



Capitol Journal

News & Views from the 50 States

November 18, 2013

Troubled Waters



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Top Story

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 it yet again.

SNCJ Spotlight

Congress struggles to find balance in flood insurance reform

When Lynne Kampel bought her small home on Long Island in 1990, its location across the road from Randall Bay's inlet waters, only blocks from the famed Nautical Mile, was a real selling point. So was its price tag, a steal at just \$105,000, which made ponying up the monthly mortgage an affordable proposition. There was also another factor making a home that close to the tempestuous



By Rich Ehsen

Atlantic Ocean economically viable: flood insurance that was heavily subsidized by the federal government. But for Kampel and many homeowners like her, those days may be long gone.

After operating for decades in the red, the National Flood Insurance Program (NFIP) — created by Congress in 1968 to help residents in flood-prone areas afford insurance — is now at least \$24 billion in debt to the National Treasury. In an effort to make the program solvent, Congress last year overwhelmingly passed the Biggert-Waters Insurance Reform Act of 2012, a measure requiring more property owners in those flood-prone areas to pay the true cost of insuring their dwellings.

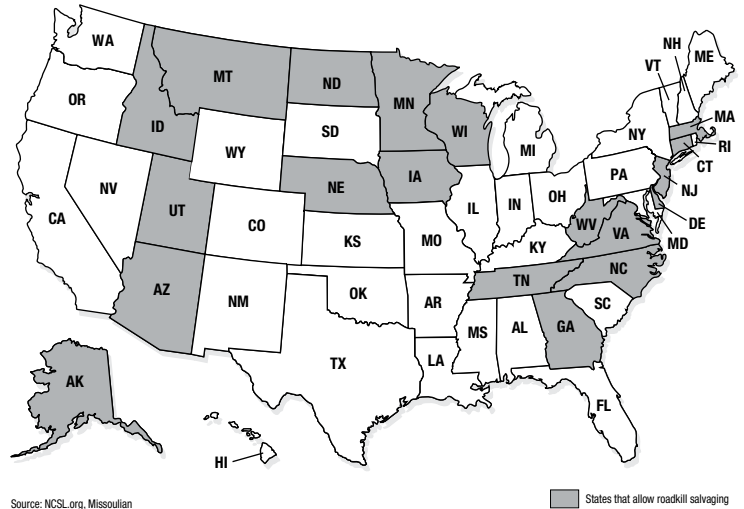
But the law, which began taking effect in October, has led to astronomical flood insurance rate hikes for home and business owners across the nation, and uncertainty for many more. Kampel, for instance, says that when she first bought her two bedroom-one bath home, flood insurance cost her about \$350 a year. That has gradually grown to around \$800, but under the 2012 law, she has been told to expect it to climb many times over.

“I still don’t have a final figure,” she says. “But I’ve been told that if I’m not able to meet the new flood proofing standards it will be over \$9,000 a year.”

She is not alone. Stories abound of people from Florida to Oregon being hit with similar rate hikes, with many now caught between spending tens of thousands of dollars to mitigate their properties against future flooding — primarily by lifting them above their area’s base flood elevation — or paying exorbitant premiums for their insurance coverage. Overall, the Government Accountability Office estimates that 438,000 current policyholders will see higher rates, including an additional 5 percent assessment to help the program build a financial reserve.

Not surprisingly, that is drawing significant criticism from affected property owners. It has also sparked a furious retreat by Congressional lawmakers — including Rep. Maxine Waters (D-California), co-author of the 2012 bill — who have introduced several bills (US HR 3370, SB 1601, SB 1610, HR 2199 and HR 2217) aimed at delaying those price hikes for at least four years. In September, over

Bird’s eye view



Dining on roadkill legal in nearly half of states

This month Montana motorists became the latest to be allowed to salvage and eat animals they accidentally kill on the road. Motorists in 20 other states were already able to do so as of July, according to the National Conference of State Legislatures. Montana’s law only allows the salvaging of deer, elk, antelope and moose. Last year motorists in the state reportedly hit 6,731 deer, 220 elk, 72 antelope and 28 moose.



50 House members signed a letter to Speaker John Boehner (R-Ohio) seeking to have language halting the rate increases added to any legislation currently being considered by Congress.

Some states are also getting into the act. Mississippi has already filed suit seeking to block the rate hikes. Louisiana is preparing to do the same, while legislation introduced in Massachusetts would cap the amount of insurance a home lender can require.

