

# Capitol Journal

News & Views from the 50 States

November 25, 2013

## Help Needed



©iStockphoto.com/Klenger

<b>Budget &amp; taxes</b>	<b>5</b>
AL bond sale may establish bankruptcy template	
<b>Politics &amp; leadership</b>	<b>7</b>
Momentum shift on gay marriage?	
<b>Governors</b>	<b>10</b>
Hickenlooper proposes new CO drilling regs	
<b>Bird's eye view</b>	<b>2</b>
<b>Hot issues</b>	<b>12</b>
<b>Once around the statehouse lightly</b>	<b>14</b>

● The next issue of  
 ● Capitol Journal will be  
 ● available on December 9th.

### Top Story

*The rollout of federal health reform has been a disaster, putting the ACA's very survival in question. But some states are doing a far better job than the feds, giving the law a desperately needed lifeline.*

## SNCJ Spotlight

### States offer a tightly stretched lifeline for Obamacare

Obamacare is clinging to existence. After the bungled rollout of the federal health care website and President Obama's contrite admission that he misled millions of Americans into believing they could keep their insurance policies, opponents of Obamacare now have hopes of undoing the Patient Protection and Affordable Care Act for the

## A Cannon Perspective



With Lou Cannon







California, which in the past had flirted with creating its own health care system, was the first to create an exchange after Obamacare was passed. Kim Belshe, a state health care official under two governors and a member of the Covered California board, observed that the exchange moved quickly to hire top staff talent, secure information-technology expertise for its website and invest in extensive marketing and outreach.

Among smaller states, Kentucky is off to a strong start. The Kentucky exchange, Kynect, has enrolled nearly 48,000 thousand people, 41 percent of them under the age of 35. Enrolling young people is crucial to Obamacare's success. Since the law requires coverage for everyone, premiums will soar unless companies are able to enroll sufficient young and healthy people to offset the costs of insuring those who are older or in poor health.

But a cautionary note is advised in assessing the Kentucky sign-ups. The Bluegrass State counts in its totals both those who purchase insurance policies and those who sign up for Medicaid. The 39,186 Medicaid enrollees far outnumber the 8,780 persons who have enrolled in a qualified health plan. Nationally, in the first month the exchanges were in operation, 3.7 persons enrolled in Medicaid for every person who purchased a health care policy.

This surprised some experts, but shouldn't have. The way most exchanges operate, applicants apply for coverage and are evaluated. If their income is 138 percent of the poverty level — \$26,344 for a family of three — or less, they are eligible for Medicaid. If it is higher, up to 400 percent above the poverty level, they can purchase policies from the exchange, most of which will be eligible for federal subsidy.

It's unsurprising that those with less income and poor health applied for coverage in disproportionate numbers. That happened in Massachusetts in 2007 under the state health law on which Obamacare was patterned. The young and healthy waited until the 11<sup>th</sup> month of a year-long enrollment period to sign up, just in time to avoid a state penalty.

Whether this pattern will repeat itself is unclear. So, for that matter, is the future of Obamacare itself.

The worst case for Obamacare — and best for its opponents — is that the federal website (Healthcare.gov) does not get fully fixed and signups continue to lag. Meanwhile, confusion over policy cancellations intensifies. Obama said on Nov. 14 that Americans who had health policies canceled because they do not meet Affordable Care Act standards would have them restored, but nine states have declined to do so, including the key state of California. Several others remain undecided. Under these circumstances Obamacare will be a liability for Democrats and could help Republicans hold the House and win the Senate in the 2014 elections. Repeal of Obamacare might then become a central issue in the 2016 presidential election.

The best case for Obamacare is that it muddles through. The federal website works out the bugs, and signups for policies gradually increase. The state exchanges led



by California become, as Thomas Epstein, vice president of Blue Shield California, described Covered California, “beacons” for health care reform. Eventually, health care is seen as a right not a privilege and Obamacare becomes embedded in the American social safety net along with Social Security, Medicare and Medicaid.

There are other variations of these competing outcomes, and it’s too early to know which of them will prevail. What we do know is that Obamacare is a moving target and that satisfactory performance of the state exchanges is crucial to the eventual fate of this important and profoundly controversial social program.

