

October 21, 2013

State(s) of Reform



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Top Story

With Washington preoccupied with partisan bickering, California and other states have taken their own path to immigration reform.

SNCJ Spotlight

States try to fill federal vacuum on immigration reform

With immigration reform blocked by partisan gridlock and government shutdown in Washington, states led by California have stepped in to ease the plight of illegal immigrants.

“While Washington waffles on immigration, California’s forging ahead,” Gov. Jerry Brown (D) said earlier this month as he signed legislation to increase

A Cannon Perspective



With Lou Cannon

civil, workplace and education protections for immigrants.

California is not alone. Only two years ago, states were poised to emulate strict laws in Arizona, Alabama and Georgia denying illegal immigrants a variety of privileges. Such laws are still on the books, but many states are now heading in the opposite direction. For example, 10 states and the District of Columbia allow illegals to obtain drivers' licenses. Colorado, Minnesota and Oregon this year granted in-state college tuition to illegals, bringing to 15 the number of states that do so.

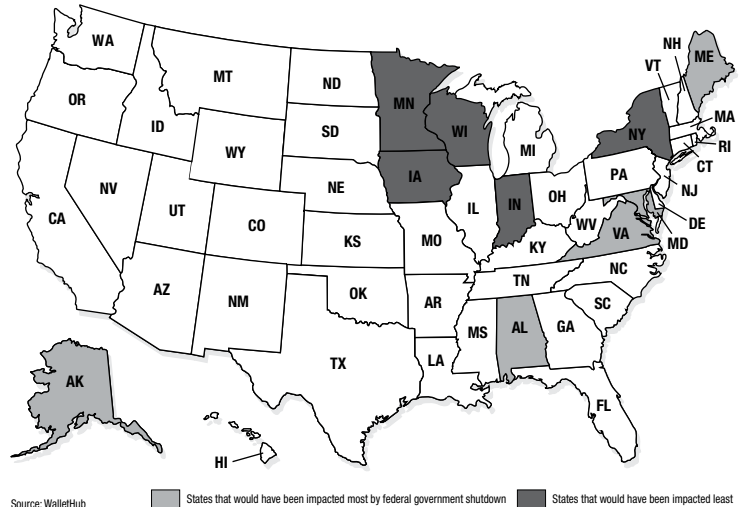
The sea change in the treatment of immigrants primarily reflects electoral politics. Republicans were stung by the overpowering backing that Latino and Asian voters gave President Obama and other Democrats in the 2012 elections and concerned that the GOP could become

a permanent minority unless it became more supportive of immigration reform. Democrats gleefully made the same point.

No one knows for sure how many illegals, called "undocumented" by their advocates, live or work in the United States. The Pew Research Center, which uses a complex and sophisticated formula that is widely accepted as the most accurate estimate, puts the current number at 11.7 million, nearly a million less than the 2007 peak but higher than a year ago. Immigration flow declined after 2007 because of increased security on the U.S-Mexican border and fewer U.S. job opportunities during the Great Recession. It may now be rising again, according to Pew, because of a surge of immigration from poverty-stricken Central American nations and an improved U.S. economy.

Roughly 60 percent of the illegals living in the United States are from Mexico. Many have relatives who were once illegal but are now U.S. citizens or legal residents. In part because of familial ties, a majority of Latinos favor immigration reform, preferably through federal law.

Bird's eye view



Some states had more to lose than others from federal shutdown

Virginia stood to take a bigger financial hit from the federal government shutdown than any other state, according to WalletHub a personal and small business finance Website. WalletHub reached that conclusion after analyzing the shutdown's potential impact on all 50 states and the District of Columbia in seven key areas, including federal workers per capita, federal contract dollars per capita and small business lending per capita. By WalletHub's accounting, Virginia ranks 5th in the number of federal workers and 2nd in the amount of federal contract dollars, as well as 2nd in a third category, veterans per capita. Iowa would have taken the smallest financial hit from the shutdown, according to WalletHub's rankings.



A comprehensive federal immigration reform bill seemed in sight this summer when prominent Republicans led by Sen. Marco Rubio of Florida backed bipartisan legislation to ease the path to citizenship while enhancing border security. This bill cleared the Senate on June 27 by a 68-32 vote but has bogged down, like much else, in the Republican-controlled House.

Meanwhile, states have been busy. According to a recent report from the National Conference of State Legislatures based on State Net data, legislatures in the first six months of 2013 enacted 146 laws and 231 resolutions on immigration, more than in the entire year of 2012. Not all of these laws made life easier for illegal immigrants. For instance, 10 states tightened employment rules in ways that could make it more difficult for illegals to find work. Georgia, at the other end of the spectrum from California in welcoming immigrants, now prevents people who are in the country illegally from obtaining public housing, driver's licenses, state grants and loans.

But many of the new laws are beneficial to immigrants, such as the measures allowing illegals to receive in-state college tuition. Seven states enacted measures making it easier for pregnant women and children of illegals to receive health care.

The resolutions, while not having the force of law, are instructive about GOP concerns about being perceived as anti-immigrant. Texas, where Republicans control the Legislature, passed 96 resolutions commending the contributions of immigrants or immigrant organizations. Many of the 231 resolutions approved in 30 other states, most also GOP-controlled, singled out immigrants for praise.

California, with a budget larger than all but six nations in the world, is in many ways a nation-state with its own set of priorities. From territorial days until late in the 20th century the Golden State often stigmatized non-white immigrants, starting with Mexicans who were a majority when California achieved statehood in 1850 and continuing with subsequent waves of Chinese, Japanese, and Filipinos who were imported as agricultural or railroad workers. Politicians of all stripes claimed immigrants worked so cheaply that they reduced the wages of American workers.

