

Capitol Journal

News & Views from the 50 States

November 24, 2014

Wage Theft



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● The next issue of
● Capitol Journal will be
● available on December 8th.

Top Story

Wage theft is one of the most pervasive crimes in America, one that hits low-wage earners particularly hard. Many states and cities have passed measures designed to stop it, but enforcing those laws is easier said than done.

SNCJ Spotlight

Stopping wage theft easier said than done

When Dana's boss first told her he wanted her to call the staff of their newly-minted medical office in a small California town together for an afternoon meeting, she was in no way prepared for the reason he gave her: that from then on he would not be paying any of them for working overtime. The staff, all hourly workers making \$8 to \$12 per hour, would still be expected to work extra time as needed —



By Rich Ehsen

a regular occurrence in a small office trying to build its patient list — but would not be paid additional for the extra work.

Mike got his first job at 17. It was in fast food, a common inroad to employment for young people. But from day one his employer, who owned a large number of fast food and fine dining restaurants across Northern California, insisted on paying him in cash. The pay envelopes he received contained money and a small note showing the various taxes that had been withheld. Mike was thrilled to have the job and cash was easier for him than running to a bank every time he got paid so he shrugged and went along. But after getting called in to cover shifts for a sick colleague, his pay envelope contained the same amount as always — no extra pay for the additional hours he had worked. The scenario played itself out time and time again. Each time, he asked about it but was never paid. Fearing he would lose his job if he complained too much, he finally just let it go.

Mike and Dana — not their real names, which were withheld at their request — were each victims of what some researchers like the National Employment Law Project believe is one of the costliest and most pervasive crimes in America today: wage theft. It is a crime that has many forms, from those mentioned above to employers intentionally misclassifying workers as independent contractors to avoid paying payroll or workers compensation taxes. Some companies force employees to do many hours of their job off the clock and to work through meal breaks. They might also pay workers less than the minimum or prevailing wage or, in extreme cases, not at all.

While wage theft can impact almost anyone, the vast majority of it occurs in low-wage service-sector industries like agriculture, construction, food service and child care. According to a 2009 study by the National Employment Law Project, wage theft that year among low-wage workers in just the cities of Los Angeles, New York and Chicago totaled almost \$3 billion. Another survey by the Economic Policy Institute released in September of this year estimated that in 2012 there were approximately 292,000 theft crimes committed across the United States, from bank robbery to street muggings. The total value of the cash and property reportedly taken in those crimes was approximately \$341 million. That same year, the reports says, “the total amount of money *recovered* for the victims of wage theft who retained private lawyers or complained to federal or state agencies was at least \$933 million — almost three times greater than all the money stolen in robberies that year.”

The week in session

States in Regular Session: DC, OH, US

States in Informal Session: MA

States in Recess: IL, IN, MI, NJ, NY

Special Sessions in Recess: CA “b”, DE “c”, VA “a”

States currently prefilng for 2015

Session: AR, CO, FL, GA, KS, KY, MT, ND, NV, OK, OR, TN, TX, VA, WY

Adjourned Sessions: AK, AL, AR, AR “a”, AZ, AZ “a”, CA, CA “a”, CO, CT, DE, DE “b”, DE “d”, FL, FL “a”, GA, HI, HI “c”, IA, ID, IL “a”, IL “b”, IN, KS, KY, LA, MD, ME, MN, MO, MS, MS “a”, MS “b”, MT, NC, NE, NH, NJ “a”, NM, NV “a”, OK, OR, PA, PR, PR “a”, PR “b”, RI, SC, SD, TN, UT, VT, WA, WA “a”, WA “b”, WA “c”, WI, WI “c”, WV, WV “a”, WV “b”, WY

Letters indicate special/extraordinary sessions

— Compiled By DENA BLODGETT
(session information current as of 11/18/2014)
Source: State Net database

