

December 23, 2013

## The Year in Review



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The next issue of  
Capitol Journal will be  
available on January 13th.

### Top Story

*Many states found 2013 to be a year of living dangerously as they struggled with increased pension debts of their own making and unresolved issues dumped in their laps by the federal government.*

## SNCJ Spotlight

### Triumphs and tribulations: The 2013 stories of the states

As the Great Recession finally vanished in the rear-view mirror, states realized a return to fiscal stability in 2013. But many states also found 2013 to be a year of living dangerously as they struggled with increased pension debts of their own making and unresolved issues dumped in their laps by the federal government.

## A Cannon Perspective



With Lou Cannon

Forty-three states modestly increased spending and payrolls during the fiscal year, which for all but four states ends June 30, 2014. A report from the National Association of Budget Officers summarized: "In contrast to the dramatic state budget declines during and immediately following the Great Recession, budgets have stabilized and significant fiscal distress continues to subside for most states."

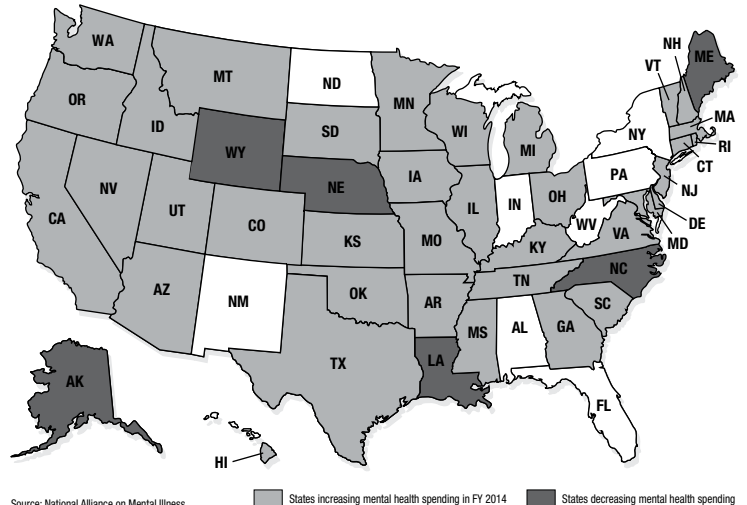
But states were stressed on other fronts. When the year began, it was widely assumed that the federal government might act on issues that have long eluded bipartisan agreement, among them immigration, gun control and the minimum wage.

The optimism about immigration reform stemmed from the Republican Party's dismal performance among minority voters in the 2012 elections. Reacting to this, GOP senators led by Marco Rubio of Florida joined President Obama in calling for an overhaul of immigration law with a view toward providing a path to citizenship for an estimated 11 million U.S. residents who originally came to this country illegally. Meanwhile, in the wake of the mass shooting at Sandy Hook Elementary School in Newtown, Conn., gun-control advocates hoped that Congress would impose meaningful restrictions on firearms.

Neither expectation was realized. Immigration legislation passed the U.S. Senate with bipartisan backing but ran aground in the Republican-controlled House. Opponents of gun control prevailed in both houses of Congress, blocking expansion of background checks on gun-buyers for which polls showed public support.

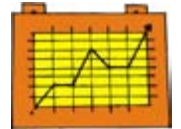
With divided government preventing legislative action in the nation's capital, states were left to fend for themselves. Fend they did, but partisanship carried states in opposite directions. On gun control, some 1,500 bills were introduced in state legislatures, and 109 were enacted. Although New York, Connecticut and Colorado passed significant gun-control legislation, the overall result was disappointing to family members of the 26 children and educators murdered at Sandy Hook Elementary. Two-thirds of the enacted measures actually loosened gun restrictions — or expanded the rights of gun owners.

## Bird's eye view



### States rebuilding mental health budgets

After collectively cutting mental health spending by \$4.35 billion from FY 2009 to FY 2012, states have begun restoring some of that funding, spurred by improving revenues and the Affordable Care Act, according to the National Alliance on Mental Illness. Texas is increasing mental health spending by \$259 million over its previous biennial budget level, the largest such increase in the state's history. But North Carolina is one of six states cutting mental health spending in FY 2014.



In the wake of Sandy Hook, Obama urged Congress to make access to mental health care “as easy as access to a gun.” Here again Congress did nothing, leaving states to fill the vacuum, as they partially did. Thirty-six states increased funding for mental health services. A dozen states passed laws expanding court-ordered treatment for severe mental illness.