While that accusation still pops up every now and again, the more persistent complaint about illegals is that they are a drain on public services. In 1994, this concern led to Prop 187, a California ballot initiative aimed at denying health and education benefits to illegal immigrants. Republican Gov. Pete Wilson, running for re-election, endorsed the initiative in a TV commercial showing Mexicans streaming across the border as a voice-over fearfully intoned: "They keep coming."

Prop 187 was overwhelmingly approved by the voters although most of the measure was subsequently invalidated by the courts. Wilson was re-elected. Defending his support of Prop 187, Wilson said that illegals did in fact keep coming to California and continued to do so until the Great Recession. According to the Pew Center estimates, California now has 3.5 million illegal immigrants, about 30 percent of the nation's total.



But there has been a huge turnaround in attitudes in the Golden State, which has become a virtual sanctuary for illegal immigrants. It is a change reflective of demography. Latinos, 14 million strong, are 39 percent of California's population, the same percentage as non-Hispanic whites. Many Latinos are too young to vote or uninterested in politics. Even so, Latinos constituted about 20 percent of the electorate in the 2012, and Latino turnout increases election by election. Sixty-three percent of Latinos are registered Democratic compared to only 17 percent Republican and 17 percent independent. The political preference of Latinos is a major reason Democrats command a super-majority in the Legislature and hold every statewide office.

Democrats expressed their appreciation to the Latino community in the 2013 legislative session by passing 11 bills that make life easier for immigrants. Brown signed all but one of them: a bill permitting illegals to serve on juries that the governor decided went a bridge too far. Major bills signed by Brown allow illegals to obtain drivers' licenses, pay in-state tuition at state universities and colleges and be licensed as lawyers. Other measures restrict the fees of those who help illegals gain legal status, make it a crime for employers to "induce fear" by threatening to report an employee's immigration status and pay overtime to illegals working more than nine hours a day.

One of the most significant — and controversial — new measures is the Trust Act, which protects undocumented immigrants who are detained by police from being routinely turned over to U.S. immigration authorities for deportation. They will be turned over under the new law only if accused of a violent felony or sex crime. The federal government is supposed to deport only illegals who have committed serious crimes but last year in California alone sent back 100,000 persons, mostly to Mexico, many of whom were detained for minor offenses.

Last year Brown vetoed a more expansive version of the Trust Act at law enforcement request. This time the law, which largely follows the existing practice of the Los Angeles Police Department, had backing from several law enforcement jurisdictions. Police object to the practice of routinely turning persons they detain to federal immigration authorities because they say this policy reduces public cooperation in communities with large numbers of immigrants.

Even so, the law is unpopular with many conservatives. Republican Assemblyman Tim Donnelly contended that the measure should be called the Anti-Trust Act because it erodes faith between local and federal law enforcement officials.

Overall, the mostly Republican opposition to the measures benefiting illegals has been respectful in contrast to the immigration-bashing once common in California. Rocky Chavez, a Republican assemblyman from northern San Diego County, says that the spate of measures approved by the Legislature could weaken the desire of

Upcoming stories

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

- Immigration
- Year end reviews
- Health reform

illegals to become U.S. citizens. “Once we erase all these distinctions, what’s next?” Chavez told the *New York Times*. “What is going to convince someone that it’s essential to get citizenship?”

State concessions to illegals in California and elsewhere have not eliminated the need for action by the federal government, which alone has the power to provide a path to citizenship for illegals living in the United States. Twenty-four states this year passed resolutions urging Congress to act on immigration reform. Businesses would like a standard national rule under the e-verify system for determining if employees are legal residents. Growers, particularly in the West, want a guest-worker program that would give them a dependable labor supply at harvest time.

But with Congress in seemingly perpetual gridlock, many states believe they cannot afford to wait until the House gets its act together to do what they can on immigration reform. In Gov. Brown’s words, while Washington waffles, states are moving ahead.

— *By Lou Cannon*

Budget & taxes

NV UPPING ANTE ON MEDICAL MARIJUANA: In 1931 the Nevada Legislature passed “The Wide Open Gambling Bill,” which helped turn a nascent industry into a cornerstone of the state’s economy. This past June the state passed a law that could do the same for another budding industry: medical marijuana.

“It exceeds our wildest dreams,” said Sen. Tick Segerblom (D), a sponsor of the law legalizing medical marijuana dispensaries in the state.

Nevada voters amended the state Constitution to legalize medical marijuana a decade ago. But the new law authorizes the state to issue a limited number of licenses for marijuana dispensaries that will enable people to get their medicinal pot in a convenient and legal way. With medical marijuana already a multi-million dollar business in the state, the new law is sparking a lot of interest from potential investors.

“When we wrote this law, we said we wanted to make it attractive commercially so that people with money and resources will come here and fight for these licenses,” said Segerblom. “They’re coming here in droves.”

Some big-money lawyers in the state are reportedly charging as much as \$100,000 to prepare the required medical marijuana establishment application.

“People are kind of shopping for consultants,” said Lisa Mayo-DeRiso, a Las Vegas-based consultant. “A guy [called and] said ‘I got your number and we have half a million dollars and we’re looking to get an application.’”

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“A lot of people see this as a cash cow,” said Peter Krueger, president of the Nevada Medical Marijuana Association. “I’m not so sure if it’s a cash cow when government gets through with it.”

But Mayo-DeRiso said crafting regulations shouldn’t be a problem for her state, which has been so successful in regulating the gaming industry.