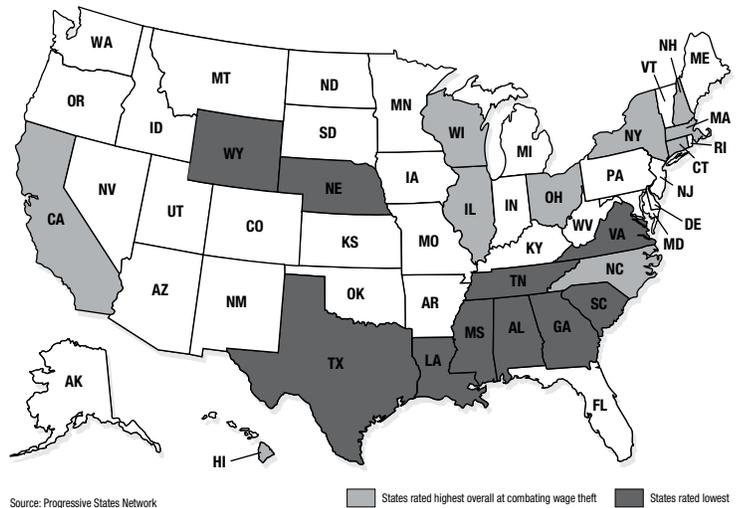
That figure, however, is misleading in two ways. On one hand it does not reflect wage theft recoveries made by state labor departments in six states (Alabama, Arizona, Delaware, Indiana, Louisiana, and Vermont) or by attorneys general in five states (Arizona, Arkansas, Louisiana, New Jersey, and Oklahoma) that did not provide the EPI with data. But wage theft is also vastly underreported, so there are almost certainly many more wage-theft crimes than those numbers would indicate. One reason for this is that victims are often immigrants working on the margins of society. While federal law requires all workers to be paid the wage they have earned

regardless of immigration status, immigrants rarely report what is happening out of fear their employer will turn them in to immigration authorities.

In recent years, state lawmakers have increasingly attempted to do something to stem this tide. Since 2011, several states have adopted measures that bar employers from willfully misclassifying workers or that more clearly define what does and does not constitute an employee rather than a contract worker. Some, such as Colorado, have endorsed measures (SB 5, 2014) that speed up the wage claims process by moving it out of the courts and into the state administrative system instead. In 2011 both New York and California each adopted laws requiring employers to give workers annual written notice of their wage rates, overtime rates and policies and all the names and contact information for the companies' owners and management. That notice must come in both English and the worker's dominant language.

California is one of the several states which have criminalized employee misclassification, with offenders facing significant fines ranging as high as \$25,000 per violation. This year, California Gov. Jerry Brown (D) endorsed another wage theft measure, AB 1897, a bill that holds corporations liable for subcontractors who cheat workers out of their wages or force them to work in unsafe conditions. State Controller John Chiang (D) also got into the act, wielding the Golden State's decades-old unclaimed property law to force companies that have not adhered to court orders to pay wage claims to hand that money over to his agency so it can then pay the proper claimants.

Bird's eye view



State wage theft laws generally 'inadequate'

State laws protecting against wage theft "are almost universally inadequate," according to a 2012 report by the Progressive States Network (PSN) that considered such factors as access to civil litigation, employer record transparency and penalties. Even the states PSN rated highest, New York and Massachusetts, only earned grades in the C range. Meanwhile, 44 states received failing grades.





“We’re using a 55-year old statute to compel immediate payment from unscrupulous businesses that have fleeced their employees of earned wages for years,” Chiang said in a statement.

But not all efforts were as successful. Amidst strong opposition from the business community, including the California Chamber of Commerce, lawmakers ultimately rejected AB 2416, which would have allowed workers to file property liens against employers accused of wage theft. The bill cleared the Assembly but died in the Senate on the last day of the legislative session. Its author, Assemblymember Mark Stone (D), says he has not decided whether to try again next session.

“I’m definitely considering it,” he says, noting that the bill was modeled after a Wisconsin law that has helped Badger State wage theft victims regain around 80 percent of the wages stolen from them. In California, he says, the actual recovery rate is less than 20 percent.

“Nobody, not even the opposition, denies that there is a problem,” he says.

“Ultimately, we believed this was a good way to give employees more power so they could do a bit more self-help.”

“Nobody, not even the opposition, denies that there is a problem.”

