

May 9, 2011

Prescription Peril



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The next issue of Capitol Journal will be available on May 16th.

Top Story

Two years ago, the federal government took a dramatic turn away from prosecuting medical marijuana users. But with more states now looking to allow medical pot, the feds are having a change of heart.

SNCJ Spotlight

Possible federal crackdown has states rethinking medical pot

Barely two years after federal officials said they saw no benefit in spending federal dollars to arrest and prosecute medical marijuana users in states where such activity was legal, it appears the U.S. Department of Justice may have just been blowing smoke. Based on several recent threats by federal attorneys to prosecute medical pot growers and perhaps even the state regulators assigned to oversee their operations, some states are now reassessing their position on medical marijuana.



Washington Gov. Christine Gregoire (D) cited her concerns over the federal government's new stance last week in her veto of most of SB 5073, a measure that would have required Evergreen State officials to license medical marijuana dispensaries. Gregoire said she rejected the bulk of the measure out of concern that it would subject state workers to possible federal action.

Critics scoffed at that assertion, calling it an empty threat. Legal experts also noted that such a move would be unprecedented in recent history. But Gregoire acted on the advice of the state's two U.S. Attorneys, Jenny Durkan and Michael Ormsby, who warned her that the bill could possibly put state workers at risk. The state's largest public employee union also urged her to veto the measure. Although no state

“I will not subject my state employees to federal prosecution, period.”

workers have actually been arrested or charged by federal officials for regulating medical marijuana laws, Gregoire said she was not willing to risk it, calling such a move irresponsible.

“I will not subject my state employees to federal prosecution, period,” she said.

Gregoire is not the only elected official to feel the heat. Last week, Rhode Island Gov. Lincoln Chafee (I) “placed on hold” the Ocean State’s three licensed medical marijuana dispensaries, which were scheduled to open for business this summer. Chafee opted to stall those openings after receiving a letter from the state’s U.S. Attorney Peter F. Neronha that suggested he would authorize raids on the facilities if they were allowed to open. The law still allows the state’s 3,400 licensed medical marijuana patients to either grow a limited number of plants for themselves or to obtain the drug from state-licensed growers or caregivers who may grow for up to two patients.

Several other states, including Montana, Arizona, Hawaii, California and Colorado, have also received letters from U.S. Attorneys warning of potential busts.

While it has continued to essentially turn a blind eye to medicinal pot use in states where such use has been legalized, the Department of Justice is showing no such willingness to look the other way for what it considers to be large scale medical marijuana operations. The day prior to Gregoire’s veto, federal authorities conducted raids against two dispensaries in Spokane, Washington. Those raids came just weeks after a series of busts at growing operations in Montana. Federal authorities conducted another raid at a San Diego, California dispensary last Tuesday.

The newfound interest from federal officials appears to be drawing a mixed reaction from state lawmakers. Montana lawmakers Gov. Brian Schweitzer (D) dueled with the Treasure State Legislature over medical marijuana all session, including vetoing one measure (HB 161) that would have repealed the state law legalizing its use. He later threatened to veto another measure to overhaul the law, calling it unconstitutional. But last week he said he would allow an amended version of the bill (SB 423) to become law without his signature.

Under that measure, marijuana providers will be barred from charging patients and be limited to providing for no more than three patients at one time. The law also contains stricter guidelines for who qualifies for medical marijuana and gives cities and law enforcement more authority to monitor and regulate providers. Schweitzer had suggested that lawmakers allow providers to have up to 25 patients, and that those providers be allowed to sell their weed at a profit. He said such minimal patient limits would encourage sellers to go outside the law.

“We’re going to have 10,000 people growing marijuana. Let’s say 90 percent of them are on the complete up and up. That means 10 percent are selling marijuana in the alley,” he said.

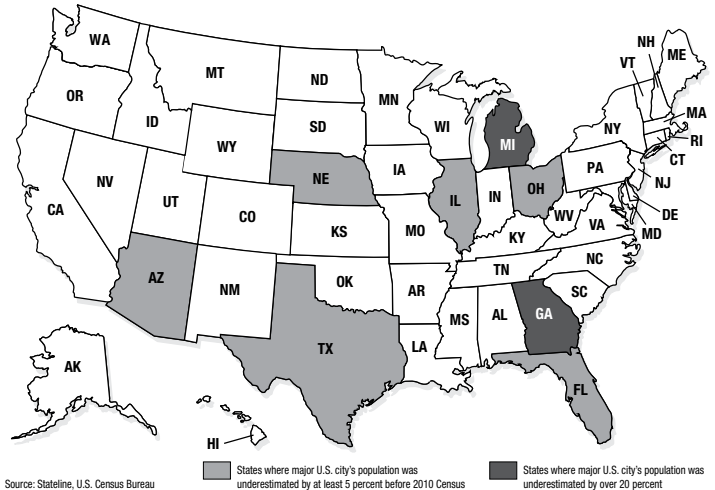
But lawmakers rejected that idea, saying they were against allowing operations to get too big in fear it would spur further federal response.

