

Issues New and Old



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The next issue of Capitol Journal will be available on December 17th..

Top Story

Lawmakers will soon return en masse. When they do, they'll be facing a multitude of longstanding issues and challenges born out of this year's elections.

SNCJ Spotlight

More hot — and reheated — issues for states in 2013

Last week, *SNCJ* took a look at some of the most pressing issues facing states in 2013. Here are a few more, some of which are either ongoing considerations for state lawmakers or matters likely placed square on their radars by last month's elections.



By Corey Clark

VOTER ID — According to the National Conference of State Legislatures, voter ID measures — backed mostly by Republican lawmakers — were introduced in 32 states in 2012, which isn't too surprising for an election year. Only four of those measures were enacted, however: Pennsylvania HB 934; New Hampshire SB 289, by a legislative override of Gov. John Lynch's (D) veto; Minnesota HB 2738; and Virginia (HB 9/SB 1). And Minnesota's measure — which sought voter approval to impose its requirements — was rejected by that state's electorate, while Pennsylvania's law was held up by a legal challenge. Evidence also suggests that the more restrictive recent voter ID laws, which some Democrats and voting rights groups have contended were designed to suppress turnout among young and minority voters who tend to vote Democratic, actually spurred turnout of those voters.

Still, voter ID doesn't appear to be a dead issue in the states. Montana state Rep. Ted Washburn (R) has filed draft legislation for next session (D 239) that would make Montana driver's licenses, state ID cards and tribal ID cards the only acceptable forms of voter photo identification, according to the *Huffington Post*. The *Times-Republican* has reported that Iowa Secretary of State Matt Schultz (R) intends to seek legislation creating a signature verification process for absentee ballots. Virginia state Del. Mark Cole (R) has prefiled legislation (HB 1337) to eliminate utility bills, bank statements and paychecks from the list of allowable forms of identification included in the voter ID law the state enacted last year, according to the *Virginian-Pilot*. And even a Democrat has jumped on the voter ID bandwagon, Nevada Secretary of State Ross Miller, who has proposed using the state's DMV database to verify voters, the *Las Vegas Review-Journal* has reported. Another state to keep an eye on, according to NCSL's Jennie Drage Bowser, is Arkansas. Republicans, who introduced but failed to pass a voter ID bill there in 2011, claimed the majority in both legislative chambers in last month's election and could revisit the issue next year, she said.

The U.S. Supreme Court has also agreed to hear a challenge to Section 5 of the federal Voting Rights Act, which requires sixteen states with a history of racial discrimination in voting to pre-clear changes to their election laws with the federal government. The provision was central to the U.S. Justice Department's successful challenge to restrictive voter ID laws in Florida, South Carolina and Texas this year, and if it is overturned by the high court's conservative majority — which some veteran court watchers say is likely — a slew of even more restrictive voter ID laws could follow.

GAY MARRIAGE — Until last month's elections, voters had consistently chosen over the last decade-and-a-half to prohibit gay marriage when given the choice, approving 30 of the 31 constitutional bans placed on state ballots since 1998. (Arizona voters narrowly rejected a ban on gay marriage and civil unions in 2006 but approved a ban on gay marriage alone in 2008.) But that virtually unbroken streak came to an abrupt end on Nov. 6 when Maine voters approved a citizen initiative



