

Capitol Journal

News & Views from the 50 States

November 4, 2013

Decision Time



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● The next issue of
● Capitol Journal will be
● available on November 11th.

Top Story

Voter discontent is likely to have a significant impact on the legislative contests in the few states holding them on Nov. 5.

SNCJ Spotlight

Voter discontent figuring into off-year legislative elections

Odd-numbered election years tend to be less busy than even-numbered ones. That might be a good thing for state legislators as a whole this year, given the high level of voter dissatisfaction with politicians right now as a result of last month's federal government shutdown. But voter discontent is likely to have a significant impact on the legislative contests in the few states holding them on Nov. 5.



By Korey Clark

In New Jersey, all 120 legislative seats are up for grabs on Election Day. Republicans have their eye on the Senate, where Democrats currently hold a 24-16 majority. The Dems have blocked many of Gov. Chris Christie's (R) proposals, including his efforts to reduce property taxes and reshape the state Supreme Court. And the Republicans are hoping Christie's comfortable lead over Democratic state Sen. Barbara Buono in his re-election bid will translate into legislative seats.

But Dan Roth, a spokesman for the Democratic Legislative Campaign Committee (DLCC), which assists Democrats running for state legislative office across the country, said the governor's popularity won't cost Democrats control of either the Senate or the Assembly in New Jersey.

"You are seeing a governor with absolutely no coattails," he said.

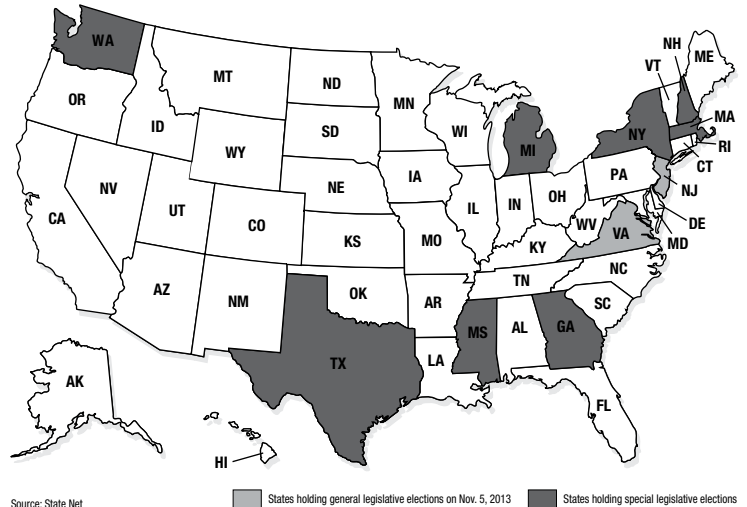
Roth added that even though the state's voters strongly support Christie as governor they favor Democrats for the Legislature because they agree with them on key policy issues. In fact, a recent poll by Rutgers University's Eagleton Institute of Politics found that half of likely voters in the state preferred Democratic candidates for the Legislature, while 38 percent preferred Republican candidates.

"Right now [voters] seem to be quite happy to split their tickets, supporting a Republican governor and a Democratic legislature," said David Redlawsk, director of the Eagleton poll.

That poll was conducted in September, before the federal government shutdown began on Oct. 1. The fact that Republicans took more of the blame for that misadventure may only help New Jersey's Democrats. But Chris Jankowski, president of the Republican State Leadership Committee (RSLC), the GOP counterpart to the DLCC, said it's too early to tell what Christie's impact will be on the state's legislative races.

"You measure coattails on 11 o'clock on election night, and not before that point," he said.

Bird's eye view



Quiet election year for states

Just two states will hold general legislative elections on Nov. 5, according to State Net's Election Calendar. All of New Jersey's 80 Assembly seats and 40 Senate seats will be contested, along with the offices of governor and lieutenant governor. And all 90 seats in Virginia's House will be decided, as well as the offices of governor, lieutenant governor and attorney general. In addition, special legislative elections will be held in 8 states.