Lawmakers and voters alike have also taken another important step to help low-wage workers: increasing the minimum wage. This year 10 states raised their minimum wage legislatively; on Election Day four more states did so via voter-approved ballot measures and another advised the Legislature to take action. But as the residents of Seattle, Washington can attest, raising the wage is one thing; enforcing it is another.

In June the Seattle city council unanimously approved raising the city’s minimum wage to \$15 per hour, the highest in the nation. But because the wage is higher than the state’s minimum and applies only within city boundaries, ensuring that employers actually adhere to the law falls entirely on the city itself. The legislature made wage theft a crime years ago and Seattle followed suit with its own ordinance in 2011, but the city has yet to prosecute a single employer. Police say it is because of a lack of complaints; the state Department of Labor and Industries agrees. But labor advocates return to the argument that many low wage workers fear retaliation if they complain, so most suffer in silence. Wage theft cases can also be tremendously difficult to prove in court, and the process can be very slow. In many cases workers, witnesses and sometimes even the employer simply fall off the radar, having moved on to other jobs or locales.

The city is trying to address all those issues. Seattle is about to become only the second city in the country to establish an agency solely to enforce its labor laws (San Francisco is the other). But advocates balked at Mayor Ed Murray’s initial 2015 budget for that office (about \$500K for 2015 and \$650K for 2016), arguing it was grossly inadequate to fund the necessary outreach and enforcement to ensure employers honor the new wage. The council amended the proposal on Nov. 14 to



add \$1 million to fund community outreach for both employers and workers, and agreed to accelerate the hiring of additional staff. It also increased civil penalties for employers who violate the law, with fines ranging from \$125 for first-time offenders all the way up to \$20,000 for repeat violators. The council casts a final vote this week.

Hillary Stern, executive director of Casa Latina, a Seattle non-profit that advocates for low-wage and immigrant workers, called the additional outreach

“It’s important that we educate workers and employers, but the laws ultimately have to be enforced whether employers understand them or not.”

funding “a good start,” but said the city needs to make a greater effort to go after employers who stiff their workers.

“The city has an obligation to enforce its own laws,” she says. “It’s important that we educate workers and employers, but the laws ultimately have to be enforced whether employers understand them or not.”

Meanwhile, back in California, Dana and Mike have reached some resolution with their employers. In Dana’s case, the staff got together and researched state law regarding overtime pay. They collectively approached their boss, informing him that what he was proposing was against the law. Chastened, he backed down and agreed to pay them for their overtime hours. In Mike’s case, the law eventually came to him. Within months the restaurant suddenly closed amidst federal charges that the owners had systemically failed to pay the government the very payroll taxes they were taking from their workers. The case is still pending, but like so many other low-wage workers, Mike has simply moved on.

— *By RICH EHISEN*

Budget & taxes

NO MARKETPLACE FAIRNESS ACT THIS YEAR: States hoping for a piece of the estimated \$23 billion-plus a year in uncollected state sales taxes on Internet purchases — at least in the form of the federal Marketplace Fairness Act (MFA) — probably won’t get their wish this year. That bill, which would require online retailers to collect those taxes, passed the U.S. Senate last year on a 69-27 bipartisan vote. But a spokesman for U.S. House Speaker John Boehner (R-Ohio) told reporters this month that the speaker has “significant concerns” about the measure and likely won’t bring it to a vote before the end of the current lame-duck session.



That would mean supporters of the proposal would have to start over with a new Republican-controlled Congress next year. Some of them, such as Washington state Rep. Ross Hunter (D), chief budget writer for his chamber’s Democratic majority, isn’t very encouraged about the bill’s prospects, which he compared to the chances

“We could receive manna from heaven, too. I’m not spending a lot of time planning on it happening.”

of obtaining the source of food God provided to the Israelites in the desert following their exodus from Egypt, according to the Bible and the Quran.

“We could receive manna from heaven, too,” he said. “I’m not spending a lot of time planning on it happening.”

The National Conference of State Legislatures vented its frustration with the news that Congress won’t be acting on the MFA yet again this year in a letter to Speaker Boehner.

