For most states, 2013 was a welcome respite from the usual election year political gridlock. That all changes next year, with 38 governorships, 46 legislative chambers, 33 United States Senate seats and all 435 House of Representatives seats up for grabs. But amidst all that politicking, lawmakers have plenty of real issues to tackle. Over the next several weeks, SNCJ editors Rich Ehisen and Korey Clark preview some of
these issues, while Lou Cannon takes a closer look at some of the things states got right this year.

HEALTH BENEFITS EXCHANGES — The initial rollout of the federal healthcare.gov website in October was, to say the least, troubled. The federally-run site was supposed to provide consumers in states that chose not to operate their own health benefits exchange a one-stop insurance shopping experience that was seamless and efficient. It was neither. Consumers instead endured a frustrating litany of delays and other problems that shook the confidence of even the law’s most ardent supporters. That led President Obama to give states the option of allowing insurers to continue offering for one year health coverage policies that were set to expire by January 1, 2014. At least 30 states have said they will allow extensions of the plans — which were being discontinued because they do not meet the minimum standards now required for coverage under the Affordable Care Act — while several others, including California, Washington and Montana, have said they will not.

With a few notable exceptions, state-run exchanges have worked demonstrably better. Connecticut, New York, Washington, California and Kentucky have collectively signed up tens of thousands of enrollees with minimal glitches along the way. Meanwhile, Oregon’s exchange continues to be plagued with technical problems that have left it virtually unable to enroll anyone. Operators say they hope to have those issues resolved by the end of December. With consumers facing a March 31, 2014 deadline to either obtain insurance or potentially pay a tax penalty, it is safe to presume all eyes will be on the ongoing performance of both the state and federal exchanges.

Bird’s eye view

Record year for cyber sales

Cyber Monday was the biggest online shopping day in U.S. history, capping off a record five-day online sales period — from Thanksgiving through Black Friday and Cyber Monday — according to IBM Digital Analytics Benchmark. Separately, Web analytics firm ComScore said it anticipated $1.8 billion in e-commerce spending from non-mobile-based sources (i.e., laptops and desktops) on Cyber Monday, with sales from those sources reaching $768 million on Thanksgiving and $1.198 billion on Black Friday. California topped the nation in online retail sales on Thanksgiving, while New York claimed the top spot on both Black Friday and Cyber Monday, according to IBM. States derive much of their sales tax revenues each year from purchases made during the holiday season.
MEDICAID EXPANSION — As of last week, 25 states and the District of Columbia had indicated they would expand Medicaid eligibility in line with the Affordable Care Act to cover adults up to 138 percent of the federal poverty line ($15,856 for an individual or $26,951 for a family of three in 2013). Of the remaining 24 states, a handful (Tennessee, Pennsylvania, Iowa, Michigan and Indiana) have submitted proposals to the U.S. Department of Health and Human Services that would allow them to use federal Medicaid dollars on alternate plans to cover more low-income residents. Utah Gov. Gary Herbert (R) is pondering making a similar proposal in 2014, but as of now the remaining states are opting out. This promises to be a major issue throughout the year, particularly as gubernatorial and legislative campaigns heat up.

COMMON CORE STANDARDS — Since 2010, 45 states and the District of Columbia have adopted the Common Core State Standards, which establish what K-12 students should know in English and math at the end of each grade. A joint initiative of the National Governors Association and the Council of Chief State School Officers, the idea of the Common Core standards was to ensure two things: 1) that students graduate from high school prepared to enter college or the workforce and 2) that student achievement was determined via the same criteria no matter where a student attends school. To date, only Alaska, Nebraska, Texas and Virginia have not adopted the Common Core, while Minnesota has adopted them only for English.

But this year, conservative lawmakers in several states that have already adopted the standards are now voicing strong opposition, with critics contending the new rules are untested, too expensive and an unfair usurping of local educational control by Washington D.C. Bills aimed at scuttling state participation were introduced in at least eight states. To date, only Indiana has passed such legislation, adopting a bill last spring to halt implementation of the standards until state education officials review them again and determine whether to continue on or develop new standards of their own. Last Wednesday, Oklahoma Gov. Mary Fallin (R) issued an executive order (EO 2013-40) that mandates new academic standards in English and math must be developed in the Sooner State.

Although most states are moving forward with Common Core, withdrawal or moratorium bills are currently pending or have been pre-filed in Florida, Georgia, Kansas, Michigan, North Carolina, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee and the U.S. House of Representatives.