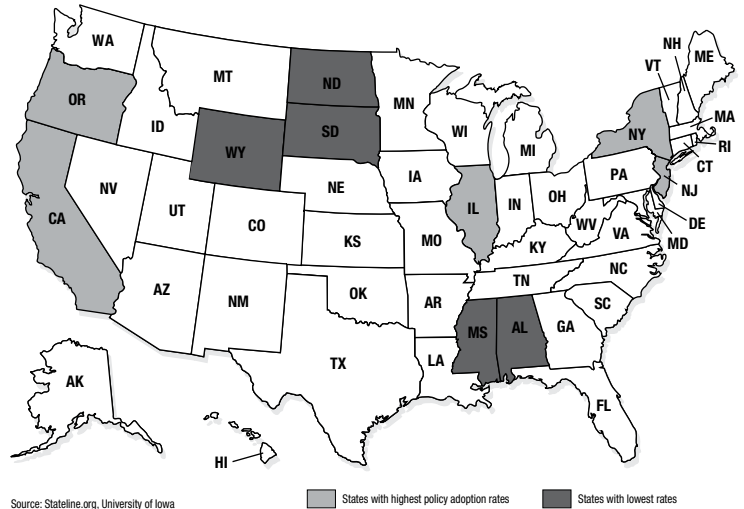
(Question 1) legalizing same-sex marriage rather than banning it; Maryland and Washington voters passed referendums approving legislative measures legalizing gay marriage, Question 6 and R-74, respectively; and Minnesota voters rejected a constitutional amendment (Amendment 1) defining marriage as a union between one man and one woman.

Those results signified a seismic shift on the issue, although a change NCSL’s Bowser said had been coming for some time, with voters having been moving in that direction since 2005 when “yes” votes banning gay marriage peaked. Same-sex marriage advocates have said they plan to pursue their cause mainly in state legislatures and the courts rather than at the ballot box now with few states likely to be appropriate battlegrounds for future ballot fights, given their expense and organizational demands. Among the states where they see potential for legislative gains are Delaware; Hawaii; Illinois; Minnesota; Rhode Island; and New Jersey, where Gov. Chris Christie (R) vetoed a bill legalizing gay marriage earlier this year.

TRANSPORTATION/INFRASTRUCTURE FUNDING — In June Congress passed a long-term transportation bill for the first time since 2005. Although the measure (HR 4348) does more than just extend federal transportation funding at current levels — as Congress had done nine times since the last long-term transportation bill expired nearly three years ago — it still relies mainly on revenue from the federal gas tax, which has remained at 18.4 cents per gallon since 1993 and is projected to fall between \$85 billion and \$115 billion short of states’ needs by 2021, if current spending levels continue.

Federal inaction on the transportation funding bill had spurred more than half of the states to take on the issue themselves before the passage of HR 4348, including Illinois, which approved a \$1.6 billion transportation funding package. The ever-

Bird’s eye view



California most innovative state

California is the most innovative state in the nation, according to research by University of Iowa associate professors of political science Frederick Boehmke and Paul Skinner. The researchers compiled a database of 189 policies — ranging from seatbelt laws to gay marriage bans — adopted by states between 1912 and 2009 and assigned each state an adoption rate based on how many of the policies it adopted over that period. They found that California was the most willing to embrace new policies and by a wide margin; its adoption rate was 50 percent higher than that of No. 2 state New Jersey. Mississippi was the least willing to try new policies.





widening gap between the supply of federal dollars and the demand of states' aging transportation systems under the current funding system is likely to force other states to act. The uphill battle New York Gov. Andrew Cuomo (D) and New Jersey Gov. Chris Christie (R) have faced in trying to obtain federal disaster relief for Hurricane Sandy from a Congress focused on the federal deficit and "fiscal cliff" demonstrates both that the states' federal funding problem extends to their broader infrastructure needs and that the situation is unlikely to change any time soon.

Upcoming stories

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

- **Transportation**
- **Fracking**
- **2013 previews**

UNION RIGHTS — The expected push for right-to-work laws in Republican-dominated states after Indiana Gov. Mitch Daniels (R) signed HB 1001 in February making that state the first in a decade to adopt legislation allowing workers to avoid paying union dues even if a union bargains on their behalf never really materialized, presumably because of the recall backlash against Wisconsin Gov. Scott Walker (R) and GOP lawmakers over their union-unfriendly efforts there.

There have been some significant developments over the course of the year, however, most notably Walker surviving his recall election in June. Right-to-work measures have also been enacted in two additional states: South Carolina (HB 4652) and Tennessee (HB 1605 and SB 2821). Whether those developments will be enough to induce other states to take on labor remains to be seen.

