be sold through the exchange. Should a number not be able to start on time, the push to also move the individual mandate back could gain real support outside of GOP circles.

California Secretary of Health and Human Services Diana Dooley has heard all of the rumblings, and concedes the Golden State — the first to begin work on a state-run exchange — may not be ready to go the first day of October, though she says any delay will be short. She says more course corrections are also likely to come and hopes people will be patient.

“It is far more complicated to change an existing system than it is to create one from whole cloth the way we did with Medicare and Medicaid,” she says.

That is undoubtedly true. In the meantime, the headwind the ACA has been sailing into is still manageable. But another round of missed deadlines or forced changes could turn that headwind into a gale.

— *By RICH EHISEN*

**“It is far more complicated to change an existing system than it is to create one from whole cloth the way we did with Medicare and Medicaid.”**

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# Budget & taxes

**P**A COMES UP SHORT ON LIQUOR PRIVATIZATION AND TRANSPORTATION FUNDING: Pennsylvania ended its fiscal year last month with a tumultuous weekend of legislative wheeling and dealing on the state budget, an overhaul of the state’s liquor laws and a \$2 billion transportation funding plan.

The festivities started in the Senate, where the Republican leadership sought to convince its caucus to support a liquor bill they were interested in passing largely just to spur movement on the transportation bill in the House. So began a long day of unprecedented arm-twisting.

“There’s some very long term members here — 20-year-plus members — who say they’ve never seen the intensity inside of our caucus that they’ve seen,” said state Sen. Mike Brubaker (R).

But Senate GOP leaders managed to convince all 27 of their members to support the bill, if only lukewarmly.

“I don’t know if it’s tied or not tied to passing liquor to the House, but I don’t know and I’m not going to take that chance,” said Sen. Don White (R), who told

reporters that although he disliked the liquor bill he would vote for it just to get the House to move the transportation bill forward.

With the prospective votes locked up, GOP leaders then opted to sit on the liquor bill until they received the transportation bill from the House.

That chamber’s two-term Republican majority leader, Mike Turzai (R), however, had a much harder time getting his fractured caucus, which included

a group of hard-line conservatives who are dead-set against supporting any tax increase, to back the transportation plan.

“Turzai’s got a problem because we have so many right-wingers, I mean real right-wingers, in our caucus who are opposed to everything,” said Rep. Robert Godshall (R).

Lacking a unified Republican caucus, Turzai turned to House Democrats for support of the transportation bill. But they weren’t eager to give it because they’d received little from the GOP in the past.

“We’ve been ignored for three years,” said Rep. Mike Hanna (D). “Now they’re coming to us and saying ‘Here’s a transportation bill and you have to pass it.’”

Rep. Brian Sims (D) found the situation — with Democrats refusing to support more spending and Republicans trying to convince them to do so — comical.

**“We’ve been ignored for three years. Now they’re coming to us and saying ‘Here’s a transportation bill and you have to pass it.’”**

“It feels a little bit like bizarro world right now,” he said.

The string of events culminated in an exchange of press releases, with Gov. Tom Corbett (R) telling the Senate to pass the liquor law and Senate President Joe Scarnati (R) telling the House to pass the transportation bill. But by then both proposals were on life support and soon afterward Turzai declared both dead.

Both chambers did manage to approve a \$28.4 billion general appropriations bill with little fanfare, however, sending Corbett his third on-time budget. (PHILADELPHIA INQUIRER, STATE NET)

**‘GRAND COMPRISE’ FAILS IN OR SENATE:** For weeks Oregon lawmakers have been working on a deal to provide more funding for education and mental health services while reigning in the cost of public employee pensions. But the so-called “grand compromise” fell apart last week when a bill aimed at achieving the first of those objectives failed in the Senate.

**“This isn’t a grand bargain. It isn’t even a good bill.”**

“This isn’t a grand bargain. It isn’t even a good bill,” Senate Minority Leader Ted Ferrioli (R) said of HB 2456, which would have generated \$215 million in new tax revenue.

Democrats criticized the Republicans for being double-talkers on school funding, noting that many had voted against a school budget the week before because they thought it was too small.