Another dispensary bill, this one in Hawaii (SB 1458), also went down to defeat last month, while Illinois lawmakers rejected a measure last week (HB 30) that would have legalized medical marijuana use in the Prairie State.

But the federal threat has not discouraged all lawmakers. The Delaware House on Thursday endorsed SB 17, which would legalize the sale and use of medical marijuana, though with no allowance for dispensaries. It now returns to the Senate for consideration of amendments added in the House, though observers expect it will gain approval and be sent on to Gov. Jack Markell (D). The governor is expected to sign it.

A measure to legalize medical marijuana (SB 1015) has also moved ahead in Connecticut, where officials say the state’s U.S. Attorney has not yet weighed in on the matter. In the absence of an official warning, House Judiciary Committee co-chairman Rep. Gerald Fox (D) says he has no plans to pull back on his efforts to push the bill through. Lawmakers last week moved it out of the Public Health Committee and to the Senate floor.

Bird’s eye view



Cities losing population, government funds

2010 Census counts for at least 10 major U.S. cities were 5 percent or more below population estimates the Census Bureau issued less than a year earlier, meaning the cities will receive less state and federal aid in coming years than they were expecting. The official decennial counts in April 2010 were actually 20 percent lower than the estimates released in July 2009 for two cities: Atlanta and Detroit. Atlanta’s official tally was off the Bureau’s 540,000 estimate by 120,000 people, while Detroit’s was nearly 200,000 lower, dropping the city below Michigan’s 750,000 population threshold for income and utility taxing power.



“I don’t think that will hold up the bill,” said Fox. “I will certainly pay attention to the federal government when something happens.”

Lawmakers also appear to have not given up in Washington, where Sen. Jeanne Kohl-Welles (D) has proposed “nonprofit patient cooperatives that could operate like a dispensary, but [without] state regulation.” The proposal would allow local governments to have control over the dispensaries via zoning and business licensing laws.

It remains to be seen if that revision gets heard this year. Evergreen State lawmakers are in a 30-day special session devoted to the budget and workers’ compensation reform. Kohl-Welles says she has the support of the governor and three of the four caucus leaders, with only House Republicans not on board. Gregoire said last Thursday she would consider such a measure if it gets to her desk, but that all four party leaders need to agree to let the bill be heard.

That may not happen. A spokesperson for House Republican Leader Richard DeBolt said he only wants to deal with budget and workers’ compensation bills during the special session. Even so, Kohl-Welles said she would introduce a bill this week with the intent of moving it through the Senate as quickly as possible. Should such a bill get to the House, the majority Democrats have said they will likely ensure it gets to Gregoire.

But that is no guarantee she will endorse the bill. Gregoire has long insisted on a bipartisan agreement on the medical marijuana issue. Anything less than that could fail to sway her yet again.

“I’ve indicated to [Kohl-Welles] I’m a go,” Gregoire said, “but you’ve got to get the other ‘four corners’ to say they’re a go as well.”

(SEATTLE TIMES, SEATTLE POST-INTELLIGENCER, CHICAGO TRIBUNE, ASBURY PARK PRESS, NEWS-TRIBUNE [TACOMA], PROVIDENCE JOURNAL, CONNECTICUT MIRROR [HARTFORD], KING5.COM [SEATTLE], GREAT FALLS TRIBUNE, JD JOURNAL [PASADENA], PROVIDENCE BUSINESS NEWS)

— *Compiled by RICH EHISEN*

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 Prefiles last week: 238

Number of Intros last week: 2,193

Number of Enacted/Adopted last week: 1,288

Number of 2011 Prefiles to date: 31,058

Number of 2011 Intros to date: 118,761

Number of 2011 Session Enacted/Adopted overall to date: 24,855

Number of Measures currently in State Net Database: 154,093

— Compiled By JAMES ROSS
(measures current as of 5/5/2011)
Source: State Net database



FEDS ORDER NJ TO PAY UP FOR

CANCELED TUNNEL PROJECT: Last month, U.S. Transportation Secretary Ray LaHood dashed off a letter to New Jersey’s congressional delegation demanding that the state repay the \$271 million the federal government gave it to build a rail tunnel under the Hudson River to Manhattan.

“The law is clear on this matter,” LaHood said.

