

May 16, 2011

# Pushing for Reform



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● The next issue of Capitol Journal will be available on May 23rd.

## Top Story

*Entering this year, many observers believed that a slew of statehouses now dominated by Republican majorities would spread Arizona-style immigration measures around the country. That hasn't happened, but their efforts have once again got the feds focusing on immigration.*

## SNCJ Spotlight

### Will states' actions spur federal immigration reform?

**W**ithin a day or so, Georgia Gov. Nathan Deal (R) is expected to sign HB 87, the Peach State's version of a 2010 Arizona law (SB 1070) that reinvigorated the national debate over illegal immigration. When that happens, the Peach State will become only the third to follow Arizona's lead. While a few others may soon follow suit, the mad rush of states to pass similarly strict immigration measures anticipated by so many observers in the wake of SB 1070 has simply not materialized.

“Everyone expected this groundswell of these bills and ensuing enactments. But talking about these bills is actually much easier than enacting them.” said Muzaffar Chishti, Director of the Migration Policy Institute office at the New York University School of Law. The MPI tracks immigration at the local, national and international levels.

Almost immediately after Arizona Gov. Jan Brewer (R) signed SB 1070 into law in April of 2010, other GOP lawmakers from around the country, and many of those seeking public office, vowed to introduce copy-cat measures in their states.

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Governors and gubernatorial candidates alike also got into the game, as then candidates like Deal and Florida Gov. Rick Scott (R) made promises to sign such measures a key part of their successful campaigns.

But in spite of historic GOP victories in last November’s elections, to date only two states, Utah and Indiana — have had

bills signed into law, though the bill Indiana Gov. Mitch Daniels (R) signed last week, SB 590, had been stripped of its most controversial element: a requirement that police check the immigration status of people they detain. The Utah measure, HB 497, which was part of a four-bill package that included the creation of a guest worker program, also doesn’t allow police to arrest those they suspect of being illegal. It does, however, require police to determine the immigration status of people arrested for serious crimes.

States have certainly not ignored the immigration issue. On the contrary, according to the National Conference of State Legislatures, states so far this year have collectively introduced over 1,700 immigration bills covering a wide spectrum of topics related to the issue. Many have dealt with lateral immigration issues such as human trafficking and in-state tuition for undocumented students. But the NCSL notes that by early April of this year, 30 states had introduced a total of 52 omnibus Arizona-style immigration measures. According to State Net, Maine HP 1097, another similar measure, was also introduced in April.

Although a variety of business, agricultural and tourism interests have joined immigrant rights activists in urging Deal to veto HB 87, he is scheduled to sign the measure into law on Saturday the 14<sup>th</sup> before leaving on an economic development trip to Europe. Georgia could soon be followed by Alabama and Oklahoma, where similar bills (HB 56, SB 256 and HB 1446 respectively) are inching toward their governors’ desks as well. According to State Net, however, the vast majority of bills on NCSL’s omnibus watch list have either failed or are languishing in their committees of origin. A half dozen immigration bills failed in Florida alone. Another five went down to defeat in Mississippi.

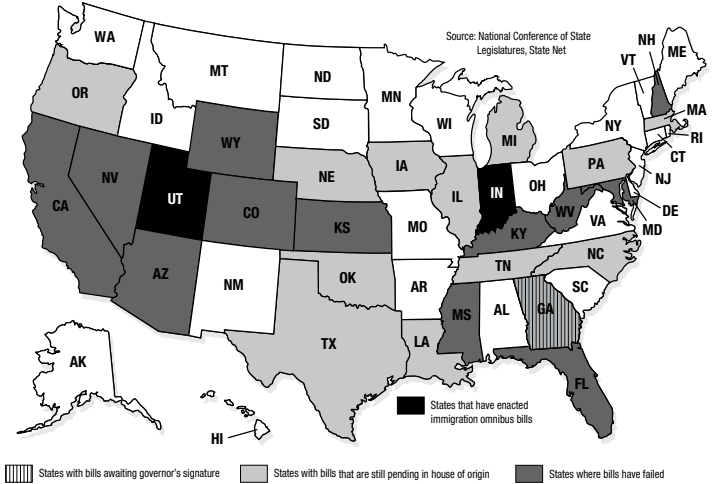
Observers cite a number of factors in the less-than-expected showing of SB 1070-like measures. First and foremost was that the Arizona measure drew an immediate legal challenge from the federal government. That challenge resulted in the U.S. District Court in Arizona blocking four major provisions of the law from going into effect, including a requirement that Grand Canyon State police check the immigration status of anyone they suspect of being an illegal immigrant. That ruling was later upheld by the 9<sup>th</sup> U.S. Circuit Court of Appeals, prompting Gov. Brewer to announce last week that she and state Attorney General Tom Horne will seek to bypass the usual circuitous legal trail and appeal the injunction directly to the U.S. Supreme Court. The High Court's decision on whether to hear the case is expected this fall.