ONLINE GAMBLING — This year, Nevada, Delaware and New Jersey became the first states to legalize online gambling within their individual borders. Enthralled by the potential new tax revenue, several states, including California, Hawaii and Pennsylvania, are considering following suit. But states may soon find themselves pre-empted by Congress, where Rep. Jim McDermott (D-Washington) has introduced HR 3491, which would legalize all online gambling except poker, and Rep. Steve
King (R-Oklahoma) has introduced HR 2666, a bill to allow both the states and the federal government to tax it all. Another proposal, HR 2282 by Rep. Joe Barton (R-Texas), would specifically legalize Internet poker.

**BIOSIMILARS** — Among the Affordable Care Act’s many tenets is a provision allowing for an abbreviated pathway to licensure for pharmaceutical drugs deemed to be biologically similar or interchangeable with those already approved by the Food and Drug Administration. To date, five states (Florida, North Dakota, Oregon, Utah, and Virginia) have passed laws that add additional restrictions on the exchange of a biologic drug for a brand name one. This year, at least 11 other states introduced but ultimately rejected similar bills. One — California’s SB 598 — made it to Gov. Jerry Brown (D), but was vetoed in October. Bills remain pending only in Massachusetts and Pennsylvania, but ongoing turmoil around implementation of the ACA, as well as a failure by the FDA to issue clear guidelines for biosimilar approval, could produce another wave of such measures in 2014.

**TECHNOLOGY-DRIVEN BILLS** — Cars that can drive themselves. Small commercial drones for use in everything from agriculture to police work and, yes, maybe even delivering packages. Mysterious Google barges that may or may not be floating retail centers. Genetically modified plants and animals. Electronic cigarettes that produce no smoke but still contain nicotine. Widespread use of social media sites like Facebook and Twitter. These are just a sampling of the numerous technology-driven issues lawmakers have been grappling with for the last few years. Odds are very good that these and other issues driven by new technology will continue to play big roles in legislatures in 2014.

**MINIMUM WAGE** — California Gov. Jerry Brown (D) signed legislation in September raising the Golden State minimum wage to $10 per hour by 2016. Last month, New Jersey voters approved a ballot measure to increase the Garden State minimum wage to $8.25 an hour. Connecticut Gov. Dannel P. Malloy (D) approved a bill that will hike the Constitution minimum to $9 per hour by Jan. 1, 2015. New York’s Gov. Cuomo (D) made hiking the Empire State minimum wage to $9 by the end of 2015 part of his 2013 budget, which lawmakers endorsed in March. Last week, the Washington D.C. Council approved a proposal to raise the District’s minimum wage to $11.50. President Barack Obama has voiced his support for a federal minimum wage of at least $10.10 per hour. With that momentum, efforts to hike the state minimum wage are underway in Massachusetts, Idaho, South Dakota, Minnesota, Alaska, Hawaii, Illinois and Maryland.
FRACKING — The growing use of hydraulic fracturing, or fracking, was a major issue in 2013. Supporters of the controversial oil and natural gas drilling process — which entails injecting chemically treated water thousands of feet deep into the ground to break up oil- and gas-bearing shale deposits — garnered big wins in California and Illinois, which each adopted tough new measures to regulate the process. While more regulation generally wouldn’t be seen as a win by drillers, California Gov. Jerry Brown and Illinois Gov. Pat Quinn, both Democrats, were under intense pressure from environmentalists to push for complete bans or moratoriums instead. Now, all eyes will be focused on New York, where Gov. Andrew Cuomo, also a Democrat, has been pondering (and pondering and pondering) whether to lift the Empire State’s five-year long fracking moratorium. Cuomo delayed making his decision throughout 2013, and has given no indication of exactly when it will come. Meanwhile, State Net reports that 26 states collectively introduced 176 fracking bills this year. Many would require drillers to disclose the chemicals they are injecting into the ground and to monitor groundwater supplies near those wells. Expect more of the same in 2014.

CONGRESSIONAL WATCH — Congress currently has a number of measures under consideration that would have a major impact on the states: The Marketplace Fairness Act, which would allow states to require online retailers to collect sales tax on Internet purchases; the Water Resources Development Act of 2013, a bill that would authorize and fund billions of dollars in water-related infrastructure projects across the country; multiple measures to delay changes to the National Flood Insurance Program (see “Congress struggles to find balance in flood insurance reform” in the Nov. 18 SNCJ); and a federal farm bill, which among several things funds food assistance for the poor. Congress is not likely to take action on these issues before its current session ends in a few weeks, but if not surely will early in its next one.