— *By Lou Cannon*

---

## Budget & taxes

**A** **L BOND SALE MAY ESTABLISH BANKRUPTCY TEMPLATE:** Jefferson County, Alabama sold \$1.8 billion in bonds this month. What’s particularly noteworthy about that is the county has been in bankruptcy since November 2011, after defaulting on \$3.1 billion in sewer-revenue debt. The bond sale is part of the city’s plan to exit bankruptcy by the end of the year. And if successful, it could become a model for other bankrupt municipalities.

“To sell new bonds while you’re in default on the old bonds, it really hasn’t happened before,” said Matt Fabian, managing director at Municipal Market Advisors.

Jefferson County’s unique bankruptcy exit plan calls for the Federal Bankruptcy Court in Birmingham to retain jurisdiction over the \$1.8 billion in debt for its entire 40-year term; if the county ever falters, the court would have the power to enforce rate increases to generate the revenue needed to pay back the debt, with interest.

**“To sell new bonds while you’re in default on the old bonds, it really hasn’t happened before.”**

“Without the assumption of court protection, the financing would have been more difficult, if not impossible,” Fabian said.

Jefferson’s proposal is so unusual that there’s been considerable variation among the nation’s three largest ratings agencies about how to evaluate the county’s debt. Standard & Poor’s rated it at the low end of its investment-grade scale, either BBB or BBB-minus, depending on whether or not it is insured. (The Assured Guaranty Municipal Corporation charged \$26 million to insure about \$500 million of the \$1.8 billion.) Fitch, however, rated the debt at the high end of its junk-grade range, BB-plus if insured or BB if not. And although Moody’s Investors Service wasn’t hired to rate the debt, it issued a special report stating a rating as low as B seemed appropriate, meaning the debt carried a “substantial-to-high credit risk.”



Potentially more problematic for Jefferson is that Alabama’s Attorney General has said the county’s existing sewer rates are unconstitutional, let alone higher ones in the future. And there’s apparently no precedent for a clash between a state constitution and a federal bankruptcy ruling.

But the county told the bankruptcy court its plan should be approved because “it is the result of extensive, arm’s-length, and good faith negotiations” and its creditors overwhelmingly approved it. The county will also now be able to point to its successful bond sale as proof that the markets believe the plan is feasible. (NEW YORK TIMES)

**STATES LABORATORIES OF HEALTH CARE FINANCE:** Under a program created by the Affordable Care Act called the State Innovation Models Initiative, six states — Arkansas, Maine, Massachusetts, Minnesota, Oregon and Vermont — began testing new health care financing models this year. Colorado, New York, and Washington will be next up to try their cost-containment experiments, with another 16 states waiting in the wings.

About \$10 billion of the ACA’s \$1.8 trillion projected total cost is devoted to the program, which is overseen by the U.S. Department of Health and Human Services.

“The idea is to take governors up on their claim that states are the laboratories of democracy where meaningful innovations can occur,” said Susan Dentzer of the nonprofit Robert Wood Johnson Foundation.

A common thread among the state approaches is getting more people connected to “patient-centered medical homes” where “care coordinators” can ensure they receive proper preventive care, and managing chronic illnesses such as diabetes and heart disease with medicine and lifestyle changes instead of expensive hospitalization.

But some states are also trying other things. For instance, Vermont intends to find out if it can reduce health care costs by spending more on schools, on the premise that people who are more educated tend to be healthier (STATELINE.ORG)

**AK CONSIDERING INVESTING BILLIONS IN PIPELINE PROJECT:** A study commissioned by the state of Alaska that was released last week suggested that a direct investment by the state in a long-sought liquefied natural gas pipeline project might improve the project’s prospects.

The \$424,000 study, conducted by a team that included New Hampshire-based oil consultant Daniel Johnston & Co. Inc., found that state investment — in the range of \$9 billion to 13.5 billion — could “align” the state’s interests with those of oil producers Exxon Mobil, BP and ConocoPhillips and pipeline company TransCanada Corp., reducing their project costs. But the study also found that investment in the project, which includes an 800-mile large-diameter pipeline from the North Slope to South-central Alaska and a plant to prepare the gas for shipment to markets in Asia, would potentially open the state up to “additional risks.”



