

A Failure to Reform



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August 18, 2014

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The next issue of Capitol Journal will be available on September 1st.

Top Story

Congressional failure to act on the crisis caused by tens of thousands of immigrant children fleeing to the U.S. from Central America has left states footing the bill.

SNCJ Spotlight

Congress fails immigrants — and the states in which they live

When a do-little Congress went home without addressing the crisis caused by the flight of thousands of unaccompanied children from Central America across U.S. borders, immense strains were placed on state-supervised programs that provide social services, job training and preventive health care

A Cannon Perspective



With Lou Cannon

for immigrants, legal and otherwise, who are already living in the United States.

President Obama sought \$3.7 billion to deal with the influx of children from Honduras, El Salvador and Guatemala. Congress recessed without providing any money, leaving a \$94 million shortfall in what is known as the “unaccompanied alien minor program.” In order to care for the refugees, the federal government is taking money from useful existing programs, many administered by the states, pending court decisions on the immigrants’ fate.

“To have all these children who need help and do nothing is really beyond the pale,” said Ann Morse, program director for the Immigration Project for the National Conference of State Legislatures.

Morse, the NCSL and this publication are non-partisan. But whether one is partisan or not, it’s disappointing that the federal government once again dropped the ball on immigration reform.

It’s not just the plight of desperate children fleeing violence in Central America.

The absence of a comprehensive federal immigration law also means that growers in some western states lack sufficient labor. A farmer in Santa Maria, in the heart of

California’s bountiful strawberry industry, was recently asked by a television reporter if the state’s extreme drought was his worst problem. The farmer surprised the reporter by answering: “No, the shortage of labor.”

Guest-worker programs allowing temporary importation of foreign agricultural labor were once the norm in the United States. States have the capability to run such programs on their own, but when Utah proposed doing this a few years ago, the Supreme Court ruled — correctly — that immigration is a federal

responsibility. A shortage in farm labor isn’t headline news but translates into higher prices for fruits and vegetables in the grocery store.

At the opposite end of the economic spectrum, Silicon Valley and other high-tech centers are scrambling to hire engineers, who are in high demand and short supply. Presently, only 85,000 visas are allowed each year for importing engineers and other high-skilled workers.

The absence of a comprehensive federal law also encourages unequal treatment of the estimated 11.7 million unauthorized immigrants living in the United States. A dozen states and the District of Columbia and 13 cities have “sanctuary” policies that

The week in session

States in Regular Session: CA, DC, MI, NC, NJ, PR

States in Informal Session: MA

States in Recess: DE “c”, IL, NY, PA, US, VA “a”,

States in Special Session: CA “b”

States currently prefilng for 2015 Session: FL, KY, MT, NV, VA, WY

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

Letters indicate special/extraordinary sessions

— Compiled By FELICIA CARRILLO
(session information current as of 8/13/2014)
Source: State Net database

“To have all these children who need help and do nothing is really beyond the pale.”

provide aid and shelter to these immigrants, while other states and cities have made it make clear that they are not welcome.

The more welcoming states have attempted to fill the vacuum caused by federal inaction. Eleven states and the District of Columbia now offer driver's licenses to unauthorized immigrants. Sixteen states offer in-state tuition rates for higher education. No state did either five years ago.

But even the most generous states know their authority is limited by the Supreme Court's ruling that the federal government has primacy on immigration. That's why many states backed a comprehensive federal bill.

The hope for such legislation seemed bright early in the year, especially after Sen. Marco Rubio (R-FL) said he would work

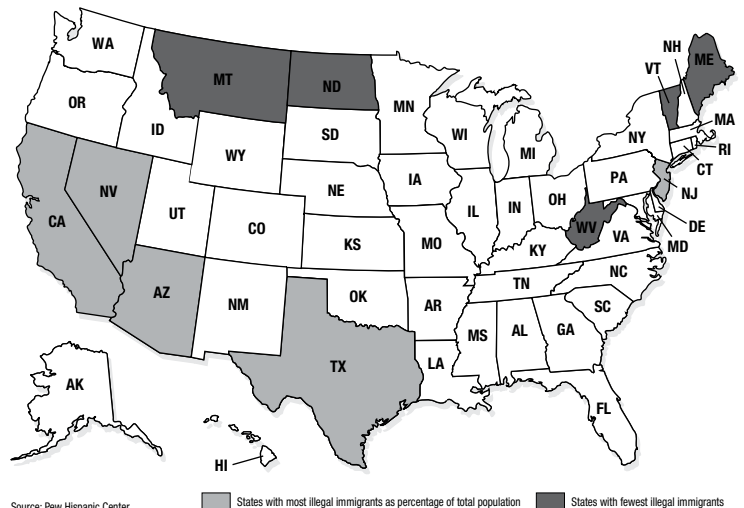
with the Obama administration to accomplish it. Rubio was promptly denounced by conservatives, many of whom oppose a path to citizenship for unauthorized immigrants. Liberals should have rallied to Rubio's defense but didn't. Many of them want a more expansive plan than the one the Florida senator was offering.