With control of the New Jersey Senate at stake, money has been pouring into the races from both Democratic and Republican groups. This year is also the first that the state has allowed unlimited fundraising by outside political groups, as a result of the U.S. Supreme Court's 2010 campaign finance decision in *Citizens United v. FEC*.

In Virginia, all 90 seats in the House of Delegates will be contested on Nov. 5. And candidates from both major parties there are trying to tap into voter discontent.

"People are really tired of [politicians] who don't compromise. They want more moderate government, and they want government to function better for them," said Democrat John Bell, who is running for a seat in the suburbs of Washington, D.C.

"People are turned off. People do not want Washington-style politics in Virginia. They have enough of it across the river," said Bell's Republican opponent, Del. David Ramadan. "From day one, I said these partisan politics need to end. People are appreciating that position."

Opposition to tea party Republicans, in particular, has reached a high in the state since the federal shutdown. According to a Washington Post/Abt SRBI poll, 53 percent of registered voters oppose the tea party, a 10-point increase from May 2011. Only 36 percent expressed support for the movement, down from 45 percent two years ago. The Washington Post poll also showed that voters who strongly oppose the movement now outnumber those who strongly support it by a margin of more than 3 to 1.

But it's unlikely even such strong voter sentiment will shift control of the state's House away from Republicans. Geoffrey Skelley, a political analyst at the University of Virginia's Center for Politics, said it's "virtually impossible" for Democrats to pick up the 19 seats they need to claim a majority.

Elections for statewide offices on Nov. 5 could ultimately lead to a power shift in the state's Senate, however. That chamber is currently split 20-20 between Democrats and Republicans, with Republicans in functional control because the state's Republican lieutenant governor has the authority to break tie votes. But two senators are vying for attorney general and a third is running for lieutenant governor, so special elections next year to fill the seats of any of the three of them who win could shift the balance of power in the chamber.

A special election in Washington, meanwhile, could alter control of that state's Senate. The chamber is currently led by the GOP, but only with the aid of two Democrats who caucus with the Republicans.

The contest in the Kitsap Peninsula southwest of Seattle pits state Sen. Nathan Schlicher (D), who's held the seat since January, against state Rep. Jan Angel (R). Angel and Schlicher placed 1st and 2nd, respectively, in the state's "top-two" primary in August. Whichever of the two wins will have to run again in a regular election next year to keep the seat.

A flood of outside money has helped make the race the most expensive legislative contest in the state's history. Tom Steyer, a California billionaire who supports environmental causes, has contributed at least \$400,000 to support Schlicher. Keith



Schipper, a spokesman for the Angel campaign, said because of that money, voters in the district “are being bombarded with unfortunate lies.”

Schlicher, meanwhile, has accused the Senate’s Republican caucus of political brinksmanship with the state budget, drawing comparisons to the federal government shutdown.

“That kind of irrational hostage-taking needs to stop,” he said. “[Voters are] tired of career politicians on both sides of the aisle.” (STATELINE.ORG, WASHINGTON POST, RUTGERS EAGLETON INSTITUTE OF POLITICS, CENTER FOR POLITICS, STATE NET)

– *Compiled by KOREY CLARK*

For information about initiatives on states’ Nov. 5 ballots see Spotlight “Pot taxes, gambling & GMOs bound for November ballots” in Oct. 14 issue of SNCJ.

Budget & taxes

MEDICAID OUTPACES PRIVATE INSURANCE IN ACA’S OPENING WEEKS: In May the Congressional Budget Office projected that as a result of the Affordable Care Act, nine million more Americans would enroll in Medicaid in 2014 and seven million would sign up for private health coverage through new health-insurance exchanges. In the initial weeks of the health reform law’s rollout, Medicaid enrollments were roughly on pace with that estimate, but enrollments in private insurance were well off-track.

“There are no comparisons between those processes. It’s not like comparing apples to apples or even apples to oranges. It’s apples to poodles.”