Some of the results from last month's elections suggest that the winds of fortune may have shifted in labor's direction after blowing at it head-on for much of the last two years. Union support helped Democrats take control of the state legislatures in Maine and Minnesota. In Michigan, unions succeeded in repealing a law allowing financially troubled cities to suspend collective bargaining contracts. And in California, they defeated a ballot measure (Proposition 32) that would have barred them from using union dues collected through payroll deductions for political purposes. They also achieved their top Election Day goal: re-electing President Obama.

But in traditionally labor-friendly Michigan, unions lost a first-ever ballot effort to make collective bargaining a constitutional right (Proposal 12-2). That failed effort has actually given rise to a move in the state's Republican controlled Legislature to pass a right-to-work law.

PENSION REFORM — Pension reform definitely lived up to its billing as a hot issue this year. Legislation pertaining to pensions was introduced in every state but six — Arkansas, Montana, Nevada, North Dakota, Texas and Wisconsin — and enacted in 33, according to data compiled by State Net.

California lawmakers passed a major pension reform bill (AB 340) on the last day of the legislative session. Among other things, that measure will increase the



retirement age for new employees, cap annual payouts and require new workers to cover at least half of their retirement costs.

Major pension reform looked to be coming to Illinois as well when a measure approved by the Senate last year — SB 1673 — cleared a House committee in mid-May. But after a controversial provision shifting teacher pension costs onto schools was removed from the bill, it failed to come up for a vote of the full House before the session ended on May 31.

With states facing a collective unfunded pension liability estimated at \$2.9 trillion, according to a recent report by The States Project, a joint venture of Harvard University’s Institute of Politics, the University of Pennsylvania’s Fels Institute of Government, and the American Education Foundation, pension reform will likely be coming to Illinois and many other states next year.

— *By KOREY CLARK*

Budget & taxes

GOVERNMENTS PAYING PRICE FOR CORPORATE INCENTIVES: States, counties and cities are handing out more than \$80 billion in incentives to companies each year, according to an investigation by *The New York Times*. But a full accounting of the awards isn’t possible, the *Times* said, because many state and local officials don’t know exactly how much they’ve given out, and the number of jobs created by the incentives are rarely tracked.

“How can you even talk about rationalizing what you’re doing when you don’t even know what you’re doing?” said Timothy J. Bartik, a senior economist at the W.E. Upjohn Institute for Employment Research in Kalamazoo, Michigan.

Despite the number of dollars involved, the incentives have largely been left out of the national economic debate, even though federal funding makes up 20 percent of state and local budgets. The *Times*’s analysis revealed that Texas gives out more than \$19 billion in incentives a year, more than any other state, while Oklahoma and West Virginia, award the equivalent of a third of their annual budgets.

California is one of the only states that has actually scaled back its awards. But its cities aren’t necessarily following that lead. When Twitter threatened to leave San Francisco last year, the city exempted the company from what could end up totaling \$22 million in payroll taxes. And Twitter employees may not even notice the effects of the budget pressures that have forced the city to cut funding for public parks by about \$12 million in recent years. The company’s new office evidently has plenty of open space and amenities. One employee recently tweeted: “Tanned on Twitter’s new roof deck this morning as some dude served me smoothie shots.” (NEW YORK TIMES)



STATE INSURANCE OFFICIALS WORRIED ABOUT STICKER SHOCK FOR YOUNG

PEOPLE: State officials gathered at a meeting of the National Association of Insurance Commissioners this month told representatives of the Obama administration they're concerned that insurance "rate shock" may lead young people to pay the penalty — a relatively modest \$95 in the first year — instead of coming up with the thousands of dollars needed to buy the coverage required under the health reform law.

"We are very concerned about what will happen if essentially there is so much rate shock for young people that they're bound not to purchase [health insurance] at all," said California insurance commissioner Dave Jones.

What could happen is that the cost of coverage for older, sicker people could go up. The Affordable Care Act requires that the premiums insurers charge older beneficiaries be no more than three times what younger people pay. The provision helps control costs for people up to age 64 who may have serious health problems, but it also drives up the rates for younger people. So some officials posed the idea of phasing in that provision.

"Is there any way to find some wiggle room on age rating to implement it over a two- or three-year period?" asked Kansas insurance commissioner Sandy Praeger.