Consequently, some lawmakers are cautiously optimistic about the idea.

“I want to see a real ownership interest,” said Rep. Beth Kerttula (D) the House minority leader. “I want to see the state at the table. I want to see the state getting the information that’s fundamental to being sure that the state gets its rightful return. I also want to be sure that we have an absolute say in the decision-making.”

A former state oil and gas lawyer, Kerttula added that she didn’t want to see the state “bankroll multinational companies that don’t need bankrolling” but that the state’s lack of an ownership stake in the trans-Alaska pipeline, completed in 1977, has placed it at a disadvantage in dealings on that project.

“The state always ended up on the short end of the stick under thousands of boxes of documents,” she said. (ANCHORAGE DAILY NEWS, STATE NET)

**BUDGETS IN BRIEF:** After a furious week of debate, the **PENNSYLVANIA** House and Senate approved HB 1060, a bill that provides \$2.4 billion for repairs to the state’s aging roads, bridges and mass transit systems. The revenue will come from a hike in the cap on the oil-franchise tax and an increase in driver’s-license and vehicle-registration fees, as well as a surcharge on speeders and other traffic violators. Gov. Tom Corbett (R) said he will sign the bill this week (PHILLY.COM). • Days after **WASHINGTON** lawmakers cleared the way for Boeing’s planned 777X jetliner by approving \$8.7 billion in tax breaks and incentives for the company, the Seattle-based members of the International Association of Machinists and Aerospace Workers Union rejected a contract that would have guaranteed 20,000 jobs but called for major cuts to future pension and health-care benefits. The company is reportedly now looking for alternative locations for the 777X site, with Long Beach, **CALIFORNIA** among the most likely prospects (SEATTLE TIMES, WALL STREET JOURNAL, STATE NET). • **CALIFORNIA** legislative budget advisors released a report last week indicating the state’s finances are improving faster than expected and the state is now in better budget condition “than at any point in the past decade.” The state could end the current fiscal year next June with a surplus of \$2.2 billion, more than double the size of earlier estimates (LOS ANGELES TIMES).

— *Compiled by KOREY CLARK*

---

# Politics & leadership

**M**OMENTUM SHIFT ON GAY MARRIAGE? With Illinois Gov. Pat Quinn’s (D) signing of SB 10 last week, his state became the 16th to legalize same-sex marriage. But that action may have marked a major turn in the battle over the issue.



This year five states with Democrat-controlled legislatures — Delaware, Hawaii, Illinois, Minnesota, and Rhode Island — passed bills legalizing same-sex marriage. The bills were all happily signed by the states’ Democratic or independent governors.

But none of the 34 states where same-sex marriages are still prohibited by law are wholly dominated by Democrats, with the exception of West Virginia, which has a tradition of social conservatism. That means advocates for gay marriage “have run out of easy targets,” according to Brian S. Brown, president of the National Organization for Marriage. With most of the remaining states either having constitutional bans on gay marriages or significant popular opposition to them, he said, the “false narrative of ‘inevitability’ ends here.”

Gay marriage advocates reject the characterization of their victories as “easy” and say they plan to be active in several states next year, including Indiana and Oregon.

There’s “a shifting landscape” on marriage, said Brian Silva, executive director of Marriage Equality USA. “When we provide education, when we talk to people, when we live our lives out loud, we’re finding that in states from Iowa to Illinois, from coast to coast, we are winning because people respond to family,” he said. (WASHINGTON TIMES, STATE NET)

**CITIZENS UNITED HELPED UNIONS WIN ELECTIONS:** Coming out of New Hampshire’s gubernatorial primaries last year, Republican Ovide Lamontagne had a major financial advantage over Democrat Maggie Hassan, with \$250,000 in his campaign war chest compared to Hassan’s \$17,000. But leading up to Election Day, union-backed organizations, including the Democratic Governors Association (DGA), and national unions themselves spent millions on the general election race, mostly on ads bashing Lamontagne, who supported “right to work” legislation, helping propel Hassan to victory.