WORKPLACE BULLYING — This is an issue that has been bouncing around statehouses for a decade. Many states have in recent years added greater protections for employees based on protected class status: sex or sexual orientation, race, disability, religion or national origin. But bills to protect people from harassment not based on those criteria have never gone far, particularly during times of high unemployment. Now, with the economy slowing improving and unemployment falling, there is renewed interest in this issue. It has received particular attention in recent months after allegations of bullying among players on the Miami Dolphins NFL franchise became national news. Even before that story broke, workplace bullying bills were pending in Massachusetts, New York, Pennsylvania, Vermont, Wisconsin, Hawaii, New Hampshire and New Jersey. At least one state lawmaker, Tennessee Rep. Antonio Parkinson (D), has said he will introduce anti-bullying legislation in 2014. Given the growing notoriety of this issue, lawmakers in several more states are likely to follow suit.

— By RICH EHISEN
IL OK’S PENSION OVERHAUL: After years of neglect and stalemate, Illinois lawmakers approved a plan last week to address the largest public pension shortfall in the nation.

The plan (SB 1), passed by a vote of 62 to 53 in the House and 30 to 24 in the Senate, calls for, among other things, skipping cost-of-living increases for some retirees, raising the retirement age by up to five years for workers under the age of 46 and creating a 401(k)-style plan that workers could opt into instead of staying in the state pension plan. But the plan would also erase the state’s $100 billion pension shortfall by 2044.

Gov. Pat Quinn (D), who has been pushing for an overhaul of the pension system for years, declared victory.

“The people have won,” he said. “We have all won.”

But there wasn’t much cheering or celebration among some lawmakers, even those who supported the legislation.

“I don’t take any joy in this action today,” said Rep. Elaine Nekritz (D). “But it is the responsible thing to provide for a pension system that gives workers retirement security without bankrupting our state.”

Opponents, meanwhile, had nothing but jeers.

“This is no victory for Illinois, but a dark day for its citizens and public servants.”

Union leaders vowed a legal challenge, contending that by lowering pension benefits the plan violates the state Constitution.

Senate President John Cullerton (D), who proposed an alternate plan that was supported by the unions but stymied by House Speaker Michael Madigan (D), seemed inclined to agree with that assessment but also willing to take a wait-and-see approach.

“I think the bill has serious constitutional problems, I’ve made that clear from the start, but now it’s in front of the court and they can decide,” he said. (CHICAGO TRIBUNE, NEW YORK TIMES, QUAD-CITY TIMES, STATE NET)

SUPREME COURT REFUSES TO HEAR NY ‘AMAZON TAX’ CASE: On the same day that consumers were making Cyber Monday the busiest online shopping day in history (see Bird’s eye view), the U.S. Supreme Court denied petitions from
Amazon and Overstock to review a case from New York’s highest court upholding that state’s 2008 law requiring online retailers with affiliates in the state to collect sales taxes.

New York’s Court of Appeals ruled that an online retailer’s relationship with third-party affiliates in the state that are paid commissions for sending Web traffic the retailer’s way constitutes a “substantial nexus” obligating the retailer to collect taxes in the state. Twenty years ago the U.S. Supreme Court ruled in Quill v. North Dakota that a state could only tax an out-of-state retailer when the retailer had a “substantial nexus” in the state, which the court stipulated was a “physical presence” in the state. But with that decision having come before the online shopping revolution, the New York court said the standard it established might be outdated.

New York State Attorney General Eric T. Schneiderman (D) was pleased the high court opted to stay out of the issue now.

“Today’s Supreme Court decision validates New York’s efforts to treat both online and brick-and-mortar retailers equally and fairly, by requiring all retailers with a presence in our state to collect sales taxes,” he said in a statement.

But David C. Blum, a Chicago tax lawyer who represents both online and brick-and-mortar businesses, said the high court’s action will only create more pressure for a national solution on the issue.

“The failure of the court to take and decide this case will create an additional burden on interstate commerce since the line between a physical and virtual presence will only continue to blur,” he said. “We can only hope that the court will take other similar cases in the near future” to resolve the issue.

Amazon, meanwhile, said in a statement that the Supreme Court had already addressed the issue in Quill, saying that “Congress can and should act to resolve it.”

“The Marketplace Fairness Act now pending before Congress would protect states’ rights to make their own revenue policy choices while allowing them to collect more than a fraction of the revenue that’s already owed,” Amazon said.