But Gary Cohen, director of the Center for Consumer Information and Insurance Oversight, said the government may not have much leeway.

"The statute is pretty clear," he said. (KAISER HEALTH NEWS)

BUDGETS IN BRIEF: The Federal Emergency Management Agency has denied **MARYLAND's** request for federal aid for hundreds of coastal residents impacted by super storm Sandy. FEMA officials said the storm didn't cause enough damage to warrant assistance to residents who lost homes or businesses. The state said it would appeal the decision (BALTIMORE SUN). • **KENTUCKY** and **INDIANA** have spent only a small portion of the \$371 million the federal government awarded them last year to help struggling homeowners. Officials in both states said the programs have been distributing more money in recent weeks as more homeowners have received word of the assistance through radio ads and other outreach efforts (COURIER-JOURNAL [LOUISVILLE]).

Upcoming elections

(12/17/2012 - 12/27/2012)

12/11/2012

Alabama Primary Runoff
House District 34

Alabama Special Election
House District 30

Iowa Special Election
Senate District 22

Maine Special Election
Senate District 22

12/18/2012

Kentucky Special Election
Senate District 16

Virginia Special Election
House District 89

— Compiled by **KOREY CLARK**

Politics & leadership

UNIONS CHALLENGING JUDGE IN RI PENSION CASE: The public employee unions suing Rhode Island over the pension reforms the state passed last year, suspending annual cost-of-living increases for most retirees, have taken issue with the judge to whom their cases have been assigned. State Superior Court Judge Sarah Taft-Carter should recuse herself, the unions charge, because her family, and she herself, has a financial stake in the litigation.

At a hearing in October, the judge acknowledged that her son, a state trooper, would receive a pension when he retired, and her mother, the widow of a former mayor, was already receiving pension payments. But she said her family's financial interests wouldn't "reasonably impact my ability to be impartial." Calculating her son's pension would require "a large degree of speculation and assumption" because he became a trooper only three years ago, she said, and her mother's pension (which court documents placed at roughly \$22,000 a year) was too small to be a major consideration. And although she conceded that the state's pension overhaul would shrink her own pension while requiring her to contribute more to it, she said that was true of every judge in the state.

"If my financial interest should require disqualification, then all other state judges would be similarly required to recuse themselves," she said.

The lawyer for the state who would be making the case for the judge's recusal, New York attorney David Boies, who represented Al Gore in the 2000 presidential election case and the U.S. Justice Department in its antitrust suit against Microsoft in the 1990s, said the challenge of Judge Taft-Carter's impartiality was only "the first step." Ultimately, he said, the issue was whether any judge in the state could decide the case impartially and it should be moved to federal court instead.

"The plaintiffs brought this case the way they did to try to avoid federal jurisdiction," he said. (NEW YORK TIMES)

CA USHERS IN NEW LEGISLATIVE ERA: California's new and returning state lawmakers were sworn in last week. Democrats, who now hold supermajorities in both chambers for the first time since 1883, called for investment in education and infrastructure after years of belt-tightening, maintaining the state had turned the page on its lengthy budget crisis.

"I really believe this is the end of one very difficult era in California and the beginning of a new and better era," said state Senate President pro Tem Darrell Steinberg (D).

The Dems also urged Republicans to participate in the coming policy debates.



“Finding the right solutions to the challenges facing California is not the task of one party or one house,” said Assembly Speaker John A. Pérez (D). “It is work that each of us have chosen to take up by putting our name on a ballot.”

The bipartisan spirit didn’t last long. Assembly Republicans, still smarting from their surprise election defeats in GOP-leaning districts last month, opposed the very first measure of the session, a procedural vote on the rules of the chamber. (LOS ANGELES TIMES, SACRAMENTO BEE)

POLITICS IN BRIEF: IDAHO House Speaker Lawrence Denney (R) lost his leadership post last week to the chamber’s assistant majority leader, Rep. Scott Bedke (R), marking the first time in 30 years that a top legislative leader in that state has been deposed by his own party. Denney’s caucus had evidently tired of his bare-knuckle style, particularly his funneling of PAC funds donated by caucus members into efforts to defeat six Republican incumbents, including House Majority Caucus Chairman Ken Roberts (R), in the state’s May primary election (SPOKESMAN-REVIEW, STATE NET). • Republican Ray Merrick became the first **KANSAS** House speaker from Johnson County last week. Republican Susan Wagle, meanwhile, became the first woman to preside over the state’s Senate (KANSAS CITY STAR).