The NFIP wasn't always swimming in debt. Created in the wake of 1965's Hurricane Betsy, which caused more than \$1 billion in damage to the Gulf Coast, the program was an acknowledgement of two realities: private sector flood insurance was both rarely available and, when it could be found, prohibitively expensive. Faced with millions of homeowners simply unable to get affordable coverage, the federal government decided to step in. With a partner now willing to foot most of the bill, over 5 million policyholders accounting for \$1.3 trillion worth of property eventually came to count on some level of NFIP subsidy. Two-thirds of those are in California, Florida, Texas, New Jersey and Louisiana, all coastal states prone to weather events that often produce major flooding.

Even so, the NFIP worked pretty much as planned for decades, borrowing from the Treasury on occasion but never very much or for very long. But starting with Hurricanes Katrina and Rita in 2005, the program became overwhelmed. At the time President Obama signed the Biggert-Waters Act in July, 2012, NFIP owed the Treasury \$17 billion. But just months later came Hurricane Sandy, which added the additional billions the program now owes.

All of which creates a tremendous quandary for lawmakers. Leaving the 2012 law intact will undoubtedly price many residents out of their homes, creating the kind of political difficulties no public official wants to face. But supporters of the law say delaying the changes will only exacerbate the NFIP's debt, likely increasing it in the event of another major storm. A delay would also do nothing to discourage more development in flood-risk areas.

That last point is a major concern of groups like the Union of Concerned Scientists, which issued a report in August decrying further building in flood zones, saying "this risky pattern of development is being reinforced by the taxpayer-subsidized National Flood Insurance Program, which sets artificially low insurance rates that do not reflect the true risks to coastal properties."

Professor Howard Kunreuther, co-director of the Wharton Risk Management and Decision Processes Center at the University of Pennsylvania, says the majority of properties losing their subsidies are second homes — which are scheduled to see their premiums rise 25 percent a year — or those with repeated flood events. A delay, he says, would discourage current NFIP policyholders from doing the mitigation steps needed to get their homes out of the floodplain.

"We recognize the tremendous challenges associated with affordability, particularly for people who bought homes in the months preceding the 2012 law



being signed and then learned they were facing these dramatic increases due to being remapped into a flood zone or losing a subsidy,” Kunreuther says. “But insurance rates must represent the real risk associated with a property. A delay doesn’t do anything to address any of these issues, and actually stalls everything.”

Union of Concerned Scientists spokesperson Lisa Nurnberger notes another problem a four-year delay creates.

“That’s basically the time the NFIP needs to be reauthorized [by Congress], so if they delay they would basically have to gut all the reforms and start over,” she says.

Kunreuther’s group has proposed implementing a two-tiered system of income-based vouchers and low-interest loans that will both inform homeowners of the true risk associated with their property and help them to mitigate future flooding. The vouchers, which would only be available to people who agree to do the mitigation, could be used first to subsidize the cost of the insurance premium and then, once property improvements are made, to help pay off the loan.

The benefits, he says, would favor everyone: thousands of at-risk properties would be far better protected from flood damage and both the government and the property owner would save a lot of money in the process.

The Association of State Floodplain Managers has also proposed a suite of nine principles to make flood insurance more affordable, including moving premiums toward full-risk rates and using a voucher-loan system to help property owners pay for mitigation improvements. Starkly absent from their suggestions is one calling for delaying the rate hikes mandated by the 2012 Biggert-Waters law.

The most current Congressional delay measure, US HR 3370, is currently in committee and has over 90 co-sponsors. Lawmakers are expected to address it before the end of the year.

Meanwhile, back on Long Island, Lynne Kampel has come to a decision. An engineer she hired says that because her 1,100-square-foot home’s lower walls are made of cinder blocks, it structurally can not be lifted.

“Apparently it would just fall apart if we tried it,” she says, a touch of resignation in her voice. But she vows not to give up. She has been flooded twice in just the last few years, first by Hurricane Irene in 2011 and then again by Sandy in 2012. For that one, she says she had four feet of water in her living room. But she believes she will be eligible for loans and grants from the New York Rising Community Reconstruction Program, which along with the insurance payout will help her do what she says she now knows she has no choice but to accept: knocking it all down and rebuilding from the ground up, this time elevated high enough to be out of the floodplain.

“It breaks my heart to have to do it,” she says. “But I’ve been here for 23 years. I can’t imagine leaving.”

— *By RICH EHISEN*

Budget & taxes

STATES TURNING TO TOLLS: With the federal gas tax not having budged in 20 years and Americans driving less and in more fuel-efficient vehicles, states are increasingly turning to an alternate revenue source to pay for road construction and maintenance: tolls.