“Were you just blowing smoke, or are you going to follow up and vote for additional revenue?” thundered Sen. Rod Monroe (D).

But Sen. Tim Knopp (R) said the deal fell apart because Democrats refused to accept a small business tax cut or the “bigger lift” on pension reforms that Republicans wanted.

“The Democrats wanted everything they wanted and nothing the Republicans wanted,” Knopp said. “And that doesn’t get you to consensus.”

Sen. Chris Edwards (D), meanwhile, chalked up the failure to reach a compromise to pre-election partisan posturing.

“There were a lot of people who, despite all their rhetoric, didn’t want a deal but just wanted to start their campaigns.”

At one point HB 2456 was just one vote shy of passage, with a single Republican, Sen. Bruce Starr, having joined the chamber’s Democrats in supporting it. A parliamentary maneuver kept it alive. And Democrats returned the pension reform part of the package — SB 857, which would cut the cost of living and money match benefits for public retirees by \$900 million over the next two years — back to a committee.

## Upcoming elections

(7/12/2013 - 8/2/2013)

07/23/2013

**California Special Election**  
Senate District 16

**California Special Primary**  
Assembly District 52

Business groups continued to push for the votes needed to pass the package into the weekend.

“We came up one vote short,” said Ryan Deckert, president of the Oregon Business Association. “We’re still at the Capitol trying to get that vote.”

But ultimately the session ended with both measures still sitting in the Senate Committee on Finance and Revenue. (OREGONLIVE.COM, STATE NET)

**IMMIGRATION OVERHAUL COULD BOOST STATE COFFERS:** As the U.S. House of Representatives was debating last week whether to grant citizenship to the nation’s estimated 11 million undocumented immigrants as part of an overhaul of U.S. immigration law, a left-leaning think tank released the results of a study indicating that move would boost state and local government revenues by about \$2 billion per year. The analysis from the Institute on Taxation and Economic Policy assumes newly legalized immigrants would earn higher wages, increasing the amount of income, sales, excise and property taxes they pay, on top of the \$10.6 billion a year they already pay in taxes. According to the study, illegal immigrant families pay an average of about 6.4 percent of their income in state and local taxes, which would go up to 7 percent if they were granted citizenship.

The amount of each state’s revenue bump would vary greatly, based on the size of its undocumented immigrant population. For instance, undocumented immigrants paid less than \$2 million in taxes in Montana and more than \$2.2 billion in California last year.

The non-partisan Congressional Budget Office has also reported that enactment of legislation passed by the Democrat-controlled U.S. Senate last month providing for increased U.S.-Mexico border security in addition to a path to citizenship for illegal immigrants would reduce deficits and curb the flow of illegal immigrants into the United States. But although the bill won support from over a dozen Senate Republicans, its passage in the Republican-led U.S. House is far from certain. Opponents point to a study by the conservative Heritage Foundation estimating legalization would cost the federal government \$6.3 trillion over the next fifty years due to the increased use of services and benefits. (REUTERS)

**BUDGETS IN BRIEF:** The number of foreclosures across the nation dropped last month to its lowest level since December 2006, according to Realty Trac’s Midyear 2013 U.S. Foreclosure Market Report. But foreclosures are still a major problem in **FLORIDA, ILLINOIS, NEVADA** and **OHIO** largely because of the lengthy foreclosure process in those states (STATELINE.ORG).

— *Compiled by KOREY CLARK*

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# Politics & leadership

**C**RIME MAKING COMEBACK AS POLITICAL ISSUE? Hours after Colorado Gov. John Hickenlooper (D) suspended the death sentence of convicted murderer Nathan Dunlap this past May on philosophical grounds, an online ad appeared featuring a grainy mug shot, flashing police lights, a panicked 911 call and the question: “How can we protect our families when Gov. Hickenlooper allows a cold-blooded killer to escape justice?”

The spot, sponsored by the Colorado GOP, was reminiscent of the soft-on-crime arguments Republicans hammered Democrats with from the 1960s until the early 1990s, when pro-death penalty then-Arkansas Gov. Bill Clinton inoculated Democrats against such attacks by interrupting his 1992 presidential campaign to preside over an execution. But with states now embracing rehabilitation programs to

thin out their prison populations and save taxpayers money, crime is resurfacing as a political issue.