“We are the privileged license capital of the world,” she said. “We know how to monitor privileged licenses, so we actually should be really good at this.” (LAS VEGAS SUN, STATE NET)

STATES DEBATE BENEFIT OF RED-LIGHT CAMERAS: Communities in 24 states now have at least one red-light camera, according to the Governors Highway Safety Association. But whether those cameras have made the communities’ intersections safer — or just made their respective state’s and cities’ coffers fuller — is a subject of debate.

A 2003 survey by the National Cooperative Highway Research Program found that the number of red-light running violations and accidents decreased in a majority of jurisdictions where red-light cameras were installed. But more recent research from

Texas A&M’s Transportation Institute found that when red-light cameras were installed at intersections where drivers frequently run red lights, the number of right-angle crashes declined but the number of rear-end collisions — from drivers stopping short to avoid a violation — went up. When cameras were placed at intersections where red-light violations were infrequent, the Texas

A&M researchers found, the number of rear-end collisions rose while the number of other kinds of accidents remained unchanged. A seven-year study of red-light cameras in northern Virginia produced similar results.

The amount of revenue the cameras have generated for some state and local governments, meanwhile, has shot up. Florida, for instance, collected \$52 million from red-light cameras installed in 76 jurisdictions across the state in fiscal year 2013. That figure is roughly three times what the state collected in 2011.

“Three years ago, these red-light cameras were pitched as safety devices,” said Florida Sen. Jeff Brandes (R), who has proposed a state ban on the cameras. “Instead, they’ve been a backdoor tax increase.”

Richard Ashton of the International Association of Chiefs of Police said much the same thing in a recent issue of *Police Chief* magazine.

“Redlight cameras should be implemented only to benefit public safety,” he stated. “Unfortunately, too many jurisdictions have obtained red-light cameras to generate revenue.”

But apparently a lot of people like the cameras. A 2011 poll conducted by the Insurance Institute of Highway Safety found that two-thirds of drivers in 14 major cities

“A lot of people see this as a cash cow. I’m not so sure if it’s a cash cow when government gets through with it.”

with cameras supported them. And last year, voters in Longview, Washington, and Pohatcong, New Jersey rejected ballot measures seeking to remove red-light cameras.

Nevertheless, opposition to the cameras appears to be on the rise. Nine states have already banned them, and lawmakers in Ohio are considering doing the same. Colorado, Iowa and New Jersey also considered bans this year, but all of those efforts fell short.

Researchers at Virginia Tech have proposed an alternative to the cameras: longer yellow lights. They have found that increasing the length of a yellow light by as little as a half-second can reduce the number of accidents at an intersection significantly.

Charles Territo, a spokesman for American Traffic Solutions, however, suggests there's a simpler solution than that.

"There are any number of excuses individuals will use to explain why they break the law," he said. "But at the end of the day, there is no revenue generated from red-light safety cameras if drivers obey the law and stop on red." (STATELINE.ORG, FEDERAL HIGHWAY ADMINISTRATION SAFETY PROGRAM)

KY, MI & WV TO BENEFIT MOST FROM ACA: Residents of Kentucky, Michigan and West Virginia will benefit more from the Affordable Care Act than those of any other state, according to a study by the Robert Wood Johnson Foundation. Eighty-one percent of currently uninsured residents of those three states will receive some sort of financial assistance in obtaining health insurance either via Medicaid or tax subsidies, the study found.

"This is not small news," said Brandon Merritt, a health policy analyst for the West Virginia Center on Budget and Policy. "Currently, there are an estimated 270,000 West Virginians without health insurance. Based on this report, around 219,000 of them will qualify for assistance, which is a pretty big deal since cost is overwhelmingly the number one reason why the uninsured don't have health coverage."

The study found that states like West Virginia that opted to expand Medicaid will see the biggest benefit from the ACA. An estimated 159,000 of that state's uninsured will become eligible for insurance through Medicaid expansion.

Conversely, nine Southern states, from Virginia to Texas, will benefit the least from the ACA because those states chose not to expand Medicaid. Only 34 percent of Texas' currently uninsured will receive any assistance under the ACA, for instance.

"The share of the uninsured that is eligible for assistance programs is heavily dependent on a state's decision whether to expand Medicaid eligibility," the study concluded. (CHARLESTON GAZETTE)

BOON FOR SOME STATES IN SHUTDOWN/DEBT LIMIT BILL: There are goodies for a few states tucked away in the bill Congress approved last week ending the federal fiscal crisis. For instance, there's a provision raising the limit on the amount the government can spend to upgrade a lock on the Ohio River between

Illinois and Kentucky from \$775 million to \$2.9 billion. And there's language raising the usual \$100 million limit on Federal Highway Administration emergency highway aid to \$450 million for Colorado.

Although the Ohio River lock straddles states represented by two of the most powerful members of the U.S. Senate, Minority Leader Mitch McConnell (R-Kentucky) and the chamber's No. 2 Democrat Richard Durbin (D-Illinois), the provision upping the spending limit for the lock's renovation evidently wasn't inserted into the bill to curry the favor of the two lawmakers. President Barack Obama requested the project in his budget this year and it has also been included in House and Senate water bills this year, according to aides of U.S. Sens. Lamar Alexander (R-Tennessee) and Dianne Feinstein (D-California), the leaders of a Senate Appropriations subcommittee with oversight of water projects.

"This is not an earmark," said Senate Majority Leader Harry Reid (D-Nevada), who co-engineered the shutdown/debt limit deal with McConnell.

The money for Colorado, meanwhile, is intended to help the state rebuild the 200 miles of roads and 50 bridges destroyed by the catastrophic floods there last month.