The U.S. Senate passed that act, which would require companies with over $1 million in Internet sales outside their home states to collect sales taxes in every state. But the measure’s future is uncertain in the House, with some Republicans maintaining it would constitute a tax increase for their constituents. (WASHINGTON POST)

STATE AID NOT CURBING PROPERTY TAXES IN MN: Even though Minnesota recently boosted funding for local governments by $120 million, in part to reverse a trend of rising local property taxes, most cities and counties in the state are still planning property tax increases.

According to preliminary data released last month, 93 cities are planning to reduce property taxes, while 537 are planning to raise them. And 67 of the state’s 87 counties intend to do the same.
Even with the additional state aid, cities still have to balance the demand for more spending, said Mayor Dave Bartholomay of Circle Pines, which is planning to lower property taxes by two percent.

“Every city basically faces the same dilemma, how to manage a list of important needs put off for years because of declining state investment in local communities,” he said. “Property tax reduction is on the list, as is replacing a snowplow or fixing old or broken playground equipment, or perhaps refilling the rainy day fund to limit tax increases in the future.”

But Mayor R.T. Rybak of Minneapolis, which is planning a 1-percent property-tax reduction, said it took a long time for his city to round the property tax corner and he thinks other cities will eventually do so as well.

“It’s taken 12 years to get out of a hole, while we were being whac-a-mole’d back in by the tax strategy of the past governor and Legislature, frankly,” he said. “So, every city is different.” (MINNESOTA PUBLIC RADIO NEWS)

STATE SPENDING DOWN IN FY 2012: Last month the National Association of Budget Officers (NASBO) released the latest version of its State Expenditure Report, covering state spending and revenue trends for fiscal years 2011-13. And for the first time in the publication’s 26-year history, total state spending declined in FY 2012. But total state spending returned to more typical levels in FY 2013, growing 4.7 percent.

Among the NASBO report’s other notable findings: Federal funding for states declined 9.1 percent as most federal stimulus spending ended; Medicaid spending, as a percentage of total state spending, has risen from 20.5 percent in FY 2008 to an estimated 24.5 percent in FY 2013; K-12 education spending has declined from 22.0 percent of total state spending in FY 2008 to an estimated 20.0 percent in FY 2013; and state spending on transportation increased by 4.4 percent in FY 2012 and 3.8 percent in FY 2013. NASBO also reported that state revenues have continually increased since 2010, reaching $647.7 billion in FY 2011, $671.1 billion in FY 2012, and an estimated $707.5 billion in FY 2013. (NASBO.ORG)

PRIVATE TOLL ROAD OPERATORS SHIFTING RISK TO STATES: Illinois and Indiana are offering the private operators of their toll roads set payments instead of the right to keep the toll revenue they collect, which has been the usual method of financing such ventures in the past. Similar arrangements are also being used for highways in Florida and a bridge in New York.
The new financing scheme shifts more of the financial risk for operators, like Madrid-based Ferrovial SA and Sydney-based Macquarie Atlas Roads Group, to states after numerous private toll projects across the country have faced financial struggles due to traffic failing to meet projections.

“We are seeing more of that because investors are a bit skittish about the U.S. market,” said Richard Geddes, director of Cornell University’s Program in Infrastructure Policy. “If it’s a new road, there is a lot of risk on how many vans, trucks, motorcycles and other vehicles will end up paying the tolls.” (BLOOMBERG)

CA BULLET TRAIN PLANS DERAILED: A Sacramento judge has derailed California’s ambitious plans to build a high-speed rail line linking San Francisco and Los Angeles. Sacramento County Superior Court Judge Michael Kenny issued a pair of decisions blocking the California High Speed Rail Authority from selling $8 billion in bonds approved by voters in 2008 (Proposition 1A) and ordering it to rewrite its financing plans for the project. In the latter case, Kenny sided with the Kings County Board of Supervisors and two homeowners who had alleged the rail agency failed to adequately detail how the project would be funded before requesting the bond money to start construction.