Eighty-seven percent of the 35,528 people who enrolled in new insurance plans in the state of Washington between Oct. 1 and Oct. 21 joined Medicaid plans rather than private insurance plans, according to state figures. Eighty-two percent of Kentuckians who had newly enrolled in insurance plans by Oct. 24 signed up for Medicaid instead of private insurance. And 64 percent of New York’s 37,030 new enrollees chose Medicaid.

One of the main reasons for the disparity between Medicaid and private insurance enrollments so far is that there were major glitches with the launch of HealthCare.gov, the federal website that serves the residents of the 36 states that chose not to run their own insurance exchanges.



Another reason is that enrolling in Medicaid is often simpler than signing up for private insurance. Medicaid enrollees typically don't have to make as many decisions about deductibles, prescription-drug plans or physician networks, for instance.

"There are no comparisons between those processes," said Kip Piper, a Medicare and Medicaid industry consultant based in Washington. "It's not like comparing apples to apples or even apples to oranges. It's apples to poodles."

Furthermore, some states like California, Maryland and Washington have initiated aggressive outreach efforts to get people into Medicaid, including contacting individuals already enrolled in other government programs like food stamps.

"When you actively go out and aggressively target people, they sign up," said Matt Salo, executive director of the National Association of Medicaid Directors. (WALL STREET JOURNAL)

US PROMOTING BRAND TO WORLD: This fall ads, videos and a display window promoting the beaches of South Carolina appeared at London's famed Harrods department store. And in the spring, ads showcasing Louisiana graced London's red double-decker buses and "tube" stations. Both campaigns were part of a federal initiative signed into law by President Obama in 2010 "to promote the United States to world travelers."

The program, called Brand USA, is funded by the private sector, primarily the tourism industry, with the federal government providing matching funds of up to \$100 million per year from a \$10 fee paid by international travelers who visit the United States.

Last year, in its first full year of operation, Brand USA received \$60 million in private funding, which more than doubled to \$130 million this year. And the program appears to be creating satisfied customers.

Louisiana Lt. Gov. Jay Dardenne (R) said Brand USA has helped his state shatter tourism records, including those of the years prior to Hurricane Katrina.

"We're very pleased," he said. (STATELINE.ORG)

BUDGETS IN BRIEF: MASSACHUSETTS shoppers began paying the state's 6.25 percent sales tax on items they purchase from Amazon this month. The state expects the tax to generate \$36.7 million before the end of the fiscal year on June 30 (BOSTON GLOBE). • The **ILLINOIS** Supreme Court invalidated the state's two-year-old law imposing taxes on certain Internet sales. The justices ruled 6-1 that the so-called "Amazon tax" violates a pre-emptive federal decree barring "discriminatory taxes on electronic commerce" (ASSOCIATED PRESS, ABC7CHICAGO.COM). • **MISSOURI** Gov. Jay Nixon (D) reversed course on his plan to scale back the state's

Upcoming stories

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

- **Biosimilars**
- **2014 previews**
- **Health reform**



food stamp program, a move that could have eliminated benefits for 58,000 residents. The governor said the uncertainty in Congress that had put federal funding for the program in jeopardy appears to have passed (SAINT LOUIS POST-DISPATCH).

- Laws in several states, including **OREGON**, may allow federal workers who collected unemployment insurance during the government shutdown to keep those benefits as well as the back pay they'll receive, according to the Labor Department (USA TODAY).

— *Compiled by KOREY CLARK*

Politics & leadership

SOCIAL MEDIA POSES RISKS FOR STATES: State agencies and officials have embraced social media as a means of engaging citizens and publicizing policies and services. But the use of sites like Facebook and Twitter presents a host of thorny issues that many states may be unprepared for.

According to a recent report by the National Association of State Chief Information Officers entitled “Examining State Social Media Policies: Closing the Gaps,” every state in the nation uses social media in some way, but only about 30 have formal social media policies in place dictating its use statewide.

