

# Capitol Journal

News & Views from the 50 States

September 23, 2013



## Managing Health Reform

### Budget & taxes

NJ overhauls corporate tax breaks

5

### Politics & leadership

Daley withdraws from IL gov race

7

### Governors

Corbett unveils PA Medicaid expansion alternative

8

### Bird's eye view

2

### Hot issues

11

### Once around the statehouse lightly

14

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### Top Story

*The Affordable Care Act is reaching a moment of truth, with several key deadlines fast approaching amid signs states will simply not be ready to go on time.*

## SNCJ Spotlight

### Obamacare faces obstacles, opportunities in states

The Patient Protection and Affordable Care Act, which even the president now calls Obamacare, is approaching a moment of truth, and it's not likely to be pretty. Starting on October 1, Americans without health insurance supposedly will be able to sign up on line for standardized affordable coverage through marketplaces operated by their

## A Cannon Perspective



With Lou Cannon

state, the federal government or a combination of the two.

Both the mechanics and the politics of setting up these marketplaces, also known as exchanges, have proved difficult, and several states have indicated they may be unable to meet the Oct. 1 deadline. Significantly, these states include California, viewed as a model by Obamacare's advocates. The Golden State embraced the federal health care law when it passed in 2010. It was the first state to create an exchange, called Covered California, and it has broad political backing in a state where Democrats hold the governorship and a legislative super-majority.

Peter Lee, executive director of Covered California, downplays the importance of possibly missing the Oct. 1 deadline for on-line enrollment. "The date we care

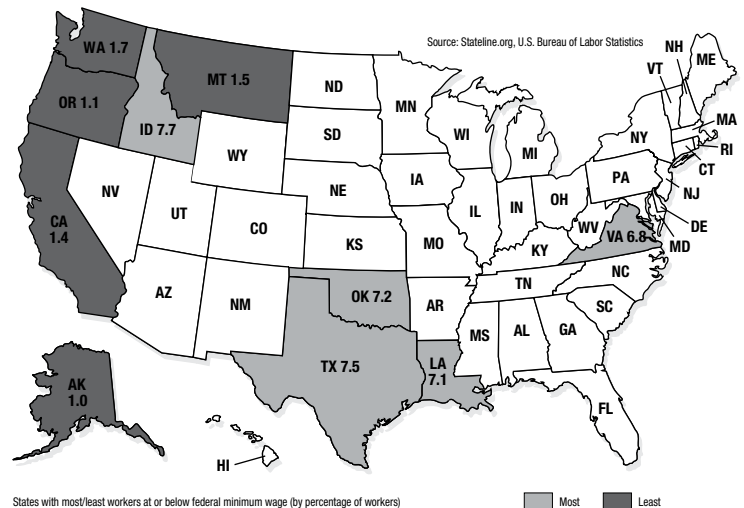
about is Jan. 1, when coverage takes effect," he told the *Los Angeles Times*. Lee said that Californians anxious to sign up before online enrollment is available can do so through call centers, enrollment counselors and insurance agents. California as well as Connecticut, Maryland, Washington and Vermont have already set up call centers; a number of other states plan to do so before the end of September.

Whether or not states make their deadlines, Obamacare will make a difference. By January, 2014, insurance companies will no longer be able to deny coverage because of pre-existing medical conditions, drop policy-holders who become ill or set dollar limits on the amount of insurance.

These are important changes, but the test of whether Obamacare achieves its ambitious goal of providing health care for millions of uninsured Americans hinges in large measure on whether the exchanges work as advertised. Seventeen states and the District of Columbia will set up exchanges and another seven states plan to partner with the federal government, which will operate the exchanges on its own in the other states.

Persons who are not insured by their employers or on Medicaid, the federal-state program that provides health care for the poor, will be able to enroll for coverage on

## Bird's eye view



### Several states pushing to raise minimum wage in 2014

With efforts to raise the federal minimum wage gaining no traction in Congress, wage hike advocates are instead focusing their attention on the states. Four states this year have raised their minimum wage, with California Gov. Jerry Brown (D) poised to sign legislation any day that would raise the Golden State minimum to \$10 per hour, the highest in the nation. According to Stateline.org, at least four more states — Alaska, Idaho, Massachusetts and South Dakota — will see ballot measure campaigns in 2014, while lawmakers are expected to lead legislative efforts to hike the wage in Hawaii, Illinois, Maryland, Minnesota and the District of Columbia.



the exchanges if their annual income is less than \$45,960 for an individual or \$94,200 for a family of four. Shoppers will have the choice of at least two levels of plans, three or four on some of the exchanges. Many enrollees who can't afford even the least expensive policies will be eligible for federal subsidies to help them buy insurance.