“The combination of rulings may prove fatal to this project,” said Jon Coupal, president of the Howard Jarvis Taxpayers Association, which opposed the bond request. According to its website, the HJTA’s position is that the rail agency’s plans “had so deviated from the promises made to voters in Proposition 1A, that bonds for the project had not received voter approval.” (SFGATE.COM, HJTA.ORG)

BUDGETS IN BRIEF: The PENNSYLVANIA General Assembly passed and Gov. Tom Corbett (R) signed legislation (HB 1060) that will pump $2.3 billion dollars into highway, bridge and mass-transit system improvements (POLITICO, STATE NET). • CALIFORNIA’s legislative analyst is projecting the state will end the current year with a $2.4 billion surplus, thanks to the state’s improving economy and the passage last year of Proposition 30, increasing sales taxes through 2016 and income taxes on the wealthy through 2018. The analyst also projected surpluses of $2.4 billion for 2014 and $5.6 billion for 2015 (SFGATE.COM). • Republican lawmakers in OHIO’s GOP-controlled House have proposed a scaled down version of the severance tax hike they scrapped three months ago. House Bill 375 would impose a tax of 1 percent of the net value of oil and gas generated from each horizontally drilled well in the state for the first five years of production. The tax would then increase to 2 percent until the well started declining in production, at which time the tax would return to 1 percent (CLEVELAND.COM, STATE NET).

— Compiled by KOREY CLARK
IL PENSION POLITICS: The pension overhaul passed in Illinois last week isn’t quite a done deal yet, with unions vowing to challenge it in court (see IL OK’S PENSION OVERHAUL in Politics & leadership). But even getting the plan to Gov. Pat Quinn’s (D) desk took quite a bit of doing.

One major challenge facing lawmakers was the sheer size of the problem, with the state’s pension shortfall hovering around $100 billion. The state’s strong labor tradition, which had helped cultivate the environment that made such a deficit possible, also made it resistant to any changes that would take money out of workers’ pockets. On top of that, Quinn wanted the issue resolved before next year’s election.

After months of negotiations, legislative leaders from both major parties managed to reach agreement on a reform plan for the first time. The leaders then reportedly gave themselves just the Thanksgiving holiday week to sell the plan to their caucuses.

Republican House Leader Jim Durkin said the tight timeframe made for a busy final stretch.

“I had people running in and running out over the last 24 hours,” he said in an interview after last week’s vote. “Talking to every member, every question.”

Durkin said some of his fellow Republicans had legitimate concerns, such as downstate representatives who have a lot of public employees in their districts. But he said that wasn’t true of his entire caucus.

“Some people I will just say that their reasoning is not reasonable and I question it because of the dynamics of what’s going on in the state of Illinois over this next year,” he said. “It’s a political season and some people believe that we shouldn’t deliver a win to the Democrats.”

Another wrinkle legislative leaders had to contend with was Bruce Rauner, a Republican venture capitalist running for governor, who opposed the deal.

“My view is that [Rauner] would like to blow it up so that he would maintain a campaign issue,” said Democratic House Speaker Michael Madigan.

Although Rauner has never held political office, he wields considerable political influence — and money. And when asked if he and his allies had made the vote on the pension plan more complicated, Senate Republican Leader Christine Radogno said, “Absolutely it made it more complicated.” She also said that if the vote hadn’t taken place three months before the primary, the outcome might have been different. (CHICAGO PUBLIC MEDIA, NEW YORK TIMES, CHICAGO TRIBUNE)

DETROIT BANKRUPTCY RULING IMPERILS PENSIONS: This month the federal bankruptcy court judge presiding over Detroit’s bankruptcy case, ruled that the city’s public pensions were not untouchable, even though they are expressly protected under Michigan’s Constitution.
“Pension benefits are a contractual right and are not entitled to any heightened protection in a municipal bankruptcy,” said Judge Steven W. Rhodes.

James E. Spiotto, a Chicago-based lawyer who specializes in municipal bankruptcy, said: “No bankruptcy court had ruled that before. It will be instructive.”

The ruling challenges the widely held belief that public pensions are sacrosanct, and it is likely to resonate in Chicago, Philadelphia and other cities across the country where rising pension costs are crowding out spending for education, public safety and other services, as well as in other cities facing bankruptcy, like Stockton and San Bernardino, California.

Lee Saunders, president of the American Federation of State, County and Municipal Employees, said the ruling basically places a “bull’s eye” on the backs of public employees and retirees.

“It sets a bad precedent for cities that are under economic distress to look at doing the easy thing: to attack the workers and attack the retirees,” he said.

Experts said the ruling was unlikely to prompt a rush of municipal bankruptcy filings, but it would probably give cities more leverage in negotiations before going into bankruptcy. (NEW YORK TIMES)

**FL GOP TRYING TO BLOCK MEDICAL MARIJUANA AMENDMENT:**
For the past three years Florida’s Republican-controlled Legislature has repeatedly blocked medical marijuana legislation, not even allowing it to come up for a vote. Now the state’s political establishment, led by Republican Attorney General Pam Bondi, is trying to kill a constitutional amendment seeking to take the issue directly to voters.