The Supreme Court has held that immigration is primarily a federal responsibility. States can’t grant citizenship or improve border security. But states can and did ease burdens on undocumented immigrants. Eight state passed laws allowing non-citizens to receive driver’s licenses or special driving certificates, bringing to 11 the number of states in which undocumented can legally drive.

Colorado, Minnesota, and Oregon passed laws allowing these immigrants access to in-state college tuition, bringing to 16 the number of states that do so.

These actions mark a shift away from state laws that sought to punish or stigmatize illegals. The most draconian was a 2011 Alabama law enacted with the avowed purpose of ridding the state of illegal immigrants. The statute’s scariest provision required school children to inform on the immigration status of their parents. Challenged by civil liberties groups, the law bit the dust in 2013. After a federal court struck down the law and the Supreme Court declined to review it, the U.S. Justice Department reached a settlement with Alabama officials that removed seven objectionable provisions.

States and local governments also took the initiative on raising the minimum wage, which Obama vainly urged Congress to boost above its current level of \$7.25 an hour, set in 2009. Five states — California, New York, New Jersey, Connecticut and Rhode Island — and four local governments raised the minimum wage. Twenty-one states now have a higher floor for wages than the federal government.

States were able to make headway precisely because so many of them do NOT have divided government. One party controls the governorship and both houses of the legislature in 37 states. In these states, 23 held by Republicans and 14 by Democrats, the party in power often was able to advance its agenda.

This was most evident on social issues. Democratic-controlled legislators in Hawaii and Illinois authorized same-sex marriage, becoming the 15<sup>th</sup> and 16<sup>th</sup> states to do so. (New Jersey and Pennsylvania, with Republican governors, joined this list earlier in 2013 because of court decisions.) Arkansas, Michigan, North Dakota, South Dakota and Texas — all with GOP-held legislatures and all but Arkansas with a Republican governor — extended restrictions on abortion. The strictest restrictions are in North Dakota, which bans abortions after six weeks of pregnancy. This ban and many restrictions in other states face legal challenges.

State actions on the environmental *cause celeb* of the year — hydraulic fracturing, or fracking — also followed partisan lines except in Wyoming. Fracking blasts a pressurized cocktail of chemicals and water underground to dislodge gas trapped in rock formations. Energy companies tout the technology as a way to reduce

dependency on foreign oil; environmentalists contend that its impact on underground waters make it a public health hazard.

The most significant laws to regulate fracking were passed by California and Illinois, both Democratic bastions. But Republican-controlled Wyoming also got into the act, thanks to a GOP governor who appreciates both arguments. Wyoming, which in 2010 became the first state to require identification of chemicals used in fracking, this year imposed regulations to control fracking that the *New York Times* called among the nation's strongest.

"I am not going to accept the question of do you want a clean environment or do you want energy," said Gov. Matthew H. Mead. "The fact is that in Wyoming, we want and need both."

On this issue Wyoming is a happy reminder that ideology doesn't explain everything that happens in the states — and Wyoming is not alone. Who, for instance, would have predicted that Oklahoma would provide a national example in early education, considered a key to breaking the cycle of poverty? Influenced by the contributions and contentions of George Kaiser, a Tulsa billionaire and proponent of early education, Oklahoma now provides every 4-year-old a year of high-quality pre-kindergarten. Younger children from disadvantaged homes have access to year-round nursery schools.

Sentencing reform is another issue in which ideology increasingly is taking a back seat to policy. The United States, with more than 2 million people behind bars, has 5 percent of the world's population and 25 percent of its prison inmates. Launching a drive last summer to reduce the federal prison population, U.S. Attorney General Eric Holder said, "Too many Americans go to prison for far too long, and for no truly good law-enforcement reason." The *Economist*, reform minded on prison issues, praised Holder but noted he was echoing the words of Republican Gov. Rick Perry of Texas, who long ago reached a similar conclusion.