With little support from any quarter, Rubio backed off, and the immigration debate degenerated into its usual partisan bickering. Partisanship was especially evident in response to this summer's influx of Central American children. Some 63,000 unaccompanied children have been apprehended at the southern border since last October; another 63,000 children arrived at the border accompanied by adults.

Republicans blame President Obama, saying the influx was encouraged by his 2012 executive order that allowed immigrants brought to this country as children — the so-called "Dreamers" — to remain here. An estimated half million immigrants have taken advantage of this order, although their future is uncertain. In issuing the order, Obama emphasized it was not a path to citizenship.

But although the influx of children reached crisis proportions only this summer, it began in 2009, spurred by a bill passed with bipartisan support in 2008 and signed into law by President George W. Bush. That measure, designed to halt sex trafficking,

Bird's eye view



Nevada has largest share of illegal immigrants

As of 2011, California had the largest unauthorized immigrant population in the nation, at 2.55 million, but Nevada had the most illegal immigrants as a percentage of total population, at 7.2 percent, according to estimates by the Pew Hispanic Center.

California was No. 2 on that basis, followed by Texas, New Jersey and Arizona. Maine, Montana, North Dakota, Vermont and West Virginia, conversely, had the smallest shares of unauthorized immigrants, making up less than 0.5 percent of their total populations.



contained a provision assuring immigrants of a court hearing before they could be deported. This established a ludicrous double standard under which unauthorized immigrants from most countries are entitled to a hearing, while immigrants from Mexico and Canada are not. The year after this bill passed, 20,000 children from Central America fled to the United States.

During his campaign for the presidency in 2008, Barack Obama promised he would submit comprehensive immigration legislation in his first year in office. Struggling with economic problems, Obama ignored his promise and instead stepped up deportations of unauthorized immigrants, the vast majority to Mexico. The administration has deported more than two million immigrants, a record.

The U.S. response to the surge has been more political than effective. Texas Gov. Rick Perry (R) sent 1,000 National Guardsmen to a border that is already heavily manned. It's unlikely to change the equation on the border because most of the immigrants are turning themselves up once they reached the United States.

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With Congress in recess, the next move in the immigration drama is up to the president, who is reported to be considering an executive order that would permit as many as five million unauthorized immigrants to remain in the United States. This would raise constitutional issues and prompt determined opposition that would not be limited to Republicans. The *Washington Post* editorially noted that legislative power is vested in Congress and said a unilateral action by Obama would “tear up the Constitution.”

A constitutional confrontation might fire up the Democratic and Republican political bases for the midterm elections, but it would be damaging to the country. Far better would be a bipartisan legislative solution that responds to both conservative and liberal concerns by tightening border security, establishing a path to citizenship for immigrants already living here, and creating a guest worker program.

These key elements of immigration reform have long been recognized, most recently in the now abandoned bill of Sen. Rubio. What’s needed in Washington are legislators on both sides with the courage to compromise and put immigration reform above politics.

— By Lou Cannon

Budget & taxes

FEDERAL HIGH-SPEED RAIL INVESTMENT GENERATING LACKLUSTER RETURNS: In his 2011 State of the Union address, President Barack Obama spoke of a future in which sleek bullet trains whisk passengers all about the country at speeds of over 200 m.p.h.

“Within 25 years, our goal is to give 80 percent of Americans access to high-speed rail,” he said. “This could allow you to go places in half the time it takes to travel by car. For some trips, it will be faster than flying — without the pat-down.”

But despite the federal government’s having spent nearly \$11 billion over the past five years to develop high-speed rail, the United States still lags well behind Europe and Asia.