“Hassan was propped up and carried to victory by the outside groups,” said Fergus Cullen, former head of the state GOP.

When the U.S. Supreme Court lifted the limits on political contributions in *Citizens United v. Federal Election Commission* in 2010, it was generally believed that the Republican Party, with its wealthy corporate backers, would be the biggest beneficiaries. But in New Hampshire and a number of other states last year that didn’t turn out to be the case. Democrats reportedly outspent Republicans by \$1 million in New Hampshire. And in 38 states examined by the Center for Public Integrity, Democrats outspent Republicans by over \$8 million. (CENTER FOR PUBLIC INTEGRITY)

## Upcoming elections

(11/22/2013 - 12/13/2013)

11/26/2013

**Mississippi Special Runoff**  
House Districts 5 and 110

12/03/2013

**Alabama Special Election**  
House District 74

**Alabama Special Primary**  
House Districts 31 and 53

**California Special Primary**  
Assembly District 54

**Georgia Special Runoff**  
House Districts 104 and 127  
Senate District 14

12/10/2013

**Kentucky Special Election**  
House District 7  
Senate District 13

**Massachusetts Special Election**  
US House (CD 5)

**Massachusetts Special Primary**  
House 9th Norfolk



**NM VOTERS REJECT RESTRICTIVE ABORTION BAN:** Thirteen states have passed “fetal pain” laws banning abortion after 22 weeks of pregnancy or earlier, spurred by the belief that 22 weeks is the point at which fetuses have developed the ability to feel pain. Last Tuesday, voters in Albuquerque, New Mexico were given the opportunity to become the first city in the nation to push that ban back to 20 weeks. But by a margin of 55 percent to 45 percent they rejected the “Pain Capable Unborn

Child Protection Ordinance.” Turnout was 24 percent, topping that of a recent mayoral election in the city by four percent.

**“Let this be a lesson to all 50 states and the Congress: Dangerous bans like this do not belong in Albuquerque or New Mexico or the nation.”**

“Let this be a lesson to all 50 states and the Congress: Tonight the people of Albuquerque rejected an extreme agenda pushed by out-of-state and out-of-touch groups that want to end safe and legal abortion altogether,” said opposition campaign director Jennifer Ford. “Dangerous bans like this do not belong in Albuquerque or New Mexico or the nation.”

But anti-abortion activists like Father Frank Pavone, national director of Priests for Life, don’t see it that way at all.

“It is a brilliant strategy, and we will see to it that this effort is introduced in other cities and states,” he said. (ALBUQUERQUE JOURNAL, CHRISTIAN SCIENCE MONITOR)

**POLITICS IN BRIEF:** Casino magnate Sheldon Adelson, whose campaign spending broke records last year, reportedly intends to back a campaign to persuade Congress to ban Internet gaming (WASHINGTON POST). • A federal judge has upheld HAWAII’s open primary election system, rejecting claims by the state’s

Democratic Party that allowing all voters to choose its candidates violates its First Amendment right to free association. U.S. District Judge J. Michael Seabright said the Party failed to prove that open primaries have allowed crossover or independent voters to select candidates that have changed its message (HONOLULU STAR ADVERTISER). • Washington, D.C. Insurance Commissioner William P. White was fired last week, a day after issuing a statement criticizing President Obama’s

**“It is a brilliant strategy, and we will see to it that this effort is introduced in other cities and states.”**

“fix” for the botched rollout of the federal health insurance exchange. White said he was not asked to leave specifically because of his statement, but he said the timing was difficult to ignore (WASHINGTON POST).

— *Compiled by KOREY CLARK*

---

# Governors

**HICKENLOOPER PROPOSES NEW CO DRILLING REGS:** Colorado Gov. John Hickenlooper (D) last week proposed new rules to regulate greenhouse gas emissions from oil and gas drilling operations in the Centennial State. His proposals include a first-in-the-nation call to force drillers to reduce the emission of methane, a potent greenhouse gas linked to global warming and the major ingredient in natural gas. Other rules would require companies to regularly search out and repair gas leaks in their drilling and production equipment and to keep records of their findings. Companies would also be expected to cut emissions of other volatile organic compounds that some scientists say contain cancer-causing pollutants and contribute to heightened ozone levels. Many of the regulations would apply to both current and new wells not yet in place.