In 2007 Texas turned its back on a proposal to spend \$2 billion on new prison beds and instead put money into alternatives for non-violent prisoners, including drug courts, mental health treatment and probation. Crime decreased. More than a score of states, the majority Republican-controlled, have emulated Texas, as sentencing reform surprisingly became a conservative cause. Several states have replaced mandatory sentences with discretionary sentencing that allows judges to use probation, home

## 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: 1,196**

**Number of 2015 Prefiles last week: 1**

**Number of Intros last week: 456**

**Number of Enacted/Adopted last week: 153**

**Number of 2013 Prefiles to date: 27,041**

**Number of 2014 Prefiles to date: 5,024**

**Number of 2015 Prefiles to date: 28**

**Number of 2013 Intros to date: 135,068**

**Number of 2013 Session Enacted/Adopted overall to date: 40,137**

**Number of bills currently in State Net Database: 96,930**

— Compiled By FELICIA CARILLO  
(measures current as of 12/20/2013)  
Source: State Net database

arrest or other alternatives to prison. West Virginia in 2013 became the latest to do so with legislation that permits early release of non-violent inmates and the extension of drug court programs to reduce addiction.

In contrast, California — in the forefront of change on many issues — has resisted reducing its overcrowded prisons, and is doing so reluctantly under persistent pressure from the federal courts.

But California distinguished itself in other ways. Under Gov. Jerry Brown (D), who persuaded voters to approve a tax increase in 2012, the Golden State has achieved financial stability after years of fiscal dysfunction. Covered California, the state's health care exchange set up under Obamacare, has signed up more people for low-cost health insurance than any other state.

Illinois, another mega-state with a history of dysfunction, also came through in 2013. In addition to the fracking bill and legalization of same-sex marriage, the Illinois legislature at the behest of Gov. Pat Quinn (D) finally passed a measure that seeks to reduce the state's massive pension debt by cutting cost-of-living increases and phasing in later retirement.

What happened this year in the states reaffirms the value of the U.S. system of federalism under which states, to paraphrase Justice Louis Brandeis, serve as laboratories of democracy "and try novel social and economic experiments without risk to the rest of the country." At a time when divided government prevents Washington from functioning effectively, these experiments are particularly essential.

— *By Lou Cannon*

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## Budget & taxes

**C**ONGRESS PASSES BUDGET: Congress delivered President Barack Obama a thoughtful holiday gift last week by passing a plan to fund the federal government for the next two years. But the president didn't get everything on his wish list.

Senate Budget Committee Chairman Patty Murray (D-Washington) and House Budget Committee Chairman Paul Ryan (R-Wisconsin) were given the unenviable task of negotiating a budget agreement back in October. The deal they came up with reverses about half of the indiscriminate spending cuts known as sequestration planned for next year and about three-quarters of the cuts planned for 2015, offsetting the \$63 billion those rollbacks will cost with \$85 billion in other changes, including higher fees for airline passengers and less generous retirement benefits for federal employees.

The \$1.01 trillion deal ends nearly three years of battling over agency budgets that repeatedly threatened to shut down the federal government and partially did

so for 16 days in October. Passed by a vote of 332-94 in the Republican-controlled House and 64-36 in the Democrat-led Senate, it is actually the first bipartisan budget passed by a divided Congress since 1986, when partisan control of the two chambers was reversed. It also neither raises taxes nor cuts entitlement programs — which undoubtedly eased its passage through each chamber — and lowers the federal deficit over 10 years.

But the deal does nothing to shore up the nation's sagging social safety net. And of more immediate concern, it doesn't raise the federal debt ceiling, which President Obama and Congressional Democrats have been trying to make happen for months, meaning another budget battle could be coming in late February or early March, just months before the midterm elections.

Some conservatives want another showdown to force more spending cuts. But Republican leaders have little appetite for another government shutdown that could hurt their chances next November.

"Republicans kind of look at this election as probably the best opportunity we've ever had at taking control" of the U.S. Senate, said U.S. Sen. James Inhofe (R-Oklahoma). He added that threatening to default on the national debt "hasn't really worked all that successfully in the past." (WASHINGTON POST, BLOOMBERG)

**TAX REFORM TREND TAKING HOLD IN STATES:** Five states — Alaska, Minnesota, North Carolina, Ohio and Virginia — enacted major tax reforms this year, and several others approved smaller tax changes, according to the National Conference of State Legislatures. And it looks like more states intend to do the same in 2014.