– Compiled by *KOREY CLARK*

Governors

S **ANDY AID PROPOSAL FAR SHORT OF REQUEST:** The White House will ask Congress this week for billions of dollars in federal aid to help New York, New Jersey and Connecticut deal with the aftermath of Hurricane Sandy. But the request, expected to be approximately \$50 billion, falls far short of the \$82 billion those states have requested.

The less-than-expected aid request came in spite of heavy lobbying from both New York Gov. Andrew Cuomo (D) and New Jersey Gov. Chris Christie (R). Both met with several key Congressional leaders to plead their case for as much as \$79 billion collectively for their two states. Christie also managed to secure some face time with President Barack Obama to make his plea directly. But while the White House as of this writing had not released a specific figure, it was expected to fall somewhere between \$45 and \$55 billion.

While the president has continually expressed his support for quickly getting an aid package through Congress, the request comes at arguably the worst possible time for such a thing to take place. The White House and Congressional Republicans are currently locked in brutal negotiations over a resolution to the so-called “fiscal

cliff, large impending tax hikes and Draconian sequestration cuts set to take effect in January. Even so, Gov. Cuomo also voiced his disappointment in the figure.

“I know that’s a lot of money,” he said after returning to Albany. “I understand the fiscal situation. But that is the need, and we’re looking to meet the need.”

New York and New Jersey’s Congressional contingent also expressed dismay.

Senators Charles E. Schumer and Kirsten E. Gillibrand of New York and Frank R. Lautenberg and Robert Menendez of New Jersey, all Democrats, issued a joint statement that, while acknowledging \$50 billion was a “significant” figure, it “unfortunately does not meet all of New York and New Jersey’s substantial needs.” Rep. Nina Lowey (D-NY) and Peter King (R-NY) issued a statement calling the request “insufficient.”

Even that request, however, is not likely to go smoothly in a Congress with such a deep partisan divide. Senate Leader Harry Reid (D-NV), for instance, has suggested that any aid package should not have to be offset with spending cuts elsewhere, a position the administration supports. But House Speaker John Boehner (R-OH) has so far not indicated if he will go along with that, noting that the package would otherwise be added to the federal debt. (NEW YORK TIMES, POLITICO, BLOOMBERG BUSINESSWEEK)

GOP GOVS SEEK HEALTH REFORM MEETING: The Republican Governor’s Association sent a letter to President Barack Obama last week requesting a meeting to discuss the implementation of the Affordable Care Act in their states. The letter also asked the president to give his assurance that federal officials would be willing to “create flexibility and reforms to the program.” The letter was signed by 11 governors, including Florida Gov. Rick Scott, Louisiana Gov. Bobby Jindal and Arizona Gov. Jan Brewer. The governors also asked for more time and information to determine whether they should build their own exchanges or defer to the federal government. The exchanges are required to be ready for enrollment of eligible consumers by October 1, 2013 and full operations by January, 2014. The White House and the Department of Health and Human Services, which is tasked with overseeing the ACA, did not immediately respond to the letter. (HUFFINGTON POST, MIAMI HERALD)

In the hopper

At any given time, State Net tracks tens of thousands of bills in all 50 states, the US Congress and the District of Columbia. Here’s a snapshot of what’s in the legislative works:

Number of Prefiles last week: 1,431

Number of Intros last week: 385

Number of Enacted/Adopted last week: 317

Number of 2012 Prefiles to date: 17,132

Number of 2012 Intros to date: 85,604

Number of 2012 Session Enacted/Adopted overall to date: 28,936

Number of bills currently in State Net Database: 94,123

— Compiled By FELICIA CARRILLO
(measures current as of 12/06/2012)
Source: State Net database