Republican opposition has hindered some high-speed rail projects. GOP governors in Florida, Ohio and Wisconsin, for example, canceled projects after deeming them too expensive and unnecessary. But some also place blame on missteps by the Obama administration, such as providing high-speed rail funding for upgrading existing Amtrak service, which won’t allow trains to go faster than 110 m.p.h., and initially failing to distribute such funding to the Northeast Corridor, possibly the most appropriate location for a high-speed rail network.

“The Obama administration’s management of previously appropriated high-speed rail funding has been as clumsy as its superintending of the Affordable Care Act’s rollout,” said Frank N. Wilner, former chief of staff for the Surface Transportation Board, a bipartisan body that oversees the nation’s railways.

But high-speed rail advocates remain hopeful.

“Once something gets built, then we’re going to see more projects get going,” said President Obama’s first transportation secretary, Ray LaHood, who added that it took decades for the Interstate Highway System to be completed.

LaHood thinks California's planned high-speed rail network is the most likely candidate for success, although the 520-mile route connecting Los Angeles and San Francisco has been bogged down by legal challenges.

“The Obama administration’s management of previously appropriated high-speed rail funding has been as clumsy as its superintending of the Affordable Care Act’s rollout.”

U.S. Rep. Jeff Denham (R-California), chairman of his chamber's transportation subcommittee on railroads, favors private rail projects proposed in Florida and Texas instead.

“High-speed rail can be a good idea; I just think it should be left up to the private sector,” he said.

Even if all of those projects succeed, however, C. William Ibbs, professor of civil engineering at the University of California, Berkeley, said it's unlikely the United States will ever have a high-speed rail system like countries in Europe and Asia. He said countries with successful high-speed rail systems generally have higher population densities, higher gas prices and lower rates of car ownership.

“So it wouldn’t make any sense to have a high-speed rail train in most areas of the United States,” he said. “The geography is different and other factors are just too different.”

Andy Kunz, executive director of the U.S. High-Speed Rail Association, however, thinks high-speed rail will succeed in the United States eventually.

“It’s going to take some years after gas prices rise and highways fill up with traffic,” he said. “It’s going to happen because we won’t have a choice.” (NEW YORK TIMES)

NY ANTEING UP ON CASINOS AS POT SHRINKS: New York is upping its stake in the gambling business, with four full-service casino resorts likely to be approved this fall and open for business as early as next year. Supporters, including Gov. Andrew Cuomo (D), hope the expansion will provide a much-needed jump-start for long-stagnant regions of the state like the Catskills.

But some experts and casino operators warn that the once untapped Northeast is already suffering from intense competition, if not oversaturation. Connecticut's Foxwoods is cutting costs. Winnings have flattened or even declined in many places. And casinos in Atlantic City are closing.

“He’s 15 years too late to the party,” said Harold L. Vogel, a veteran gambling industry analyst.

Even if the state’s casino gambit doesn’t produce the upstate economic boost Cuomo is hoping for, however, it has already paid off in one way: Last spring, the governor threatened to license new casinos to compete directly with those of the state’s Mohawk, Oneida and Seneca tribes unless they agreed to resolve longstanding disagreements over revenue sharing with the state. They did so, which has resulted in millions of dollars in additional revenues for the state (NEW YORK TIMES).

TAX CUTS WEAKENED WI ECONOMY?

The left-leaning Wisconsin Budget Project released a report this month making the case that the unprecedented tax cuts mostly to top earners enacted by the state’s GOP-controlled government have put the state in worse economic shape.

The report, titled “Breaking with Tradition: How Wisconsin Lawmakers have Shortchanged a Legacy of Investment in the State’s Future,” contends the cuts have come at the expense of public education and health care and haven’t led to any meaningful increase in jobs. In addition, the report stated, the state’s debt repayment costs have increased from 4 percent of general fund tax revenues — the state’s traditional target — to 5.3 percent, as the state has borrowed to pay for road construction and other major capital projects.