Forty-two states now have tolling authorities or facilities, according to the National Conference of State Legislatures. Illinois Gov. Pat Quinn (D) recently won approval for a \$1.3 billion toll road linking highways in his state with those in neighboring Indiana. Tolling in Washington used to be limited to a single bridge, but now there are three tolled facilities in the state, including a toll lane pilot project on SR 167, which runs parallel to I-5 between Seattle and Tacoma. Tolling is also increasing around Dallas and Houston, according to Peter Samuel, the founder of *Toll*

Roads News. And many states with existing toll roads are raising their rates.

One of the pluses of toll roads is that they're not as unpalatable to voters as gas-tax hikes. As Maryland Gov. Martin O'Malley (D) recently put it, "If you ever put the word 'tax' in front of the word 'gas,' you're sure to get a whole collection of boos, hisses, throwing chairs and tables."

Patrick Sabol, a senior policy/research assistant with the Brookings Metropolitan Policy Program,

said that with tolls, people pay specifically for the roads they travel instead of roads they may never use, as is the case with taxes.

Leonard Gilroy, director of government relations at the libertarian Reason Foundation in Los Angeles, echoed that view.

"There's a fairness argument," he said. "If you use the roadway, you pay. If you don't, you don't."

Gilroy said tolls also make motorists aware that there are costs associated with maintaining roads.

"People believe that because they poured asphalt into the ground, they've paid for it, and that is never true. A road is never, ever paid for," he said. "What tolling does is take the hidden costs and make them transparent."

Another major benefit of tolling, Gilroy said, is that "you are literally able to begin that project today instead of waiting years or even decades to do it. It's a good way to catch up on the unmet needs you have today."

Partnering with private companies can make building new toll roads even more appealing to state and local governments because it spares them from having to take

"People believe that because they poured asphalt into the ground, they've paid for it, and that is never true. A road is never, ever paid for."

on public debt or worry about collecting enough in tolls to cover their debt servicing and maintenance. Such agreements are becoming more popular, according to the NCSL's Jaime Rall. Thirty-three states have authorized them, she said, up from 29 in 2010. And she said at least 24 states considered legislation to create new partnerships this year, twice the number in 2008.

But the projects aren't always financially successful. Revenues from the Indiana Toll Road have been so weak that the facility may go into default next year. The state is now considering partnering with a different private company or taking over the toll road itself.

And some states are resistant to tolling. Connecticut abandoned it in 1985 after a tractor-trailer ploughed into four cars stopped at a Stamford toll booth, killing seven people. But with gas taxes coming up well short of the state's road needs, officials there are under increasing pressure to rethink that policy.

"There's been no politician I've found who embraces the idea," said Jim Cameron, a member of the Connecticut Rail Commuter Council. "But they're going to have to do something." (STATELINE.ORG, WSTC.WA.GOV, WSDOT.WA.GOV, BROOKINGS.EDU, REASON.ORG, STATE NET)

WA APPROVES BILLIONS IN TAX BREAKS FOR BOEING: The Washington Legislature approved \$8 million in worker-training programs and \$8 billion in tax breaks for the aerospace industry in general and Boeing in particular in a special session this month.

"This is a generational opportunity," Senate Ways and Means Chairman Andy Hill (R) said of the tax-incentive and training measures, SB 5952 and SB 5953 respectively. "This is about our aerospace economy."

But Sen. Bob Hasegawa (D), one of just two senators who voted against SB 5952, said he had "a philosophical issue with putting this economic development strategy on the backs of the Machinists."

"We're asking them to sacrifice the future of the next generation of Boeing workers," he said. "That is not a sustainable economic development strategy for the state."

Boeing wants the 31,000 local members of the International Association of Machinists District 751 to agree to a new eight-year contract with major cuts to future pension and health-care benefits in exchange for the company's commitment to build its planned 777X airliner and an advanced-technology wing in the state. That could be a tough sell.

But state lawmakers gave the company most of what it asked them for: an extension of tax breaks due to expire in 2024 until 2040 and the expansion of a sales-and-use tax exemption for the construction of buildings used for manufacturing airplanes, along with the training measure aimed at increasing aerospace enrollments for the 2014-15 academic year by 1,000 full-time students. Lawmakers, however,

were't expected to take up a transportation package Boeing also wanted them to address before adjourning the special session that was called by Gov. Jay Inslee (D). (SEATTLE TIMES)

BELL ISLE TO BECOME MI'S 102ND STATE PARK: Michigan's Local Emergency Financial Assistance Loan Board approved a 30-year lease last week that will allow the state government to assume operation of Belle Isle as a state park. The board unanimously chose the plan over a competing one from the Detroit City Council for a 10-year lease.

But the decision ends a 14-month power struggle between the state and city over Gov. Rick Snyder's (R) offer to take over the operation, policing and maintenance of the park, which will save the city — the largest ever to file for municipal bankruptcy — \$6 million a year.