“With all due respect, legislation to give states the authority to require the collection of sales taxes by remote sellers has been under review by the Judiciary Committee for more than 12 years and the subject of numerous hearings,” the letter stated. “In this Congress, MFA legislation has sat in the Judiciary Committee for 19 months.... The time for consideration and adoption of this important legislation is now, 12 years of congressional consideration and debate is enough.” (SEATTLE TIMES, POLITICO, STATE NET)

WI PROPOSES TAXING ELECTRIC VEHICLES: Wisconsin Gov. Scott Walker’s administration wants to impose a fee on owners of electric and hybrid vehicles to make up for the gas tax revenue the state isn’t collecting from them. With nearly 47,500 electric and hybrid vehicles on the road in the state — a 1,000 percent increase from the roughly 4,200 in 2005, according to the Wisconsin Department of Transportation’s budget request — the \$50 annual fee would generate millions of dollars a year in revenue for the state.

Environmental groups slammed the idea.

“It’s completely backward,” said Amber Meyer Smith, director of programs and government relations for Clean Wisconsin. “Taxing people for making sustainable choices makes no sense at all.”

Steve Hiniker, executive director of 1000 Friends of Wisconsin, likewise, said, “We’re investing in the past.”

“We’re penalizing people who are trying to do the right thing as we continue to build highways.”

But the DOT contends, “While these vehicles have a positive environmental impact, owners pay little if any motor vehicle fuel tax.”

“This fee will help cover the costs of department functions, including Division of State Patrol enforcement and roadways maintenance, and operations that benefit all vehicle owners.”



The state’s road-building lobby, meanwhile, is one of the most powerful in the statehouse. Between 2011 and this past July, Walker received over \$730,000 in campaign contributions from road builders, while members of the Legislature received nearly \$300,000, according to analysis by the Wisconsin Democracy Campaign.

Upcoming stories

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

- **2015 Legislative preview**
- **State worker exodus**
- **Legalizing pot**

If the state ultimately approves the fee it won’t be the first to do so; Colorado, Nebraska, North Carolina, Virginia and Washington have already imposed fees on drivers of electric vehicles. But Virginia repealed its \$64 fee earlier this year after drivers vehemently protested. If Wisconsin drivers are as resistant to the idea, the state’s DOT has about \$750 million worth of alternative proposals, including collecting odometer readings during annual auto registrations to determine whether to charge a new fee based on the number of miles people drive (LA CROSSE TRIBUNE, MILWAUKEE JOURNAL SENTINEL)

BLEAK BUDGET OUTLOOK FOR PA: Pennsylvania’s Independent Fiscal Office released a budget outlook for the state last week estimating a \$1.85 billion shortfall for the 2015-16 fiscal year. The office’s director, Matthew Kittel, said “non-recurring revenues and one-time costs savings employed in the FY 2014-15 budget contribute significantly to this deficit,” along with rising pension costs.

The state’s fiscal outlook got even worse when Treasurer Rob McCord issued a press release that indicated the state was about to max out the \$1.5 billion line of credit it took out in September to cover basic operating expenses.

“We see a deteriorating financial scenario that casts serious doubt on Pennsylvania’s ability to balance its budget this year,” he said. “The state’s fiscal health remains precarious.”

The state’s incoming governor, Tom Wolf (D) doesn’t seem too optimistic about the state’s financial future either.

“Today’s report showing a multi-billion dollar budget deficit is a stark reminder of the dire fiscal situation my administration will face,” he said in a statement. “As bad as today’s news is, what lies ahead could be worse.”

Presumably he was referring to the fact that \$2 billion in one-time revenue sources included in the current budget are disappearing. But he could just as easily have been talking about the fact that unlike his predecessor Tom Corbett (R), who signed that spending plan into law, he’s going to have to deal with a Legislature that doesn’t share his party affiliation and that has actually shifted further to the right as a result of the Nov. 4 elections. (PHILADELPHIA INQUIRER, NATIONAL CONFERENCE OF STATE LEGISLATURES)