“Some of the gaps found have the potential to open states up to some severe heartburn: including employee discontent, management concerns, public perception and liability,” the report states.

Indiana Gov. Mike Pence (R) found that out this past summer when it was discovered that his office had deleted comments disagreeing with a statement he posted on Facebook expressing his disappointment with the Supreme Court’s ruling on gay marriage.

“His staff tried to make it look like he was living in an echo chamber and everyone in Indiana agreed with him.”

“His staff tried to make it look like he was living in an echo chamber and everyone in Indiana agreed with him,” said Andrew Markle, a fellow Republican who created a website and a Facebook page for documenting what he referred to as “Pencership.”

According to the NASCIO report, there hasn’t been a court case yet challenging a public agency for deleting public comments on social media, so “the precise contours of citizens’ free speech rights in the context of state sponsored social media are currently unclear.” Legal cases regarding employee social media speech, however, are beginning to appear with greater regularity. For instance, the U.S. Court of Appeals in Richmond, Virginia

ruled in September that using Facebook’s “like” feature to express support for a political candidate is protected speech under the First Amendment even when the candidate being “liked” happens to be running against the liker’s boss. The case, *Bland v. Roberts*, revolved around the firing of several sheriff’s office employees for supporting the sheriff’s political opponent.

It’s likely there will only be more lawsuits concerning state use of social media in the future.

“Right now, there’s not a whole lot of case law or precedent out there about state use,” said Meredith Ward, a senior policy analyst for NASCIO.

Consequently, the NASCIO report includes a checklist of 18 legal issues and eight policy issues for states to consider when using social media, covering everything from “click through agreements” with providers and terms of service provisions to public records law compliance and employee education. (STATELINE.ORG, NATIONAL ASSOCIATION OF STATE CHIEF INFORMATION OFFICERS)

OK AND TX MAY REDRAW BORDER — AGAIN: Back in 2000, Oklahoma and Texas redrew their 540-mile border, ending nearly two hundred years of feuding that landed the states in the U.S. Supreme Court twice and led one former Oklahoma governor, armed with an antique revolver, to “invade” a narrow strip of disputed territory, as newspapers put it at the time. But the states may be on the verge of redrawing their border once again.

In June Texas Gov. Rick Perry (R) signed legislation without any fanfare creating a Red River Boundary Commission to study the border along Lake Texoma, where a water pumping station was unintentionally split between Texas and Oklahoma, helping shut down a drinking water supply that serves a population of 1.6 million and rising.

Changing that boundary would require lawmakers in the two states to reach agreement on an interstate compact, which would then have to be approved by Congress. But negotiations between the two states may not be off to the best start. A representative from the Oklahoma Water Resources Board said the agency knows little about the issue and Texas officials haven’t called.

“The Texas-Oklahoma border has a unique and colorful history, and we may be living out another chapter of it,” said Andy Hogue, a spokesman for the Texas General Land Office. (TEXAS TRIBUNE)

POLITICS IN BRIEF: New York City Mayor Michael Bloomberg and Melinda Gates have contributed \$1 million each to the campaign for **COLORADO** Amendment 66, which would raise the state’s income taxes to support K-12 education. So far, \$10 million has been raised in support of Amendment 66, while just \$41,000 has been raised by opponents of the initiative (INEWS NETWORK). • A constitutional amendment moving quickly through **WISCONSIN**’s Republican-controlled Legislature would do away with the state Supreme Court’s 124-year-old