Michigan Department of Natural Resources Director Keith Creagh said the department was eager to collaborate with the City Council and Mayor's Office on the plan, which currently allows for two, 15-year renewals.

"We'll continue to work with the City Council and the city over time to perfect the lease," he said. "By no stretch of the imagination do we feel this is set in stone as we continue to learn more information."

Michele Hodges, president of the Belle Isle Conservancy, said both the state and city will be able to make amendments to the plan but working together will be crucial.

"This is an opportunity for all of us to be part of something good, very good, and we must unite around it," she said. (DETROIT NEWS, MLIVE.COM, STATE NET)

BUDGETS IN BRIEF: The city of Fulton in upstate **NEW YORK** has officially requested assistance from the state's Financial Restructuring Board, which was created by Gov. Andrew Cuomo (D) in September. If the board agrees to take on the city, which has suffered the loss of two major employers in the past decade, a Nestle candy plant and a Bird's Eye Food operation, it will be eligible for, among other things, a grant of up to \$5 million (ALBANY TIMES UNION). • **MISSOURI** lawmakers said last week they agree with Gov. Jay Nixon (D) that the state's tax break border war with **KANSAS** has to end (see "NIXON CALLS FOR END TO BUSINESS BORDER WAR" in Governors). But they also said they need to have a broader legislative discussion about tax incentives and competition with all neighboring states — not just Kansas (COLUMBIA MISSOURIAN, STATE NET).

— *Compiled by KOREY CLARK*

Politics & leadership

VETOED CA BILL WOULD HAVE BANNED GUN USED IN LAX SHOOTING: In September the California Legislature passed a bill, authored by Senate Leader Darrell Steinberg (D), prohibiting the sale of most semiautomatic rifles that accept detachable magazines. The aim of SB 374, according to *Los Angeles Times* political columnist George Skelton, was to close a loophole gun manufacturers use to get around the state's ban on assault weapons.

The bill was vetoed by Gov. Jerry Brown (D) in October.

"I don't believe that this bill's blanket ban on semiautomatic rifles would reduce criminal activity or enhance public safety enough to warrant this infringement on gun owners' rights," the governor said in his veto message.

But Skelton said SB 374 would have banned the Smith & Wesson M&P 15, .223-caliber semiautomatic allegedly used by Paul Anthony Ciancia to kill TSA agent Gerardo Hernandez and wound three others at LAX this month.

Skelton pointed out that even if passed, the bill wouldn't have taken effect until Jan. 1. And Ciancia would have been able to keep his weapon by registering it. He also probably could have inflicted the same damage if he'd used a handgun instead, Skelton said.

But Brown's action still drew his fire.

"Because of Brown's veto, these especially lethal firearms are still available for purchase in California," Skelton wrote. "And they'll continue to be used by wackos in horrific shootings."

Skelton cited polling data indicating the governor is out of sync with voters in the state. He said a recent USC Dornsife/Los Angeles Times poll showed that 41 percent of registered voters disapprove of Brown's gun policies, while only 28 percent approve, with the remaining 31 percent unsure. Skelton noted that since those polled weren't asked about their views on gun control, the poll results could mean they think the governor is too hard on guns instead of too soft. But he said another USC Dornsife/Los Angeles Times survey conducted in March found that a majority of voters (51 percent to 37 percent) felt it was more important to protect people from gun violence than to protect their right to own guns, and an even greater majority (62 percent compared to 33 percent) supported a nationwide ban on assault weapons. (ASSOCIATED PRESS, LOS ANGELES TIMES, PRESSROOM.USC.EDU, STATE NET)

HI LEGALIZES GAY MARRIAGE: Gov. Neil Abercrombie (D) signed the "Hawaii Marriage Equality Act of 2013" (SB 1) last week, enabling the Aloha State to edge out Illinois to become the 15th in the nation to legalize same-sex marriages.

Illinois passed its own same-sex marriage bill last week (SB 10), but Gov. Pat Quinn (D) has put off signing it until Nov. 20 to give supporters ample opportunity to attend the signing ceremony. Abercrombie, however, did not delay. The Hawaii Senate passed the version of the bill approved by the House earlier this month, granting churches and other religious organizations broader discretion to refuse to hold gay weddings and receptions, last Tuesday. Abercrombie signed it the following morning.

“I look forward to signing this significant piece of legislation, which provides marriage equity and fully recognizes and protects religious freedoms,” the governor said in a statement following the Senate’s 19-4 vote.

With the actions of Hawaii and Illinois, 1 in 3 Americans will soon live in states where same-sex marriages are legal. And with polls showing a rapid shift in public opinion on the issue over the past 15 years, some opponents of same-sex marriages fear they could ultimately be legalized nationwide.