BUDGETS IN BRIEF: After losing its automatic annual funding in a March special session, **WEST VIRGINIA's** Tourism Commission is asking lawmakers to double the state's liquor tax, which has stood at 11 percent for at least 25 years, to provide money for tourism. Forty percent of the new revenue would go toward municipal and county fairs and festivals, with the remaining 60 percent going toward larger operations, under the tourism officials' proposal (CHARLESTON GAZETTE). • **LOUISIANA's** Revenue Estimating Conference is projecting a \$171 million shortfall in the state's current budget, meaning the state will have to make midyear spending cuts. Such cuts have been required six of the last seven years (TIMES-PICAYUNE [NEW ORLEANS]). • **NEW YORK** Assembly Speaker Sheldon Silver (D) has proposed using some of the state's \$5 billion budget surplus for infrastructure projects. The idea could appeal to Gov. Andrew Cuomo (D) and others who have expressed opposition to using the surplus for recurring expenses, such as education (TIMES UNION [ALBANY]). • **MISSISSIPPI** Gov. Phil Bryant's (R) 2016 Executive Budget Recommendation will reportedly include a tax break for residents who earn less than \$53,000 a year. The credit, which would return about \$79 million to those taxpayers next year, would only be provided in years when state revenues are projected to grow at least 3 percent (WASHINGTON POST)

— *Compiled by KOREY CLARK*

Upcoming elections
(11/21/2014 - 12/12/2014)

11/25/2014
Mississippi General Election Runoff
Senate District 17

Texas Special Election
Senate District 8

12/06/2014
Louisiana General Election Runoff
US House (CD 5 and CD 6)
US Senate (Class 2: Landrieu and Cassidy)

12/09/2014
California Special Primary
Senate District 35

Virginia Special Election
House District 4

Politics & leadership

DEMOCRATS' POST-ELECTION 'COMEBACK PLAN': After their miserable showing on Election Day, Democrats "should direct their cash and attentions to state legislatures and state ballot initiatives" instead of just focusing on the 2016 congressional, gubernatorial and presidential elections, according to veteran journalist and syndicated national political columnist Jill Lawrence.

"It's the smart move both psychologically and politically," she said.

Ballot initiatives were the one bright spot for the Democrats in the midterms. Voters in four red states — Alaska, Arkansas, Nebraska, and South Dakota — approved measures increasing the minimum wage, and those in Washington State okayed an



expansion of background checks for gun purchases to include sales online and at gun shows. And neither of those two issues has gone anywhere in the U.S. Senate, despite national polls showing 70 percent of registered voters support raising the minimum wage and 80 to 90 percent support expanding gun background checks.

With the ballot initiative process available in 24 states, “Why not let people vote on whether they want a government-run public option as a choice on the Affordable Care Act (ACA) insurance marketplaces...or the ACA’s voluntary, federally funded expansion of the Medicaid insurance program for low-income Americans?” Lawrence asked. Many of the states most in need of Medicaid expansion haven’t gotten it “because of resistant governors, legislatures or both,” despite the fact that the idea is popular in some of them, she said. A good place to start would be Maine, she added, where the state legislature has approved — and newly re-elected Gov. Paul LePage (R) has vetoed — Medicaid expansion five times.

“Now, doesn’t that sound more fruitful than pointless battles against Republican congressional majorities for the next few years?” she jibed.

The other piece of Lawrence’s advice for Democrats, focusing on state legislative races, she said, “is more of a slog,” because those bodies, “like most of the cities where they meet, are not glamorous.”

“But they are essential to launching and nurturing political talent,” she said.

About half of the next Congress will have served in state legislatures, according to the National Conference of State Legislatures. And a pool of experienced legislators and statewide officeholders is a useful asset in gubernatorial and congressional races.

“But only the GOP has recognized this in an organized fashion,” Lawrence said.

The Republican State Leadership Committee (RSLC) is part of a network that includes groups that focus specifically on secretaries of state, lieutenant governors and state legislators, and it raised about \$26 million this year from donors in every state. The Democrats’ more narrowly focused state legislative campaign committee raised only about a third of that, \$9.3 million.

Lawrence said the Democrats need to start immediately to get solid candidates and issues on state ballots in 2016, when they might receive a boost from the higher and less conservative turnout of a presidential election.