The proposal comes just weeks after four Colorado communities enacted moratoriums on hydraulic fracturing, or fracking, in their areas. Hickenlooper developed the proposal in conjunction with both energy and environmental interests: oil and gas developers Anadarko Petroleum Corporation, Encana Corporation and Noble Energy as well as the Environmental Defense Fund, a national advocacy group.

“Natural gas is a crucial part of this country’s future, but we need to address the anxieties and concerns of the public,” Mr. Hickenlooper told the *Wall Street Journal*. “People want clean air and clean water where they live, and that is a legitimate expectation.”

Hickenlooper has been under intense pressure from opponents of fracking, including Congressman Jared Polis (D-Colorado), who represents three of the four communities that banned the controversial drilling process. He responded to the governor’s proposal by saying the state lacked true “common sense” guidelines on the process.

“Unfortunately, the fracking rules are overseen by an oil and gas commission that is heavily influenced by the oil and gas industry,” he said during a House floor debate. “They don’t have at their disposal the independence or the ability to enact real penalties for violations of our laws and their charge is not first and foremost to protect homeowners and families and health.”

Hickenlooper spokesperson Eric Brown disagreed, maintaining the proposed rules make Colorado “a national model and leader in environmentally protective energy production.”

The state’s Air Quality Control Commission will have final say on most of the proposed rules. It is expected to act on them early next year. (NEW YORK TIMES, WALL STREET JOURNAL, DENVER POST)



**PARNELL REJECTS AK MEDICAID EXPANSION:** Calling the ongoing rollout of the Affordable Care Act “a failed experiment,” Alaska Gov. Sean Parnell (R) announced The Last Frontier State will not expand Medicaid eligibility in line with the law.

“I believe a costly Medicaid expansion especially on top of the broken Obamacare system is a hot mess,” Parnell told reporters at an Anchorage news conference called to announce his decision.

Several studies show the expansion would have provided coverage to as many as 40,000 residents currently without insurance. But Parnell said he opted against it after reviewing an \$80,000 state-commissioned study by a Virginia-based health care consultant, The Lewin Group. That report said expanding the joint state-federal health insurance program for the poor would cost the state just over \$200 million over a seven-year period. The federal government has agreed to pay for 100 percent

of new state enrollee costs through the first few years, gradually dropping to 90 percent by 2020. That figure would have stayed higher in Alaska because the federal government covers the full cost of coverage for Alaska Natives.

Parnell’s decision drew intense criticism from expansion advocates — including the state and Anchorage Chambers of Commerce as well as many church organizations and Native Alaskan advocacy

groups — who noted the Lewin report also said the state would have received an additional \$2.9 billion in funds from Washington during that time to cover the cost of those new enrollees. The state Chamber of Commerce had said the expansion would “reduce the cost of doing business” in Alaska while still allowing the state to drop out if the federal government failed to keep its promise to pay for at least 90 percent of the program.

But that was not enough for Parnell. “The decision comes down to this: can states trust the federal government to not cut and run on its share of the costs?” he asked. He added that the state will form a commission to study the state’s health safety net and report back within a year with suggestions for ensuring more people have access to health coverage. (ANCHORAGE DAILY NEWS, ALASKA DISPATCH)

**GOVERNORS IN BRIEF:** The **GEORGIA** Supreme Court ruled last week that Gov. Nathan Deal (R) did not violate the Peach State’s open records law by refusing to release documents in a dispute over hiring practices at the Kia Motors Manufacturing plant in West Point. Four plaintiffs had claimed they were denied jobs with the company because they were affiliated with the United Auto Workers union, a screening process they said the state helped the company create (ATHENS BANNER-HERALD). • **KENTUCKY** Gov. Steve Beshear (D) said he planned to

**“I believe a costly Medicaid expansion especially on top of the broken Obamacare system is a hot mess.”**



call for statewide open forums to gather public input on how to improve the quality of long-term care in the Bluegrass State. In a letter to a nursing home advocate, he said he would also explore the possibility of expanding nursing home staffing. The state was recently ranked 40<sup>th</sup> in the nation for the quality of its nursing home facilities (LEXINGTON HERALD-LEADER).