National Organization for Marriage President Brian Brown expressed that view earlier this month when the U.S. Senate passed the “Employee Non-Discrimination Act,” aimed at protecting gay, lesbian, and transgender employees in the workplace. Brown said that act “could be a Trojan horse that enables the marriage redefinition agenda to be forced on the entire nation through the courts.” (HONOLULU STAR-ADVERTISER, LOS ANGELES TIMES, CNN.COM, STATE NET)

ABORTION INSURANCE RIDER REQUIREMENT COMING TO MI? An anti-abortion group in Michigan submitted 315,477 signatures to the Secretary of State’s office last month for an initiative allowing insurance companies to provide abortion coverage only for women who purchase it as a separate rider to their policy before they become pregnant. The initiative would bar women who are already pregnant from buying such coverage regardless of how their pregnancy occurred, including by incest or rape.

Opponents of the initiative will have until 5 p.m. on Nov. 25 to challenge the signatures. If enough of them are determined to be valid, the state Legislature will

Upcoming elections

(11/15/2013 - 12/6/2013)

11/16/2013

Louisiana Special Primary

House District 87

US House Special Runoff

LA House Congressional District 5

11/19/2013

Alabama Special

House District 74 Republican Runoff

California Special Election

Assembly District 45

Iowa Special Election

Senate District 13

Wisconsin Partisan Primary

Assembly District 82

Wisconsin Special Election

Assembly Districts 21 and 69

11/21/2013

Tennessee Special Election

House District 91

11/26/2013

Mississippi Special Runoff

House Districts 5 and 110

12/03/2013

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

then have 40 calendar days to approve or reject the initiative petition. If approved by the Legislature, the initiative will automatically become law without Gov. Rick Snyder's (R) signature. If rejected by the Legislature, the initiative will go before the state's voters in November 2014.

Given the size of Michigan Right to Life's signature cushion — having collected 65,000 more signatures than the 258,088 required — and the group's track record — having spearheaded three successful petition drives since 1987 — it is likely the abortion insurance rider petition will be certified by the Secretary of State. And given that the GOP-controlled Legislature strongly opposes abortion, it is likely the petition will also obtain legislative approval.

But opponents say they'll focus their effort on trying to convince lawmakers to reject the initiative so it can go to the voters to decide.

"We don't have any plans to challenge the petition," said Desiree Cooper, spokeswoman for Planned Parenthood Advocates of Michigan. "But we absolutely think this is bad public policy, and we'll do everything in our power to make sure the Legislature knows it." (DETROIT FREE PRESS)

POLITICS IN BRIEF: The U.S. Supreme Court declined to hear an appeal of a ruling by the **OKLAHOMA** Supreme Court that a law requiring women to undergo a narrated ultrasound exam before obtaining an abortion was unconstitutional because it imposed an undue burden. Earlier this month, the high court declined to review another decision by Oklahoma's highest court that a major portion of the state's abortion law was unconstitutional because it effectively banned all drug-induced abortions (WASHINGTON POST). • A coalition of five unions representing 35,000 **MICHIGAN** public employees has launched an effort to highlight areas where the state can cut waste and improve government services. The "Pure Michigan Waste" campaign began a day before the commencement of hearings in Lansing between the unions and the Office of the State Employer to resolve disputes over collective bargaining agreements (DETROIT FREE PRESS). • A western **MONTANA** man is seeking approval from the state attorney general's office for a constitutional amendment to require the state Legislature to have an equal number of male and female members. Rep. Franke Wilmer (D) said she didn't think the state had the political culture to support such a mandate but thought the public discussion it would generate "would be very interesting" (ASSOCIATED PRESS, MAGICVALLEY.COM). • The lead in **VIRGINIA**'s tight attorney general race swung last week from Republican state Sen. Mark D. Obenshain to Democratic state Sen. Mark R. Herring. But with the two separated by only 164 votes out of 2.2 million cast as of last Wednesday, a recount is likely (WASHINGTON POST). • The Libertarian Party of **OHIO** has filed suit against the state over a newly enacted law tightening the requirements for access to the election ballot by minor political parties. The state's Green Party is also reportedly considering its own legal challenge to the law (CLEVELAND.COM).

— Compiled by **KOREY CLARK**

Governors

NIXON CALLS FOR END TO BUSINESS BORDER WAR: Saying it was bad for taxpayers, Missouri Gov. Jay Nixon (D) called for a moratorium in his state and neighboring Kansas on using tax incentives to lure businesses away from one another. Speaking to business leaders last Tuesday, Nixon said the ongoing battle with Kansas has produced few new jobs for either state, and has instead just resulted in companies moving from one side of the state line to the other.