With exceptions, individuals who do not obtain health care insurance by March 1, 2014, face a penalty of \$95. Republicans detest this provision, which the Obama administration refers to as a mandate and the Supreme Court in upholding the law in 2012 called a tax. But the question about the mandate is not its constitutionality

but its sufficiency. Since the penalty is a pittance in comparison to the cost of even the cheapest plans that will be offered on the exchanges, many experts question if it will induce young, healthy Americans to sign up for health care insurance. If they don't, the cost of health insurance for everyone else will increase.

The exchanges are plowing other uncharted territory. Will policies actually be "affordable," as

advertised? Kaiser Health has provided considerable detail on its website about what various plans will cost in different states, but only time will tell if they are affordable. A survey by *National Journal* found that "for the vast majority of Americans, premium prices will be higher in the individual exchanges than they're currently paying for employer-sponsored" benefits. An analysis by the Stanford School of Medicine reached an opposite conclusion and suggested that some employees may dump the coverage they receive at work to sign up for cheaper coverage on the exchanges.

In any case, work-based health coverage seems headed for the dustbin of history. Many large employers (IBM, for instance) are dropping health coverage for new employees or part-time employees (Trader Joe's.) And many workers have never had employer-sponsored health benefits — or indeed any coverage at all, which is the rationale for Obamacare in the first place.

Perhaps the trickiest question about Obamacare is whether the uninsured know enough about its provisions to enroll in the exchanges. The early evidence suggests they do not.

Kaiser Health, an assiduous tracker of Obamacare, found in an August survey that 62 percent of the uninsured and an identical percentage of young adults (18 to 25 years old) did not understand how the law would impact themselves or their families. It gets worse. Forty-four percent of those surveyed did not even know that Obamacare was law: they were divided among those who were unsure of its status or thought it had been repealed or overturned by the Supreme Court. So it's not surprising that slight majorities of Americans surveyed by Kaiser and Gallup oppose Obamacare. Opposition may be growing as deadlines near; a recent *USA Today*/Pew Research Poll found a 52-43 majority against the law.

**"Perhaps the trickiest question about Obamacare is whether the uninsured know enough about its provisions to enroll in the exchanges."**

The states that are designing their own exchanges are waging media campaigns to close the information gap, and the federal government is chiming in with a less well-funded effort in states where they will operate exchanges. But the knowledge gap remains immensely challenging.

Another potential challenge is physician availability. To hold down premium costs, insurers are limiting the number of doctors and hospitals available to patients who buy insurance through the exchanges. The Los Angeles Times, reviewing the situation in California, found that Health Net, an insurer with many of the cheapest policies, will provide less than a third of the doctors who are available under employer-insured plans. Blue Shield, another leading insurer in California, is expected to provide half as many doctors for exchange enrollees as it does for those with employer-based insurance.

California, which seeks to enroll 1.4 uninsured people through the exchanges, has advantages over most states. Covered California has signed up a dozen insurers, giving uninsured Californians broad choices, and is heavily promoting enrollment. In Missouri, in contrast, the exchange operated by the federal government is, according to the New York Times, “being run like a covert operation, with no marketing or detailed information about its products or their prices.”

Missouri is an extreme version of the situation that prevails in a number of states where Republicans control the statehouses. One stark example is Florida, where Republican Gov. Rick Scott is trying to stop county health departments from assisting people to sign up on the exchanges. Actions such as these have led non-partisan economist and historian Zachary Karabell to blame Republican hostility to Obamacare for rendering much of it unworkable.

Writing in a blog distributed by *Reuters*, Karabell described Obamacare as “an uneasy blend of free-market incentives and government regulation” that was seeking through competition to provide universal access to health care at a reasonable cost. “But that assumes that states implement it in good faith,” he wrote. “The staunch opposition of Republicans has meant that many states with little regulation of insurance companies or healthcare are delaying or actively resisting many aspects of the bill.”