At least four governors have said they will seek major reforms of their tax codes next year. New York Gov. Andrew Cuomo (D), who is up for re-election, wants to cut his state's property taxes, among the highest in the country, and make the state's tax code fairer and less complicated. As his Tax Reform and Fairness Commission put it, "Good tax policy, including a more equitable tax code, would limit exemptions and tax expenditures for the few and lower taxes for all taxpayers." Oregon Gov. John Kitzhaber (D), who is seeking a fourth term next year and currently has no Republican challenger, has set his sights on addressing his state's heavy reliance on income taxes to pay for education, public safety and other basic services. Kentucky Gov. Steve Beshear, another Democrat, but one who will be termed out of office in 2015, is hoping he can convince his state's divided Legislature to approve a tax system overhaul next year, with the state facing a \$370 million budget deficit. Another chief executive who has said he will seek big tax changes next year is Nebraska's Gov. Dave Heineman, a Republican. He wants his state's lawmakers to either reduce or abolish the income tax and raise sales taxes.

The fate of those reform plans is uncertain, with lawmakers often reluctant to approve such changes in election years. But some lawmakers are proposing tax

overhauls of their own next year. Arizona lawmakers are considering reducing the number of state income tax brackets from five to three. Indiana lawmakers may make changes to that state's personal property tax. And Missouri's Republican-controlled Legislature might make another run at enacting the income and business taxes that Democratic Gov. Jay Nixon vetoed and they failed to override this year.

Voters will also get a crack at tax reform next year. A measure seeking the repeal of a law passed earlier this year granting tax cuts to the oil and gas industry is slated for Alaska's August ballot. And Nevada voters will be asked in November whether the state's Constitution should be amended to let lawmakers remove the cap on mining industry taxes, which could be a first step toward comprehensive tax reform there. (STATELINE.ORG, STATE NET)

## Upcoming elections

(12/20/2013 - 1/10/2014)

01/07/2014

### **Georgia Special Election**

House Districts 2 and 22

### **Iowa Special Election**

House District 25

### **Massachusetts Special Election**

House 9th Norfolk

### **Virginia Special Election**

House District 11

Senate District 6

**CA LEAD PAINT RULING MAY SPUR MORE LAWSUITS:** Over the last 25 years, public agencies across the country have failed at least 50 times to convince courts that paint manufacturers should have to foot the bill for removing lead-based paint from homes built before the federal government banned that product in 1987. But they finally succeeded last week, when a state court judge in California ordered three paint companies to pay \$1.1 billion to 10 cities and counties in the state — including Los Angeles County and the City of San Francisco — to help them remove lead from 5 million homes.

In previous lawsuits, the paint industry had successfully argued, among other things, that a homeowner's lead poisoning could have been caused by lead in water, jewelry or toys rather than lead in paint or that paint manufacturers had never intentionally sold an unsafe product.

But Santa Clara County Superior Court Judge James Kleinberg didn't buy those arguments, ruling that ConAgra Grocery Products Co., NL Industries Inc. and the Sherwin-Williams Co. sold paint they knew was harmful by the 1920s and even earlier.

"In the 1920s, scientists from the Paint Manufacturers Association reported that lead paint used on the interiors of homes would deteriorate, and that lead dust resulting from this deterioration would poison children and cause serious injury," Kleinberg wrote in his 110-page decision. "It was accepted by the medical and scientific community before the 1950s, as reflected in literature from as early as 1894, that lead paint was a significant cause of childhood lead poisoning."

The judge also cited a Sherwin-Williams newsletter from 1900 affirming that lead-based paint was a "deadly cumulative poison" and an advertisement from the company in 1922 claiming its paint was safe.

Although last week's ruling was only preliminary, it could spur similar lawsuits in other states.

"The California ruling is certainly a significant development," said David Logan, dean of Roger Williams University School of Law in Rhode Island. "If it gets upheld, it will open a new path to victory for public agencies."

Lisa Rickard, president of the U.S. Chamber of Commerce's Institute for Legal Reform, however, saw the ruling a little differently. She predicted it would lead to "a surge of frivolous lawsuits," and she also said the industry planned to appeal it.

With Kleinberg's decision having come 13 years after the original lawsuit was filed, it could be years before that appeals process reaches its conclusion. (SACRAMENTO BEE)

## Upcoming stories

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

- **Biosimilars**
- **E-cigarettes**
- **Health reform**

**ANTI-TAX STANCE TRUMPS TORNADO SAFETY IN OK:** After a major tornado tore through the suburbs of Oklahoma City in May, destroying two elementary schools and killing seven children, longtime Oklahoma state Rep. Joe Dorman (D) proposed using a lapsed business tax to fund the retrofitting of shelters at public schools that lack them. With 60 percent of the state's schools falling into that category, the state averaging over 50 tornadoes per year and the state's economy improving, Dorman figured the time was right to address the issue.