“If any further incentive is needed,” she said, “how about the prospect of a second round of Republican-dominated redistricting after the 2020 census? The last remapping locked in today’s House GOP majority. It’s up to Democrats to unlock it and in the process show the country that they are a capable, competitive party.” (AL JAZEERA AMERICA, STATE NET)

In case you missed it

Republicans won big in Congressional, state legislative and gubernatorial races, but voters also endorsed a number of ballot measures that were decidedly against the GOP grain.

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

http://www.statenet.com/capitol_journal/11-17-2014/html#sncl Spotlight



OH HOUSE SPEAKER PROPOSES

CHANGES TO REMAP PROCESS: Under the political boundaries pushed through Ohio’s General Assembly in 2012 by the Republican majority, that party claimed 12 out of 16 congressional seats, won a record 65 of the 99 seats in the state House, and maintained its solid 23-10 majority in the state Senate on Election Day. But under a pair of resolutions introduced this month by House Speaker Pro Tempore Matt Huffman, minority party leaders would have more of a say in the state’s redistricting process, and both parties would have more incentive to work together.

Currently the state’s congressional districts are drawn and approved by lawmakers, while legislative districts are created by a five-member board composed of statewide officials and lawmakers, only one of whom must be a member of the minority party. Huffman’s measures would require congressional districts to be created by a six-member legislative committee, composed of four members of the majority party and two of the minority party, with the House and Senate appointing three each. Legislative boundaries would be drawn by a seven-member redistricting panel, made up of the governor, secretary of state, state auditor, and one member chosen by each of the legislative leaders from the majority and minority parties. And neither committee could pass a redistricting map without the support of at least one member of the minority-party.

Despite Huffman’s pull, the chances for his measures’ passage are unclear. The General Assembly would have to pass them by a three-fifths vote this year, and then voters would have to approve them in a statewide referendum in 2015. (CLEVELAND.COM, NATIONAL CONFERENCE OF STATE LEGISLATURES)

POLITICS IN BRIEF: The Republicans who now control **NEW MEXICO**’s state legislature for the first time in six decades are suggesting they may use their new power to make their state the 25th in the nation with a right-to-work law, preventing unions from requiring workers to pay dues (WASHINGTON POST). • Due to a large number of district court judges reaching the state’s mandatory retirement age of 70 since **MINNESOTA** Gov. Mark Dayton (D) took office in 2011, he’s managed to appoint 76 judges, which is over 25 percent of the 289 total serving statewide (MINNEAPOLIS STAR TRIBUNE).

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:** 101
- Number of 2015 Prefiles last week:** 486
- Number of Intros last week:** 324
- Number of Enacted/Adopted last week:** 92
- Number of 2014 Prefiles to date:** 21,801
- Number of 2015 Prefiles to date:** 6,401
- Number of 2014 Intros to date:** 85,185
- Number of 2013 Session Enacted/Adopted overall to date:** 40,747
- Number of 2014 Session Enacted/Adopted overall to date:** 28,185
- Number of bills currently in State Net Database:** 174,489

— Compiled By DENA BLODGETT
(measures current as of 11/18/2014)
Source: State Net database

Governors

NIXON NAMES FERGUSON PANEL: Missouri Gov. Jay Nixon (D) named 16 people to a commission he has tasked with developing proposals to combat the underlying social and economic conditions that helped spark a week of rioting in August over the shooting death of an unarmed black teen by a white police officer in the St. Louis suburb of Ferguson. Commission members include a prominent African-American minister and a high profile white businessman, who will serve as co-chairs. Overall, the commission consists of five black men, four black women, five white men and two white women.

“They are tough, they are smart and they are empowered,” Nixon told reporters in revealing the panel’s makeup. “They are also independent.”

Nixon said he has directed the commission to be “tolerant of people’s opinion but insistent on change,” in their pursuit of a path forward for the region.

“Clearly we live in a society where there are existing inequalities. This presents us with the opportunity to address [them] maturely but aggressively,” he told reporters.

The announcement came as Missouri and the nation anxiously await a grand jury decision on whether to indict the officer. Fearing a repeat of the violence that made Ferguson the focus of media attention around the world, Nixon has also activated the state National Guard and declared a state of emergency for the St. Louis metro area.