In Colorado, Republicans are hoping crime issues will help them unseat Hickenlooper and win back control of the state Legislature next year.

“Crime, justice, law and order, public safety resonate in a more personal way than a chart and graph of GDP growth,” said Ryan Call, chairman of the state’s Republican Party.

**“Crime, justice, law and order, public safety resonate in a more personal way than a chart and graph of GDP growth.”**

In California, Republicans are targeting Gov. Jerry Brown (D) and the Democrats who control the Legislature over several highly publicized incidents in which convicts released from prison under new state policies committed crimes including rape and murder.

Frank Zimring, a law professor at the University of California, Berkeley called the GOP’s recent efforts “the test run as to whether there could be a resurgence in hard-right, punitive” criminal justice politics. In a state like California, where the Republican Party holds no statewide office and less than a third of the state’s legislative seats, he said, “you consult your greatest hits play book from previous eras.” (MINNESOTA PUBLIC RADIO, STATE NET)

**FORMER PRECLEARANCE STATES MOVING AHEAD WITH VOTING LAW CHANGES:** Within hours of the U.S. Supreme Court’s ruling last month freeing states with a history of voter discrimination from having to obtain federal approval before making any changes to their voting laws, Texas officials announced they would begin enforcing a strict photo ID requirement for voters, which was blocked by a federal court last year on the ground that it would disproportionately affect minority voters. Officials in Mississippi and Alabama said they were implementing voter ID





In addition to recommending that companies encrypt digital personal information when moving it out of a secure network Harris also recommended that legislators consider expanding the state’s current data breach laws to cover breaches involving passwords. Her report was issued in compliance with a new state law requiring her office to provide notification of all data losses involving more than 500 Californians. (LOS ANGELES TIMES)

**POLITICS IN BRIEF:** The GOP-controlled **TEXAS** House approved the tough new abortion restrictions last week that had been blocked by an 11-hour filibuster and other Democratic maneuvers in a special session last month. A final vote on the measure in the Republican-controlled Senate was expected straight away (POLITICO). • A judicial task force in **WISCONSIN** has recommended amending the state’s constitution to limit Supreme Court justices to a single 16-year term, in part to stem the flow of money into judicial races. The amendment would have to be approved by both the Legislature and the state’s voters (LACROSSE TRIBUNE).

– *Compiled by KOREY CLARK*

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# Governors

**QUINN DUELS WITH IL LAWMAKERS OVER PENSIONS, GUNS:**  
 The Cold War between Illinois Gov. Pat Quinn (D) and Prairie State lawmakers turned blistering hot last week as the two sides battled fiercely over guns and public employee pension reform, a confrontation that ended with the governor suspending lawmakers’ pay until they enact a reform measure.

Tensions have been building between Quinn and the Legislature for weeks, starting with his amendatory veto on July 2 of HB 183, court-mandated legislation that makes Illinois the last to allow citizens to legally carry concealed weapons. Quinn rejected the bill lawmakers sent him, using his amendatory veto powers to make numerous changes. But last Tuesday, both chambers easily overrode that veto, ensuring the state will implement their vision of the measure instead of his.

The same day, a bipartisan conference committee also ignored the latest of several deadlines Quinn has imposed to develop a plan to deal with the state’s worst-in-the-nation \$100 billion pension shortfall. Quinn had cryptically warned that there would be unspecified “consequences” if lawmakers did not act this time around, but the day came and went without legislative action. Saying “they let the people of Illinois down,” Quinn responded Wednesday morning by issuing a line item veto of HB 214, a budget measure that contained funding for lawmakers’ \$68,000 annual salaries. He also vowed not to accept his own annual pay of over \$177,000 until a deal is done.



At a press conference, Quinn called the pension situation “a crisis” and “an emergency that demands their undivided attention,” noting that lawmakers have been working on a fix for two years without results. He further noted that the state’s ballooning pension shortfall has eroded its credit rating, now the worst in the nation. Because of that, he said, the state will now have to pay hundreds of millions of dollars more in interest on bonds it has sold to fund public works projects.

“Every day that the pension liability grows, taxpayers pay more,” he said.