Obamacare’s difficulties aren’t entirely the fault of its opponents. The federal Department of Health and Human Services delayed repeatedly in spelling out the services that exchanges must provide, squeezing states in their effort to prepare. The administration stumbled on another provision of the law requiring employers with more than 50 fulltime employees to offer health care coverage or pay fines before deciding in July to delay this requirement for a year. Although probably necessary, this postponement has encouraged Republicans and some business groups to believe they can repeal this provision altogether. It promises to be a prominent issue in the 2014 midterm elections.

Despite all the start-up difficulties, Obamacare supporters remain optimistic that the Affordable Care Act will become popular once those lacking health insurance are

able to buy it at reasonable cost. They point out that momentous social legislation of the past — Social Security, Medicare and voting rights laws, for instance — faced both fierce political opposition and implementation difficulties.

But Obamacare is in a class by itself. The Civil Rights Act of 1964 and the Voting Rights Act of 1965 had enforcement mechanisms that Obamacare lacks. Social Security and Medicare are centrally administered federal programs. Once they were enacted, states had little say in what happened next.

The exchanges that the Affordable Care Act will create are a novel experiment both in federalism and in what Silicon Valley calls “coopetition,” an awkward coined word that describes cooperation between government and private entities. People will enroll for insurance coverage on state or federal government websites. They will buy insurance from private companies. Many of the newly insured — if they are sufficiently informed to do so — will then go back to the government to obtain subsidies in the form of a tax credit for this coverage.

Will this work? No one really knows, but the exchanges represent an imaginative approach to the unsolved problem of providing health care coverage for millions of Americans who never see a doctor unless they wind up in an emergency room. If the exchanges succeed in even a few large states, it’s likely that other states will copy the results.

At least that’s the hope of Obamacare’s advocates.

— *By Lou Cannon*

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## Budget & taxes

**NJ OVERHAULS CORPORATE TAX BREAKS:** Looking to spur job growth in the Garden State, New Jersey Gov. Chris Christie (R) signed legislation last week to expand the state’s corporate tax incentives. Under AB 3680, the New Jersey Economic Opportunity Act of 2013, the state will lift current limits on economic incentives to corporations and developers and broadly expand the geographic areas where companies can qualify for those breaks. The measure also merges five incentive programs into two: the Economic Redevelopment and Growth Grant, which will focus on creating jobs, and the Grow New Jersey Assistance Program, intended to keep jobs in the state. Christie lauded the revised bill during a press conference last Wednesday.

“This new group of incentives will lead to making us more competitive with other states across the country,” Christie said. “Let’s not kid ourselves. We’re competing with other states every day for the economic pie.”

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**BUDGETS IN BRIEF:** The **OREGON** Bureau of Labor and Industries announced last week that the Beaver State's minimum wage will rise to \$9.10 per hour next year, a 15-cent increase over the current rate. The wage has increased every year but one (2010) since voters tied it to the rate of inflation in 2002 (NORTHWEST PUBLIC RADIO [PULLMAN]). • Also in **OREGON**, Gov. John Kitzhaber (D) announced he will call lawmakers into special session on Sept. 30 to address more funding for schools and deeper cuts to the public employees retirement system (PORTLAND OREGONIAN). • **DELAWARE** Gov. Jack Markell (D) signed a pair of bills last week to create a financial aid fund for military veterans: HB 85, which will give assistance and grants to help veterans cover medical/dental costs, transportation, home repairs and educational programs, and HB 140, which allows the fund to receive contributions from personal income tax filings (DELAWAREONLINE.COM). • A recently-released report from the **NEW YORK**-based Rockefeller Institute of Government shows that personal income tax collections for all U.S. states rose 20.3 percent in the second quarter of 2013 from the same period last year. The hike was largely due to federal tax code changes and a large revenue swell in **CALIFORNIA**, which received its first revenue from a 2012 voter-approved ballot measure increasing personal income tax rates on people making more than \$500,000 a year through the end of 2018. Excluding California, states' income tax collections grew 14.9 percent in the second quarter (REUTERS).

State Net Capitol Journal®

- Immigration
- Fracking
- Health reform

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# Politics & leadership

**D**ALEY WITHDRAWS FROM IL GOV RACE: The last major challenger to Illinois Gov. Pat Quinn's (D) effort to claim his party's gubernatorial nomination next year has fallen by the wayside. Democrat Bill Daley, whose surname is synonymous with Chicago politics, shockingly and abruptly bowed out last Monday, saying he could not "commit to what the voters may need."