practice of awarding the post of chief justice by seniority and allow the body to elect its chief justice. The amendment would likely result in the removal of liberal Chief Justice Shirley Abrahamson by the court's conservative majority (MILWAUKEE JOURNAL SENTINEL, STATE NET). • CALIFORNIA has fined two ARIZONA nonprofit groups — Americans for Responsible Leadership and the Center to Protect Patient Rights — for failing to properly disclose their donors in the Golden State's contentious ballot battles last year. The fines are believed to be the first of their kind in the nation and a sign of the growing scrutiny of so-called “dark-money” donations (WALL STREET JOURNAL). • CALIFORNIA Lt. Gov. Gavin Newsom (D) will head a new American Civil Liberties Union's panel tasked with studying the legalization of marijuana in the state and drafting a measure for the 2016 ballot (SAN JOSE MERCURY NEWS). • Over a decade after banning the execution of the “mentally retarded” in *Atkins v. Virginia* in 2002, the U.S. Supreme Court agreed last month to hear another case revolving around that same issue. The case, *Hall v. Florida*, stems from the murder of a pregnant 21-year-old in 1978 by a man deemed to be mentally handicapped (NEW YORK TIMES).

— Compiled by KOREY CLARK

Governors

KASICH DECRIES ‘WAR ON THE POOR’: Ohio Gov. John Kasich (R) has ended months of wrangling with his own party over his desire to expand Medicaid last month, opting to have the state's little-used Controlling Board approve his proposal to accept \$2.55 billion of federal funding to pay for it. The move will allow approximately 300,000 Buckeye State residents to access the state-federal health coverage plan as called for under the Affordable Care Act.

“I’m concerned about the fact there seems to be a war on the poor. That if you’re poor, somehow you’re shiftless and lazy...”

Kasich has been dueling with the GOP-controlled statehouse over the plan for almost a year. The move angered tea party-affiliated Republicans who have blocked the expansion. Over half of the House GOP members quickly signed a resolution to protest Kasich's action, and Senate President Keith Faber (R) has threatened to take legal action to stop it. But Kasich was nonplussed. While noting his ongoing opposition

to the ACA, or Obamacare, he said the opportunity to cover more of the state's poorest residents with the federal government picking up the tab for at least two years was too good to pass up.

But Kasich took it a step further days later in an interview with the *New York Times*, telling the newspaper that Republicans have gone too far in their treatment of the poor.

“I’m concerned about the fact there seems to be a war on the poor,” he said. “That if you’re poor, somehow you’re shiftless and lazy... You know what? The very people who complain ought to ask their grandparents if they worked at the WPA.”

The WPA is the Work Progress Administration (later re-named the Work Projects Administration), the New Deal government agency that employed millions of Americans during the Great Depression.

Kasich has long framed the Medicaid expansion as a matter of right and wrong, arguing that it is a Christian calling for lawmakers to do more to help the state’s poorest citizens. But some critics contend that Kasich’s move also has political motives, and that he is attempting to soften his image in preparation for next year’s re-election effort. He scoffed at that notion.

“I have an opportunity to do good, to lift people, and that’s what I’m going to do,” he said, adding that “more important when you go to heaven than whether you kept government small was what did you do for the poor.” (NEW YORK TIMES, WASHINGTON POST, MSNBC.COM)

CA, WA AND OR SIGN CLIMATE PACT:

The governors of California, Washington and Oregon signed a pact with the Canadian province of British Columbia last week that commits the four governments to coordinate their policies to battle global climate change. Although the agreement is non-binding, the quartet promised to jointly enact approximately a dozen different policies, including streamlining permits for solar and wind projects, using more lower carbon fuels, better integrating the electric power grid and working to ensure that 10 percent of all cars in the region are emissions-free electric vehicles by 2016.

California Gov. Jerry Brown (D) called the actions “modest steps,” but said it was “only a beginning” for what the states will eventually do.