A federal court also blocked Utah's HB 497, with the ruling coming barely 15 hours after the law went into effect last week. The court ruled that the Beehive State could not ensure that residents would not suffer "irreparable harm" if the law stayed in force. The case, which was brought forth by the American Civil Liberties Union and the National Immigration Law Center, goes to trial in July.

In an interview, Chishti of the Migration Policy Institute told *SN CJ* that strong opposition from the business community and the reality of economics also played a key role in slowing the spread of SB 1070-type bills.

"Lawmakers realized this is not going to be an easy legal battle, and legal battles are really quite expensive for states," he said, noting that legal fees in such cases can easily run into the millions of dollars. "Lawmakers want to know that if they are going to spend that kind of money there is a good chance the law will be upheld. But the legal battles in Arizona were not a good sign for the constitutionality of these measures. I think lawmakers have taken that to heart."

## Bird's eye view



### States pursue omnibus immigration reform

As of the end of March, 30 states had introduced 52 immigration-related bills covering multiple topics. Some of these omnibus bills follow the pattern of immigration legislation from previous years, addressing such issues as verification of legal status for public benefits and the use of the federal E-Verify program by public and private employers. But many contain provisions similar to Arizona's SB 1070, including those directing law enforcement officers to verify immigration status during lawful stops and requiring immigrants to carry alien registration documents. Four of this year's crop have been enacted: Indiana SB 590 and Utah HB 116, HB 466 and HB 497. Another (HB 87) is awaiting Gov. Nathan Deal's (R) signature in Georgia. And while measures have failed in 13 states, those in 16 others are still pending.





Greg Chen, Director of Advocacy for the American Immigration Lawyers Association, also believes the cost of litigation and enforcement of SB 1070-style laws was a prohibitive factor to many lawmakers in other states. In an interview, Chen told *SN CJ* that fiscal woes are not the only issues that spurred lawmakers to balk at harsh immigration measures this session.

“I think we saw that a lot of legislators who want real immigration reform simply said that the Arizona law was not the way to go,” he said.

Still, while immigration opponents have not enjoyed the success they were hoping for, their ongoing efforts have succeeded in forcing the topic back to the forefront of President Barack Obama’s agenda. Standing along the U.S.-Mexico border in El Paso, Texas, the president urged citizens to pressure Congress to address the issue. He also took great care to blame Congressional Republicans for the gridlock on comprehensive immigration reform, lauding his administration’s efforts to secure the border while mocking GOP calls for even more stringent border restrictions.

“Maybe they’ll need a moat,” he said. “Maybe they’ll want alligators in the moat.”

The line drew hearty laughter, but back in Arizona, Brewer failed to see the humor. In an interview with the *BBC*, Brewer took some credit for the president’s renewed interest in immigration reform, saying “I think that we’ve forced President

Obama to — at least — explain what he’s been doing.” She also bristled at claims her party is to blame for Congressional failure to address reform.

“The president had a golden opportunity last year, when his party held both houses of Congress,”

Brewer told the *BBC*. “If he wanted to address that issue, why didn’t he do it then? The fact that he comes forward now tells me it’s more political rhetoric.”

Ira Mehlman, spokesman for the Federation for American Immigration Reform, which advocates for stricter immigration limits and better border security, also took issue with the president taking credit for improvements in both those areas.