Daley joined state Attorney General Lisa Madigan as Democratic heavyweights who were poised to take Quinn on for the nomination but instead opted to stand down. Quinn, who is only marginally popular with voters and even less so inside his own party, is now thought to have a clear path to the nomination.

**"There's no doubt in my mind that Pat Quinn will not be the next governor of Illinois."**

"It's not about a campaign of six months or 14 months,"

Daley said. "It really is about a minimum of five to nine years to begin to straighten out this state."

Even so, Daley, a former White House chief of staff to President Obama and commerce secretary under President Bill Clinton, made it clear he thinks Quinn is vulnerable in next fall's election.

"There's no doubt in my mind that Pat Quinn will not be the next governor of Illinois," Daley said. "This governor is not that strong that somebody should fear running against him."

That comment drew a rebuke from Democratic state Sen. Kwame Raoul of Chicago, who also had briefly considered challenging Quinn in the Democratic primary.

"If (Daley) decides he doesn't have the stomach for it, don't take potshots at somebody who does," said Raoul. "Whatever one may think about the governor's shortcomings, at least he's stepping up to the job."

With the drama presumably gone from the Dems' race, focus will now shift to the four Republicans seeking the GOP nomination. Those candidates include Sen. Bill Brad, who lost to Quinn in 2010. (CHICAGO TRIBUNE, NEW YORK TIMES)

**POLITICS IN BRIEF: TEXAS** Sen. Wendy Davis (D) is expected to announce plans next month to run for governor in 2014. Davis gained national attention earlier this year when she engaged in a nearly 11-hour Senate filibuster that temporarily blocked passage of a measure to ban most abortions after 20 weeks of pregnancy, impose strict health and safety standards on clinics and limit the use of RU-486, often referred to as the abortion pill (REUTERS). • U.S. District Judge Dana Christensen upholds the constitutionality of a **MONTANA** requirement that political committees disclose their campaign spending. Christensen said the public's right to know who is

financing political campaigns outweighs the burden imposed on committees required to report the information (MISSOULIAN). • A **WISCONSIN** judge rules that the state cannot enforce key provisions of a law limiting the power of local government unions to engage in collective bargaining. But Circuit Judge Juan Colás declined to issue an injunction against the state because it is not yet enforcing the provisions of the law at issue. The case is one of many seeking to strike down the law. The state Supreme Court is expected to hear a challenge this fall (MILWAUKEE JOURNAL-SENTINEL).

— Compiled by *RICH EHISEN*

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# Governors

## **CORBETT UNVEILS PA MEDICAID EXPANSION ALTERNATIVE:**

After months of speculation, Pennsylvania Governor Tom Corbett (R) finally unveiled a plan last week to accept federal subsidies targeted for an expansion of Medicaid, but only as part of a broader overhaul of the system. Under his proposal, federal Medicaid expansion dollars would instead be used to help low-income residents of the state buy private health insurance through the state's impending health benefits exchange. It also would require most of the more than one million current adult Keystone State Medicaid enrollees to pay a monthly premium and impose a job-search mandate.

Corbett's proposal is similar to plans put forth in Arkansas and Iowa, both of which are waiting approval from the Obama administration. If the administration endorses Corbett's plan, he would become the 10<sup>th</sup> GOP governor to accept increased federal Medicaid funding. He offered no details, however, for when his program would be ready to start or how the state will proceed if the plan is rejected. Opinions on the measure's chances were varied.

In an interview with the *Philadelphia Inquirer*, Fran Grabowski, a lawyer with Post & Schell's Health Care Group that specializes in health-care law and state social-service policies, called the changes Corbett is asking for "pretty significant." She noted previous proposals that required cost-sharing among recipients have been rejected either by the federal government or the courts, but noted that a strong willingness by the current administration to compromise with states reluctant to take on its preferred plan may be a game changer.

"It will raise concerns among stakeholders," she said. "On the other hand, government wants to give flexibility with the expansion and may be willing to accept changes that it did not in the past."

Corbett is apparently taking the same view. He reiterated his belief that Pennsylvania and other states could not afford to expand Medicaid as envisioned under the federal Affordable Care Act.