“That is bad for taxpayers. It’s bad for our state budget, and it’s not good for our economy,” he said, adding, “This so-called border war between our two states has gone on long enough.”

Over the last four years, the competition between the two states has resulted in more than 6,000 jobs moving from one side of the border to the other within the Kansas City metropolitan area, draining more than \$210 million in income tax revenues from both states.

Nixon said he has approached the administration of Kansas Gov. Sam Brownback (R) seeking his cooperation in both states pursuing legislation that would make a moratorium permanent. He acknowledged a permanent end will require legislation on both sides, but said “there is no reason another dime of taxpayers’ money should be spent to subsidize the movement of jobs within this region.”

The announcement, however, took Kansas officials by surprise. Kansas secretary of commerce Pat George said representatives of the two states had been quietly discussing such a plan for a year, but had not agreed to take it public yet.

“It surprised me,” he said. “We’ve communicated pretty well over the past year or so. We thought it might be a joint announcement.”

It also drew a heated response from some Missouri Republicans, who said the governor was horning in on an effort they have been working on for a while. Sen. Ryan Silvey (R) took particular exception to the governor’s claim that he had been personally involved for the duration of the negotiations.

“This is something that we’ve been working on for months locally in Kansas City with business leaders and legislators and this is the first we’ve heard from the Governor, and what he’s come out with is not something that really any of us are that supportive of,” Silvey said.

Missouri House Speaker Timothy Jones (R) also criticized the governor for vetoing a bill this year that would have created a neutral zone along the state border where neither side could use tax incentives as a lure. Had Nixon signed it, Jones, said, Kansas Gov. Sam Brownback (R) would have reciprocated with an executive order honoring the zone. He also said he and House colleagues had been discussing a moratorium with their Kansas counterparts for two years.



Jim Heeter, president of the Greater Kansas City Chamber of Commerce, said that regardless of who could claim credit, business leaders were just glad to see someone addressing the issue.

“The chamber’s position always has been that incentives should be used for net, new jobs and not subsidize businesses back and forth across the state line,” he said. (NEW YORK TIMES, KANSAS CITY STAR, MISSOURINET.COM)

In case you missed it

Advocates for requiring GMO foods to be labeled had been having a pretty good year. But a bitter defeat in Washington and another potential one in Hawaii are forcing them to regroup.

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

http://www.statenet.com/capitol_journal/11-11-2013/html#snj_spotlight

GOVERNORS IN BRIEF: **VIRGINIA** Gov.–elect Terry McAuliffe (D) said he would veto any legislation that would lift a moratorium on uranium mining in the Old Dominion. He said he is not convinced mining would not harm the state’s drinking water supply (VIRGINIAN-PILOT [NORFOLK]). • **OHIO** Gov. John Kasich (R) stayed the execution of a convicted child murderer, saying he wanted to provide time to study the man’s request to have his organs donated after his death. Buckeye State prison officials had denied the man’s request, saying he had not made it soon enough for officials to work out the logistics and security concerns (AKRON BEACON JOURNAL). • **IOWA** Gov. Terry Branstad (R) unveiled a plan to help connect military veterans with jobs in the Hawkeye State. He said the program hopes to raise \$6 million in private funds to use for national marketing efforts to reach veterans (WATERLOO-CEDAR FALLS COURIER). • **MICHIGAN** Gov. Rick Snyder (R) signed SB 652, a bill that will have lawsuits filed against the state and government officials heard by four Court of Appeals judges selected by the state Supreme Court rather than a single court in Ingham County (MLIVE.COM).

— *Compiled by RICH EHISEN*

Hot issues

B **USINESS:** The **NEW JERSEY** Senate Labor Committee unanimously approves SB 2995, which would bar Garden State employers from discriminating against pregnant employees. It would require employers to make reasonable accommodations for the pregnancy-related needs of female workers, including modified work schedules and assistance with manual labor. The bill, which would also cover discrimination in housing and finance, moves to the full Senate for consideration (LAW 360 [LEXIS NEXIS]). • The **WISCONSIN** Senate approves SB 223, a bill that would prohibit employers, landlords and colleges from pressuring job seekers, tenants or aspiring college athletes to turn over the passwords to their private social media or email accounts. It moves to the Assembly



(MILWAUKEE JOURNAL-SENTINEL, STATE NET). • The **PENNSYLVANIA** House approves HB 1098, a bill that would allow Keystone State bars to conduct pull-tab games, daily drawings and tavern raffles. Establishments that want to offer the games would have to be licensed by the state. The Senate is expected to take up the measure this week (PHILADELPHIA INQUIRER).