## 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:** 229

**Number of Intros last week:** 1,862

**Number of Enacted/Adopted last week:** 1,592

**Number of 2011 Prefiles to date:** 31,287

**Number of 2011 Intros to date:** 120,623

**Number of 2011 Session Enacted/Adopted overall to date:** 26,447

**Number of Measures currently in State Net Database:** 155,955

— Compiled By JAMES ROSS  
(measures current as of 5/12/2011)  
Source: State Net database

**“I think we saw that a lot of legislators who want real immigration reform simply said that the Arizona law was not the way to go.”**



woes, Republican gains in the November elections and the influence of Tea Party groups that are unsympathetic to organized labor.

“The political equation has changed in a lot of states,” said Michael Eastman, Executive Director of Labor Policy for the U.S. Chamber of Commerce. “Measures that may not have been possible two and four and six years ago now may be.”

Some of this year’s measures have already died. In Indiana, for instance, House Republicans abandoned their right-to-work push to get Democrats who had fled the state partly in protest of that effort back to the negotiating table. Most of the other right-to-work bills probably aren’t far enough along in the process to pass before this year’s sessions end.

One state where that doesn’t appear to be the case, however, is New Hampshire. Republicans, who took control of both of the state’s legislative chambers last fall, passed a right-to-work bill two weeks ago (HB 474). Last week, Democratic Gov. John Lynch vetoed it. So whether New Hampshire becomes the first right-to-work state in the Northeast now hinges on whether House Republicans can come up with enough votes for an override. The Senate passed the bill with the two-thirds majority that would be required, but the House vote, 294-102, fell short of that mark. Forty-seven Republicans voted against the bill and another 22 didn’t vote at all.

Local union officials aren’t optimistic about their chances of avoiding an override.

“I would say that we don’t have the votes right now,” said Dennis Caza, Political/Legislative Coordinator for International Brotherhood of Teamsters Local 633, in Manchester, New Hampshire.

Supporters of right-to-work legislation in New Hampshire and elsewhere say the public-employee pensions and benefits set by generous union contracts are a major contributor to states’ fiscal problems, and the state of the national economy and job market have focused more attention on the issue.

But in vetoing HB 474, Lynch said his state’s economy had nothing to gain from a right-to-work law.

“New Hampshire has a lower unemployment rate and a stronger economy than most states with so-called right-to-work laws,” he wrote in his message to lawmakers, adding, “In states with a right-to-work law, workers on average have a lower standard of living,” bring home less pay and more often go without health insurance.

## The week in session

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

**States in Recess:** AL, US House (State Work Period).

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

**Special Sessions in Recess:** VA “a”

**States in Joint Finance Hearings:** DE

**States Projected to Adjourn:** IA

**States in Special Session Projected to Adjourn:** AK “a”

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

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

— Compiled By JAMES ROSS  
Letters indicate special/extraordinary sessions  
(session information current as of 9/6/2011)  
Source: State Net database

Union officials say the right-to-work measures are nothing but a political attack, seeking to curb their influence by eliminating their key source of political funding.

The aim of right-to-work bills is to “weaken the labor movement in key states around the country,” said Mark MacKenzie, president of the New Hampshire AFL-CIO. “If you look at the map, it has nothing to do with protecting workers’ rights but taking over key areas of the country” ahead of the 2012 presidential election. (WALL STREET JOURNAL, UNION LEADER [MANCHESTER], CONCORD MONITOR)

**STATES OFFER ONSHORE ‘CAPTIVES’:** U.S. companies looking to conduct some of their business free from the burdens of state government regulation used to have to travel to places like Bermuda and the Cayman Islands to do it. Now there’s no need for them to leave America’s shores.

About 30 states, including Delaware, Hawaii, South Carolina, Utah and Vermont, have passed laws allowing companies to set up insurance subsidiaries called captives, which can accomplish the sort of complex transactions previously done almost exclusively offshore.

Originally, “captives” referred to the subsidiaries set up by large companies to insure the companies’ own risks. For example, oil companies used them to gird against environmental claims. The light regulation these captives have been subject to in their overseas locations offer the parent companies considerable cost savings.

The new U.S.-based captives offer that same benefit. By refinancing a block of health insurance policies through a subsidiary in Vermont, Aetna reaped \$150 million in cost savings, primarily because the insurer didn’t need to maintain conventional reserves at the same level required by regulations in its home state of Connecticut. Other insurers, including MetLife and American International Group, have also refinanced policies and annuities through local captives.