On the whole, though, the 35-page federal spending bill had only a handful of such narrowly targeted provisions, unlike the earmark-filled spending bills of just a few years ago. (ABC NEWS)

BUDGETS IN BRIEF: Food stamp recipients in 17 states from **ALABAMA** to **CALIFORNIA** temporarily lost the ability to use their food stamp cards this month, after a routine test of backup systems by Xerox triggered technical problems that shut down the states' electronic benefit transfer systems (ASSOCIATED PRESS, PENNLIVE.COM)

— *Compiled by KOREY CLARK*

Upcoming elections

(10/18/2013 - 11/8/2013)

10/19/2013

Louisiana Special Election

US House (Congressional District 5)

10/22/2013

Iowa Special Election

House District 33

Wisconsin Partisan Primary

Assembly Districts 21 and 69

10/29/2013

South Carolina Special Election

House District 93

11/05/2013

Alabama Special Runoff

US House (Congressional District 1)

Georgia Special Election

House Districts 100, 104 and 127

Senate District 14

Massachusetts Special Election

Senate 2nd Hampden and Hampshire

Michigan Special Election

House District 49

Mississippi Special Election

House Districts 5, 55, 110

New Hampshire Special Election

House Hillsborough 35 (Nashua Ward 8)

New Jersey General Election

Assembly (All)

Senate (All)

Constitutional Officers: Governor,
Lieutenant Governor

New York Special Election

Assembly Districts 53 and 86

Texas Special Election

House District 50

Virginia General Election

House (All)

Constitutional Officers: Governor,
Lieutenant Governor,
Attorney General

Washington General Election

Senate Districts 7, 8, and 26

Politics & leadership

FEDERAL FISCAL CRISIS OVER — FOR NOW: Last week, 16 days into the federal government shutdown and only hours away from a possible federal default with potentially global economic repercussions, Congress passed and President Obama signed an agreement ending the fiscal crisis.

U.S. Senate Majority Leader Harry Reid (D-Nevada) and Minority Leader Mitch McConnell (R-Kentucky) announced the deal on the Senate floor last Wednesday after the House failed to come up with its own proposal. And the Senate deal's approval was eased when U.S. Sen. Ted Cruz (R-Texas), one of the tea party-backed Republicans who'd initially forced the government shutdown by bringing the Affordable Care Act into the negotiations over government funding, said he would not use procedural moves to delay a vote.

"I have no objections to the timing and the reason is simple," Cruz said. "There's nothing to be gained from delaying this vote one day or two days."

The Senate proceeded to pass its bipartisan bill 81 to 18, and the House followed suit a few hours later, with a 285 to 144 vote. The president signed the measure early Thursday.

In exchange for the beating they took for their part in the standoff, Republicans gained relatively little: a slight tightening of the income verification requirements

"Goose egg, nothing, we got nothing."

for individuals seeking insurance subsidies under the ACA. They also got a promise that bipartisan talks would be held on long-term tax and spending policies, but Obama had said throughout the standoff he was willing to do that once the government was reopened and the debt ceiling raised.

Consequently, many Republicans conceded defeat.

"We fought the good fight," said Speaker John A. Boehner (R-Ohio) in an interview with a Cincinnati radio station. "We just didn't win."

"Goose egg, nothing, we got nothing," said Representative Thomas H. Massie (R-Kentucky).

But some tea-party Republicans were less contrite.

"Unfortunately, the Washington establishment is failing to listen to the American people," said Sen. Cruz as he was leaving a meeting of his caucus called to ratify the agreement.

U.S. Rep. John Fleming (R-Louisiana), meanwhile, considered the outcome of the two-week standoff an acceptable "stalemate." Republicans failed to delay or defund Obamacare, he said, but Democrats didn't succeed in rolling back the sequestration cuts they oppose either.

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And U.S. Rep. Tim Huelskamp (R-Kansas) said Republicans had “lost the battle, but we’re going to win the war.”

It was just that sentiment of never-ending conflict that Michigan Gov. Rick Snyder (R) decried last Thursday, saying “fighting has replaced serving the people as the top priority in Washington.”

“This is a fundamental failure of our political culture,” he said in a statement. “If the shutdown had continued and the nation gone into default, the people in need are the ones who would have paid the highest price.”

“All this does is delay this fight four months.”

With last week’s agreement only funding the federal government through mid-January and raising the debt ceiling until Feb. 7, the next battle of the war in Washington could come as soon as early next year.

“All this does is delay this fight four months,” said U.S. Rep. Mo Brooks (R-Alabama). (NEW YORK TIMES, REUTERS, YAHOO NEWS, MLIVE.COM)

CO GOV WARNS GUN-CONTROL GROUPS AWAY FROM RECALL:
Democrats only have a one-seat majority in the Colorado Senate thanks to the recalls last month of Democratic Sens. John Morse and Angela Giron over their support of gun control legislation passed in the state earlier this year. Millions of dollars from groups and individuals outside the state’s borders — including the National Rifle Association and New York Mayor Michael Bloomberg — flowed into those races.

But last week Colorado Gov. John Hickenlooper (D) told *USA Today* that national gun-control groups might want to consider staying out of the recall campaign now under way to remove another Democrat who helped pass the gun-control legislation, Sen. Evie Hudak.

“Colorado is a state that people like to be themselves and solve their own problems,” Hickenlooper said. “They don’t really like outside organizations meddling in their affairs, and maybe the NRA gets a pass on that.”