CRIME & PUNISHMENT: The **WISCONSIN** Senate approves AB 28, which would require Badger State sex offenders to prove they don't need supervision before a judge can release them. The bill, which also requires a 10-day waiting period before the release actually takes place, moves to Gov. Scott Walker (R) for review (WISCONSIN PUBLIC RADIO). • Also in **WISCONSIN**, the Assembly approves AB 462, a bill that would make so-called "revenge porn" a misdemeanor. The bill, which would make the dissemination of a nude picture without the subject's consent a crime punishable by up to \$10,000 in fines and nine months in jail, moves to the Senate (CHICAGO SUN-TIMES, STATE NET). • The **MICHIGAN** Senate approves SB 285 and SB 286, which together would create three degrees of punishment for persons who knowingly kill, mutilate, maim or disfigure an animal. A third-degree offense would be punishable by up to four years in prison, a fine of up to \$5,000 and up to 500 hours of community service. The bills move now to the House (MLIVE.COM). • The **PENNSYLVANIA** House unanimously approves HB 112, a bill that would make it a third degree felony for an athletic coach to have sex with a player older than 16. The measure moves to the Senate (PHILADELPHIA INQUIRER).

ENVIRONMENT: The **WYOMING** Oil and Gas Conservation Commission adopts new rules that require energy companies to test nearby water before drilling oil and natural gas wells. Starting March 1, industry operators will have to test water quality once before drilling oil and gas wells, a second time 36 to 48 months after drilling and a third time at least 24 months after that (CASPER STAR TRIBUNE). • The **CALIFORNIA** Air Resources Board approves 1.4 million carbon offset credits in the Golden State's nascent cap-and-trade program, including the first granted to an in-state program. Each credit allows the holder to emit one ton of greenhouse gasses, which have been linked to global climate change. More than 400 companies are

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: 128

Number of 2015 Prefiles last week: 1

Number of Intros last week: 389

Number of Enacted/Adopted last week: 191

Number of 2013 Prefiles to date: 27,041

Number of 2014 Prefiles to date: 2,379

Number of 2015 Prefiles to date: 23

Number of 2013 Intros to date: 133,053

Number of 2013 Session Enacted/Adopted overall to date: 39,508

Number of bills currently in State Net Database: 151,288

— Compiled By FELICIA CARILLO
(measures current as of 11/14/2013)
Source: State Net database

subject to the cap-and-trade program, which limits their greenhouse gas emissions (SACRAMENTO BEE).

HEALTH & SCIENCE: The U.S. Dept. of Health and Human Services reports that slightly more than 106,000 people were able to enroll in new health insurance plans through the troubled healthcare.gov website during its first month of operation. Of those, 27,000 came from the 36 states which opted to go exclusively with the federal exchange, with another 79,000 coming from the 15 sites run by states and the District of Columbia. **CALIFORNIA** had the most enrollees with just over 35,000 (WASHINGTON POST). • In the wake of those low numbers and increasing criticism over the troubled rollout, President Barack Obama announces his administration will allow holders of individual health coverage to keep those policies through 2014 even if they do not adhere to the minimum requirements mandated under the Affordable Care Act. The president's policy will allow each state to decide for itself if they will allow such extensions, with no penalties imposed by the federal government if they do (WASHINGTON POST). • The **WISCONSIN** Assembly approves a dozen bills aimed at improving mental health treatment in the state, including AB 452, which would create a hotline that doctors could use to assist with the treatment of children and teenagers with mental health issues, and AB 453, which would make it easier for health insurers and providers to share patients' mental health records. The bills move to the Senate, which reconvenes in January (MILWAUKEE JOURNAL-SENTINEL). • The **MICHIGAN** Senate approves SB 660, legislation that would reclassify marijuana as a Schedule 2 controlled substance and provide for the licensure and regulation of facilities to grow and test pharmaceutical-grade pot. The bill, which would also allow those facilities to sell the drug to Wolverine State pharmacies to dispense, moves to the House (MLIVE.COM). • Staying in **MICHIGAN**, the Senate endorses SB 2, legislation that would allow nurses with advanced training and who receive special licenses to practice independently and prescribe medicines. It moves to the House (MLIVE.COM).