“These reforms are state-based solutions that will enable sustainability to the current Medicaid program, providing critical care for those most in need,” Corbett told reporters. “If the goal is to give everybody quality and affordable health care, this is Pennsylvania’s way of doing that.” (PHILADELPHIA INQUIRER, CBSLOCAL.COM [PHILADELPHIA, REUTERS])

**FALLIN BLOCKS SAME-SEX BENEFITS FOR GUARD:** Saying she was honoring the wishes of Sooner State voters, Oklahoma Gov. Mary Fallin (R) has ordered her state’s National Guard units to stop processing requests for military benefits for same-sex couples. The directive comes after the Guard had previously indicated it would process those requests.

Fallin spokesman Alex Weintz cited a 2004 constitutional amendment endorsed by voters that bars the state from giving marriage benefits to same-sex couples. He noted that the order does not apply to federally-run facilities.

“Gay couples that have been legally married in other states will be advised they can apply for those benefits on federal facilities, such as Tinker Air Force Base, rather than state run facilities,” he said.

Fallin’s directive, which was revealed only last week after being officially issued on Sept. 5, was in response to a Pentagon announcement in August that same-sex spouses of military members would be eligible for health care, housing and other benefits enjoyed by opposite-sex spouses starting Sept. 3. That decision by U.S. Secretary of Defense Chuck Hagel (R) came after the U.S. Supreme Court’s ruling in June on the constitutionality of the Defense of Marriage Act.

Oklahoma is the fourth state to bar benefits for same-sex Guard couples, following Texas, Mississippi and Louisiana. But those bans are now being challenged by a military gay rights group, the American Military Partner Association, which has joined with the American Civil Liberties Union in pressuring the U.S. Dept. of Defense to overturn them. A spokesperson for the group said Fallin’s order — and by extension those in the other three states — does not meet legal muster.

“Her legal argument is full of holes,” said Chris Rowzee, spokeswoman for National Guard affairs for AMPA. “National Guards are not solely state entities; they are a joint entity with the federal government.”

At least one other LGBT rights group, Lambda Legal, has also threatened legal action if the four states do not reverse their prohibitions. (METRO WEEKLY

## Upcoming elections

(09/20/2013 - 10/11/2013)

09/24/2013

### **Alabama Special Primary**

US House (CD 1)

### **California Special Election**

Assembly District 52

10/01/2013

### **South Carolina Special Election**

Senate District 42

10/08/2013

### **Alabama Special Primary**

House Districts 74 and 104

### **Arkansas Special Primary**

Senate District 21

### **Massachusetts Special Primary**

Senate 2nd Hampden and Hampshire

### **Tennessee Special Primary**

House District 91

[WASHINGTON DC], REUTERS, OKLAHOMAN  
[OKLAHOMA CITY], THE ATLANTIC)

**DAYTON TELLS VIKES TO GO DEEP ON STADIUM FUNDING:** Minnesota Gov. Mark Dayton (D) has urged a public board overseeing construction of a new \$975 million stadium for the NFL's Minnesota Vikings to force the team's owners to invest more of their own money into the project. In a letter to the Minnesota Sports Facilities Authority last week, Dayton called on them to limit how much of the stadium's costs can be passed on to the team's season ticket holders through the use of pricey personal seat licenses.

"I strongly urge you to negotiate a final financial agreement, which requires the Vikings' owners to provide a significant share of their financial contribution from their own resources, and not from Vikings fans through the sale of expensive personal seat licenses," he said.

Under a bill passed by Gopher State lawmakers last year, team owners are responsible for \$477 million of the project's cost, with the state and the city of Minneapolis picking up the rest. The Vikings' contribution also includes a \$200 million loan from the NFL. Dayton's concern is that team owners could eventually raise so much money through the personal seat licenses they would have very little of their own money invested in the project. His proposal comes as the authority and the team near completion of negotiations on lease and development agreements for the stadium, which is tentatively scheduled to open for the 2016 season. The Authority is expected to vote on those agreements Sept. 27, with construction scheduled to begin a month later. (MINNEAPOLIS STAR-TRIBUNE, MINNESOTA PUBLIC RADIO)

**GOVERNORS IN BRIEF: KENTUCKY** Gov. Steve Beshear (D) said his administration will press federal officials for flexibility in meeting greenhouse gas emission rules as the state tries to preserve coal jobs and keep electricity prices down in the face of anticipated new regulations aimed at reducing carbon dioxide emissions from power plants. The Obama administration released rules for new plants last week, but has not said when it will post the new regulations for existing plants (LEXINGTON HERALD-LEADER). • **NEW JERSEY** Gov. Chris Christie (R) said he will appeal a federal court's ruling that blocks the implementation of sports betting in the Garden State. A three-judge panel of the Court of Appeals for the Third Circuit ruled last week that New Jersey could not implement sports betting