But lawmakers, including many of Quinn’s fellow Democrats, were not in any mood to shoulder the blame. Senate President John Cullerton (D) called the maneuver “political grandstanding” that will only delay progress on the reform measure the governor wants, while Illinois Comptroller Judy Baar Topinka directed her legal staff to assess the constitutionality of the pay suspension. Sen. Matt Murphy, a Republican who is on the conference committee, accused Quinn of playing “political games.” He and Rep. Lou Lang, an assistant majority leader for the House Democrats, accused Quinn of not working closely with lawmakers to ensure a bill was completed.

“If the governor spent as much time before the pension conference committee as he does before press conferences, the problem would be solved,” Lang said.

Since lawmakers are not due to be paid again until Aug. 1, there is a chance the issue will resolve itself. Should they get a reform bill to Quinn by then, the paychecks would resume as scheduled. If not, however, Quinn seemed resolute that he is playing the best card left at his disposal.

“I’ve tried everything in the book to get their attention,” he said. “But it’s time now for the Legislature to legislate.” (CHICAGO SUN-TIMES, CHICAGO TRIBUNE, USA TODAY, QUAD-CITY TIMES [DAVENPORT], REUTERS, WASHINGTON POST)

**KASICH STILL PUSHING MEDICIAD EXPANSION:** The Ohio Legislature has been out on its summer recess for almost two weeks, but Gov. John Kasich (R) has not given up hope lawmakers will return to Columbus sooner than later to green light his call to expand the Buckeye State’s Medicaid rolls. At a pro-expansion rally last week, Kasich reiterated his message that it is a moral issue, saying Americans “need to beat back this image that when somebody’s poor, somehow they are lazy.”

Kasich has proposed broadening Medicaid eligibility to include people with incomes up to 138 percent of the federal poverty level, or about \$15,800 a year. Doing so would add about 366,000 people to the current Medicaid rolls. But that idea — a major tenet of the Affordable Care Act — has not gone over well with the Republicans who control both legislative houses. Leaders there have rejected Kasich’s proposal, though they have said they would work on a separate proposal that would be ready by the end of the summer.

That has not been good enough for some Democrats, who want Kasich to take a more forceful approach with his colleagues. Last week, House Minority Leader Tracy



Heard and Rep. Mike Foley challenged Kasich to gather the Republicans needed to try to force an expansion vote and questioned Kasich’s motivation in spending his time appealing to groups who already support his proposal. Both addressed reporters before the rally, urging the governor to focus his energy instead on convincing his own party.

“It’s very frustrating that we’re continuing to see (Kasich) reach out to our side, reach out to the advocates on this issue. We really need him to reach out to the Republican caucus,” Heard said.

But Kasich called for patience and respect for the political process, saying “I don’t care what it takes. We are going to get this done.” (COLUMBUS DISPATCH, CINCINNATI ENQUIRER)

## In case you missed it

While more than 60 countries around the world require genetically engineered food products to be labeled accordingly, the U.S. does not. But with a new law now signed in CT and more possibly on the way, that may soon change.

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

[http://www.statenet.com/capitol\\_journal/07-08-2013/html#sncj\\_spotlight](http://www.statenet.com/capitol_journal/07-08-2013/html#sncj_spotlight)

**GOVERNORS IN BRIEF:** The **MICHIGAN** Supreme Court last week unanimously rejected Gov. Rick Snyder’s (R) request for an advisory opinion on whether the Wolverine State’s nascent right-to-work law is constitutional. The court said it was not persuaded that granting the request “would be an appropriate exercise of the Court’s discretion.” That ruling means a trio of pending state and federal court cases may proceed (DETROIT NEWS). • **CALIFORNIA** Gov. Jerry Brown (D) filed a request with U.S. Supreme Court Justice Anthony Kennedy seeking to delay by one year a federal court order forcing the state to immediately cull approximately 10,000 inmates from its prison population. If Justice Kennedy rejects the request, the state is expected to begin releasing inmates almost immediately, something Brown says will cause irreparable harm to public safety (SAN FRANCISCO CHRONICLE). Also in **CALIFORNIA**, Gov. Brown renewed a contract with a **TENNESSEE**-based private prison company to continue housing 8,200 Golden State inmates in private lockups located in **ARIZONA**, **MISSISSIPPI** and **OKLAHOMA** (SAN FRANCISCO BUSINESS NEWS). • **TEXAS** Gov. Rick Perry (R) announced he will not seek a fourth term as governor, but left open the possibility he will make a second attempt at the White House. Perry said he would announce his future plans “in due time.” He sought the 2012 GOP presidential nomination, but dropped out after finishing a distant fifth in the IOWA caucuses (POLITICO). • **LOUISIANA** Gov. Bobby Jindal (R) said he will “absolutely not” seek the U.S. Senate seat currently held by Sen. Mary Landrieu (D-LOUISIANA). Jindal said he was leaving himself with “no caveats, no wiggle room,” emphasizing he has “absolutely no interest” in the position (TIMES-PICAYUNE [NEW ORLEANS]).