SOCIAL POLICY: A federal judge upholds AB 3371, a **NEW JERSEY** law banning the use of so-called "gay conversion" therapy on Garden State minors. U.S. District Court Judge Freda Wolfson rejected a claim by two therapists that the prohibition violates their First Amendment rights. The decision mirrors that

The week in session

States in Regular Session: DC, MA, MI, NH "a" NJ, NY, OH, PA, PR, SC, US, WI

States in Special Session: DE "b", WI "a"

States in Recess: IL

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, 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", 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 11/14/2013)
Source: State Net database



of Ninth U.S. Circuit Court of Appeals ruling in August that rejected a similar challenge to a gay conversion therapy ban in **CALIFORNIA**, the only other state to bar the treatment (LAW 360 [LEXIS NEXIS]). • The U.S. Supreme Court declines to take up a case challenging an **OKLAHOMA** Supreme Court ruling that struck down a law requiring Sooner State doctors to perform an ultrasound and verbally describe the condition of the fetus to a woman seeking an abortion one hour before performing the procedure. The high court rejected the appeal without comment (CHRISTIAN SCIENCE MONITOR). • **HAWAII** Gov. Neil Abercrombie (D) signs SB 1, legislation that makes the Aloha State the 15th to legalize same-sex marriage. Under the law, which allows churches and other religious organizations to refuse to perform same-sex marriage ceremonies, such unions may begin taking place as early as Dec. 2. **ILLINOIS** Gov. Pat Quinn (D) is scheduled to sign legislation (SB 10) authorizing same-sex marriage in the Prairie State on Nov. 20 (HONOLULU STAR ADVERTISER, ILLINOIS GOVERNOR’S OFFICE).

POTPOURRI: The **NEW JERSERY** Gaming Enforcement Division announces it will allow people to ban themselves from online betting. The state already allows people who feel they have a gambling problem to place their names on a list of those who are not allowed to enter any of Atlantic City’s 12 casinos (NEW JERSEY.COM).

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

NO TIME LIKE THE PRESENT: Later this week, Illinois Gov. Pat Quinn is expected to sign legislation making the Prairie State the 16th to legalize same-sex marriage. When he does, nobody will be more ready to tie the knot than Rep. Sam Yingling. As the *Rockford Register Star* reports, Yingling popped the question to his partner of three years just hours after his colleagues passed the bill. That might sound impulsive, but think again. Yingling has been carrying around a ring for more than a year, just waiting for the right moment. That apparently came last week during a celebration of the bill’s success at the Governor’s Mansion. The couple, which has three children, plans to get their marriage license as soon as the law takes effect in June.

NOT SO FAST: California Assemblyman Tim Donnelly recently made his 2014 gubernatorial campaign official, announcing his candidacy via a video he posted to

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YouTube. But as the *Sacramento Bee* reports, another video the tea party conservative posted on the site is getting all the attention, but not the kind he was looking for. That one, dubbed “Patriot, Not Politician,” has several shots of Donnelly speaking on the Assembly floor...which is a big no-no. Turns out that Golden State law bars anyone from using a “television signal generated by the Assembly...for any political or commercial purpose.” Assembly administrator John Waldie fired off a cease and desist order to the Donnelly camp, which contends that once any video of a floor speech is aired it becomes part of the public domain. In the mean time, Donnelly is promising a campaign that will be an “epic showdown between socialism and freedom right here in California.” Stay tuned.

ALL IN THE FAMILY: Former Montana governor Brian Schweitzer surprised his Democratic colleagues last July by opting not to run for the U.S. Senate seat being vacated by retiring Sen. Max Baucus. Although Dems were disappointed, they figured Lt. Gov. John Walsh also had a wide open path to the party’s nomination. Or he did until another Schweitzer protégé — former Lt. Gov. John Bohlinger — tossed his hat into the ring. Not wanting a messy primary battle, party leaders asked Schweitzer to coerce Bohlinger to drop out. As *Roll Call* reports, Schweitzer spoke with him, but declined to ask him to quit. And to show he has lost none of his famous sense of self, Schweitzer claimed credit for each man’s career, saying he had “plucked both of them from obscurity.” Choosing one over the other, he said, would be “like asking a father to pick his favorite son.” Ruffled Dems, meanwhile, were left to whisper that Schweitzer is just not a team player.

A PICTURE IS WORTH A THOUSAND INSULTS: By now, we all know the rollout of the online federal health benefits exchange called for by the Affordable Care Act was about as smooth as two miles of bad road. Technical glitches galore left many folks trying to enroll in new health insurance frustrated and staring at a frozen screen featuring the smiling face of woman welcoming them to the site. That image soon became the butt of snarky jokes from late night comedians like Stephen Colbert, who dubbed her the “vaguely ethnic smiling woman.” As *Reuters* reports, social media trolls also glommed on with other unflattering nicknames, like “Glitch Girl.” But last week, the Maryland woman whose face had come to symbolize the troubled rollout lashed back a bit. Identified only as Adriana, she accused her tormentors of cyberbullying, telling ABC News, “I didn’t design the website. I didn’t make it fail.” Funny, a lot of people in the Obama administration are saying the same thing these days.

— By RICH EHISEN



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