## The week in session

**States in Regular Session:** DC, MA, MI, OH, PA, PR, SC, US, WI

**States in Special Session:** DE "b"

**States in Recess:** IL, NJ, NY

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

**States currently prefiling for 2014 Session:** AL, NH, KY, TN, WY

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

Letters indicate special/extraordinary sessions

— Compiled By FELICA CARILLO  
(session information current as of 9/5/2013)  
Source: State Net database

because the state's new law conflicts with a federal statute that bans it in all but four states: **NEVADA, DELAWARE, MONTANA** and **OREGON**. The state could seek to have the full court review the case, but Christie said he will instead appeal directly to the U.S. Supreme Court (NJ.COM). • **CALIFORNIA** Gov. Jerry Brown (D) officially requested that the Golden State receive three more years to meet a federally-mandated inmate cap for its 33 prisons. A three-judge federal panel has ordered Brown to cut the inmate population to 137.5 percent of capacity by Dec. 31 or face contempt of court charges. Brown asked the panel to consider an extension in light of recently-adopted legislation (SB 105) that will see the state spend hundreds of millions of dollars on recidivism reduction, job training and other programs designed to keep people out of jail (KQED.ORG [SAN FRANCISCO]).

— Compiled by *RICH EHISEN*

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## Hot issues

**B**USINESS: The **WASHINGTON D.C.** City Council upholds Mayor Vincent Gray's (D) veto of a measure that would have required the city's largest retailers to pay their workers at least 50 percent more than the current minimum wage. An effort to override the veto received only seven of the nine necessary votes (WASHINGTON POST). • The U.S. Dept. of Labor announces new rules that require federal wage and overtime requirements be extended to cover home health aides, certified nursing assistants and other workers who provide care to the elderly, injured and disabled. The new rules require overtime at time and a half for those workers who log more than 40 hours a week, beginning in 2015 (SACRAMENTO BEE). • The **CALIFORNIA** Public Utilities Commission issues rules that make the Golden State the first in the nation to regulate the fast-growing ride-sharing industry, which connects paying passengers with drivers who use their own vehicles. The new rules require drivers to undergo criminal background checks, receive driver training, follow a zero-tolerance policy on drugs and alcohol and carry commercial insurance policies with a minimum of \$1 million in liability coverage (LOS ANGELES TIMES). • The **CALIFORNIA** Assembly gives final approval to AB 241, which would make domestic workers eligible for overtime if they work more than nine hours a day or 45 hours a week. It is now with Gov. Jerry Brown (D) for review (LOS ANGELES TIMES). • The **CALIFORNIA** Assembly gives final approval to AB 10, which would raise the state minimum wage to \$10 per hour by Jan. 1, 2016. The bill is now with Gov. Brown, who is expected to sign it into law (STATE NET, LOS ANGELES TIMES). • **CALIFORNIA** lawmakers also endorse AB 933, a bill that would allow distilleries to offer paid tastings on their premises.

It is now with Gov. Brown for review (STATE NET). • The **WISCONSIN** Senate approves SB 179, which would grant Badger State landlords significant new rights, including the power to evict tenants if they commit a crime on the property even if the tenant could not have prevented the crime, and to dispose of evicted tenants' property if the landlord has notified the tenants that he or she could do so. It moves to the Assembly (MILWAUKEE JOURNAL-SENTINEL). • Also in **WISCONSIN**, the Senate approves AB 200, which would make several changes to the state's vehicle "lemon law," including reducing the statute of limitations for lemon law claims from six years to three and allowing negotiated settlements as an alternative to a refund or replacement of the vehicle. The bill moves now to Gov. Scott Walker (R) for review (MILWAUKEE JOURNAL-SENTINEL).

**CRIME & PUNISHMENT:** The **NEW JERSEY** Supreme Court upholds a Garden State law that allows law enforcement to use an alcohol breath test in drunken driving cases. Opponents, who claim the test equipment is unreliable, are weighing further appeals, perhaps to the U.S. Supreme Court (NORTHJERSEY.COM). • **CALIFORNIA** Gov. Jerry Brown (D) signs SB 260, which allows inmates who committed serious crimes when they were minors but were prosecuted as adults to have their cases reviewed for possible release as early as 15 years into their prison sentence (LOS ANGELES TIMES).