The federal government had only given New Jersey the money, he said, on the condition that it complete the multibillion-dollar project, known as ARC for Access to the Region’s Core. But Gov. Chris Christie (R) put the brakes on the project last October, fearing the state would be saddled with billions of dollars in cost overruns.

“After the initial contract was entered into and later expanded at Governor Christie’s request, the state of New Jersey broke the terms,” LaHood said. “The governor’s unfortunate decision will affect the commuters in New Jersey and the entire Northeast region for generations.”

Last Tuesday, at a town hall meeting, Christie responded to LaHood’s \$271 million bill.

“I ain’t paying it,” he said. “We’re going to go to court. We’re going to go before an impartial judge and the judge will decide.”

The day before, the governor said the tunnel debate was no longer a partisan issue between the state’s Democrats and Republicans but one pitting the federal government against all of New Jersey.

State Assemblyman John Wisniewski (D), chairman of the transportation committee, however, said Christie was being “reckless” by going to court instead of seeking a compromise.

“My concern is that the federal government has a far bigger arsenal of tools at its disposal,” Wisniewski said. “It’s really a David versus Goliath fight. I’m not sure that the governor’s digging his heels in and claiming to fight this to the end is in the best interest of the taxpayers.”

The state racked up \$800,000 in legal fees for December and January alone, and is now accruing interest on the \$271 million the federal government says it owes at the rate of 1 percent per year — which works out to about \$225,000 a month. (STAR-LEDGER [NEWARK])

The week in session

States in Regular Session: CO, CT, DC, DE, IA, IL, KS, LA, MA, ME, MI, MN, MO, NC, NE, NH, NJ, NV, NY, OK, OH, OR, PA, PR, RI, SC, TN, TX, US, VT, WI

States in Recess: AL

States in Special Session: AK “a”, CA “a”, WA “a”, WI “a”

Special Sessions in Recess: VA “a”

States in Veto Session: UT (05/06/2011)

States Projected to Adjourn: CO, IA, KS, MO

States Adjourned in 2011: AK, AR, AZ, FL, GA, HI, ID, IN, KY, MD, MS, MT, ND, NM, SD, UT, VA, WA, WV, WY

State Special Sessions Adjourned in 2011: AL “a”, AZ “a”, AZ “b”, DE “a”, KY “a”, LA “a”, UT “a”

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS
(session information current as of 5/6/2011)
Source: State Net database



BUDGETS IN BRIEF: ARIZONA received federal clearance last month to implement Gov. Jan Brewer's (R) plan to reduce Medicaid enrollment to help balance the state budget. The state will suspend new signups in a small part of its program ahead of an Oct. 1 coverage cutback (ARIZONA CAPITOL TIMES). • **CALIFORNIA** took in \$2 billion more in tax revenues last month than expected. Although the windfall is a sign the state's economy is improving, it could hurt Gov. Jerry Brown's (D) plan to extend temporary tax hikes to help close the state's remaining \$15 billion deficit (LOS ANGELES TIMES). • **WASHINGTON's** three-month tax amnesty for businesses took in \$321 million, more than twice what the state had projected in a March revenue forecast (OLYMPIAN). • **CONNECTICUT** Gov. Dannel P. Malloy (D) signed into law a \$40.1 billion budget last Wednesday that includes the largest tax increase in the state's history. The governor hoped to end the week by extracting \$1 billion in pay and benefit concessions and other cuts from more than 45,000 of the state's public employees (NEW YORK TIMES). • **NORTH DAKOTA** Secretary of State Al Jaeger announced last month that a proposed constitutional amendment to abolish property taxes received enough petition signatures to qualify for the state's June 2012 primary election. It will be listed on the ballot as Measure 2 (ASSOCIATED PRESS, FORUM OF FARGO [FARMINGTON]).

— *Compiled by KOREY CLARK*

Politics & leadership

SOME CITIES CONSIDERING 2010 CENSUS CHALLENGE: In July 2009, the U.S. Census Bureau released city population estimates indicating there were 540,000 people living in Atlanta, Georgia. That tally was the largest in the city's history, nearly 124,000 more than the 416,000 the Bureau counted there in the 2000 Census, and marked an amazing comeback for the city from 1990, when its population fell below 400,000.

So it understandably came as somewhat of a shock when the Bureau announced in March that, according to its official 2010 count, Atlanta's population was only 420,000. It meant the city had grown by only 4,000 people over the last decade — and the Bureau's 2009 estimate had been off by more than 20 percent.

Atlanta wasn't the only city's population the Bureau underestimated by that much. The count for Detroit, Michigan also came in 20 percent lower than estimated. And tallies for eight other cities (see *Bird's eye view*) were at least 5 percent lower than their 2009 estimates.