He added that it’s “probably not a bad idea” for gun control groups like New York Mayor Michael Bloomberg’s Mayors Against Illegal Guns to be less active in the Hudak recall.

Hickenlooper said “it’s probably 50-50” that the organizers will collect enough signatures to force a recall of Hudak anyway. But he also said “I didn’t think they’d get enough signatures for the first two,” meaning Morse and Giron. (DENVER POST)

CA DIDN’T ENTIRELY LIVE UP TO LIBERAL REPUTATION IN 2013:
California passed plenty of laws this year that will do nothing to tarnish the state’s reputation as a bastion of liberalism, including those allowing illegal immigrants to obtain driver’s licenses and practice law; raising the state’s minimum wage to \$10 an hour, the highest rate in the nation; and increasing access to abortions. But not all

of the state's legislative accomplishments were so left-leaning, thanks largely to the state's Democratic governor, Jerry Brown.

For instance, Brown gave the National Rifle Association seven of the 11 vetoes it sought, including that of a controversial bill banning all semi-automatic rifles with removable magazines. (See *Governors* in this issue for more on how Brown addressed the wealth of firearm-related bills California lawmakers put forth this year.) The governor also drew the ire of environmentalists by signing a bill to regulate instead of ban fracking. And he approved only one of 38 bills deemed "job killers" by the California Chamber of Commerce, the minimum wage hike.

"We saw Jerry Brown this year weave a very cautious path, carefully picking and choosing his battles," said Bruce Cain, a professor of political science at Stanford University. (SAN JOSE MERCURY NEWS)

POLITICS IN BRIEF: The **ILLINOIS** Supreme Court has agreed to consider Gov. Pat Quinn's (D) appeal of a lower court's ruling that his veto of money for lawmakers was unconstitutional. The governor vetoed the money for lawmakers' salaries in July in an effort to get them to address the state's nearly \$100 billion pension crisis (ASSOCIATED PRESS, ABCLOCAL, STATE NET). • A group of **CALIFORNIA** mayors has filed a statewide ballot initiative to enable state and local governments to fix the state's unsustainable public employee retirement plans. The Pension Reform Act of 2014 would amend the state's Constitution to grant the government agencies the authority to negotiate changes to existing employees' pension and retiree health benefits (REFORMPENSIONS2014.COM). • The U.S. Supreme Court heard oral arguments last week in *Schuette v. Coalition to Defend Affirmative Action*, a challenge to **MICHIGAN**'s 2006 voter-approved initiative banning racial preferences in admissions to the state's public universities. The case comes a decade after the high court's landmark ruling in *Gratz v. Bollinger* striking down the point system used by the University of Michigan for undergraduate admissions, which took race into account (NEW YORK TIMES).

— Compiled by KOREY CLARK

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: 0

Number of 2014 Prefiles last week: 145

Number of Intros last week: 338

Number of Enacted/Adopted last week: 218

Number of 2013 Prefiles to date: 27,041

Number of 2014 Prefiles to date: 1,622

Number of 2015 Prefiles to date: 21

Number of 2013 Intros to date: 131,144

Number of 2013 Session Enacted/Adopted overall to date: 38,561

Number of bills currently in State Net Database: 149,541

— Compiled By FELICIA CARILLO
(measures current as of 10/18/2013)
Source: State Net database

Governors

INSLEE FLOATS WA CAP-AND-TRADE PLAN: Washington Gov. Jay Inslee (D) said the Evergreen State should consider the implementation of a cap-and-trade program as part of a wide ranging plan to reduce its production of greenhouse gas emissions that have been linked to global climate change.

Inslee made his suggestions to the Washington State Climate Legislative Executive Workshop, a task force lawmakers created this year to help the state reach ambitious reduction goals it adopted in 2008. Those goals include cutting greenhouse gas emissions to 1990 levels by 2020, 25 percent less than 1990 levels by 2035 and 50 percent less by 2050. But those objectives currently remain only that — goals with no measurable programs in place to ensure they are reached.

Inslee hopes to change that. The cap-and-trade proposal was one of a half dozen he floated, saying he wanted “a belt-and-suspenders, economy-wide approach to capping emissions in this state.” He also proposed limiting the carbon content of fuels sold in the state, phasing out coal-fired power plants and making buildings more energy efficient. He also wants each option to be accompanied by a realistic estimate of how much carbon emissions it will trim from the state’s long-range greenhouse-gas picture.

“We’re going to look for the single most cost-effective way of doing this,” he said. “Failure is not an option to meeting these legislatively mandated goals.”

Republican lawmakers on the panel were not as enthusiastic. Sen. Doug Erickson (R) warned that the governor’s plan would drive businesses out of state, and suggested that renewed use of nuclear power would have to be included in any long-term suite of emissions-reduction programs. He also said that each potential regulation or program should also include an estimate of how much it will cost to implement.

“How do we address for Washington state going it alone on certain issues in terms of the economic impact to manufacturing, job base and agriculture?” he asked.

The group is expected to have final recommendations ready for lawmakers by December. (NORTHWEST PUBLIC RADIO, OLYMPIAN, SEATTLE WEEKLY)

HERBERT NAMES ‘ACTION TEAM’ TO FIGHT DIRTY AIR: Utah Gov. Gary Herbert (R) announced the creation last week of a new working group tasked with devising solutions to the Beehive State’s persistent air pollution problems. The 38-member panel, dubbed the Clean Air Action Team, will have until the end of 2014 to work out “practical and effective strategies to improve Utah’s air quality,” Herbert said. The team includes members from a wide spectrum of philosophies, including health care providers, business interests, environmentalists, lawmakers and academics. Herbert said he wanted the team to be diverse to ensure all possible ideas are considered.