**EDUCATION:** The **CALIFORNIA** Legislature gives final approval to AB 375, a bill that would eliminate the summer break moratorium on teacher suspensions, requires districts to begin a disciplinary hearing within six months after an employee requests it and cap the number of witnesses who can testify at a disciplinary hearing at five. It is now with Gov. Jerry Brown (D) for review (SANTA CLARITA VALLEY SIGNAL). • The **WISCONSIN** Senate approves AB 11, which would prohibit sex offenders from being anywhere on a school property without first notifying the school. It moves to Gov. Scott Walker (R) for review (MILWAUKEE JOURNAL-SENTINEL).

**ENVIRONMENT:** The **CALIFORNIA** Legislature gives final approval to SB 4, a measure that would require oil and natural gas drillers using the hydraulic fracturing, or fracking, to disclose the chemicals they use in the process. The measure, which also requires drillers to notify property owners 30 days in advance of doing any fracking and to test groundwater before and after every operation, is now with Gov. Jerry Brown (D), who has indicated he will sign it (SAN JOSE MERCURY NEWS). • Also in **CALIFORNIA**, the state Air Resources Board announces it will begin allowing the over-400 businesses subject to the state's cap-and-trade carbon reduction program to begin buying "offset" credits generated by other businesses that have already cut their own greenhouse gas emissions. Those credits are expected to be available by the end of September (STATE NET, SACRAMENTO BEE).

• The Ninth Circuit Court of Appeals upholds **CALIFORNIA's** Low Carbon Fuel Standard, a 2007 law that requires the oil industry to gradually reduce the “carbon intensity” of transportation fuels like diesel and gasoline by at least 10 percent by 2020. Opponents of the law are considering an appeal (SAN JOSE MERCURY NEWS). • The **HAWAII** Department of Land and Natural Resources finalizes rules that would ban scuba spearfishing in waters off the Aloha State’s western shores and limit the collection of aquarium fish to a list of 40 species. The rules are now with Gov. Neil Abercrombie (D) for review (HONOLULU STAR ADVERTISER).

**HEALTH & SCIENCE:** The **MARYLAND** Insurance Administration approves the rates small businesses will be asked to pay for purchasing health insurance through the impending state-run health benefits exchange. Those rates range from as much as 17 percent lower and up to 9 percent higher than what 13 carriers had proposed for sale through the exchange, which is set to open Jan. 1, 2014 (BALTIMORE SUN). • **MICHIGAN** Gov. Rick Snyder (R) signs HB 4714, legislation expands Medicaid eligibility to cover an additional 470,000 Wolverine State residents. The expansion covers adults making up to 133 percent of the poverty level, approximately \$15,500 for an individual and \$26,500 for a family of three (DETROIT NEWS, MICHIGAN GOVERNOR’S OFFICE).

**IMMIGRATION:** The **CALIFORNIA** Legislature endorses AB 1024, a bill that would allow people who are in the country illegally to obtain a license to practice law. The measure moves to Gov. Jerry Brown (D) for review (LOS ANGELES TIMES). • Also in **CALIFORNIA**, lawmakers approve AB 60, which will allow unauthorized immigrants to obtain a driver’s license. The bill, which would require licenses to have a special notation that prevents them from being used to obtain public benefits or to establish employment eligibility, is now with Gov. Brown. He is expected to sign it into law (LOS ANGELES TIMES). • **ARIZONA** officials announce the Grand Canyon State will not issue driver’s licenses to any immigrant whose possible deportation has been deferred by the federal government. Gov. Jan Brewer (R) has previously said the state would not issue licenses to young immigrants protected from deportation under the federal Deferred Action for Childhood Arrivals program, created via executive order by President Barack Obama last year (REUTERS).

## 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 2013 Prefiles last week:** 71

**Number of 2014 Prefiles last week:** 96

**Number of Intros last week:** 443

**Number of Enacted/Adopted last week:** 72

**Number of 2013 Prefiles to date:** 27,041

**Number of 2014 Prefiles to date:** 157

**Number of 2015 Prefiles to date:** 21

**Number of 2013 Intros to date:** 129,382

**Number of 2013 Session Enacted/Adopted overall to date:** 37,496

**Number of bills currently in State Net Database:** 147,562

— Compiled By FELICIA CARILLO  
(measures current as of 9/19/2013)  
Source: State Net database

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**SOCIAL POLICY:** The **MICHIGAN** Senate approves SB 276, a bill that would require welfare recipients to perform community service in order to receive their benefits. It moves to the House (LANSING STATE JOURNAL).