New York, for instance, estimates it receives \$3,000 per year in federal aid for each person counted in the Census. And if Detroit can get its official count — which currently stands at 714,000 — back over 750,000, it will maintain the authority to assess taxes on personal income and utilities. (STATELINE.ORG)

NEW STRATEGY IN FIGHT AGAINST FEDERAL HEALTH CARE

REFORM: Opponents of the federal health care reform law have attacked it on multiple fronts. They've filed federal lawsuits aimed at overturning it. They've passed state laws barring its implementation. And they've pushed for congressional repeal. But a new strategy has emerged that could ultimately trump all of the others: interstate health care compacts.

In a nutshell, the plan is for at least two states to sign an agreement to take full responsibility for all health care policy within their borders and then seek congressional approval to do so. If permission was granted, the states would be given a block grant equal to the total amount they received in federal health care funding the prior year — Medicare and Medicaid included — without any strings attached. Then the states would work either together or separately to develop their own health care policies.

The plan does face significant obstacles, however. For one thing, it couldn't be carried out right away politically. It would have little chance of getting through the Democrat-controlled Senate or of being signed by President Obama, although there is some debate on whether or not his signature would be necessary.

There is also a legal issue to contend with. The courts have interpreted Article I, Section 10 of the U.S. Constitution, which says that “no State shall, without the Consent of Congress...enter into any Agreement or Compact with another State,” to mean that states can do so if that consent is obtained. In fact, there are over 200 interstate compacts in effect today, dealing with issues ranging from transportation to water rights, created by virtue of the Constitution's “compact clause.” Some of them even supersede federal law. But it is unclear whether Congress could approve a compact nullifying a federal law, which is essentially what an interstate health care compact would do.

Then there's the fiscal concern that is hard to overlook at the moment. Compact member states couldn't count on federal aid in the event of a pandemic or other public health disaster or a federal bailout if the country was to go into another deep recession. The only variation in their block grants would be a modest annual adjustment for inflation and population growth.

Still, the founders of the compact movement, Texas construction magnate Leo Linbeck III and Wisconsin investor Eric O'Keefe, argue it addresses the real problem with America's health care system: excessive federal bureaucracy. That position has won their movement the support of the Tea Party Patriots, a grassroots organization that advocates for smaller government and which has been active on the issue in at least 30 states this year.



Georgia is the only state that has committed to joining a compact so far, with Republican Governor Nathan Deal having signed legislation (HB 461) to that effect in April. But compact bills have reached the desks of Democratic governors Jay Nixon in Missouri (HB 423) and Brian Schweitzer in Montana (HB 526), and compact legislation is also pending in Florida, Louisiana, Oklahoma, South Carolina, Texas and Tennessee.

Only one of those bills would have to become law before supporters could seek congressional approval. But O’Keefe said he wants to wait until there’s “a nice long list of states” before starting that process.

“We got a late start this year,” he said, “so we’ll be making a big push next year.” (STATELINE.ORG)

Correction

Our May 2nd Spotlight highlighted Ohio’s investment in economic development. Unfortunately, the figure noted in that story, \$1.4 billion for this year, is vastly overstated. According to the OH Department of Development, the state Strategic Business Investment Division allocation for 2011 is approximately \$228 million. The Ohio Third Frontier initiative, which focuses on technology-based economic development, has a 2012 budget of approximately \$225 million. We regret the error.

POLITICS IN BRIEF: The **TENNESSEE** Senate voted last week to end collective bargaining for teachers in the state. But SB 113 stumbled in the House and Speaker Beth Harwell (R) said the bill’s prospects for passing are “razor fine” (COMMERCIAL APPEAL [MEMPHIS], TENNESSEAN [NASHVILLE]). • A group of attorneys filed lawsuits last week on behalf of children and young adults in every state and the District of Columbia seeking to have Earth’s atmosphere declared a “public trust” entitled to special protection. The effort, led by the **OREGON**-based nonprofit group Our Children’s Trust, was intended to force government intervention on climate change, a cause that has stalled in the face of stiff congressional opposition and U.S. Supreme Court skepticism (DAILY TIMES [FARMINGTON]). • A partisan firefight over federal firefighting funding broke out in **TEXAS** last Wednesday after the Obama administration rejected Gov. Rick Perry’s (R) request to designate the state a federal disaster area to help it deal with the thousands of wildfires that have scorched 2.2 million acres of the state. Republicans in the state claimed the Obama administration was playing politics, while the administration maintained it was just being cautious about its disaster declarations in the aftermath of Hurricane Ike and the South’s tornadoes, given the record national deficit, and it has offered **TEXAS** 25 different kinds of federal aid in recent months (HOUSTON CHRONICLE). • Olympic gold medalist Carl Lewis is back on the ballot as a Democratic candidate for the **NEW JERSEY** Senate, as a result of an order issued last week by the U.S. Court of Appeals for the Third Circuit. The court also sent the case back to U.S. District Judge Noel Hillman to determine if the state’s four-year residency requirement for Senate candidates violates the U.S. Constitution (PHILADELPHIA INQUIRER).