Minister Starsky Wilson, one of the co-chairs, lauded Nixon’s selections, saying the commission “represents the people” and adding “the future of the region and how it’s built has to do with how we address these challenges now...We know it’s going to be difficult.”

Wilson and co-chair Rich McClure said the panel would focus particular energy on the structure of the local governments overseeing Ferguson, something many observers have pointed to as a primary source of the unrest that occurred in the aftermath of the shooting. The panel’s recommendations are due by September, 2015. (WASHINGTON POST, REUTERS, USA TODAY)

BROWN BATTLES REGENTS OVER UC TUITION HIKE: A showdown is brewing between California Gov. Jerry Brown (D) and University of California President Janet Napolitano over a tuition hike the UC Board of Regents approved over Brown’s protests last Thursday.

The UC Regents have proposed annual 5 percent tuition hikes over each of the next five years. Brown said that would go back on an agreement he made with UC officials in 2010 in which the system agreed not to raise tuition in exchange for more annual state funding. The state has increased funding to the UC by 5 percent in each of the last two years, but system officials last week said that was not sufficient. They also accused Brown of not sending a large enough portion of new tax revenue raised

under 2012's Proposition 30 ballot measure their way. Brown countered that Prop 30 has produced \$640 million in additional funding for the UC system, something he called "real money." He also accused the system of not thoroughly exploring ways to cut costs and make the system more accessible to students, particularly through more online courses. He said Napolitano and others are also crying poor while granting higher salaries to both faculty and administrators.

Brown also said previous to the vote he would roll back the state's increased funding from the previous two years if regents approved the tuition hike. He also filled two open seats on the board with allies — including former Assembly Speaker John A. Perez (D) — who he could count on to vote against the increases. But it was all to no avail as the regents approved the hikes by a 14-7 vote over loud chants of protest from students and others gathered to voice their dissent. With the ball now in Brown's court, all eyes will turn to his proposed budget due out in January. (SACRAMENTO BEE, NEW YORK TIMES, SAN FRANCISCO CHRONICLE)

CHRISTIE URGES U.S. HOUSE TO COMPROMISE: In a meeting in Washington D.C. last week, New Jersey Gov. Chris Christie (R) urged newly-elected members of the U.S. House of Representatives to seek out compromise with minority party Democrats. Christie, widely expected to seek the 2016 GOP presidential nomination, avoided addressing one issue the two parties are currently at loggerheads over: immigration. Christie instead focused his remarks on energy policy, tax reform and regulatory reform. (ASSOCIATED PRESS, NBCNEWS.COM)

GOVERNORS IN BRIEF: A task force established by **WASHINGTON** Gov. Jay Inslee (D) to study the mechanics of imposing a carbon tax in the Evergreen State — and possibly a cap-and-trade program similar to one in place in **CALIFORNIA** — delivered its report last week. The panel avoided making specific recommendations on either a carbon tax or the cap-and-trade program, insisting instead that the matter needed more study to determine how either program would impact the state's economy (INSURANCE JOURNAL). • **UTAH** Gov. Gary Herbert (R) said he is willing to listen to proposals to modify the state's restrictive liquor laws during the upcoming legislative session in January. But Herbert also said he doubted those laws are harming its economy as some have claimed, saying they "by and large, have worked well" (SALT LAKE TRIBUNE).

— *Compiled by RICH EHISEN*

Hot issues

CRIME: The 9th U.S. Circuit Court of Appeals rules that a **CALIFORNIA** law requiring registered sex offenders to report all their online avatars on sites such as Facebook, Twitter, news websites and discussion forums is unconstitutional. The decision upholds a lower court's ruling that the law violates the First Amendment (LAW360 [LEXISNEXIS]). • The **UTAH** Law Enforcement and Criminal Justice Interim Committee endorses a proposal to bring back the firing squad as a means for carrying out capital punishment sentences in the Beehive State. The bill will now be introduced in the new legislative session that begins in January (SALT LAKE TRIBUNE).