“Some lawmakers have said that these changes are necessary to help Wisconsin grow economically, despite the steep cost to our schools and communities,” Jon Peacock, director of the Wisconsin Budget Project, said in a statement. “But the promised job growth hasn’t materialized.” (CAPITAL TIMES [MADISON])

BUDGETS IN BRIEF: Lottery revenues fell in **MARYLAND** for the first time in 16 years last fiscal year, which ended June 30. But while lottery revenues dipped 1.9 percent, the state’s casino revenues more than tripled, netting the state \$830 million in tax revenues, an increase of more than 27 percent from the 2011-2012 fiscal year (WASHINGTON POST). • The U.S. Securities and Exchange Commission ruled last week that **KANSAS** violated investment disclosure laws in selling bonds. The SEC said the state failed to adequately disclose the poor financial shape its employee retirement system was in when it sold \$273 million worth of

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: 0

Number of 2015 Prefiles last week: 60

Number of Intros last week: 93

Number of Enacted/Adopted last week: 272

Number of 2014 Prefiles to date: 21,427

Number of 2015 Prefiles to date: 3,699

Number of 2014 Intros to date: 81,166

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

Number of 2014 Session Enacted/Adopted overall to date: 25,812

Number of bills currently in State Net Database: 170,382

— Compiled By FELICIA CARRILLO
(measures current as of 8/13/2014)
Source: State Net database

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— *Compiled by KOREY CLARK*

CITIES AND STATES SQUARING OFF OVER MUNICIPAL BROADBAND: In 2006, the city council of Wilson, North Carolina, having determined that high-speed Internet access was as essential to the city's social and economic health in the 21st century as electricity was in the previous one but having failed to convince private Internet service providers of that idea, unanimously voted to borrow \$35 million to deliver fiber optic cable to local homes, schools and businesses through its municipal electric utility,. Today, Wilson is the state's first "Gigabit City," providing broadband utility service to 7,000 of its 50,000 residents with Internet speeds of up to 1 gigabit per second, about 20 times faster than what private cable companies generally provide.

Many other small communities across the country without high-speed Internet have sought to follow Wilson's lead, but they've run into resistance from state officials. And even in North Carolina, state lawmakers passed a law in 2011 restricting local governments from providing broadband service. The law grandfathered in Wilson's service, called Greenlight, but prohibited it from expanding beyond the borders of its home county.

The main impetus for the states' opposition is that they don't want municipalities competing with private companies that pay state taxes. They're also concerned taxpayers will be exposed to potential losses if the municipal systems fail, as happened in Utah, where a consortium of 11 cities decided to create a fiber-optic network a decade ago that is only half-finished today and has a \$120-million negative net worth.

Wilson has petitioned the Federal Communications Commission to preempt the state law barring the expansion of Greenlight into other counties. Chattanooga has filed a similar petition requesting FCC preemption of a restrictive Tennessee law. And FCC Chairman Tom Wheeler said he would seek those preemptions in the belief that the state laws stifle competition.

But the National Conference of State Legislatures has threatened to sue the FCC on constitutional grounds if it preempts the state laws. And last month, the U.S. House passed legislation blocking any such preemption.

“We don’t need unelected bureaucrats in Washington telling our states what they can and can’t do with respect to protecting their limited taxpayer dollars and private enterprises,” said the bill’s sponsor, U.S. Rep. Marsha Blackburn (R-Tennessee). (STATELINE.ORG)

FL FINISHES REMAP FIX: Florida lawmakers completed their fix of the state’s congressional redistricting map last Monday, well ahead of the Friday deadline set by Circuit Court Judge Terry Lewis. The biggest changes were to Districts 5 and

10, which Lewis said violated the state’s Fair Districts rules in seeking to protect incumbent Democratic U.S. Rep. Corrine Brown and Republican U.S. Rep. Dan Webster, respectively.

But while Republicans congratulated themselves on creating a map — approved largely along party lines — that satisfied Lewis’ order, Democrats protested about being excluded from the process again and predicted the new map would be struck down just like the previous one.

“This was a dog-and-pony show, and unfortunately that’s what we’re going to send back to the judge on Friday,” said Rep. Mark Pafford (D).

Redistricting experts, meanwhile, said that if the new map is approved by the judge, it won’t change much politically.