“This isn’t a matter of feel-good stuff, but getting results,” Herbert told reporters at a press event at the Capitol last Tuesday. “There are no possible solutions that won’t be reviewed. There are no sacred cows.”

Utah, and the Salt Lake Valley in particular, has endured some of the nation’s worst smog periods in recent years, often falling out of compliance with federal limits on fine particulate in the air. Even falling out of compliance just 5 percent of the time

“This isn’t a matter of feel-good stuff, but getting results.”

has created serious problems in and around Salt Lake City, where winter inversion layers have often created a thick brown cloud that stubbornly lies near ground level, practically obscuring buildings and forcing many residents to stay inside for days at a time.

“We want to meet the standard 100 percent of the time,” he said. “One day of bad air is one day too many. We are not going to be just ‘good enough.’”

Herbert’s announcement came on the same day the state Division of Air Quality hosted a public hearing on its plan to curb wintertime air pollution. Utah has until 2019 to come into compliance with federal clean air standards in several counties the federal government has designated as being in “non-attainment.” That plan calls for dozens of new regulations aimed at curbing emissions from homes, cars and businesses. The plan is open to public input until the end of October. (SALT LAKE TRIBUNE, DESERET NEWS [SALT LAKE CITY], UTAH GOVERNOR’S OFFICE)

BROWN SIGNS, VETOES FLOOD OF GUN BILLS: The horrific shooting deaths of dozens of students and teachers at a Connecticut school last December sparked a flood of new gun control measures this session from lawmakers across the country in California. Last week, Gov. Jerry Brown (D) addressed those bills, signing 11 into law and vetoing seven.

Among those garnering his favor were: AB 48, which makes it illegal to buy kits to convert guns into assault-style weapons and requires ammunition sellers to record the identification of the buyer and report the sale to the state; AB 500, which allows the state Department of Justice to extend the waiting time for gun purchases if the required background check can’t be completed within 10 days; AB 170, which mandates that assault weapon permits be issued only to individuals, not partnerships, corporations or other groups; and SB 683, a bill that requires buyers of rifles and shotguns to pass a written firearm safety test and obtain a certificate, in the manner that handgun purchasers must. Brown also signed AB 711, a bill that phases in a ban on hunters using lead-based ammunition, which critics contend poisons wildlife that feed on carcasses of animals hunters leave behind after a kill.

Brown’s vetoes included SB 374 from Senate pro Tem Darrell Steinberg (D), a bill that would have closed a loophole in the state’s assault weapons ban by requiring fixed magazines on all center fire semi-automatic rifles purchased, sold or manufactured in California beginning in 2014. Steinberg expressed disappointment

at the veto, noting in a statement that “more than 1,100 Californians have been killed by continuing gun violence” since the Newtown, Connecticut shooting. He also noted Brown’s complaint that the bill went too far, saying “aggressive action is precisely what’s needed to reduce the carnage in our communities, and to counter the equally aggressive action by the gun industry which is intent on exploiting loopholes in our existing ban on assault weapons.”

Brown also vetoed SB 299, which would have required gun owners to report a gun theft or loss to police within seven days of knowing about it; AB 169, a measure that would have tightened exemptions to the law prohibiting purchase of handguns that haven’t been tested and deemed safe by the state; and SB 567, which would have updated the definition of an illegal shotgun to include one with a revolving cylinder and a rifled bore. (SAN JOSE MERCURY NEWS, STATE NET, CALIFORNIA GOVERNOR’S OFFICE, CALIFORNIA SENATE PRO TEMPORE’S OFFICE, SAN FRANCISCO CHRONICLE)

GOVERNORS IN BRIEF: Faced with a large backlog of clemency petitions, **ILLINOIS**, Gov. Quinn (D) last week announced decisions on 189 pending requests, granting 65 and denying 124. Quinn has addressed over 2,600 clemency petitions since coming into office in 2009, many left behind by his predecessor, impeached and now-imprisoned Gov. Rod Blagojevich (D). In all, Quinn has granted 990 requests and denied 1,650 (CBSLOCAL.COM [CHICAGO]). • **NEW HAMPSHIRE** Gov. Maggie Hassan (D) said she will call lawmakers into special session in early November to decide whether the state will expand Medicaid eligibility to low-income adults making up to 138 percent of the federal poverty level. The state Commission to Study Medicaid Expansion unanimously approved that recommendation last Tuesday, contingent upon federal officials approving the use of federal Medicaid expansion funds to pay for enrolling newly-eligible residents into private insurance plans. That would require obtaining a waiver from the Obama administration (UNION LEADER [MANCHESTER]). • **PENNSYLVANIA** Gov. Tom Corbett (R) signed legislation last week that renews the Keystone State’s Children’s Health Insurance Program and eliminates a six-month waiting period for enrollment (PITTSBURGH POST-GAZETTE).