But his plan has run into opposition from the state's Republican political leadership, which has cut taxes aggressively over the past few years to stimulate the economy.

"Just adding on a new tax burden on Oklahomans is not the answer," said Republican State Superintendent Janet Barresi, the state's highest ranking education official.

Republican legislative leaders want to permanently repeal the franchise tax Dorman proposed reinstating — a \$1.25 levy on each \$1,000 a corporation invests in the state — which expired in 2010. But supporters of Dorman's proposal, including teachers and families of children killed in the Spring tornado, haven't given up. They are trying to gather 155,000 signatures to bring the issue before the state's voters next year. (ASSOCIATED PRESS, THINKPROGRESS.ORG, STATE NET)

**BUDGETS IN BRIEF:** Recent forecasts from **ALASKA's** top oil producers confirm the state's prediction that the oil tax cut passed by the state's Legislature last year will do nothing to stop the decline in the amount of oil flowing through the trans-Alaska pipeline. The combination of diminishing oil flow and the new tax structure is projected to leave the state with \$2 billion less in revenue in FY 2014 (ALASKA DISPATCH, WASHINGTON POST). • **PENNSYLVANIA** Budget Secretary Charles Zogby said last week the state could face a budget gap of at least \$1.2 billion next fiscal year, due to rapidly rising public pension costs and higher



health care costs for the poor (PHILLY.COM). • **CALIFORNIA** won't receive a dime of last week's \$648 million Mega Million's lottery jackpot, even though one of the two winning tickets was sold in The Golden State. The state is one of the few that exempt lottery winnings from state income taxes. If it wasn't, the Mega Millions winner would have been taxed at the state's top rate of 13.3 percent and had to fork over \$23.1 million (CONTRA COSTA TIMES).

— Compiled by KOREY CLARK

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## Politics & leadership

**N**V **'PATIENT DUMPING' SCANDAL CONTINUES:** Nine months ago *The Sacramento Bee* reported that Rawson-Neal Psychiatric Hospital, a state-run facility in Las Vegas, had bused roughly 1,500 patients to cities across the country between July 2008 and April of this year. As a result, the hospital lost its accreditation, and it is being investigated by the U.S. Centers for Medicare and Medicaid Services to determine if it should also lose its Medicare funding. In addition, the city of San Francisco has sued the state of Nevada, demanding reimbursement for the public housing and treatment costs it and other California cities incurred in caring for the patients Rawson-Neal basically outsourced to them. And Sacramento has filed a lawsuit alleging that the hospital violated its patients' constitutional rights.

But the problems for the hospital and state only got worse last week, when a follow-up investigation by *The Bee* revealed that many of the bused patients may have committed crimes in the cities where they ended up. Comparing the names of bused patients against criminal databases, the newspaper turned up dozens of apparent links with arrests across the nation for crimes ranging from vandalism and vagrancy to theft, sexual assault and even murder. For instance, one former patient reportedly stabbed a man to death in Iowa, while another set off explosions in a doughnut shop and a grocery store in Tennessee.

Nevada Gov. Brian Sandoval (R), who had responded to *The Bee*'s earlier findings by ordering reviews of his state's mental health care system and more funding for services, said he was "appalled" by the newspaper's latest revelations.

"An investigation is underway, and those responsible will be held accountable," he said through his spokeswoman, Mary-Sarah Kinner. "This type of conduct is indefensible." (SACRAMENTO BEE)



## IA PROBE NETS FEW CASES OF VOTER

**FRAUD:** For the past year and a half, Iowa Secretary of State Matt Schultz has been conducting an investigation to root out voter fraud in his state. So far the probe, which has cost the state's taxpayers \$150,000, has yielded 16 criminal cases, five of which were dismissed.

Five of the cases did result in guilty pleas. But only one appeared to be a clear-cut criminal case, involving a man who had registered to vote while applying for a driver's license using his dead brother's name. Three of the others involved registration by felons who reportedly believed their voting rights had been restored and who had only pled guilty because it was less risky than going to trial and potentially being sentenced to more prison time. And the fifth involved a woman who had cast an absentee ballot for her daughter.

Nonetheless, Schultz maintains the investigations prove voter fraud exists in the state and demonstrate the need for greater scrutiny of voters.