Upcoming elections

(11/01/2013 - 11/22/2013)

11/01/2013

Washington Special Election
Senate District 26

11/05/2013

Alabama Special Runoff
US House (Congressional District 1)

Georgia Special Election

House Districts 100, 104 and 127
Senate District 14

Massachusetts Special Election
Senate 2nd Hampden and Hampshire

Michigan Special Election

House District 49

Mississippi Special Election

House Districts 5, 55, 110

New Hampshire Special Election

House Hillsborough 35 (Nashua Ward 8)

New Jersey General Election

Assembly (All)

Senate (All)

Constitutional Officers: Governor,
Lieutenant Governor

New York Special Election

Assembly Districts 53 and 86

Texas Special Election

House District 50

Virginia General Election

House (All)

Constitutional Officers: Governor,
Lieutenant Governor, Attorney General

Washington General Election

Senate Districts 7, 8, and 26

11/12/2013

Arkansas Runoff Primary

Senate District 21

11/16/2013

Louisiana Special Primary

House District 87

US House (Congressional District 5)



“Next year and the year after and the year after that, this will spread until finally we get a real handle and grasp on what is the world’s greatest existential challenge — the stability of our climate, on which we all depend.”

Washington Gov. Jay Inslee (D) said he hopes the agreement will spur action from Congress.

“Congress has ground to a halt because of climate deniers,” he said. “I hope this can restart a national conversation, and hopefully action, on climate change.”

California and British Columbia already have tougher climate change policies in place. California is in the process of implementing a cap-and-trade program and BC has had a carbon tax since 2008. Washington and Oregon are considering both options. Business groups in both states have expressed concerns about the impact of such proposals.

News of the agreement was met with positive reaction from business groups in California, where Shelly Sullivan, a spokeswoman for the AB 32 Implementation Group, a business organization that opposed the 2006 law that enacted a wide range of pollution controls in the Golden State, including the cap-and-trade program, said “we have always believed that we need a broad market that includes not only other states but other countries, in order for it to function efficiently.” (SEATTLE POST-INTELLIGENCER, SAN JOSE MERCURY NEWS, LOS ANGELES TIMES)

GOVERNORS IN BRIEF: MICHIGAN Gov. Rick Snyder (R) said his administration will close his controversial New Energy to Reinvent and Diversify Fund, or NERD Fund, a tax-exempt nonprofit allowed to receive unlimited and anonymous contributions. The fund has come under fire for failing to disclose the names of the fund’s contributors and for paying the \$100,000 annual salary of a top Snyder aid. Snyder said the fund would eventually be replaced with something more transparent (DETROIT NEWS). • **NORTH CAROLINA** Gov. Pat McCrory (R) rejected calls to hold a special session to reconsider expanding Medicaid in the Tar Heel State. Lawmakers there rejected such an expansion earlier this year, and McCrory called any further efforts to do so via a special session “out of the question” (CHARLOTTE OBSERVER).

— *Compiled by RICH EHISEN*

Upcoming elections (cont.)

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

Hot issues

BUSINESS: The **MICHIGAN** Senate approves a six-bill package that bars Wolverine State residents receiving public assistance from accessing those funds at ATMs located in casinos, certain liquor stores, horse-racing tracks and strip clubs. The bills are now in the House (DETROIT FREE PRESS).

• Also in **MICHIGAN**, Gov. Rick Snyder (R) signs another four-bill package aimed at bringing the state in line with federal regulations regarding unemployment benefits and making it easier for it to recover unemployment claims paid under false pretenses. The four bills dealing with federal adherence are HBs 4950, 4951, 4953 and 4954. Gov. Snyder also signs HB 4952, which allows the state to refuse unemployment benefits to job applicants who fail a drug test (MICHIGAN GOVERNOR'S OFFICE).

CRIME & PUNISHMENT: The **NEW JERSEY** Supreme Court rules that trial judges may re-seat potential jurors disqualified solely for racial reasons. The court also ruled that litigant attorneys who use race to remove jurors off panels will forfeit any future opportunities to remove potential jurors from a panel, also known as peremptory challenges (STAR-LEDGER [NEWARK]). • The **MICHIGAN** Senate unanimously approves SB 318 and SB 319, bills that together would allow some Wolverine State minors convicted of murder and sentenced to life in prison without parole to apply for release when they reach age 40. The proposal would also give judges new discretion to impose a prison term of between 25 and 60 years. The measures would not apply to current inmates who have already exhausted appeals. They move to the House (MLIVE.COM). • Also in **MICHIGAN**, the House approves HB 5021, which would make permanent a program allowing residents with multiple drunken driving convictions to obtain a restricted license by installing a breath alcohol ignition “interlock” device in their vehicles. It moves to the Senate (MLIVE.COM).