• Reacting to growth in the use of e-cigarettes, **NEW MEXICO** Gov. Susana Martinez (R) said she is considering using her authority to decide what non-budgetary topics should be considered by the Legislature during even-numbered years to add a potential ban on the products to lawmakers’ 2014 agenda (ALBUQUERQUE JOURNAL). • **VIRGINIA** Gov.-Elect Terry McAuliffe (D) said he still intends to vigorously push for the Old Dominion to expand Medicaid eligibility in line with the Affordable Care Act after he takes office next January. Addressing the Virginia Chamber of Commerce, McAuliffe said, “We cannot have the best workforce in the world if one-eighth of our population can only access health care through emergency rooms” (VIRGINIAN-PILOT [NORFOLK]). • **WISCONSIN** Gov. Scott Walker (R), citing ongoing troubles with the federal health insurance marketplace, said he would push Badger State lawmakers to allow thousands of low-income residents to remain in the state’s Medicaid program until April 1. Under a new state law, about 77,000 residents are expected to be removed from Medicaid rolls on Jan. 1 and required to obtain insurance in the subsidized online federal marketplace created by the Affordable Care Act (NEW YORK TIMES).

## In case you missed it

Homeowners in flood-prone areas have long enjoyed having their flood insurance heavily subsidized by the federal government. A 2012 law changed that, but skyrocketing rates have Congress rethinking that action.

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

[http://www.statenet.com/capitol\\_journal/11-18-2013/html#snj\\_spotlight](http://www.statenet.com/capitol_journal/11-18-2013/html#snj_spotlight)

— *Compiled by RICH EHISEN*

---

# Hot issues

**B**USINESS: The **OREGON** Court of Appeals rejects a challenge to the Beaver State’s “right to farm” law, which protects farmers and foresters from lawsuits over common industry practices. Plaintiffs had complained that the pesticides and chemicals used by their neighbors were drifting onto their properties, and that the law was barring them from gaining legal relief from the situation. The court did not rule in that regard, only that the connection between the law’s constitutionality and relief for the plaintiffs was too speculative for it to determine (STATESMAN JOURNAL [SALEM]). • A **CALIFORNIA** Appeals Court rules that Golden State insurance brokers do not have an implied duty to investigate and fulfill a client’s coverage needs when placing policies. The ruling stressed that only lawmakers could impose such a requirement (LAW 360 [LEXIS

NEXIS]). • Also in **CALIFORNIA**, Gov. Jerry Brown (D) announces the approval of the state's new flammability standards for upholstered furniture. The new rules require the use of barrier materials with smolder-prone materials and require manufacturers to test the interactions of all the materials that go into a piece of upholstered furniture (**CALIFORNIA GOVERNOR'S OFFICE**).

**CRIME & PUNISHMENT:** A federal judge signs off on a settlement that guarantees practicing Muslims in **MICHIGAN** prisons will be served meals that meet strict Islamic rules. U.S. District Judge Avern Cohn also ordered the state to ensure Muslim prisoners can celebrate important festivals and attend services that could conflict with work or education classes. The agreement settles a case that has been in litigation since 2006 (**DETROIT NEWS**).

• The **OHIO** House approves HB 203, so-called "stand your ground" legislation that would remove the legal duty of Buckeye State residents to first try to retreat from a potentially dangerous situation in any place that a legal gun-carrier has the right to be before employing deadly force to protect himself. It moves to the Senate (**TOLEDO BLADE**).

• The **UTAH** Legislature's Law Enforcement and Criminal Justice Interim Committee rejects draft legislation that would have required collection of DNA samples at the time of arrest from anyone booked on suspicion of a class A misdemeanor or felony (**SALT LAKE TRIBUNE**).