In addition to the potential cost savings, captives also offer insurers an opportunity to put to use some of the money they’ve stashed in reserves, making more cash available for acquisitions, bonuses and dividends. Just weeks after Aetna’s deal went through, the company announced a fifteenfold increase in its dividend.

For the states that have authorized them, the captives, they say, promote business travel, create jobs and provide a source of additional revenue. Not long after Vermont got into the business in 2001, the taxes and fees it levied on the insurance premiums collected by captives were enough to cover 2 percent of state spending. The state also credits captives for creating 1,400 full- and part-time jobs, and for depositing \$1 billion with local banks and other financial institutions.

But some states aren’t sold on the idea. California, for one, has decided to pass on captives.

“We are concerned about systems that usher in less robust financial security and oversight,” said Dave Jones, the state’s insurance commissioner. “We need to ensure



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# Politics & leadership

## HEALTH CARE REFORM CHALLENGES REACH APPEALS

**COURT:** The first two of the 31 lawsuits that have been filed against the federal health care reform law reached the federal appeals stage last Tuesday. And a three-judge panel of the 4th U.S. Circuit Court of Appeals in Richmond, Virginia seemed inclined to rule in the federal government's favor in both cases.

Both originated in Virginia. In one, Liberty University in Lynchburg is appealing a ruling by U.S. District Judge Norman Moon in the state's Western District declaring the Patient Protection and Affordable Care Act constitutional. In the other, Justice Department lawyers representing the Obama administration are appealing the ruling by U.S. District Judge Henry E. Hudson in the state's Eastern District last December declaring that the law's Minimum Essential Coverage Provision is unconstitutional, and a law passed by Virginia prohibiting insurance mandates gives the state legal standing to sue the federal government. That suit was initiated by Virginia's Republican Attorney General Kenneth Cuccinelli, who filed it shortly after President Obama signed the health care reform bill into law.

Historically, the 4th Circuit has been the nation's most conservative appeals court. But recent Democratic appointments have shifted it more to the ideological center. And the Obama administration couldn't have hoped for a more favorable panel than the three judges randomly selected from the court's 14 members to hear the health care reform cases. Obama actually appointed two of them, Judges Andre M. Davis and James A. Wynn Jr. The other, Judge Diana Gribbon Motz, was appointed by former President Bill Clinton.

"This was certainly a favorable draw for the government," said Kevin Walsh, an assistant professor of law at the University of Richmond who attended last week's hearing.

Walsh added that "All three judges appeared more skeptical of the challengers' argument and more accepting of the federal government's."

The judges grilled Liberty University counsel Mathew D. Staver over his contention that Congress had overstepped the bounds of the U.S. Constitution's Commerce Clause by regulating "economic inactivity," a person's decision not to buy a product.

Staver argued that if the government could force citizens to buy insurance, it could also force them to buy other products, such as healthy foods or a gym membership to combat obesity. He said "there would be no limit" to what people could be required to buy.

But Judge Wynn suggested Staver's contention overlooked a key point in the government's argument: that virtually everyone will consume health care at some point.

"You can't make the argument that, in the aggregate, people are going to be obese or unfit," he said.

In the other lawsuit, the appellate panel focused almost exclusively on whether Virginia had legal standing to represent individuals subject to the health care reform law's insurance mandate. The judges seemed particularly concerned that the state had passed its Healthcare Freedom Act solely to serve as a basis to challenge the federal health law care reform.

"How on earth can there be standing if all it takes to establish standing is that the state pass a law and the attorney general moves forward?" Judge Davis asked at one point during the proceedings.

Virginia Solicitor General E. Duncan Getchell Jr. contended the commonwealth had a "sovereign interest" to defend its laws and the court was the proper forum to resolve the issue.

Staver also downplayed the importance of the appeals panel's makeup.

"I don't think it should matter at the end of the day whether they are appointed by Republicans or Democrats, conservative or liberal," he said. "There is no case in our history that forces a person to buy a product, and that's the question they're going to have to wrestle with."

If the panel rules against the state, however, AG Cuccinelli said it would not seek a hearing from the full 4th Circuit bench but would instead appeal directly to the U.S. Supreme Court. The appellate court's decision could come in as soon as two weeks.