— Compiled by *RICH EHISEN*

The week in session

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

States in Special Session: AR “a”, DE “b”, WI “a”

States in Recess: WI, 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, OR “a”, RI, SD, TN, TX, TX “a”, TX “b”, TX “c”, UT, UT “a”, UT “b”, UT “c”, VA, VA “a”, VA “b”, VT, WA, WA “a”, WA “b”, WV, WV “a”, WV “b”, WY

States currently prefilng for 2014 Session: AL, CO, FL, KY, KS, ME, NH, TN, WY

States currently prefilng for 2015 Session: MT

Letters indicate special/extraordinary sessions

— Compiled By FELICA CARILLO
(session information current as of 10/18/2013)
Source: State Net database

Hot issues

BUSINESS: The **WISCONSIN** Senate approves AB 61, which would allow liquor retailers to sue underage buyers if that person used a fake identification to make the purchase. The bill moves to Gov. Scott Walker (R) for review (MILWAUKEE JOURNAL-SENTINEL). • Also in **WISCONSIN**, the Senate unanimously approves AB 350, a bill that would allow Badger State businesses to solicit small investments through Internet crowdfunding sites like Kickstarter. It moves to Gov. Walker (MILWAUKEE JOURNAL-SENTINEL). • **CALIFORNIA** Gov. Jerry Brown (D) signs SB 7, which allows the state to withhold public funds from charter cities that do not agree to pay prevailing wage for local public works projects (CALIFORNIA GOVERNOR'S OFFICE). • Gov. Brown vetoes AB 1229, which would have required **CALIFORNIA** developers to establish inclusionary housing requirements, such as low-income units, as a condition of development (CALIFORNIA GOVERNOR'S OFFICE). • Also in **CALIFORNIA**, Gov. Brown vetoes two telecommunication measures: AB 300, which would have created a new system for retailers to collect fees on prepaid cell phone minutes from purchasers, and AB 1409, which would have limited the power of state regulators to adopt new rules for the LifeLine subsidized phone service program provided by cable companies (LOS ANGELES TIMES). • Gov. Brown also signs SB 400, which bars **CALIFORNIA** employers from firing or "in any manner discriminating or retaliating against an employee because of the employee's status as a victim of domestic violence, sexual assault, or stalking"(STATE NET, CALIFORNIA GOVERNOR'S OFFICE). • Gov. Brown vetoes AB 855, which would have required the **CALIFORNIA** Department of Human Resources to reinstate state government employees terminated for being absent without leave if their dismissal came before they were gone for at least five days (SACRAMENTO BEE). • Gov. Brown also vetoes SB 467, which would have required **CALIFORNIA** law enforcement officials to obtain a search warrant in order to get the contents of electronic communications from an Internet or online service provider (CALIFORNIA GOVERNOR'S OFFICE, STATE NET).

CRIME & PUNISHMENT: The Supreme Court of the United States refuses to hear an appeal from **CALIFORNIA** Gov. Jerry Brown (D) to overturn a lower court's directive to cull the Golden State prison inmate population to 137.5 percent of capacity by Jan. 27. The high court issued its decision without comment. The federal three-judge panel that issued the original order recently gave the state a one-month extension so it could negotiate a long-term inmate population reduction plan with inmate plaintiffs (ASSOCIATED PRESS). • **CALIFORNIA** Gov. Brown vetoes SB 131, which would have given some victims of childhood sexual abuse more time

to file lawsuits against their abusers (STATE NET, CALIFORNIA GOVERNOR'S OFFICE). • Still in **CALIFORNIA**, Gov. Brown signs SB 57, a bill that requires paroled sex offenders who cut off their ankle-mounted GPS monitoring devices to serve 180 days in jail (STATE NET). • **CALIFORNIA** Gov. Jerry Brown (D) signs AB 1131, which extends to five years the period in which a person who has made a serious threat of physical violence against another person or group is barred from possessing a firearm. The law also requires mental health professionals to report knowledge of such threats via electronic transmission to police within 24 hours (STATE NET, CALIFORNIA GOVERNOR'S OFFICE).

EDUCATION: The **WISCONSIN** Assembly approves AB 297, legislation that would alter a Badger State law requiring schools to prove, in the face of a complaint, that their race-based school mascots or team names do not promote discrimination or stereotyping. Under the new bill, complaints about names could be considered only if someone submitted signatures from district residents equal to 10 percent of the student population of the district. The measure moves to the Senate (MILWAUKEE JOURNAL-SENTINEL). • **CALIFORNIA** Gov. Jerry Brown (D) vetoes AB 917, a bill that would have, among several things, required petitions to convert existing public schools to charters to "be signed by a number of nonsupervisory certificated staff and classified employees." Brown said the state's current requirements are already "tough enough" (CALIFORNIA GOVERNOR'S OFFICE, STATE NET). • **CALIFORNIA** Gov. Jerry Brown (D) signs AB 955, which allows six of the state's community colleges to offer courses during the short summer and winter sessions at inflated prices (SAN FRANCISCO CHRONICLE).

ENERGY: The **CALIFORNIA** Public Utilities Commission unanimously approves first-in-the-nation rules that require Golden State utilities to collectively buy more than 1.3 gigawatts of energy storage by 2020, enough to power almost a million homes (SAN JOSE MERCURY NEWS). • **CALIFORNIA** Gov. Jerry Brown (D) vetoes SB 804, which would have expanded the existing definition of biomass conversion to include non-combustion thermal, chemical or biological processes (CALIFORNIA GOVERNOR'S OFFICE). • Gov. Brown signs AB 1257, which requires the **CALIFORNIA** Energy Commission, concurrent with the preparation of its biennial integrated energy policy report, to identify strategies to maximize the benefits obtained from natural gas as an energy source (STATE NET, CALIFORNIA GOVERNOR'S OFFICE).