**EDUCATION:** The **NEW JERSEY** Senate unanimously approves AB 3972, which would create a 21-member task force to study the costs and feasibility of extending full-day kindergarten statewide. It returns to the Assembly (**NORTJHJERSEY.COM**). • The **UTAH** Education Interim Committee endorses draft legislation that would allow school employees to ask a student questions if he or she appears at risk of suicide. The bill will be officially introduced next session (**SALT LAKE TRIBUNE**).

**ENVIRONMENT:** Regulators in **CALIFORNIA** issue their initial proposed rules governing the practice of hydraulic fracturing, or fracking, in the Golden State. Those rules, which would include requiring oil and natural gas well drillers to notify people living near new wells, create a groundwater monitoring regime, impose a statewide

## 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: 258**

**Number of 2015 Prefiles last week: 1**

**Number of Intros last week: 580**

**Number of Enacted/Adopted last week: 184**

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

**Number of 2014 Prefiles to date: 2,637**

**Number of 2015 Prefiles to date: 24**

**Number of 2013 Intros to date: 133,633**

**Number of 2013 Session Enacted/Adopted overall to date: 39,692**

**Number of bills currently in State Net Database: 151,868**

— Compiled By FELICIA CARILLO  
(measures current as of 11/21/2013)  
Source: State Net database



scientific review of the fracking process and mandate disclosure of the types and concentrations of chemicals used in fracking. Final regulations are scheduled to be in place by Jan. 1, 2015 (SACRAMENTO BEE).

• **COLORADO** regulators propose new air pollution reduction rules that would force oil and gas companies to capture 95 percent of all toxic pollutants and volatile organic compounds they emit (See Governors in this issue for more information). Final rules are due to be set by next February (DENVER POST).

## Upcoming stories

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

- **Drug biosimilars**
- **2014 previews**
- **Health reform**

**HEALTH & SCIENCE:** The **UTAH** Legislature’s Health and Human Services Interim Committee approves draft legislation that would hike the Beehive State legal smoking age from 19 to 21. The bill will be officially introduced next session (SALT LAKE TRIBUNE).

**IMMIGRATION:** The **NEW JERSEY** Senate approves SB 2479, legislation that would allow undocumented immigrant students who have attended high school in the state for at least three years and graduated from an in-state school to pay in-state tuition at Garden State colleges and universities. It moves to the Assembly (STAR-LEDGER [NEWARK]).

**SOCIAL POLICY:** The United States Supreme Court rejects a request to block a new **TEXAS** law which requires Lone Star State doctors who perform abortions in clinics to have admitting privileges at a nearby hospital. Critics contend the law has forced the closure of a third of the state’s clinics which offer the procedure (ABCNEWS.COM). • **ILLINOIS** Gov. Pat Quinn (D) signs SB 10, which makes the Prairie State the 16<sup>th</sup> to legalize same-sex marriage (CHICAGO TRIBUNE).

— *Compiled by RICH EHISEN*

---

# Once around the statehouse lightly

**R**AMMER JAMMER, BENTLEY’S HAMMER: Alabama Gov. Robert Bentley makes no bones about his undying allegiance to the University of Alabama Crimson Tide. Heck, before giving up his medical practice for politics Bentley counted the Tide’s legendary football coach Paul “Bear” Bryant among his patients. But with the annual Iron Bowl matchup between the Tide and



bitter cross-state rival Auburn at hand, it makes for some tricky politicking. For the unaware, football fans in the Heart of Dixie — i.e. everybody — take their allegiances very seriously...which, as the *Birmingham News* reports, means Bentley has to tread very lightly at times to avoid alienating a large number of his constituents. Last week, Bentley was at his line-toeing best, saying that while he was a devoted ‘Bama fan, he was “glad to see [Auburn] playing as well as they are right now” because it meant a better game. Nice misdirection play, governor!