Another suit brought by Florida on behalf of 26 states will be heard next month by the 11th Circuit Court of Appeals in Atlanta. (ASSOCIATED PRESS, MSNBC.COM, RICHMOND TIMES-DISPATCH)

**POLITICS IN BRIEF: COLORADO** ended its 2011 legislative session last week after House Republicans backed down from a standoff over payday loans. Gov. John Hickenlooper (D) had warned House Speaker Frank McNulty (R) he would call lawmakers back into a special session if they didn't end their stalemate (DENVER POST). • Also in **COLORADO** Democrats and Republicans both filed congressional redistricting lawsuits last week in the hope of accomplishing in court what they couldn't during the legislative session. After a 10-member bipartisan commission on redistricting gathered citizens' input on how they wanted the districts drawn, Republicans and Democrats retreated to separate corners to draw maps, abandoning any constructive effort to develop a compromise plan (PUEBLO CHIEFTAIN). • A three-judge panel of the 2nd District Court of Appeal in Lakeland, **FLORIDA** struck down a state law making it illegal to blast loud music or other audio from a car stereo system. The judges said the law unconstitutionally suppressed free speech by arbitrarily exempting vehicles used for business or political purposes (ASSOCIATED PRESS, ORLANDO SENTINEL). • Also in **FLORIDA**, the state's Republican-controlled Legislature approved seven constitutional amendments for the November 2012 election ballot. Among other things, the amendments would cap state revenue, lower property taxes and block the federal health care reform law from taking effect in the state (MIAMI



HERALD). • **NORTH DAKOTA**'s Libertarian Party is suing to invalidate the state's legislative primary election vote requirement law, which it contends, blocks candidates of lesser-known parties from running in general elections. The law requires a legislative candidate who runs in a primary to receive a number of votes equal to at least 1 percent of the population of the candidate's legislative district to qualify for the general election (ASSOCIATED PRESS, BISMARCK TRIBUNE). • **WISCONSIN** Rep. Bob Ziegelbauer (I) has proposed a bill (AB 127) to eliminate collective bargaining rights for public safety employees on health care and pension contributions. Local police and firefighters were exempted from the union restrictions that plunged Madison into a state of chaos in February (ASSOCIATED PRESS, LA CROSSE TRIBUNE).

— *Compiled by KOREY CLARK*

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# Governors

**B**REWER PONDER'S RUN FOR THIRD TERM: Arizona Gov. Jan Brewer (R) said she is considering a run for a third term when her current one expires in 2014. The problem with that, observers say, is that under the Grand Canyon State constitution, Brewer will be termed out then and unable to legally seek another go around from voters.

Or will she? Brewer says the constitution is vague, causing many people to misconstrue the law's directive. At issue is the language that defines what constitutes a term.

"I don't know if it ever has been resolved," she said. "But legal counsel on several different levels have indicated to me that it has been misinterpreted, and said that I would have that opportunity if I did so choose to run again."

But others, including former state Attorney General Grant Woods, who co-chaired Brewer's 2010 campaign, says the law seems "pretty clear" that a third term is not in the cards. He notes the law's specific language that says: "No member of

the executive department, after serving the maximum number of terms, which shall include any part of a term served, may serve in the same office until out of office for no less than one full term."

"As much as I love the governor, I think a court would eventually rule that a partial term counts as a full term," he said.

Some observers believe Brewer's talk of a third term is more about not being viewed as a political "lame duck" than actually challenging the law. The governor

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vetoed 29 bills this session, many of them from fellow Republicans, who were clearly annoyed that she struck down their proposals. Several have complained that Brewer did not communicate well with them, saying she never even hinted she had problems with some of the bills while there was still time to change them before sending them to her.

Brewer's vetoes included shooting down bills on issues long held dear by her GOP colleagues, from loosening gun laws and increasing private school tuition tax credits to a so-called "birther" bill that would have required presidential candidates to show their long-form birth certificate to get onto the state presidential ballot. Those rejections have turned her from a Tea Party favorite — mostly for signing the state's strict SB 1070 immigration bill in 2010 — to what some former supporters now call a RINO (Republican In Name Only).

Such talk doesn't seem to bother her.