ENVIRONMENT: The U.S. Supreme Court agrees to hear a challenge to a lower court's ruling that granted the federal Environmental Protection Agency power over regulating greenhouse gas emissions. The high court accepted six cases seeking to limit the EPA's control over emissions from sources like power plants, factories

and refineries. The six cases will be rolled into one, which will consider the question of whether the EPA's regulation of motor vehicle emissions automatically grants it the same permitting requirements for stationary sources (USA TODAY). • **CALIFORNIA** Gov. Jerry Brown (D) signs AB 711, which gradually phases in a ban on Golden State hunters using lead-based ammunition. State game officials must develop official regulations by July 1, 2015, with a ban in place by July 1, 2019 (CALIFORNIA GOVERNOR'S OFFICE). • Gov. Brown also signs AB 1213, which bans the commercial trapping of bobcats on land adjacent to national or **CALIFORNIA** state parks, national monuments or wildlife refuges (CALIFORNIA GOVERNOR'S OFFICE).

In case you missed it

Voters in a half dozen states will weigh ballot measures in November, including efforts to label GMO foods, grow gambling and hit newly-legal pot with big-time taxes.

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

http://www.statenet.com/capitol_journal/10-12-2013/html#sncl Spotlight

HEALTH & SCIENCE: **CALIFORNIA** Gov. Jerry Brown (D) vetoes SB 598, a bill that would have allowed generic “biosimilar” drugs to be substituted by pharmacists if the Food and Drug Administration deemed the drugs interchangeable with the reference products. Brown called the measure “premature” (CALIFORNIA GOVERNOR'S OFFICE).

IMMIGRATION: **CALIFORNIA** Gov. Jerry Brown (D) signs AB 263, which prohibits employers from retaliating against immigrant workers who protest unfair conditions (CALIFORNIA GOVERNOR'S OFFICE). • Still in **CALIFORNIA**, Gov. Brown vetoes SB 516, which would have required foreign labor contractors to be registered with the state. Brown said the program's costs would exceed revenue raised through registration and filing fees (CALIFORNIA GOVERNOR'S OFFICE).

SOCIAL POLICY: The **NEW JERSEY** Supreme Court agrees to direct certification of Gov. Chris Christie's (R) appeal of a Superior Court's ruling that overturned the Garden State's ban on same-sex marriage. The decision means the court will hear Christie's appeal without it first going through an Appellate Court review. The court is expected to hear oral arguments in January (LAW 360 [LEXISNEXIS]). • **OREGON** officials announce that the state will recognize the validity of same-sex marriages performed in other states where such unions are legal. An initiative to overturn the Beaver State's constitutional ban on same-sex marriage is expected to be on the ballot in November, 2014 (CORVALLIS GAZETTE-TIMES). • The **MICHIGAN** Senate approves HB 4952, which would treat a job applicant's refusal to take a pre-employment drug test as a “refused offer of suitable work,” potentially causing them to lose unemployment benefits. The measure returns to the House (MLIVE.COM).

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POTPOURRI: The U.S. Supreme Court refuses to hear a challenge to a **MARYLAND** law that requires applicants for conceal-carry handgun permits to show “a good and substantial reason” why they need to carry a handgun in public. The ruling leaves intact a lower court’s ruling that upheld the law (**BALTIMORE SUN**). • **CALIFORNIA** Gov. Jerry Brown (D) signs AB 48, a bill that bans the sale or possession of conversion kits that allow gun owners to convert weapons to use large-capacity ammunition magazines (**CALIFORNIA GOVERNOR’S OFFICE**). • The **WISCONSIN** Senate approves SB 179, a bill that 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 tenants 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 Gov. Scott Walker (R) for review (**MILWAUKEE JOURNAL-SENTINEL, STATE NET**).

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

HE’S NO ‘GOV. NO’: Last Sunday, California Gov. Jerry Brown addressed the last of almost 900 bills produced by Golden State lawmakers this year. Of those, he signed 800, giving him a grand total of 13,299 measures he has authorized during his years in the Capitol’s gubernatorial horseshoe, the most of any governor. Brown has also rejected a fair number, 869 to be exact. But as the Sacramento Bee reports, Brown is far off the pace for the most and least bills signed in a single legislative year. The record for the most belongs to Brown’s predecessor, Gov. Ronald Reagan, who inked his name on 1,821 measures in 1971. The most vetoes came courtesy of Gov. George Deukmejian, who rejected 436 bills in 1990. It is not hard to see why Deukmejian was known around the Capitol as “Gov. No.”

AS CAESAR WAS SAYING: Speaking of vetoes, many governors like to explain why they have rejected a bill. Most are brief, rarely more than a paragraph. Imagine our surprise then when California Gov. Jerry Brown’s recently issued veto of SB 131, which would have given some childhood sexual abuse victims more time to sue their assailants, came with a three-page veto message that included references to ancient Roman and English law, including the Limitations Act of 1623. Say what you will about Brown, but you can’t deny he really does give each bill a lot of thought.

And if he makes a rejected bill's author feel a little dumber than him in the process, so much the better.

A ROSE BY AN OTHER NAME: There's a terrible crisis in Washington D.C. these days. Folks on both sides seem intractable, with no easy answer in sight. And no, we're not talking about the ludicrous shenanigans in Congress. The other big question in DC right now is whether the NFL's Washington franchise should drop its longstanding "Redskins" moniker. It's not a new debate but one that has certainly ratcheted up the rhetoric almost on par with the whole budget/debt/ceiling/Obamacare debate. Now, as the *Kansas City Star* reports, PETA — People for the Ethical Treatment of Animals — may have the perfect solution: Washington can keep the name but change the mascot from a depiction of a Native American to a redskin potato! As the group sees it, "When you hear the word 'redskin,' what do you immediately think of? Potatoes, of course!" Oh, if only. But while the *Philadelphia Inquirer* points out that changing the name would spur gobs of new marketing potential, the idea that team owner Dan Snyder would actually rename the team after a root vegetable really is "half-baked."

— *By RICH EHISEN*

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