Opponents of the amendment say it could lead to “unfettered” marijuana legalization.

“The proposal hides the fact that the Amendment would make Florida one of the most lenient medical marijuana states,” said Bondi’s initial court brief.

The amendment’s backers, People United for Medical Marijuana, deny that claim.

“Any statement that the initiative would allow unfettered use of medical marijuana would itself be misleading to voters,” wrote the group’s lawyer, John Mills.

Recent polling suggests medical marijuana enjoys broad support in the state, with as much as 70 percent of voters backing legalization. But even if the Supreme
Court allows the amendment on next year’s ballot, backers will still have to collect 683,149 voter-signatures by Feb. 1 and then win 60-percent voter support at the polls. (MIAMI HERALD)

POLITICS IN BRIEF: Democrat Mark R. Herring was officially declared the winner of Virginia’s attorney general race last month. But with only 165 votes out of the 2 million cast separating Herring from Republican Mark D. Obenshain, a recount is scheduled for Dec. 16 (WASHINGTON POST). • Twenty-one-year-old Jeramy Anderson defeated former Moss Point Mayor Aneice Liddell in a runoff election in Mississippi last Tuesday to claim the District 110 seat in that state’s House of Representatives and become the youngest member of that body. Anderson’s win was decisive, 61 percent to 39 percent (SUN HERALD [GULFPORT]). • Texas state Sen. Leticia Van De Putte (D) announced she will run for lieutenant governor next year, setting up a female-led Democratic ticket, with Sen. Wendy Davis, who drew national attention after her filibuster of an abortion bill in June, running for governor (TEXAS TRIBUNE [AUSTIN]). • Utah Attorney General John Swallow (R) announced his resignation last month. He said he and his wife could no longer weather the multiple investigations into his conduct, including a $1.5 million probe by the GOP-controlled state House (SALT LAKE TRIBUNE).

— Compiled by KOREY CLARK

Governors

Mead, Daugaard Not Sold on Medicaid Expansion:
South Dakota Gov. Dennis Daugaard (R) last week said the Coyote State will not expand Medicaid eligibility as called for by the federal health reform law. Daugaard made the announcement as part of his FY 2014 budget address to the Legislature, telling lawmakers there is too much uncertainty over whether the federal government will be able to keep its promise of paying for at least 90 percent of the cost of new enrollees in future years.

“There are far too many unanswered questions for me to recommend adding 48,000 adults to the 116,000 already on our roles,” he said.

Many observers expected Daugaard to say he would consider working with the federal government on an alternate plan similar to those that have been proposed by governors in Tennessee, Arkansas, Pennsylvania and Wisconsin, but he did not do so.

Daugaard’s announcement came several days after Wyoming Gov. Matt Mead (R) said he would also continue to oppose Medicaid expansion in the Equality State. Mead, however, did indicate he would be open to changing his mind in the future
CHRISTIE JUST SAYS NO TO MEDICAL POT EXPANSION: New Jersey Gov. Chris Christie (R) vowed last week to veto recently introduced legislation that would allow registered Garden State medical marijuana patients to buy weed in another state where medicinal pot is legal and bring it home. Christie called the bill a backdoor attempt to legalize marijuana.

“Here’s what the advocates want: They want legalization of marijuana in New Jersey,” he told reporters at a statehouse press conference. “It will not happen on my watch, ever. I am done expanding the medical marijuana program under any circumstances. So we’re done.”

Six of the 19 states that have legalized marijuana use for medical purposes allow reciprocity. Assemblywoman Linda Stender (D), who proposed the bill (AB 4537), disputed Christie’s contention that it would expand the state’s medical marijuana program.

“This is not a back door to legalizing marijuana. This is making sure sick people, children who could die at any moment from their condition could have access to the medicine that the law already provides,” she said.

The bill has not yet been assigned to a committee. (STAR-LEDGER [NEWARK], NEWSWORKS.ORG)

GOVERNORS IN BRIEF: The chief of staff for NEW MEXICO Gov. Susana Martinez (R) said the governor will again seek to have lawmakers overturn a law that allows unauthorized immigrants to obtain driver’s licenses. Similar efforts have failed in each of the last three legislative sessions (SANTA FE NEW MEXICAN).