**BRINGING THE HAMMER DOWN:** Anyone who has been to the gorgeous Waikiki strip on the Hawaiian island of Oahu knows it is a destination for tourists from around the globe. Sadly, it is also a destination for scores of homeless people. Hawaii, in fact, has the highest per capita homeless rate of any state, something that clearly irks state Rep. Tom Brower. As Reuters reports, Brower has been waging a highly visible campaign to rid the trendy area of the shopping carts many homeless folks use to transport their meager belongings...by smashing abandoned carts to pieces with a sledgehammer. While good for getting TV time, Brower’s John Henry imitation has drawn the ire of homeless advocates, who accuse him of vigilantism. An email and phone campaign, however, has convinced him to lay his hammer down. “I guess I shouldn’t use the sledgehammer, because it’s a really loaded image,” he said last week. In front of TV cameras, of course.

**BONEHEADED INDEED:** Delaware Gov. Pete Shumlin’s critics have often accused him of speaking first and thinking later. Such was the case recently when he called “boneheaded” a decision by state transportation officials that roadside signs set up to honor a local high school wrestling team in Bennington were illegal. But some observers noted the real head scratcher was why the governor felt compelled to insert himself into what was basically a minor disagreement between a state agency and one local government. As the *Burlington Free Press* reports, Shumlin eventually agreed, again using the term “boneheaded” but this time in reference to his own comment. He also brushed the whole thing off with another Shumlin special, calling the issue “a nothing burger.” Which we’re guessing doesn’t come with fries.

## The week in session

**States in Regular Session:** DC, OH, PA, SC, US

**States in Informal Session:** MA

**States in Special Session:** DE “b”, NH “a”, PR “a”

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

**States Adjourned in 2013:** AK, AL, AR, AR“a”, AZ, AZ “a”, CA, CA “a”, CO, CT, DC, DE, DE “a”, FL, GA, HI, HI “a”, 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”, PA, PR, 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”, WA “c”, WI, WI “a”, WV, WV “a”, WV “b”, WY

**States currently prefilng for 2014 Session:** AL, AZ, CO, FL, GA, KY, KS, ME, NH, OK, TN, VA, WV

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

Letters indicate special/extraordinary sessions

— Compiled By FELICA CARILLO  
(session information current as of 11/21/2013)  
Source: State Net database



**SCARRED FOR LIFE:** California Gov. Jerry Brown often points to his time in the Jesuit seminary as the source of his long held values and often unique worldview. But apparently those lessons started long before then. As the *Sacramento Bee* reports, Brown recently warned a group of elementary school students a story of how one of his early teachers decided his ears weren't very clean, upon which she "dragged me over to the sink and washed my ears out." Brown went on to warn the students to be sure their hair was combed, their shirts were clean and their faces were well scrubbed. Otherwise, he warned, "the teacher may do it for you." Note to self: never take a class being taught by Jerry Brown.

— By *RICH EHISEN*

**Editor:** Rich Ehsen — capj@statenet.com  
**Associate Editor:** Korey Clark — capj@statenet.com  
**Contributing Editors:** Mary Peck  
**Editorial Advisor:** Lou Cannon  
**Correspondents:** Richard Cox (CA), Steve Karas (CA), James Ross (CA), Lauren Davis (MA) and Ben Livingood (PA)  
**Graphic Design:** Vanessa Perez  
 State Net ISSN: 1521-8449

**State Net**<sup>®</sup>  
 A LexisNexis<sup>®</sup> Company



You've just read **State Net Capitol Journal**, the insider's source for political and legislative news in the 50 states.

**State Net Capitol Journal** is published 40 times annually and delivered over the Web or email.

**For a FREE subscription, visit our Website at [www.statenet.com](http://www.statenet.com) and click on the "Register Now" icon. Or call us at 916.444.0840**

**A publication of State Net** — *Information and Intelligence on the 50 States & Congress*

**The Power to Know. Act. Connect.**

Unique State Net tools, methods and expertise overcome the challenge of managing government affairs information. We help minimize your risks and empower your team for success.

**State Net: the service you can trust when you need to be right.**

Learn more about our issue-based reporting solutions today: [info@statenet.com](mailto:info@statenet.com) or [www.statenet.com](http://www.statenet.com) • 800.726.4566

LexisNexis is a registered trademark of Reed Elsevier Properties Inc., used under license. State Net is a registered trademark of LexisNexis, a division of Reed Elsevier Inc. Copyright 2011 LexisNexis. All rights reserved.