— *Compiled by KOREY CLARK*

That drew praise from Illinois Gov. Pat Quinn (D), who said he was “very grateful” for the Corps’ response. Kentucky Gov. Steve Beshear (D) also lauded the decision to access the floodway, which he credited with taking pressure off of floodwalls in the Bluegrass State near the confluence of the Ohio and Mississippi Rivers.

“That was a difficult decision for the corps to make, but I think in the end you’re talking about lives versus property,” he said.

The historic floods followed hot on the heels of another epic natural disaster, the previous week’s tornadoes that ripped their way through the South, causing what Alabama Gov. Robert Bentley (R) called the greatest natural disaster in his state’s history. Over 200 twisters tore through at least six states, leaving over 335 people confirmed dead and dozens more still missing. At least 238 of those casualties came in Alabama.

Early last week, Bentley asked Heart of Dixie lawmakers to quickly pass two bills intended to ease some of the recovery for the state’s schools, including a bill that would let leaders of many school systems shut down by the storms ask state school Superintendent Joe Morton to shorten their school year. Lawmakers passed the measure, SB 271, on Thursday and Bentley signed it the following day. As of Friday, they were still working on his other request, to hammer out differences on the state education budget. Each chamber had passed its own version of the bill, with a final resolution expected to come from within a conference committee. (CHRISTIAN SCIENCE MONITOR, BLOOMBERG BUSINESSWEEK, USA TODAY, ST. LOUIS BEACON, BIRMINGHAM NEWS, MONTGOMERY ADVERTISER, CLARION-LEDGER [JACKSON], REUTERS, WAPT.COM [JACKSON], SUN HERALD [BILOXI], COURIER-JOURNAL [LOUISVILLE], SOUTHEAST MISSOURIAN [CAPE GIRARDEAU], U.S. ARMY CORPS OF ENGINEERS)

DAUGAARD WANTS LOWER INFANT MORTALITY RATE: In the next few weeks, South Dakota Gov. Dennis Daugaard (R) is expected to issue an executive order forming a task force made up of approximately 20 doctors, nurses, scholars and tribal health representatives that will be tasked with addressing the state’s rising infant mortality rate. State health leaders say South Dakota’s infant mortality rate among the Caucasian population has climbed steadily over the last decade, although it has declined slightly for the state’s Native American population. The task force will be asked to examine data surrounding infant deaths and have a series of recommendations ready for Daugaard by December. (ARGUS LEADER [SIOUX FALLS])

QUINN PULLS IL FROM IMMIGRANT SCREENING PROGRAM: Illinois Gov. Pat Quinn (D) informed the U.S. Immigration and Customs Enforcement agency last week that he is pulling the Prairie State out of a federal program that automatically checks the immigration status of arrestees with the intention of deporting illegal immigrants who are convicted of a serious crime. Quinn said



statistics from ICE show that many of those deported under the so-called “Secure Communities” program have never been convicted of any crime, much less the serious crimes that are supposed to spark deportations. In a letter to ICE officials, Quinn said Illinois State Police would end their participation within 30 days. An ICE spokesperson defended the program, saying “The federal government, and not the state or local law enforcement agency, determines what immigration enforcement action, if any, is appropriate.” (CHICAGO TRIBUNE)

GOVERNORS IN BRIEF: GEORGIA Gov. Nathan Deal (R) signed a slate of bills last week that overhaul the Peach State legal system. The measures include HB 415, which creates a new system for compiling juror lists, HB 24, which rewrites the state’s outdated evidence rules and HB 238, which gives the governor and lawmakers more say in the running of the state public defender’s system (ATHENS BANNER-HERALD). • **NEW YORK** Gov. Mario Cuomo (D) said last week he is optimistic that Empire State lawmakers will endorse legislation to legalize same-sex marriage this session, which has six weeks to go (WALL STREET JOURNAL). • **ARIZONA** Gov. Jan Brewer (R) finished action last week on the 386 bills Grand Canyon State lawmakers passed this session. Brewer vetoed 29 measures, double her total from last year (ARIZONA CAPITOL TIMES [PHOENIX]). • **MICHIGAN** approved language for a recall petition against Gov. Rick Snyder (R). The 2-1 decision allows the group Michigan Citizens United to begin to collect the signatures of 807,000 registered voters they will need to force a recall election. They have 90 days to obtain the signatures (DETROIT FREE PRESS).