"Before, the narrative was that there's no such thing as voter fraud," he said. "That's obviously changed. Iowans expect us to do something when we know there's a problem."

Voting rights advocates, however, say Schultz's investigation only proves that voter misconduct is rare — and usually not the result of fraud but of misunderstanding.

"Nationally and in Iowa, we just do not see that voter fraud is a big issue," said Bonnie Pitz, president of the League of Women Voters of Iowa. (DES MOINES REGISTER)

**PA MOVES CLOSER TO SHRINKING LEGISLATURE:** The Pennsylvania House took a couple of steps toward reducing the size of the state's General Assembly last week. First it voted 148-50 to allow voters to decide whether to amend the state Constitution to shrink the size of the House from 203 members — the number set by a constitutional convention in 1968 — to 153 members after the 2020 census (HB 1234). Then it voted by a slightly larger margin — 150-48 — to reduce the size of the Senate from 50 members to 38 members via the same process (HB 1716).

There is still a long way to go before those changes could happen, however. Even before voters weighed in on them, they would have to be passed by both legislative chambers in two consecutive sessions.

The sponsor of the proposals, House Speaker Sam Smith, R-Jefferson, said he believes his chamber would be more productive and produce better legislation if it was smaller.

"We may not always agree but I believe we will do a better job if there is a smaller number of us because we will have a better understanding of what the other person's problems are, what their constituent views are," he said.

## In case you missed it

Supreme Court decisions, continued Congressional inaction and next fall's elections played a big role in statehouses this year, and will in 2014 as well.

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

[http://www.statenet.com/capitol\\_journal/12-16-2013/html#sncl\\_spotlight](http://www.statenet.com/capitol_journal/12-16-2013/html#sncl_spotlight).

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But opponents of the idea say it would increase the influence of special interests, hurt representation in rural areas and make members less accessible to their constituents. Under the proposed change, Pennsylvania House members would represent more people than their counterparts in 40 other states instead of 32 as they do now, according to Rep. Mark Longietti (D). He said his district would increase from 62,500 people to 83,000. So he said it looks like Pennsylvania's districts are already "the appropriate size." (PENNLIVE.COM, STATE NET)

**POLITICS IN BRIEF:** The **ARIZONA** Supreme Court ruled last week that the state's Republican-controlled Legislature was within its legal right when it voted earlier this year to raise the limits on campaign donations for candidates for statewide and legislative offices from individuals and political action committees to \$4,000. The previous limits were \$440 for legislative candidates and \$912 for candidates for statewide office (ARIZONA DAILY STAR). • **CALIFORNIA** Senate President pro Tempore Darrell Steinberg (D) is working with retired state Sen. Gary Hart on a constitutional amendment that would grant the governor the power to fill legislative vacancies, eliminating the need for special legislative elections (KPBS SAN DIEGO). • A federal judge ruled last week that there will be no trial on **NORTH CAROLINA's** new GOP-backed voting law changes until after the 2014 elections. U.S. District Court Magistrate Judge Joi Peake said the issues raised in the three legal challenges to the law were too complex to be resolved before next year's contests (NEWS OBSERVER [RALEIGH]).

— *Compiled by KOREY CLARK*

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# Governors

**INSLEE PROPOSES PRIVATIZING MENTAL HEALTH OVERSIGHT:**  
Washington Gov. Jay Inslee (D) issued a proposal last week that would allow private sector insurance companies to compete with county governments for regional mental health contracts. The Evergreen State is under pressure from the U.S. Centers for Medicaid and Medicare Services to open up its mental health procurement services to competitive bidding or risk losing up to \$500 million in federal funds for those services. The state currently spends \$1.2 billion per biennium for mental health treatment for approximately 59,000 people in 11 regional networks. The money is funneled through local governments, which operate all of the networks except for Pierce County, which made the contract available for open procurement in 2009.

That possibility has drawn some criticism from supporters of the current system, who contend that private insurers take more money for overhead costs than do county agencies and are less accountable to citizens.

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— *Compiled by RICH EHISEN*

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State Net Capitol Journal®

Walker (R) signs **AB 373**, which permits property and casualty insurance providers to deliver electronic notices and documents if the consumer has given consent (WISCONSIN GOVERNOR'S OFFICE). • **MICHIGAN** Gov. Rick Snyder (R) signs SBs 35-39, which collectively allow local governments to pursue criminal charges, wage garnishment and other sanctions against property owners who don't pay fines for allowing trash, deteriorating structures, abandoned vehicles or overgrown brush to remain on their land (MLIVE.COM, MICHIGAN GOVERNOR'S OFFICE).