“A lot of furniture has been rearranged but it looks like the old house with the same rooms,” said Michael McDonald, an associate professor of political science and redistricting expert at the University of Florida. “I would not think any incumbents will be defeated as a result of this plan.” (MIAMI HERALD)

FL GOVS RACE COULD SHAPE SUPREME COURT: Whichever candidate Floridians elect governor in November could determine the direction of the state’s Supreme Court for the next two decades or more. The state’s mandatory retirement age of 70 for Supreme Court justices means that four of the state’s sitting justices — James Perry, Barbara Pariente, Fred Lewis and Peggy Quince, all of whom have rejected laws passed by the GOP-controlled Legislature and executive orders issued by Gov. Rick Scott (R) — will leave the court by January 2019.

“A lot of furniture has been rearranged but it looks like the old house with the same rooms.”

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The two most likely prospects for who the state's next governor will be are current Gov. Scott and former Republican Gov. Charlie Crist, who is running as a Democrat in November. Crist has made no bones about what he thinks will happen if Scott is re-elected.

“Gov. Scott picks qualified judges sent to him by the JNC and chooses those who serve with humility and have respect for the rule of law.” (MIAMI HERALD)

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long population decline, which cost it a seat after the 2010 census (NEW YORK TIMES). • Republican **ALASKA** U.S. Senate candidate Joe Miller has linked two hot-button issues — immigration and gun control — together in a single campaign mailer claiming the state’s incumbent Democratic U.S. Sen. Mark Begich wants to give illegal immigrants the right to vote and warning that if the nation’s “20 million illegals vote, you can kiss the Second Amendment goodbye” (ALASKA DISPATCH [ANCHORAGE]).

— Compiled by **KOREY CLARK**

Governors

BROWN SIGNS NEW CA WATER BOND DEAL: California Gov. Jerry Brown (D) signed legislation last week to place a \$7.12 billion water bond measure before voters in November. The proposal replaces a twice-postponed \$11.1 billion bond lawmakers approved in 2009. That measure was widely considered to be too expensive and too pork-laden to garner voters’ approval.

The bill Brown signed last Wednesday (AB 1471) still calls for a vastly more expensive bond than the \$6 billion measure Brown wanted. Nonetheless, he lauded the bipartisan measure, which came just hours before the deadline to get it on the ballot.

“Water is the lifeblood of any civilization and for California it’s the precondition of healthy rivers, valleys, farms and a strong economy,” Brown said in a statement.

“With this water bond, legislators from both parties have affirmed their faith in California’s future.”

“With this water bond, legislators from both parties have affirmed their faith in California’s future.”

The deal includes \$2.7 billion to pay for new storage, mostly dams and reservoirs. Republican lawmakers had furiously pushed for \$3 billion but backed off when they received assurances the lower figure would pay for two major storage projects they favor.

Democrats, meanwhile, had a sticking point of their own: ensuring none of the bond money would be used to fund any part of a plan Brown favors to dig two massive tunnels in the Sacramento-San Joaquin Delta to shuttle water from the north to the central and southern parts of the state. Dems signed off the final deal only after they were assured it was “tunnel neutral.”

The Delta still took a significant hit, garnering only about \$137 million for watershed restoration projects, dramatically less than the \$2.25 billion it was slated to receive in the 2009 bond deal.

An ebullient Brown praised lawmakers for working out a deal on what has long been the most contentious issue in California politics — managing its very finite water resources.

“We’ve got a real water bond, and we’ve got Democrats and Republicans that are more unified than I’ve ever seen, probably, in my life,” Brown told reporters at the Capitol, where he was surrounded by numerous lawmakers from both parties. “It was an amazing convergence over a big idea, and the big idea is that the future of California needs a lot of water and we’ve got to use it in the best way possible.” (SACRAMENTO BEE, ASSOCIATED PRES, LOS ANGELES TIMES, STATE NET)

FALLIN ENDORSES CANNABIS OIL USE:

Oklahoma Gov. Mary Fallin (R) said she supports allowing cannabis oil use for treating seizure disorders in kids and will work with lawmakers next session to pass a bill to legalize it in the Sooner State.