— *Compiled by RICH EHISEN*

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# Hot issues

**B** **USINESS:** The **OREGON** Senate rejects HB 2639, which would have barred landlords from refusing to rent to prospective tenants solely because they receive federal Sect. 8 housing vouchers. Senators deadlocked 15-15 on the bill, which is now dead for the year (PORTLAND OREGONIAN). • **MICHIGAN** Gov. Rick Snyder (R) signs SB 79, which allows small-production wine makers to obtain permits to hold tastings and sell wine at farmers markets (MICHIGAN GOVERNOR'S OFFICE). • Also in **MICHIGAN**, Gov. Snyder signs several foreclosure-related bills, including SB 383, a bill that upholds a requirement that homeowners receive a 180-day post-foreclosure period to reclaim or short sell a home, and HB 4765, which extends until June 30, 2014 a law that requires mortgage lenders to negotiate revisions to delinquent loans before they can proceed to a "foreclosure by advertisement" (MICHIGAN GOVERNOR'S OFFICE, LANSING STATE JOURNAL). • **MAINE** Gov. Paul LePage (R) vetoes SB 418, legislation that would have required manufacturers of 49 chemicals on the Pine Tree State's "high concern list" to report which products they produce contain those chemicals. The bill's supporters plan to seek an override (MORNING SENTINEL [WATERVILLE], STATE NET). • Staying in **MAINE**, lawmakers override Gov. LePage's veto of SB 157, which strengthens warrant requirements for law enforcement agencies seeking location information from cell phone providers (BANGOR DAILY NEWS). • The **WASHINGTON D.C.** City Council approves B 62, legislation requiring some retailers with corporate sales of \$1 billion or more and operating in spaces 75,000 square feet or larger to pay workers at least \$12.50 per hour, 50 percent more than the current \$8.25 per hour minimum wage in force in the District. The bill must still be approved by Mayor Vincent Gray (D) and Congress before it can go into effect (WASHINGTON POST, STATE NET).

**CRIME & PUNISHMENT:** A three-judge panel of the **ARIZONA** Court of Appeals rules the Grand Canyon State can perform mandatory DNA tests upon convicted felons, but it cannot force those individuals to pay for the testing. The court ruled that the law requiring the testing does not specify that prisoners pick up the tab, meaning it is upon the state to do so (EAST VALLEY TRIBUNE [MESA]). • **MISSOURI** Gov. Jay Nixon (D) vetoes HB 436, which would have made it a crime for federal agents to enforce federal gun laws in the Show Me State and made it illegal for media outlets to publish the names of gun owners (MISSOURI GOVERNOR'S OFFICE). • **CALIFORNIA** officials decide not to appeal a court ruling that declared the three-drug cocktail used for executions of condemned prisoners. Gov. Jerry Brown (D) ordered Golden State prison officials to instead use



a single-drug solution used in other states (SAN JOSE MERCURY NEWS).

**EDUCATION: MISSOURI** Gov. Jay Nixon (D) signs HB 675, which will require state education officials to develop guidelines for school employees to care for students with diabetes and rules for a physical fitness challenge for students that include elements of physical conditioning, flexibility, strength and aerobic capacity (JEFFERSON CITY NEWS TRIBUNE).