EDUCATION: The **MICHIGAN** House approves HB 4352, which would require Wolverine State schools to have two epinephrine devices, or EpiPens, to treat children suffering from severe allergic reactions. The House also endorses HB 4353, which would allow doctors and pharmacies to prescribe and dispense them to school boards. Both measures are now in the Senate (DETROIT NEWS, STATE NET). • Also in **MICHIGAN**, the House approves HB 4713, a measure that would require schools to conduct one additional “lockdown” drill each year and notify parents shortly after completing any safety drill required by state law. It moves to the Senate (MLIVE.COM).



ENVIRONMENT: The U.S. House of Representatives approves HR 3080, the Water Resources Reform and Development Act (WRDA) of 2013, a bill that would fund billions of dollars in water infrastructure projects around the country. The measure, which is the first approved WRDA since 2007, has returned to the Senate (WASHINGTON POST, STATE NET). • The **MICHIGAN** Department of Environmental Quality announces proposed rule changes that would require additional reporting and monitoring of high-volume hydraulic fracturing, or fracking. Proposed rules include requiring drillers to disclose information on chemical additives used in fracking fluid on a web-based registry and to collect baseline samples from up to 10 water supply wells within a quarter mile of the site before drilling. The new rules must now go through a public review process and receive approval from the legislative Joint Committee on Administrative Rules (MLIVE.COM).

HEALTH & SCIENCE: At the behest of Gov. John Kasich (R), the **OHIO** state Controlling Board agrees to accept \$2.55 billion in federal funds to expand Medicaid eligibility in the Buckeye State. The expansion will add approximately 300,000 residents to the Medicaid rolls (WASHINGTON POST).

IMMIGRATION: **ALABAMA** officials agree to settle a federal lawsuit that has blocked implementation of many parts of an omnibus immigration measure (2011 HB 56) once deemed by many observers to be the toughest in the nation. Under agreements filed last week in U.S. Northern District Court, the Heart of Dixie specified that law enforcement cannot stop someone “for the purpose of ascertaining that person’s immigration status or because of a belief that the person lacks lawful immigration status” and agreed to pay \$350,000 in plaintiffs’ legal fees (MONTGOMERY ADVERTISER).

SOCIAL POLICY: The **HAWAII** Senate approves SB 1, a bill that would legalize same-sex marriage in the Aloha State. The measure is now in the House (HAWAII REPORTER [HONOLULU]). • A federal court lifts an injunction blocking a new **TEXAS** law requiring doctors to obtain admitting privileges at a hospital within 30 miles of the clinic at which they’re providing abortion services.

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: 140

Number of Intros last week: 524

Number of Enacted/Adopted last week: 86

Number of 2013 Prefiles to date: 27,041

Number of 2014 Prefiles to date: 2,074

Number of 2015 Prefiles to date: 21

Number of 2013 Intros to date: 132,172

Number of 2013 Session Enacted/Adopted overall to date: 39,189

Number of bills currently in State Net Database: 150,407

— Compiled By FELICIA CARILLO
(measures current as of 10/31/2013)
Source: State Net database



U.S. District Judge Lee Yeakel initially ruled the law (HB 2) “places a substantial obstacle in the path of a woman seeking an abortion” and barred the state from regulating the dispensing of abortion-inducing drugs. Just days later, a three-judge panel of the 5th U.S. Circuit Court of Appeals granted the state’s request for an emergency stay to lift the injunction (AUSTIN AMERICAN-STATESMAN). • The **OKLAHOMA** Supreme Court reaffirms a 2012 ruling that a Sooner State law barring chemically-induced abortion is unconstitutional. The ruling came at the request of the U.S. Supreme Court, which is considering whether to hear state Attorney General Scott Pruitt’s (R) appeal of that ruling (USA TODAY).