In a statement, Fallin said she still opposes both recreational pot use and “broadly defined ‘medicinal’ marijuana use that makes it easy for healthy adults and teenagers to find and buy drugs.” But, noting that cannabis oil is not smoked and does not give users the intoxicating effect of normal forms of weed, she said she will work with lawmakers on legislation “allowing potentially life-saving medicine to find its way to children in need.” Eleven states currently allow the use of cannabis oil to treat seizures in children. (WASHINGTON POST, OKLAHOMA GOVERNOR’S OFFICE)

MCAULIFFE UNVEILS JOBS PLAN: Saying his state suffers from ‘a workforce gap,’ Virginia Gov. Terry McAuliffe (D) issued an executive order last week aimed at better training workers for moderate-skill jobs and speeding employment for thousands of military veterans living in the Old Dominion. Under Executive Order 23, dubbed the “New Virginia Economy Workforce Initiative,” the state will set a

Upcoming elections

(08/15/2014 - 09/05/2014)

08/19/2014

Alaska Primary Election

House (All)

Senate Districts B, D, F, H, J, L, N, P, R, and T

Constitutional Officers: Governor, Lieutenant Governor

US House (All)

US Senate (Class 2)

Virginia Special Election

House Districts 48 and 90

Senate District 38

Wyoming Primary Election

House (All)

Senate (Odd)

Constitutional Officers: Governor, Secretary

of State, Treasurer, Auditor, Superintendent

of Public Instruction

US House (All)

US Senate (Class 2)

08/26/2014

Arizona Primary Election

House (All)

Senate (All)

Constitutional Officers: Governor, Secretary of State, Treasurer, Attorney General, Superintendent of

Public Instruction

US House (All)

Florida Primary Election

House (All)

Senate (Even)

Constitutional Officers: Governor, Lieutenant Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture and Consumer Services

US House (All)

Oklahoma Primary Runoff

House Districts 29, 38, 43, 61, 65, 69, 88, 89 and 99

Senate Districts 8, 22 and 40

Constitutional Officers: Superintendent of Public Instruction

US House (CD 5)

US Senate (Class 3)

goal of graduating 50,000 residents from training programs that earn them “credentials, licenses, apprenticeships and associate degrees” in the math, science, technology, engineering and health fields.

It also seeks to have 10,000 businesses sign on to a pact to hire more veterans, promises to have the state work to help grow and create more start-up companies and to conduct more research on what jobs are most in demand and what skills are needed to fill them. In announcing the plan, McAuliffe noted that retirements and changing workforce demands will soon require the state to fill 1.4 million job, making the effort to better prepare workers “a defining moment for Virginia’s economy.” (WASHINGTON POST, WRIC.COM [RICHMOND], VIRGINIA GOVERNOR’S OFFICE)

Upcoming elections (cont.)

(08/15/2014 - 09/05/2014)

Vermont Primary Election

House (All)

Senate (All)

Constitutional Officers: Governor,
Lieutenant Governor, Secretary of State,
Treasurer, Attorney General,
Auditor of Accounts
US House (All)

PATRICK SIGNS SWEEPING GUN MEASURE: Massachusetts Gov. Deval Patrick (D) signed a bill last week that makes the Bay State the first to allow police chiefs to bar residents from buying a rifle or a shotgun if they believe the person poses a threat to the public or themselves. Bay state police are already allowed to bar handgun sales to buyers who fail a criminal background check. Under the law, chiefs now have 90 days to appear in court to explain why they denied a license to a certain individual. Another element of the law requires Massachusetts to join the National Instant Background Check System, which mandates that the state send information about substance abuse or mental health commitments to a federal database that police can use when reviewing firearms applications. In a statement, Patrick said “our communities and our families are safer when irresponsible gun sales and use are reduced. This legislation moves us in that direction.” (WBZ1030 [BOSTON], ASSOCIATED PRESS, MSNBC.COM)

GOVERNORS IN BRIEF: Overcoming his stated skepticism, **NEVADA** Gov. Brian Sandoval (R) approved almost \$8 million in new contracts last week with Xerox, the company that Silver State officials fired last May over its inability to successfully create a state-run health benefits exchange. Sandoval said he was still uneasy with the company, but that it would have felt “retaliatory” to nix the contracts at this point. The move avoided a possible legal fight with the tech giant, which won public bids for the two contracts, both of which deal only with audit work on unclaimed property for the state treasurer’s office (LAS VEGAS SUN). • **PENNSYLVANIA** Gov. Tom Corbett (R) was one of 19 Keystone State officials last week who called for the cancellation of the Discovery Channel series “Amish Mafia.” In a statement, the officials accused the show, which depicts the Amish community in Lancaster, PA as being riddled with crime and drugs, of engaging in “religious

bigotry” and changing the county “from one of pastoral beauty, where people are devoted to faith, family and friends, to one of banal ugliness.” The Discovery Channel did not directly respond, but it did renew the show for a fourth season (HARRISBURG PATRIOT-NEWS). • **NORTH CAROLINA** Gov. Pat McCrory (R) signed the last bill remaining for him to address, a 58-page measure that contains dozens of minor or technical changes to state law on topics ranging from alcoholic beverages and barber school inspections to a pilot program on raising the dropout age (CHARLOTTE NEWS & OBSERVER).