**POTPOURRI:** The **MICHIGAN** Senate unanimously approves SB 354, a bill that would ban the use of gas chambers to euthanize unwanted animals in Wolverine State animal shelters. It moves to the House (HUFFINGTON POST). •

**CALIFORNIA** lawmakers give final approval to AB 1131, which would lengthen the firearms prohibition on those who make a credible threat of violence from six months to five years. It is now with Gov. Jerry Brown (D) for review (STATE NET).

— Compiled by *RICH EHISEN*

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# Once around the statehouse lightly

**A** **DOG'S HOME IS HIS CASTLE:** When former California state treasurer and one-time gubernatorial candidate Kathleen Brown announced recently that she was leaving Chicago and returning to the Golden State, folks naturally wondered if she would soon take another run at political office. Given that her brother is the gov (again), it was a natural first question. Or maybe a natural second question. As the *Sacramento Bee* reports, the bigger deal to Capitol wags was whether her now-famous Welsh Corgi, Sutter, would be leaving her brother's digs and relinquishing his role as California's "first dog." Alas, Sutter watchers everywhere can relax: the pooch is staying put. Noting Sutter's incredible popularity, Ms. Brown said she "wouldn't presume to disintermediate his celebrity status and special relationship with the first lady and the governor." Disintermediate? Yep, she's Jerry's sister all right.

**NOT SO SUITE:** New Jersey Gov. Chris Christie is a pretty big deal these days. But wanna know what's even bigger? The Super Bowl, that's what. As the *Newark Star-Ledger* reports, Christie recently appeared on a radio show boasting of how he was going to be watching the big game next February from his private box at MetLife Stadium. Even more, anyone wanting in should probably consider doing some serious fanny smooching first. But wait! As it turns out, the gov doesn't actually have a private suite for the game. While he does have a private luxury box for the regular season, that does not carry over for the Super Bowl. As one might expect, private suites for America's biggest sports day of the year go for super big dollars, meaning he will actually be the one looking to smooch his way into some other high roller's box this time around.



**MOUSE MANIA:** There's a ton of unwanted visitors roaming the Nebraska statehouse in Lincoln these days, pestering lawmakers and staff almost to distraction. And no, it isn't lobbyists. As the *Lincoln Journal Star* reports, the Capitol has been overrun by mice, and no scrap of anything edible squirreled away in a desk drawer or cupboard has been spared. The little rodents are also leaving behind their own special calling cards, providing plenty of inspiration for the powers that be to order them removed post haste, with traps now deployed en masse. Although at least one lawmaker has grouched about killing "innocent" mice, Andy Hale, an aide to Sen. Burke Harr, found more humor in the situation. "To date, 34 mice have been found in the Capitol," he told the *LJS*. "At this time, only three are contemplating running for governor."

## In case you missed it

California Gov. Jerry Brown reached a compromise deal with his Democratic colleagues over the state's ongoing prison overcrowding dilemma. But will the federal courts accept it?

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

[http://www.statenet.com/capitol\\_journal/09-16-2013/html#sncl\\_spotlight](http://www.statenet.com/capitol_journal/09-16-2013/html#sncl_spotlight)

**DON'T MESS WITH MARTIN:** If you've ever been to Texas, you know few things compare to Texans' love of their home state. While the phrase "Don't mess with Texas" started three decades ago as an anti-littering campaign, it has since become the Lone Star State's unofficial rallying cry. Maryland Gov. Martin O'Malley, however, clearly didn't get the memo. As the *Washington Post* reports, O'Malley recently took umbrage at Texas Gov. Rick Perry's latest sojourn to the East Coast trying to lure businesses back to his home state. In a speech, O'Malley referred to Perry as "all hat and no cattle," a phrase Texans use to describe, uh, posers. The fiery O'Malley wasn't done, though. He went on to recall a debate he once had with his Texas counterpart, noting "I kicked his a—, and he never came back again." Sounds like we have a built-in presidential rivalry for 2016!

— By *RICH EHISEN*

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