• OREGON Gov. John Kitzhaber (D) reached a tentative agreement with federal officials regarding water sharing among farmers, ranchers and Native American tribes on the Upper Klamath River. The deal is expected to be finalized next month, after which it will go before Congress for final endorsement (OREGONIAN [PORTLAND]).

• ARIZONA Gov. Jan Brewer (R) named a panel of current and former legislators and others to oversee the state’s Child Protective Services agency. Brewer tasked the panel with examining how the troubled agency is operating and to issue a report on its findings (ARIZONA DAILY STAR [PHOENIX]).

• IDAHO Governor C.L. “Butch” Otter (R) asked Gem State health insurance carriers to consider reinstating coverage for individuals and small businesses whose policies were terminated as part of implementation of the Affordable Care Act. Otter said any extensions would be voluntary (TWIN FALLS TIMES-NEWS).

— Compiled by RICH EHISEN
BUSINESS: The United States Supreme Court declines to hear a challenge to a NEW YORK law that requires Internet retailers to collect sales tax from their Empire State customers. The court rejected an appeal lodged by Amazon.com Inc. and Overstock.com Inc. without comment (BLOOMBERG). • The high court also lets stand a decision by the OKLAHOMA Court of Civil Appeals that a state law requiring payments under the tobacco settlement applies to all cigarettes sold with a state excise tax stamp, including those sold to Native Americans. A tribal-owned Canadian cigarette company had argued that the Sooner State could not tax cigarettes sold to Indians at the same rate as those sold to non-Indians (OKLAHOMAN [OKLAHOMA CITY]). • The U.S. House of Representatives approves HR 3626, legislation that would extend for 10 years a federal ban on the manufacture, import or sale of any firearm that can’t be picked up by a metal detector. It moves to the U.S. Senate, which is expected to take the measure up this week (FOXNEWS.COM). • The WASHINGTON D.C. City council unanimously approves a proposal to raise the District’s minimum wage to $11.50 per hour. The Council must hold one more vote on the measure before it can go to Mayor Vincent Gray for review. That is expected to come early next year (WASHINGTON POST).

• • The PENNSYLVANIA Senate gives final approval to SB 1131, which would lift the Keystone State’s requirement that potatoes be sold only in packages of three pounds or less, or in increments of five, 10, 15, 20, 25, 50 and 100. It moves to Gov. Tom Corbett (R) for review (PATRIOT-NEWS [HARRISBURG]).

CRIME & PUNISHMENT: A NEW JERSEY appeals court rules that the Garden State Parole Board has the legal power to bar convicted sex offenders on parole from using social media sites like Facebook and Twitter. The court said opening up social media to those parolees presents too great a risk for children and the public (STAR-LEDGER [NEWARK]). • The NEW MEXICO Supreme Court rules that police can make a warrantless arrest when it occurs reasonably close to the scene of the domestic violence. Current law already allows a warrantless arrest at the exact scene of a domestic disturbance (KRWG.ORG [LAS CRUCES]).

EDUCATION: The OHIO Senate approves SB 229, legislation that would reduce the number of state-mandated evaluations required for well-rated public school teachers. It is now in the House (AKRON BEACON-JOURNAL). • The U.S. Department of Education grants MISSISSIPPI and NEVADA a one-year delay on a requirement to use new teacher evaluation tools in the hiring and firing of teachers. Both states have been given until the 2016-17 school year to have those mechanisms in place (EDUCATION WEEK).
ENVIRONMENT: The MICHIGAN Department of Environmental Quality proposes new rules to regulate the use of hydraulic fracturing, or fracking, in oil and natural gas drilling. The proposed rules would including requirements that drillers disclose chemicals used in the fracking process, conduct water testing around fracking well sites and give officials at least 48 hours notice before starting a fracking well. The rules do not need legislative approval, but will undergo a six to nine month review process (DETROIT NEWS).

HEALTH & SCIENCE: The United State Supreme Court refuses to hear a challenge to the Affordable Care Act’s mandate that employers provide affordable health insurance for their workers. The high court rejected the appeal from VIRGINIA-based Liberty University without comment (SCOTUSBLOG.COM). • The WISCONSIN Assembly approves legislation that delays for three months moving 72,000 Badger State residents off of Medicaid and into private insurance. The measure moves to the Senate (APPLETON POST-CRESCENT).