In case you missed it

With Washington preoccupied with partisan bickering, California and other states have taken their own path to immigration reform.

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

http://www.statenet.com/capitol_journal/10-19-2013/html#snclj_spotlight

POTPOURRI: The **OHIO** House overwhelmingly approves HB 199, legislation that would allow motorists who hit and kill a feral hog, wild boar or wild turkey to keep the animal as long as they report the accident to officials within 24 hours. It moves to the Senate (CLEVELAND PLAIN DEALER).

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

OPEN MOUTH, INSERT FOOT: It’s thankfully been a while since a politico has accused someone of being a Nazi, which is definitely a good thing. But lest you think the well of outrageousness has run dry, we offer you Nevada Assemblyman Jim Wheeler. As the *Las Vegas Review-Journal* reports, Wheeler set off a political firestorm last week when a *YouTube* video surfaced in which he tells supporters he would vote to bring back slavery “if that’s what the constituency wants that elected me.” Whoa, Nellie! Wheeler was soon besieged with condemnation from both Democrats and his fellow Republicans, including Gov. Brian Sandoval, who called Wheeler’s comments “deeply offensive” and suggested he should apologize. Wheeler did, noting he was only trying to show the depth of his dedication to his district. And of course he also trotted out the political world’s favorite scapegoat — the media — whom he accused of “attempting to spin an extreme example I used about supporting my constituents to accuse me of being racist.” Yeah, it’s definitely our fault.

AND SO IT BEGINS: The Alaska Legislative Council made a historic decision last week that may well determine their success or failure for the foreseeable future. Was it a huge decision about oil production or a new pipeline? Saving endangered polar bears? Bringing back Northern Exposure? Nope — bigger than any of those. As the *Anchorage Daily News* reports, the Council gave lawmakers, staffers, and others using legislative computers the okay to use that equipment to access Facebook. Oh boy, and you think time gets wasted under the dome now.

I SEE DEAD PEOPLE: The death of former Venezuelan president and U.S. antagonist Hugo Chavez is greatly exaggerated. Or so says current president and Chavez acolyte Nicolas Maduro, who claims the spirit of his former boss and idol appears regularly in various spots around the capital city of Caracas. As the news agency Reuters reports, the latest Hugo sighting came last week when his face allegedly appeared on the wall of an under-construction subway line. Workers snapped a cell phone picture, which found its way to an awe struck Maduro. He then went on live TV to talk about the image, extolling to viewers that, “Chavez is everywhere, we are Chavez, you are Chavez.” It’s not a new thing for Maduro, who says Chavez has also appeared before him as a bird. We’re thinking Maduro should check out a mirror, where he might just see the image of a nut.

AT LEAST IT WASN’T YOGURT: The federal government may have been shuttered for 16 days, but that doesn’t mean at least some valuable work wasn’t getting done. As the *Washington Post* reports, workers left in the Environmental Protection Agency’s Chicago field office used the time to clean up the joint, including clearing out some leftovers from the office fridges. And what was the most left over leftover of all? A can of Campbell’s Soup dated 1997! Workers returning after the shutdown ended were greeted with a welcome back message from EPA chief Gina McCarthy, who informed them of the effort and asked them to be a bit more diligent in cleaning up after themselves going forward.

— By *RICH EHISEN*

The week in session

States in Regular Session: DC, IL, MA, MI, OH, PR, SC, US

States in Special Session: DE “b”, HI “b”, NH “a”, WI “a”

States in Recess: WI, NJ, NY

States Adjourned in 2013: AK, AL, AR, AR”a”, AZ, AZ “a”, CA, CA ”a”, CO, CT, DC, DE, DE “a”, FL, GA, HI, 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”, 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 10/31/2013)
Source: State Net database



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State Net ISSN: 1521-8449

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