"I know my principles and my philosophy," she says. "I believe in less government. I believe that a government closest to the people is the best government. I am a fiscal conservative. And because I am who I am, I am a social conservative — while still being compassionate."

Brewer will also seek to burnish her conservative bona fides with the publication of a memoir due out in November. The tome, titled "Scorpions for Breakfast: My Fight Against Special Interests, Liberal Media and Cynical Politicos to Secure America's Border," will focus predominantly on the battle over SB 1070 and the state's immigration issues.

(ARIZONA REPUBLIC [PHOENIX], EAST VALLEY TRIBUNE [TEMPE])

**GOVERNORS IN BRIEF:** Lawyers for **CALIFORNIA** Gov. Jerry Brown (D) accused supporters of Proposition 8, the state's ban on same-sex marriage, of conducting a "witch hunt" against the federal judge who overturned the law. Prop 8 supporters say that judge, Chief U.S. District Judge Vaughn Walker, should have removed himself from the case because he is gay. State Attorney General Kamala Harris (D) called the group's effort "tired" and "meritless." A decision on that request is expected in June (SAN JOSE MERCURY NEWS). • The **MASSACHUSETTS** House unanimously approved legislation (HB 3395) to overhaul the state's troubled Probation Department, but rejected a request from Gov. Deval Patrick (D) to grant him control over the agency. The measure is expected to be taken up in the Senate this week (BOSTON GLOBE). • **WYOMING** Gov. Matt Mead (R) said negotiations are ongoing with federal officials over a plan to end federal oversight of the Equality State gray wolf population. Mead said he hopes to have an agreement in place with federal wildlife officials by this summer (IDAHO STATESMAN [BOISE]).

— *Compiled by RICH EHISEN*





of synthetic drugs mimicking the effects of cocaine and marijuana that often are marketed as incense or “bath salts.” It moves to Gov. Jay Nixon (D), who is expected to sign it (NEWS TRIBUNE [JEFFERSON CITY]). • **INDIANA** Gov. Mitch Daniels (R) signs HB 1102, which would also bar the sale of synthetic drugs sold as bath salts. The possession or sale of the chemicals will be adjudicated under the state’s marijuana laws (INDIANAPOLIS STAR). • **OKLAHOMA** Gov. Mary Fallin (R) signs HB 2131, which expands the Sooner State’s use of community sentencing programs and electronic monitoring of low-risk, nonviolent inmates. The measure also limits the governor’s role in the parole process for nonviolent offenders and sets minimum qualifications for Parole Board members. The law takes effect Nov. 1 (OKLAHOMAN [OKLAHOMA CITY]).

## In case you missed it

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.

In case you missed it, the article can be found on our website at [http://www.statenet.com/capitol\\_journal/05-09-2011/html](http://www.statenet.com/capitol_journal/05-09-2011/html)

**EDUCATION:** The **CALIFORNIA** Assembly approves AB 130, which would allow illegal immigrants who qualify for in-state tuition to be eligible for financial aid. That assistance would have to come from private gifts or endowments. It is now in the Senate (SACRAMENTO BEE). • The **TEXAS** Senate approves SB 1533, a bill that would prohibit school districts from making available to students food that contains industrially produced trans fat or that was prepared using another food that contains trans fat. It is now in the House (DALLAS MORNING NEWS). • Still in **TEXAS**, the Senate approves SB 1581, a measure that includes an amendment that would allow residents with concealed carry weapons permits to bring their guns into public universities and colleges. It moves to the House (AUSTIN AMERICAN-STATESMAN). • The **PENNSYLVANIA** Senate approves SB 612, which would add economic reasons to the list of circumstances when school districts can lay off professional staff. It moves to the House (PATRIOT-NEWS [HARRISBURG]).

**ENERGY:** **MONTANA** Gov. Brian Schweitzer (D) allows HB 198, a bill that will permit Treasure State utilities involved in negotiations with landowners to take private property for a public good if they cannot reach an agreement over compensation, to become law without his signature (BILLINGS GAZETTE).

**ENVIRONMENT:** The **FLORIDA** House approves HB 993, a law that, among many things, requires that a person or organization challenging a developer’s environmental permit would have the burden of proving damage to the environment to get the development stopped. Current law requires developers to prove their project won’t harm the environment. The measure moves to Gov. Rick Scott (R), who has said he will sign it (MIAMI HERALD).