**ENVIRONMENT:** The **OREGON** House approves SB 838, which would, among several things, limit the number of suction-dredge mining permits issued in the Beaver State, and possibly impose a five-year moratorium on the process. It moves to Gov. John Kitzhaber (D) for review (PORTLAND OREGONIAN). • **MICHIGAN** Gov. Rick Snyder (R) signs SB 163, a bill that makes several changes to the state’s permitting process for development in wetlands. Changes include exempting farmers from the need to obtain permits for maintaining water drains on agricultural lands and for fencing off wetland areas where they water livestock (PETOSKEY NEWS-REVIEW, MICHIGAN GOVERNOR’S OFFICE). • **HAWAII** Gov. Neil Abercrombie (D) signs HB 619, a bill that bars the excessive feeding of feral birds in the Aloha State. The signing marked a change of course for Gov. Abercrombie, who had said the previous week he intended to veto the measure (HONOLULU ADVERTISER).

**HEALTH & SCIENCE:** The **OREGON** House and Senate give final approval to HB 2997, which would require midwives to be licensed by the state. The bill moves to Gov. John Kitzhaber (D) for review (PORTLAND OREGONIAN). • **MISSOURI** Gov. Jay Nixon (D) signs SB 330, which allows Advanced Practice Registered Nurses to continue providing care for up to 28 days at independent rural health clinics, provider-based rural health clinics and rural health clinics when the collaborating physician is more than 50 miles away (MISSOURI GOVERNOR’S OFFICE). • Also in **MISSOURI**, Gov. Nixon vetoes SB 129, which would have given volunteer health professionals immunity from civil liability (MISSOURI GOVERNOR’S OFFICE). • **CALIFORNIA** Gov. Jerry Brown (D) signs SB 332, which requires the state health benefits exchange, Covered California, to make public information regarding contracts the agency enters into with carriers and vendors (SACRAMENTO BEE).

**SOCIAL POLICY:** The **CALIFORNIA** Senate approves AB 1266, a bill that would allow transgender students to choose the bathrooms, locker rooms and sports teams that best match their individual gender identities. It moves to Gov. Jerry Brown

## Upcoming stories

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

- **Prison reform**
- **SCOTUS rulings**
- **Health reform**

(D) for review (SACRAMENTO BEE). • **MISSOURI** Gov. Jay Nixon (D) signs SB 251, a bill that bars welfare recipients from using their benefits at liquor stores, casinos, strip clubs and athletic events or for purchasing items that are not in the best interests of a child or household (ST. LOUIS POST-DISPATCH, MISSOURI GOVERNOR'S OFFICE). • Also in **MISSOURI**, Gov. Nixon signs SB 256, legislation that extends from five days to 45 the time parents have to surrender a newborn baby to medical professionals, firefighters, emergency medical technicians or law enforcement officers without repercussions (KANSAS CITY STAR, MISSOURI GOVERNOR'S OFFICE). • The **NORTH CAROLINA** Senate approves SB 132, a bill that would, among many things, require clinics that provide abortion services to operate under the same guidelines as ambulatory surgery centers, which have stricter structural and equipment requirements. The bill is now in the House (WINSTON-SALEM JOURNAL). • A federal judge temporarily blocks SB 206, a newly-signed **WISCONSIN** law that requires women seeking an abortion to first undergo an ultrasound and doctors who perform abortions to have admitting privileges at a hospital within 30 miles of their clinics. Federal District Court Judge William Conley ordered that the admitting privileges requirement be halted for 10 days, until another hearing can be held (CHICAGO TRIBUNE). • The **TEXAS** House gives final approval to legislation that would ban women seeking an abortion from having the procedure after the 20<sup>th</sup> week of pregnancy, require clinics that perform them to meet the same standards as ambulatory surgical centers and doctors to have admitting privileges at a local hospital. The bill moves to the Senate, where it is expected to be adopted and sent to Gov. Rick Perry (R) for his signature (DALLAS MORNING NEWS).