— Compiled by RICH EHISEN

Hot issues

BUSINESS: The PENNSYLVANIA House approves HB 148, which would overturn a Keystone State law limiting bars and restaurants to no more than two consecutive hours of “happy hour” in a given day. The measure would uphold the state’s total limit of 14 hours per week, but allow operators to divide up those hours any way they like. The measure moves to the Senate (PATRIOT-NEWS [HARRISBURG]). • **MISSOURI** Gov. Jay Nixon (D) vetoes SB 188, legislation that would have required workers who claim discrimination in wrongful firing lawsuits to prove that bias was a “motivating” factor, not just a “contributing” factor as required



under current Show Me State law (NEWS TRIBUNE [JEFFERSON CITY]). • Also in **MISSOURI**, Nixon vetoes HB 209, which would have limited the ability of residents to sue factory farms known as Combined Animal Feeding Operations (CAFO) over foul smelling odors those operations emit. Nixon said the law could have been too broadly applied (KANSAS CITY STAR).

• The **OREGON** House approves HB 3280, which would grant wineries that produce 150,000 gallons of wine a year the right to run a restaurant on the premises. It is now in the Senate (OREGONIAN [PORTLAND]). • Still in **OREGON**, the Senate approves SB 2, which would allow military veterans to take Veterans Day off. The bill, which would also grant employers the option of determining whether the time off would be paid, moves to the House (STATESMAN-JOURNAL [SALEM]). • **ARIZONA** Gov. Jan Brewer (R) signs HB 2541, legislation that allows Grand Canyon State employers to take action against employees who are believed to be impaired at work due to prescribed, illegal or synthetic drug use. The measure takes effect retroactive to April 12, 2011 (ARIZONA REPUBLIC [PHOENIX]). • The **MAINE** House approves HP 255, which would allow local communities to choose whether to opt in to a state law that requires developers of big-box retail projects to commission an independent study weighing the adverse impacts of the developments on local business and infrastructure. The measure moves to the Senate (BANGOR DAILY NEWS).

In case you missed it

Most states invest in their own economic development initiatives, but Ohio's plan to spend \$1.4 billion this year outpaces the rest by far.

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

http://www.statenet.com/capitol_journal/05-02-2011/html

CRIME & PUNISHMENT: The **NEVADA** Senate approves AB 83, which would extend the statute of limitations on identity theft to four years after the time a person discovers he or she was victimized. Current Silver State law sets the limit at three years. The bill moves to Gov. Brian Sandoval (R) for review (LAS VEGAS REVIEW-JOURNAL). • **ARIZONA** Gov. Jan Brewer (R) signs SB 1200, which, among many things, reduces the time a first-time non-extreme DUI offender must have a vehicle interlock device on his or her vehicle to six months from 12 months, provided the person completes an alcohol-education program and meets other requirements (ARIZONA REPUBLIC [PHOENIX]). • The **HAWAII** House gives final approval to HB 968, which would allow temporary restraining orders in domestic abuse cases to remain in effect for up to 180 days or until a permanent protective order is issued by a judge. The measure moves to Gov. Neal Abercrombie (D) for review (HONOLULU STAR-ADVERTISER). • The **OREGON** Senate approves SB 616, which allows judges to include protection for pets in domestic abuse restraining orders. It moves to the House (STATESMAN-JOURNAL [SALEM]). • **GEORGIA** Gov. Nathan Deal (R) signs SB 39, legislation that will establish a mental health court division within the Peach State court system, and allow criminal courts to refer defendants suffering from mental illness or



developmental disability to that division (GEORGIA GOVERNOR’S OFFICE). • Also in **GEORGIA**, Deal signs HB 200, which increases the penalties for those convicted of human trafficking (GEORGIA GOVERNOR’S OFFICE). • The **OREGON** House approves HB 2183, which makes it a crime punishable by up to a \$720 fine to knowingly make false accusations of child abuse. The bill moves to the Senate (OREGONIAN [PORTLAND]).