**HEALTH & SCIENCE:** The **DELAWARE**

Senate approves SB 17, a bill that would legalize the use of marijuana for medical purposes. The measure now heads to Gov. Jack Markell (D), who has said he will sign it into law. The First State will become the 16<sup>th</sup> to legalize medical cannabis (NEWS JOURNAL [NEW CASTLE-WILMINGTON]). • The **NEW JERSEY** Assembly unanimously approves AB 861, a bill that would suspend for three years the license of any Garden State doctor convicted of illegally dumping medical waste. It moves to the Senate (STAR-LEDGER [NEWARK]). • **ARIZONA** Gov. Jan Brewer (R) vetoes SB 1593, which would have allowed out-of-state health insurance companies to write policies in the Grand Canyon State (ARIZONA REPUBLIC [PHOENIX]).

Upcoming stories

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

- **Education**
- **Health care**
- **Budgets**

**IMMIGRATION:** The **TEXAS** House approves HB 12, a bill that would

prohibit Lone Star State cities, counties and other governmental entities or special districts from becoming so-called “sanctuary cities,” those with policies that prevent law enforcement from asking persons lawfully detained or arrested if they are in the country legally. The bill moves to the Senate (TEXAS TRIBUNE [AUSTIN]). • **MARYLAND** Gov. Martin O’Malley (D) signs SB 167, legislation that will extend in-state tuition breaks to illegal immigrants at the state’s colleges and universities. The Old Line State becomes the 12<sup>th</sup> to adopt so-called “Dream Act” legislation (WASHINGTON POST). • **INDIANA** Gov. Mitch Daniels (R) signs HB 1402, which makes illegal immigrants ineligible to receive in-state tuition at Hoosier State colleges and universities (INDIANAPOLIS STAR). • Still in **INDIANA**, Daniels also signs SB 590, which requires most employers to verify the immigration status of employees using the federal E-Verify system. The measure also allows the state to seek to recoup employment benefits from employers who knowingly hire undocumented workers (INDIANAPOLIS STAR). • The **MAINE** House Judiciary Committee kills HP 1097, which would have required police who legally detain a person for a suspected criminal or civil violation to require that person to provide proof of citizenship. The bill’s author requested that the bill be rejected (BANGOR DAILY NEWS).

**SOCIAL POLICY:** The **ALABAMA** House approves HB 171, legislation

that would require protestors at funerals to stay more than 1,000 feet away from the service. It moves to the Senate (MONTGOMERY ADVERTISER). • The **MISSOURI** House approves HB 73, a bill that would allow the drug testing of welfare applicants and recipients if the Department of Social Services has a “reasonable cause” to believe those persons having been using illegal drugs. Anyone testing positive would be directed to treatment programs. The measure moves to Gov. Jay Nixon (D) for review (NEWS TRIBUNE [JEFFERSON CITY]). • **INDIANA** Gov. Mitch Daniels (R)



signs HB 1210, legislation that prohibits federal money given to the state for family planning services from going to clinics that provide abortions. The law also bars abortions after the 20<sup>th</sup> week of pregnancy (INDIANAPOLIS STAR). • **DELAWARE** Gov. Jack Markell (D) signs SB 30, legislation making the First State the seventh to legalize same-sex civil unions that grant nearly all the same rights and responsibilities as marriage. The measure goes into effect next January (NEWS JOURNAL [NEW CASTLE-WILMINGTON]).