**POTPOURRI:** The **ILLINOIS** Legislature overrides Gov. Pat Quinn's (D) veto of HB 183, legislation that makes the Prairie State the last to allow some residents to carry concealed weapons in public. Quinn had issued an emendatory veto, adding or striking several provisions to the measure originally adopted by lawmakers (USA TODAY, STATE NET). • **MISSOURI** Gov. Jay Nixon (D) signs HB 533, which among several things allows state employees to keep a gun locked in their car while on property owned or leased by the state (MISSOURI GOVERNOR'S OFFICE). • **NEW HAMPSHIRE** Gov. Maggie Hassan (D) signs SB 96, legislation that decrees people who have been found by a judge to have filed at least three "frivolous lawsuits initiated for the primary purpose of harassment" can be designated a "vexatious litigant" subject to being required to post a cash or surety bond to cover attorney fees and damages in future suits (CONCORD MONITOR, STATE NET). • **CALIFORNIA** Gov. Jerry Brown (D) signs AB 957, which bars the dissemination of photos taken by a coroner at the scene of a death. The bill does not bar the use of such photos for scientific research or education, or by law enforcement (CALIFORNIA GOVERNOR'S OFFICE, STATE NET).

— Compiled by *RICH EHISEN*

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# Once around the statehouse lightly

**I'LL BE DOGGONE:** Most people probably don't want to know what's actually in a hot dog, but if you want the legal definition of a good old fashioned weenie, the California Legislature is here to help. As *The California Report* notes, the Golden State Assembly has passed legislation (AB 1252) that defines a hot dog as "a whole, cured, cooked sausage that is skinless or stuffed in casing, that may be known as a frankfurter, frank, furter, wiener, red hot, Vienna, bologna, garlic bologna, or knockwurst, and that may be served in a bun or roll." We're not sure this is news to anyone, but take heart, cynics, lawmakers aren't just fatuously wasting time. The bill in question is actually an omnibus measure dealing with a plethora of food code tweaks pushed by local food inspectors who don't want street weenie dealers held to the same rigid regulations as bricks and mortar restaurants. The measure is now in the Senate.

**QUIT JAMMING ME:** Speaking of hot dogs, California Gov. Jerry Brown recently served some protesters who tried to take over his office a heaping helping of Moonbeam-style reality. As the *Sacramento Bee* reports, a group of folks wanting Brown to publicly support a piece of pro-immigrant legislation camped out in his office lobby in hopes of getting some face time with the gov. The result: many hours of waiting, two arrests and no meeting. It's clear the protesters had not studied Brown's previous dealings with such things. As the *Bee* notes, during Brown's second term back in the 1980s, a fired state janitor similarly tried to get an audience, patiently showing up in his office five days a week, week after long week, totaling 475 days in all. He eventually did get his meeting...with Brown's successor, Gov. George Deukmejian. As one long-time staffer told the current protesters, "You don't jam this guy."

**THE EVERGREENBUD STATE:** Washington may have legalized recreational marijuana use, but it isn't so keen on making a pot leaf part of the state's branding efforts. As the *Tacoma News Tribune* reports, a three-person panel of the Liquor Control Board, tasked with overseeing the state's nascent marijuana industry, recently dropped plans to include the leaf on all pot-infused products, citing protests from, well, just about everyone. Although the panel figured the logo would make it easy for consumers to readily identify boo-laden merchandise, others felt it also made it too easy for folks to see Washington as "The Marijuana State." Uh, it may be a little late to worry about that now, folks.



**THEIR TURN IN THE BARREL:** Cleveland-based comedian Mike Polk Jr. has made a career out of pillorying his home city with videos that quickly become YouTube sensations. Previous productions include him poking fun at the city’s shortcomings as a tourist destination, its often-flailing football and baseball teams (the Browns and Indians respectively), and former Cavaliers star LeBron James, who fled off to win NBA titles with the Miami Heat. As the *Cleveland Plain Dealer* reports, Polk recently turned his sights on Ohio Gov. John Kasich and his fellow Republicans over a budget bill that also included a suite of new restrictions on abortion. During the two-minute video, Polk — portraying Kasich — cheerfully forces a young woman seeking an abortion to first take on a litany of progressively more ridiculous challenges, from obtaining an intrusive ultrasound (not actually required in the law) to pulling a semi-truck up a hill with a chain. You know what they say: imitation is the sincerest form of flattery. I guess.

— By *RICH EHISEN*



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