Upcoming stories

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

- **Education**
- **Health care**
- **Immigration**

EDUCATION: The **NORTH CAROLINA** House approves HB 792, which would require that scholastic athletes who suffer a concussion are held out of play until cleared by a doctor. The bill, which also requires schools to develop an emergency action plan for dealing with serious athletic injuries, moves to the Senate (GREENSBORO NEWS & RECORD). • The **TEXAS** House approves HB 2038, which would require student athletes to be removed from games if a coach, parent or other official has reason to believe the player has sustained a concussion. An athlete who has suffered a concussion would not be allowed to play again until he or she is cleared by a doctor. The bill moves to the Senate (HOUSTON CHRONICLE). • **OKLAHOMA** Gov. Mary Fallin (R) signs SB 346, which will require public schools to hold back first and second grade students who are not able to read at grade level (OKLAHOMAN [OKLAHOMA CITY]). • The **FLORIDA** House approves SB 228, which requires Sunshine State school boards to adopt dress code policies that prohibit clothes that “expose underwear or body parts in an indecent or vulgar manner.” The bill heads now to Gov. Rick Scott (R) for review (WCTV.COM). • **INDIANA** Gov. Mitch Daniels (R) signs HB 1003, which will make approximately 60 percent of Hoosier State schoolchildren eligible to attend private schools within three years (INDIANAPOLIS BUSINESS JOURNAL).

ENVIRONMENT: A federal court upholds **CALIFORNIA**’s right to enact automotive pollution standards that exceed those of federal law. The U.S. Circuit Court of Appeals for the D.C. Circuit ruled that the plaintiffs, the U.S. Chamber of Commerce and the National Automobile Dealers Association, could not prove any of their members have been harmed by the law and thus did not have legal standing in the case (LOS ANGELES TIMES). • **GEORGIA** Gov. Nathan Deal (R) signs SB 122, a bill that allows local governments to enter into public-private partnerships in the development of water supply and other infrastructure (AUGUSTA CHRONICLE). • The **FLORIDA** House endorses HB 991, legislation that would, among many things, ease environmental permitting, allow more development in wetlands, allow owners of leaking fuel tanks to avoid penalties, and limit the ability of local governments to require state and federal permits. The measure is now in the Senate (MIAMI HERALD). • The **NEW YORK** Assembly endorses AB 2097, which would bar food vendors who contract with the

state from using Styrofoam kitchenware. The bill moves to the Senate (ALBANY TIMES-UNION). • Still in **NEW YORK**, the Assembly endorses AB 5318, which would require the state Department of Environmental Conservation to issue permits for businesses that withdraw 100,000 gallons or more of fresh water daily. It moves to the Senate (ALBANY TIMES-UNION). • The U.S. Department of the Interior announces that Northern Rockies gray wolves will no longer be protected under the federal Endangered Species Act. Responsibility for managing the wolf populations in **MONTANA** and **IDAHO** now falls to wildlife officials in those states. Wolves in **WYOMING** will remain under federal protection while officials there seek approval of an acceptable management plan (LOS ANGELES TIMES). • The **OREGON** Senate approves SB 945, a bill that would phase out the sale of automotive brake pads using copper, asbestiform, cadmium, chromium, mercury and lead by 2021. It moves to the House (STATESMAN-JOURNAL [SALEM]). • Still in **OREGON**, the Senate also approves SB 82, which would add desktop printers and computer peripherals such as a keyboard, mouse and cord to those electronic items that can be recycled. It moves to the House (STATESMAN-JOURNAL [SALEM]).

HEALTH & SCIENCE: The **OREGON** Senate approves SB 718, a bill that would require individual and small-employer health insurers to notify policyholders when seeking to raise rates by at least 7 percent or an increase that affects 1,000 or more enrollees. It is now in the House (STATESMAN-JOURNAL [SALEM]). • **WASHINGTON** Gov. Chris Gregoire (D) vetoes most of SB 5073, which would have required the state to license medical marijuana dispensaries. Gregoire said assigning state employees those duties would expose workers to federal prosecution (NEWS TRIBUNE [TACOMA]). • The **FLORIDA** Senate and House approve HB 479, which would require out-of-state doctors to apply for a \$50 certificate to testify as an expert witness in Sunshine State trials. The bill, which would also increase the burden of proof for plaintiffs in such actions and provide some immunity from legal liability for doctors who volunteer to help high school and collegiate sports teams, goes to Gov. Rick Scott (R) for review (MIAMI HERALD). • The **COLORADO** House and Senate approve SB 200, which would set up a health insurance exchange in accordance with the federal Affordable Care Act. It now goes to Gov. John Hickenlooper (D) for review (DENVER POST).

IMMIGRATION: The **COLORADO** House approves HB 1309, legislation that would fine Centennial State employers up to \$25,000 if they are unable to show proof their workers are in the country legally. It moves now to the Senate (TRIBUNE [GREELEY]).