**POTPOURRI:** The **ILLINOIS** House fails to endorse HB 148, a bill that would have allowed Prairie State residents to carry concealed handguns. The measure, which fell short of a necessary supermajority to gain approval, has been postponed and could earn another vote this session (DAILY HERALD [ARLINGTON HEIGHTS]). • Still in **ILLINOIS**, the House unanimously approves SB 1833, a bill that would replace in the state's law books words that are offensive to the disabled. The measure now moves to Gov. Pat Quinn (D) for review (DAILY HERALD [ARLINGTON HEIGHTS]). • **GEORGIA** Gov. Nathan Deal (R) signs SB 240, which allows golf carts to be driven on city streets. To be eligible for street use, carts must have safety features, travel no faster than 20 mph, and be allowed by local jurisdictions (ATLANTA BUSINESS CHRONICLE). • Also in **GEORGIA**, Deal signs HB 101, which requires motorists to maintain three feet of space between their vehicle and bicyclists (ATHENS BANNER-HERALD). • Still in **GEORGIA**, Deal inks his name to HB 40, which requires antifreeze manufacturers to add a bittering agent to their products to deter animals and children from consuming the sweet chemical. It goes into effect in July 2012 (ATHENS BANNER-HERALD). • **MONTANA** Gov. Brian Schweitzer (D) vetoes HB 271, which would have allowed Treasure State residents to carry concealed handguns without a permit (BILLINGS GAZETTE). • The **OHIO** House approves HB 45, legislation that would allow residents with concealed carry permits to bring their handguns into bars and restaurants that serve alcohol. It moves to the Senate (PLAIN DEALER [CLEVELAND]).

— *Compiled by RICH EHISEN*

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# Once around the statehouse lightly

**A BRIDGE BY ANY OTHER NAME:** Building a public works project is only half the battle: the real struggle is naming the darned thing. Case in point is a planned bridge over the Mississippi River that will link St. Louis, Missouri with southwestern Illinois. Last March, the Missouri House easily passed legislation to name the new span after a couple of long-term local Congressmen, one from Missouri and one from Illinois. But as the *St. Louis Post-Dispatch* reports, the measure met with vehement resistance in the Senate. Missouri Sen. John Lamping recently offered a clever compromise: naming the span the “Cards-Cubs Bridge.” The brilliant part is that folks coming from the Prairie State side would see it as the “Cubs-Cards Bridge.” Any measure would ultimately need approval from lawmakers on both sides of the river. Only time will tell if politicians would rather honor the two states’ glorious baseball tradition...or themselves.

**LEAN, GREEN HOPPING MACHINES:** It wasn’t easy, but California Republicans have finally scored a major victory over their Democratic opponents. As the *Sacramento Bee* reports, a large toad representing Senate GOP Leader Bob Dutton recently walked, uh, hopped away with the big prize at the Capitol’s 37<sup>th</sup> Annual Frog Jumping Contest. Dutton’s slimy comrade — dubbed “Unicorn,” a reference to Dems likening the Reep’s budget demands to chasing the mythical horned horse — leaped a combined 10 feet 5 inches over three jumps, easily besting his clammy competition. The real winner, however, was a croaker named “HSF: High Speed Frog.” Representing GOP Assemblywoman Diane Harkey, HSF bolted out of the starting gate, whipped a fast left turn and made a beeline straight into a nearby pond. One must wonder if he heard Assemblyman David Valadao ask, “Do we get to eat them later?” For the record, the answer is no.

**A REAL DESIGNATED DRIVER:** If sometime in the near future you happen to be driving in Nevada and swear you were cut off by a car with nobody behind the wheel, you may actually not have had one too many free cocktails while you were donating your money to a casino. As the *New York Times* reports, Google has been quietly lobbying lawmakers on a pair of bills that would make the Silver State the first to legalize the company’s self-driving cars. The two measures would not only make the vehicles legal, they would create an exemption to a state law that bars drivers from texting while behind the wheel. Google technicians note that the self-



operating cars have already been test-driven over 140,000 miles on roadways in neighboring California, and that all of them drove better than Paris Hilton.

**OF BULLS AND BEARS:** There isn't a lot self-deprecating humor to be found in statehouses. Not so in Colorado, where lawmakers regularly poke a little fun at, of all things, themselves. Well, kinda sorta. As the *Denver Post* reports, last Monday marked the annual "Hummers" ball where the minority House party gets to lampoon the majority folks. With Dems in the minority for the first time in six years, Republicans were this year's target. Notable moments included a skit featuring "bears" — a slang term for gay men with lots of body hair — that spoofed one Reep's bear-hunting bill and a parody song poking fun at a spate of medical marijuana bills authored by Rep. Tom Massey. Sung to the tune of Rod Stewart's "Maggie May," Rep. Millie Hamner scored big laughs with the line, "Wake up, Massey, I've got some great dope to smoke with you." 'Nuff said.

— By *RICH EHISEN*

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