**CRIME & PUNISHMENT: WISCONSIN** Gov. Scott Walker (R) signs SB 46, the so-called "Brown Jug bill" that creates an additional \$1,000 fine for those under age 21 who buy or drink alcohol (POST-CRESCENT [APPLETON]).

**EDUCATION: WISCONSIN** Gov. Scott Walker (R) signs SB 258, which requires Badger State parents to sign only one concussion information sheet a year for a child who participates in school and club sports. Previous law required parents to sign an information sheet about concussions for every sport their child participated in (POST-CRESCENT [APPLETON]). • Also in **WISCONSIN**, Gov. Walker signs AB 11, a bill that requires registered sex offenders to notify school officials before they enter onto school grounds. The offender must provide the school with date, time, and place of visit or face legal penalty (WISCONSIN GOVERNOR'S OFFICE). • Staying in **WISCONSIN**, Gov. Walker signs AB 297, a bill that allows complaints against school team mascot names to be considered only if they are submitted along with signatures from district residents equal to 10 percent of the student population of the district. The new statute modifies a 2010 law that required the state Department of Public Instruction to hold a hearing whenever it received a complaint and to decide whether to allow schools to keep race-based mascots and team names (MILWAUKEE JOURNAL-SENTINEL). • **MICHIGAN** Gov. Rick Snyder (R) signs HB 4352, which requires Wolverine State schools to have two epinephrine devices, or EpiPens, to treat children suffering from severe allergic reactions. He also endorses HB 4353, which allows doctors and pharmacies to prescribe and dispense them to school boards (DETROIT FREE PRESS).

## The week in session

**States in Regular Session:** NJ

**States in Informal Session:** MA

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

**States in Recess:** IL, IN, NY, OH, US

**States Adjourned in 2013:** AK, AL, AR, AR "a", AZ, AZ "a", CA, CA "a", CO, CT, DC, DE, DE "a", FL, GA, HI, HI "a", IA, ID, IL "a", IN, KS, KY, KY "a", LA, MD, ME, ME "a", MI, MN, MO, MO "a", MS, MS "a", MS "b", MT, NC, ND, NE, NH, NH "a", NJ "a", NM, NV, NV "a", OK, OK "a", OR, OR "a", PA, PR, PR "a", RI, SC, SD, TN, TX, TX "a", TX "b", TX "c", UT, UT "a", UT "b", UT "c", VA, VA "a", VA "b", VT, WA, WA "a", WA "b", WA "c", WI, WI "a", WV, WV "a", WV "b", WY

**States currently prefilng for 2014**

**Session:** AL, AZ, CO, DE, FL, GA, KS, KY, MD, ME, MO, NH, NM, OK, SC, TN, UT, VA, VT, WA, WY

**States currently prefilng for 2015**

**Session:** MT

Letters indicate special/extraordinary sessions

— Compiled By FELICA CARILLO  
(session information current as of 12/20/2013)  
Source: State Net database

**ENVIRONMENT: WISCONSIN** Gov. Scott Walker (R) signs SB 190, which eliminates the current Department of Natural Resources requirement that publicly owned sewage treatment or collection systems to have more than one wastewater discharge permit (WISCONSIN GOVERNOR’S OFFICE).

**HEALTH & SCIENCE:** The **MICHIGAN** House gives final approval to HB 4271, legislation that would give local governments the power to allow or prohibit medical marijuana dispensaries in their communities. House lawmakers also endorse HB 104, which would legalize marijuana-infused products like brownies and oils. The bills move now to the Senate (DETROIT FREE PRESS). • Still in **MICHIGAN**, the Senate gives final approval to SB 660, which would provide for the licensing and regulation of facilities to grow and test pharmaceutical grade pot and allow those facilities to sell the drug to pharmacies to dispense, contingent upon the federal government reclassifying marijuana from an illegal drug to a prescription drug. It moves now to Gov. Rick Snyder (R) for review (DETROIT FREE PRESS). • **WISCONSIN** Gov. Scott Walker (R) signs AB 139, which alleviates doctors of the responsibility to give patients as much information about available alternative treatments (WISCONSIN GOVERNOR'S OFFICE).