SOCIAL POLICY: The **OREGON** House approves HB 3241, which would allow grieving families to apply for permission from the city or county to reserve



a 400-foot radius around the property where a funeral is taking place, and to keep intruders outside of that zone. The bill, which would also make it a crime punishable by up to six months in jail and a \$2,500 fine to protest within 1,000 feet of that funeral service, moves to the Senate (STATESMAN-JOURNAL [SALEM]). • **ARIZONA** Gov. Jan Brewer (R) signs HB 2565, a bill that bars a university or community college from discriminating against a student on the basis of his or her religious views (ARIZONA REPUBLIC [PHOENIX]). • The **COLORADO** Senate approves SB 244, which would overturn a Centennial State law that makes adultery a crime. It moves now to the House (DAILY CAMERA [BOULDER]). • The **TEXAS** Senate and House give final approval to HB 15, which would, among many things, require a woman seeking an abortion to receive a sonogram and listen to a description of the fetus, though she could refuse to do so by signing a waiver. The measure, which would also require most women to wait 24 hours before having the procedure, moves to Gov. Rick Perry (R), who is expected to sign it (HOUSTON CHRONICLE).

POTPOURRI: The **DELAWARE** Senate approves SB 38, which would require drivers to maintain three feet of space when passing bicyclists on state roadways. It moves to the House (NEWS JOURNAL (NEW CASTLE-WILMINGTON)). • **ARIZONA** Gov. Jan Brewer (R) vetoes SB 1201, which would have allowed Grand Canyon State residents to carry guns into government buildings unless the site has armed guards and is equipped with metal detectors (ARIZONA CAPITOL TIMES [PHOENIX]). • The **NEW YORK** Senate endorses SB 998, which would make texting while driving a primary offense punishable by a \$150 fine and a two-point penalty on the offender’s driving record. It moves to the Assembly (DEMOCRAT & CHRONICLE [ROCHESTER]).

– Compiled by RICH EHISEN

Once around the statehouse lightly

D ID I HEAR THAT CORRECTLY? That question was probably asked a lot in Ohio last week when, as the *Cincinnati Inquirer* reports, Gov. John Kasich issued a proclamation dubbing it “Public Service Appreciation Week” in honor of the Buckeye State’s public employees. In doing so, the governor urged all Ohioans to thank public workers “for the invaluable work they do each day.” This came as quite a surprise to most public workers, many of whom wondered aloud if the acknowledgement was coming from the same Gov. Kasich who has led



the state’s GOP-dominated Legislature in a very messy, very public battle to strip them of their collective bargaining rights. One has to wonder if he will maintain his public kudos for state employees if their ongoing effort to have the collective bargaining law repealed is successful.

MOONLIGHT BUNNY RANCH PARK? If the thought of sending your kids to a school named after the town brothel seems kind of crazy, well, don’t laugh — it could happen. As the *Las Vegas Review-Journal* reports, Nevada lawmakers are close to endorsing legislation that would allow local governments and school districts to sell naming rights to public facilities like parks, government buildings and even schools. Given that prostitution is legal in many of the Silver State’s rural regions, it is not out of the realm of possibility that the notorious Moonlight Bunny Ranch, a legal brothel near the state capital of Carson City that has for years been featured on the HBO reality series “Cathouse,” could end up forking over the dough to have its name attached to any number of public venues. The bill, SB 384, has already unanimously cleared the Senate and is now under review in the Assembly.

OSAMA, OBAMA, WHATEVER: The stunning news last Sunday that U.S. forces had killed Osama bin Laden, the world’s most wanted terrorist, understandably sent media outlets around the globe into a frenzy. But more than a few, including some of the big boys, got just a little too much in a hurry for their own good. As multiple media outlets later reported, in the heat of the moment many news stations — from Fox News, CNN and the BBC to NPR and MSNBC — repeatedly referred to bin Laden as “Obama” rather than Osama. MSNBC’s Nora O’Donnell even tweeted “Obama shot and killed,” while a Fox affiliate in Sacramento had an onscreen graphic announcing “Obama bin Laden Dead.” The flubfest was a comedic gold mine for late night comedian Jimmy Kimmel, who ran a video showing a host of the gaffes, ending with the observation, “Good thing we got the right one.” Indeed.

THAT DIDN’T TAKE LONG: The sudden and shocking nature of bin Laden’s demise may have taken most everyone by surprise, but that sure didn’t slow down some creative types who apparently couldn’t resist getting a fast con out there. As *NBC News* reports, at least three U.S. Senators, Scott Brown (R-MA), Saxby Chambliss (R-GA) and Kelly Ayotte (R-NH), told reporters they had seen a photo of bin Laden’s dead body. Brown went as far as to give several interviews in which he opined against publicly releasing the photo, citing its graphic nature. The only problem is that no official photo has been circulated among lawmakers or anyone else. Brown later issued a terse one-sentence statement admitting he had been duped. None of the three would reveal who showed them the picture. He shouldn’t take it too hard. As the *New York Times* reports, several British newspapers posted the bogus photo on their websites.

— By RICH EHISEN

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