ENVIRONMENT: The U.S. Forest Service releases guidance for managing federal forest land in **WEST VIRGINIA** and **VIRGINIA** that allows limited hydraulic fracturing in some areas while blocking it in most others. The new plans would allow the controversial fracking process to be used on about 177,000 acres, less than 10 percent of the 1.1 million acres contained in the George Washington National Forest (LAW360 [LEXISNEXIS]). • The **OHIO** House Agriculture and Natural Resources Committee proposes new rules that would bar farmers from applying fertilizer or manure to their land when the soil is saturated with rain, covered with snow, or frozen, or when a weather forecast calls for a half inch or more of rain within the next 24 hours. The proposed rules were attached to a budget review measure the Committee sent to the full House (PLAIN DEALER [CLEVELAND]).

HEALTH & SCIENCE: The **NEW JERSEY** Assembly approves AB 2270, legislation that would allow doctors to assist terminally ill patients who wish to end their own lives. The so-called "Death with Dignity Act" moves to the Senate (NJ.COM). • **CALIFORNIA** officials adopt new protocols for health care workers dealing with containing the Ebola virus. The new rules issued by the California Occupational Safety and Health Administration require the state's 300 or so acute-care hospitals to provide hazardous material suits, respirators, isolation rooms and extensive training to those working with patients suspected of having the virus. The rules take effect immediately (SAN FRANCISCO CHRONICLE).

IMMIGRATION: President Barack Obama issues an executive order that grants temporary legal status to more than 5 million undocumented immigrants, including 4.1 million undocumented parents and families of U.S. citizens who have been in country more than 5 years, 300,000 undocumented immigrants who came to the U.S. illegally as children and around 400,000 high-skilled workers who will become



eligible for work visas. Congressional Republicans have said they will seek a court order to block the action (ABCNEWS.COM).

SOCIAL POLICY: A federal judge rules that a **MONTANA** law barring same-sex marriage is unconstitutional. U.S. District Judge Brian Morris ruled the law violated the 14th Amendment (CHRISTIAN SCENCE MONITOR). • The U.S. Supreme Court declines to hear a plea from **SOUTH CAROLINA** Attorney General Alan Wilson (R) to overturn a lower court ruling allowing same-sex marriage to proceed in the Palmetto State (POST & COURIER [CHARLESTON]). • The **OHIO** House Health and Aging Committee approves HB 248, a bill that would bar doctors from performing abortions as soon as a fetal heartbeat can be detected, as early as six weeks into pregnancy. The measure moves to the full House (HUFFINGTON POST).

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

GANJA STATE: First Colorado and Washington, then D.C. and Oregon. But for marijuana aficionados the big fish is still out there, swimming around near the surface and waiting to be reeled in by hipster stoners who just can't wait to fire up a blunt in their room at their folks' house just so they can shout, "leave me alone, it's legal now!" I speak of course of California, where voters are thought likely to endorse a ballot measure in 2016 to legalize the hippie lettuce. Or at least that's what state Attorney General Kamala Harris thinks will happen. In an interview with BuzzFeed last week, Harris said there is "a certain inevitability" to making pot legal in the Ganja, uh, Golden State. And this does not bother her a bit. Harris actually laughed off any possible personal opposition to legalizing weed, saying "Half my family's from Jamaica." Which is not at all a stereotype!

ONLY IN BAGHDAD BY THE BAY: Let's face it, some politicians are just real dogs. And then, as *San Francisco Weekly* reports, there are those that really are dogs. Canines. Mutts. Hounds. Such was the case last week when the San Francisco City Council, broke away from its usual infighting long enough to elect a sequined fedora-wearing Chihuahua named Frida mayor for a day. While SF politicians have a well-earned reputation for bringing the goofy to most things they do, this one is not nearly as out there as it sounds. As it turns out, Frida earned her spot the old fashioned way: via cold, hard cash. Her owner was the top bidder in a recent auction to benefit the



local animal shelter, ponying up \$5,000 in exchange for Frida being feted as The City's top dog for one day. For that, she got to appear at the Council meeting, be toured around various city landmarks and then go home with parting gifts like a new bed and some tasty dog treats. The sequined fedora, however, was already hers.

— By *RICH EHISEN*

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