**IMMIGRATION: NEW JERSEY** Gov. Chris Christie (R) signs SB 2479, so-called “Dream Act” legislation that will allow undocumented immigrant students who attend a Garden State high school for at least three years and who graduate in the state or receive the equivalent of a high school diploma to pay in-state wages at New Jersey colleges and universities (STAR-LEDGER [NEWARK]).

**SOCIAL POLICY:** A federal court rules that same-sex couples in **ILLINOIS** who can establish that a life-threatening illness prevents them from waiting until the Prairie State's new marriage law takes effect next year may obtain marriage licenses and we immediately. U.S. District Judge Sharon Johnson Coleman's order requires couples to obtain their license in Cook County, where the suit seeking to allow couples with one terminally ill partner to marry sooner than the June, 2014 effective date was filed (CHICAGO TRIBUNE). • The **NEW MEXICO** Supreme Court rules that a state law barring same-sex marriage is unconstitutional. The Land of Enchantment becomes the 17<sup>th</sup> state to legalize gay nuptials (REUTERS).

**POTPOURRI: MICHIGAN** Gov. Rick Snyder (R) signs SBs 434 and 556 and HBs 4858, 4859, 5014 and 5015, which collectively bar Wolverine State welfare recipients from using benefit cards at ATMs in liquor stores, horse tracks and strip clubs (DETROIT FREE PRESS, MICHIGAN GOVERNOR’S OFFICE).

— *Compiled by RICH EHISEN*

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# Once around the statehouse lightly

**G**OVERNOR SEXY MAN: A lot of folks think New York Gov. Andrew Cuomo is pretty hot stuff. How hot? According to *People* magazine, he is among the “Sexiest Men Alive” among gentlemen in their 50s, joining the likes of such Hollywood notables as Daniel Day Lewis, Dennis Quaid, Colin Firth and Eric McCormack. Cuomo humbly downplayed the inclusion, saying, “I think New York is sexy. And since I’m the New York governor, that’s how they got there.” Alas, all the Cuomo men apparently bring the sexy with them: Andrew’s younger brother Chris, a CNN anchor, made the magazine’s list of most beautiful people of 1997, and their dad Mario, a former Empire State gov himself, was on the 1985 list.

**BRINGING ON THE BUCKEYE SEXY:** Speaking of sexy, Ohio Gov. John Kasich is looking to bring out a little of it in the Buckeye State. As the *Akron Beacon-Journal* reports, Kasich recently asked business mogul Les Wexner, Ohio native and founder of Columbus-based L Brands Inc., to help sell the state’s charms to businesses that might be wooed into moving there. Now you may not have heard of Mr. Wexner, but you probably are familiar with a little company he runs that goes by the name of Victoria’s Secret. We’re betting that the fella who turned ladies “unmentionables” into the most mentionable items in the known world can probably help turn folks on to Ohio as well. We’re just hoping he can do it without putting the state into a push-up bra in the process.

**BIRTHER MADNESS:** The tragic death of Hawaii state health director Loretta Fuddy in a plane crash on Dec. 11 did more than just cost the Aloha State a dedicated and respected public servant. As the *Honolulu Star Advertiser* reports, it has also rekindled accusations that President Barack Obama was not born in the United States and is thus ineligible to be president. Whaaaaat? Yes, the news of Fuddy’s death had barely broken when the so-called “birther” movement took to social media to claim Obama was somehow behind it. If you recall, Fuddy released Obama’s original long-form birth certificate, at the president’s request, to prove to the tinfoil hat crowd that he was in fact a U.S. citizen. Alas, in the president’s own words of the time, “there’s going to be a segment of people for which, no matter what we put out, this issue will not be put to rest.” No kidding.

**LET’S DO SOME RASSLIN’:** New Jersey Gov. Chris Christie and Senate President Steve Sweeney have had their differences, but the two men seem to have

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forged a solid working relationship. But let's not go getting all soft and squishy here. Sweeney sure isn't. As the *Asbury Park Press* reports, Sweeney made it clear he has no doubt he could take Christie if it comes down to it. Asked during his regular "Twitter Thursdays" session on social media "who would win [between the two men] in an "arm wrestling competition?" Sweeney replied that it would only be a competition "if the other guy has a chance." Oh, snap! No reply yet from Christie.

— By *RICH EHISEN*

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