— Compiled by RICH EHISEN

Upcoming stories

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

- **State tax incentives**
- **Common Core**
- **Student loan debt**

Hot issues

BUSINESS: The **CALIFORNIA** Senate shelves SB 1366, which would have authorized Internet gambling in the Golden State. Author Sen. Lou Correa (D) says he will bring the measure back again next year (LOS ANGELES TIMES). • Also in **CALIFORNIA**, the Senate gives final approval to SB 962, which would require all cell phones sold in the Golden State to have a so-called “kill switch” that allows the owner to disable the device remotely if it is stolen. It moves to Gov. Jerry Brown (D) for review (STATE NET). • The **CALIFORNIA** Assembly gives final approval to AB 1443, which extends protections against sexual harassment in the workplace to unpaid interns. It moves to Gov. Brown for review (STATE NET). • A **MICHIGAN** court permanently blocks the state Charitable Gaming Association from enforcing regulations that would have ensured charities holding gaming events received more of the revenues from those events (CRAIN’S DETROIT BUSINESS). • **ILLINOIS** Gov. Pat Quinn (D) signs HB 5622, which recognizes payroll cards as a method of wage payment in the Prairie State. The law, among several things, bars employers from making acceptance of wage cards a condition of employment (NATIONAL LAW REVIEW). • **NEW JERSEY** Gov. Chris Christie (R) signs AB 1999, so-called “ban the box” legislation that bars employers from asking job applicants about any criminal history on an initial job application. The law takes effect next year (TIMES OF TRENTON). • Also in **NEW JERSEY**, Gov. Chris Christie vetoes two wage protection measures: SB 783, which would have restarted the statute of limitations governing pay discrimination claims with each paycheck an employee receives by declaring each paycheck an individual instance of the violation, and SB 1038, a measure that would have compelled state contractors to compile and submit details about gender, race, job description and wage information for all

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their employees as a condition of the state contract (LAW360.COM, NEW JERSEY GOVERNOR'S OFFICE). • Staying in **NEW JERSEY**, Christie vetoes SB 2250, which would have allowed sports betting at Garden State racetracks and in Atlantic City casinos (LAW360.COM). • Also in **NEW JERSEY**, Christie vetoes SB 770, which would have installed standards for service and workforce levels for privatized state contracts (LAW360.COM).

In case you missed it

California lawmakers returned from summer recess to find over 1,000 bills awaiting their attention, some of them the biggest issues of the year.

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

http://www.statenet.com/capitol_journal/08-11-2014/html#sncl_spotlight

CRIME & PUNISHMENT: A federal judge extends into 2015 a moratorium on executions in **OHIO**. The moratorium now extends to Jan. 15, 2015 (CINCINNATI.COM). • **NEW JERSEY** Gov. Chris Christie (R) signs SB 946, which establishes an alternative pre-trial release system that allows poor, non-violent offenders to have nonmonetary options for bail (NJ.COM, NEW JERSEY GOVERNOR'S OFFICE).

ENVIRONMENT: **NEW JERSEY** Gov. Chris Christie (R) vetoes SB 1041, legislation that would bar oil and gas drillers from dumping waste from hydraulic fracturing, fracking, in the Garden State. Christie says he believes the law is unconstitutional (STAR-LEDGER [NEWARK]). • **NEW YORK** Gov. Andrew Cuomo (D) signs AB 10143, legislation that bans the sale of elephant and mammoth ivory and rhinoceros horns, with limited exceptions for products such as antiques demonstrated to be at least 100 years old and containing only a small amount of ivory (STATE NET, ALBANY TIMES UNION).