SOCIAL POLICY: The MICHIGAN Board of Canvassers certifies a petition that would require women seeking abortion coverage to buy an additional rider on their health insurance. The measure now goes before the Wolverine State Legislature for review. It could potentially approve the rule without Gov. Rick Snyder’s (R) endorsement (LANSING STATE JOURNAL).

POTPOURRI: The PENNSYLVANIA House approves HB 1750, which would bar the killing of dogs and cats for human consumption. Under the proposal, first-time offenders could face up to five years in prison and a fine of up to $10,000. It is now in the Senate (PHILADELPHIA INQUIRER).

— Compiled by RICH EHISEN
DEFINE ‘ENDING’: Last Sunday marked the 58th anniversary of civil rights pioneer Rosa Parks being arrested for refusing to give up her seat on a Montgomery, Alabama bus to a white person. To mark the event, the Republican National Committee sent out a Twitter message hailing Parks for “her role in ending racism.” That Parks had somehow ended racism came as major news to, well, everyone. As the New York Times reports, the cringeworthy tweet sent the Twittersphere into hyperdrive, renewing longstanding criticism of the GOP’s handling of racial issues. It also sparked a plethora of humorous responses listing other examples of events that supposedly marked the end of racism, such as when the iPhone became “available in both black and white.” It took several hours, but RNC officials eventually posted a message changing the original tweet to one honoring Parks for “her role in fighting to end racism.”

THANKS FOR CLEARING THAT UP FOR US: Back in the 1970s, before his first stint in the California governor’s office, then-Secretary of State Jerry Brown was famous for issuing scores of daily press releases touting his various actions and accomplishments, no matter how small or of dubious news value they might be. They served the bigger purpose, however, of keeping his name in front of the public while he was building his political profile. Lo these many decades later, an older and wiser Jerry Brown still has the panache for self promotion. Case in point, on Nov. 27, Brown issued a proclamation noting the long and rich tradition of giving thanks for our various blessings and good fortunes, ending by officially declaring the following day, Thursday Nov. 28, to be Thanksgiving Day! Wow, thanks, governor. We might have missed it otherwise.

WELCOME TO THE JUNGLE: Speaking of dubious, reality television has its own issues with stretching — some might say staging — the truth. This week’s example comes from Hawaii, where UPI reports that Aloha State officials are pondering legal action against the producers of a show called “American Jungle.” Said program purports to show various native clans jousting over ancient tribal hunting lands on the Big Island. But while the show claims to be shot entirely on private property, maps used in some episodes clearly outline hunting areas that are on public lands. Oops. But wait, there’s more. It also depicts hunters using spears to stalk their prey — in this case feral cattle — something officials say Native Hawaiians never did. Last week, Gov. Neil Abercrombie railed that the show depicts Hawaiians
as “primitives” and promised to “vigorously pursue” any state laws or regulations broken in production of the series. And not with a spear!

**RED LETTER DAY:** One event that needs no phony trumping up is the annual gridiron showdown between the Ohio State Buckeyes and the Michigan Wolverines. Last week’s meeting, the 110th in the series, was no different. Leading up to the game, much was made of OSU coach Urban Meyer inadvertently saying the word “Michigan” in speaking to reporters. That is a major no-no around Columbus, where folks usually refer only to “that school up north” when talking about the Wolverines. But as the *Cleveland Plain Dealer* reports, Ohio Gov. John Kasich more than made up for Meyer’s gaffe. On Nov. 30, in a proclamation noting other great historical rivalries — the Hatfields and McCoys, Ali vs. Frazier, Mac vs. PC — he encouraged all Ohioans to refrain from using the letter “m” whenever possible. In keeping with his own directive, all the offending letters were lined out of the order. Final score: OSU 42, Michigan 41.

**GOVERNOR GRINCH:** Not looking forward to the crowds and lines at the mall this Christmas season? Well, Wisconsin Gov. Scott Walker has just the remedy for those holiday blues — forget buying gifts for your family and just send him the cash instead! That’s right, as *ABC News* reports, the Walker campaign recently sent out an email urging supporters to forgo buying their kids presents in favor of making a contribution to his reelection campaign. Yay! “Instead of electronics or toys that will undoubtedly be outdated, broken, or lost by the next Holiday Season,” it said, “help give your children the gift of a Wisconsin that we can all be proud of.” Alas, the Walker aide responsible for the email, Taylor Palmisano, was fired last week after it was revealed she had previously sent out tweets demeaning Latinos. Tsk, tsk, it sounds like someone is getting coal in their stocking this year.

— By RICH EHISEN