HEALTH & SCIENCE: The **CALIFORNIA** Assembly gives final approval to AB 1743, which allows pharmacists to sell adults up to 20 syringes over the counter without a prescription through the year 2020. It moves to Gov. Jerry Brown (D) for review (STATE NET). • **NEW JERSEY** Gov. Chris Christie (R) vetoes two bills dealing with developmentally-disabled residents: SB 2249, which would have halted the state Department of Human Services' plan of transferring about 470 developmentally disabled people living in out-of-state centers into state facilities, and SB 2158, which would have required the department to provide a comparable level of care and supervision in privately-operated group homes to people coming from state-run institutions, known as developmental centers (STAR-LEDGER [NEWARK]).

SOCIAL POLICY: A three-judge panel of the 4th U.S. Circuit Court of Appeals rejects a request to stay its ruling declaring a **VIRGINIA** law barring same-sex marriage to be unconstitutional. Same-sex marriage opponents appealed the ruling to the U.S. Supreme Court (WASHINGTON POST). • **ALASKA** Gov. Sean Parnell (R) signs HB 263, a bill that extends to June, 2018 the sunset date of the Alaska Senior Benefits Payment Program, a program that provides cash assistance to Last Frontier

● residents older than 64 who have low to moderate income levels (NEWS-MINER [FAIRBANKS]).

● **POTPOURRI:** A federal court in **MARYLAND** rules the Old Line State's ban on assault rifles is legal. U.S. District Court Judge Catherine C. Baker rejected claims that the law is unconstitutional (BALTIMORE SUN).

— Compiled by *RICH EHISEN*

Once around the statehouse lightly

THE INVISIBLE MAN: California gubernatorial candidate Neel Kashkari faces a long uphill climb to unseat incumbent Gov. Jerry Brown. How uphill, you ask? In a bid to gain some attention for his campaign — and to call attention to the Golden State's growing wealth disparity — Kashkari recently went underground in Fresno as a homeless person for a week. During that time, nobody recognized him for who he is. That drew the attention of *Sacramento Bee* cartoonist Jack Ohman, who wondered if Kashkari was similarly anonymous in Sacramento, the heart of Golden State politics. The short answer is yes. Last week, Ohman walked around the Capitol grounds for an hour, introducing himself as Kashkari to dozens of people. None called him on his ruse. Ouch.

HE WISHES HE WERE INVISIBLE: Speaking of Republican gubernatorial wannabes, a former California GOP primary candidate was arrested last week on attempted murder and animal cruelty charges. As the *San Francisco Chronicle* reports, police arrested Ty “Glenn” Champ after the Fresno man shot and wounded a man, and then fatally shot his horse. This would be the same Ty Champ who finished fifth in the June GOP primary, collecting 76,000 votes. The same brilliant gentleman is also a registered sex offender who was convicted on two counts of attempted rape in 1993. Given his criminal bent, maybe he should have considered running for the Senate instead. For the uninformed, three California Senators have been expelled from the Legislature this year after being indicted for or convicted of various crimes, including one for attempting to broker assault rifles in exchange for campaign money.

TWITTER TWIT OF THE DAY: It seems every week social media trips up some politico who ought to just leave it to some Millennial office staffer who gets it. Or should they? As the website Talking Points memo notes, someone in the office

of Congressman Keith Ellison, a Minnesota Democrat, used his Twitter account to forward a tweet that showed a picture of some chicken on the grill at a local Benihana restaurant, with the caption “[bleep] yeah benihana up in this [bleep].” The tweet was deleted almost as fast as it was sent, but this being the Internet Age, it had already been noted and screen captured by conservative firebrand Michelle Malkin’s website. Ellison denied having anything to do with the message, and a young staffer quickly fessed up to being the one who did it. We’re guessing she no longer has tweeting privileges.

SOUNDS A LOT LIKE CONGRESS: If it sounds spectacularly goofy that some folks in the U.S. House of Representatives want to sue the president, how does a city clerk suing every single resident in town grab you? As the *Boulder Daily Camera* reports, that is exactly what’s happening in the tiny Colorado town of Montezuma, where the town clerk has filed suit seeking to have all 61 of the town’s registered voters appear in court in order to allow a judge to sort out what has become an epically messy and confusing mayoral election. At question is how many of the voters actually live in the burgh. Several residents have now banded together to file their own suit challenging the town’s effort. And so it goes.

— By *RICH EHISEN*



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Graphic Design: Vanessa Perez

State Net ISSN: 1521-8449



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