SNYDER SWITCHES GEARS, ENDORSES

RIGHT-TO-WORK AGENDA: After two years of saying the right-to-work issue was “too divisive” to address, Michigan Gov. Rick Snyder (R) reversed field last week and endorsed a fast track plan during the current lame duck session to make the Wolverine State the 24th to bar unions from collecting dues from non-union members who benefit from gains made through collective bargaining. In a press conference introducing legislation in both the House and Senate, Snyder said the measures would grow the state’s economy and were about “fairness and equity in the workplace.” But opponents decried the effort, accusing Snyder of bending to pressure from Americans for Prosperity, the conservative non-profit group financed by wealthy industrialists Charles and David Koch. The introduction of the measures — HB 4054, SB 116 and HB 4003 — led to a day of chaos as union supporters flooded the statehouse to voice their opposition. Police clashed with the crowd, at one point spraying mace and making several arrests. The measures eventually passed and moves to the next chambers. Snyder has said he will sign all three bills if they get to his desk. (DETROIT NEWS, ASSOCIATED PRESS, DETROIT FREE PRESS)

GOVERNORS IN BRIEF: NORTH CAROLINA

Gov. Bev Perdue (D) issues Executive Order No. 137, which rescinds a previous order that had required an independent nominating commission to recommend candidates for Tar Heel State court vacancies. Perdue said time constraints — she leaves office in approximately one month — led her to make the change (NEWS OBSERVER [CHARLOTTE]).

- **TENNESSEE** Gov. Bill Haslam (R) said any legislation to bar employers from prohibiting their workers from storing guns in their vehicles on the job must exclude Volunteer State college campuses. Haslam said his administration will not take a lead position on the issue but will fight to keep colleges exempt from any measures if such a bill doesn’t already exclude them (TENNESSEAN [NASHVILLE]).
- **MICHIGAN** Gov. Rick Snyder (R) signs legislation that allows public pension managers to buy global equities, real estate and private equity funds (LANSING STATE JOURNAL).

— *Compiled by RICH EHISEN*

The week in session

States in Regular Session: DC, MA, MI, NJ, NY, OH, US, PA, NY

States in Recess: DE, IL

States in 2013 Organizational Sessions: FL, IN

States Currently Prefiling or Drafting for 2013: AL, AR, CO, CT, GA, FL, KY, MT, ND, NH, NV, NY, OK, OR, TN, TX, VA, WY

States Adjourned in 2012: AK, AL, AR, AZ, CA, CO, CT, DE, FL, GA, HI, IA, ID, IN, KS, KY, LA, MD, ME, MN, MO, MS, NC, NE, NH, NM, OK, OR, PR, RI, SC, SD, TN, UT, VA, VT, WA, WI, WV, WY

State Special Sessions Adjourned in 2012: AK “c”, AL “a”, CO “a”, CT “a”, CT “b”, DE “b”, DE “c”, FL “b”, HI “b”, KY “a”, MD “a”, MD “b”, MN “b”, NJ “a”, NY “a”, PR “c”, UT “a”, VA “a”, WA “c”, WA “d”, WV “a”

Letters indicate special/extraordinary sessions

— Compiled By FELICIA CARRILLO
(session information current as of 12/06/2012)
Source: State Net database

Hot issue

BUSINESS: The **NEW JERSEY** Assembly gives final approval to AB 2162, which would increase the Garden State's minimum wage from \$7.25 to \$8.50, with annual increases based on the inflation rate. It moves to Gov. Chris Christie (R) for review (STAR-LEDGER [NEWARK]). • The 6th U.S. Circuit Court of Appeals rules that a 2008 **MICHIGAN** law requiring beverage companies to put a special identifying mark on returnable cans and bottles sold in the state is unconstitutional. The court said the law illegally affects interstate commerce by dictating where cans and bottles can be distributed. State officials are considering an appeal (DETROIT NEWS). • Also in **MICHIGAN**, the House endorses two so-called right-to-work bills: HB 4054, which bars Wolverine State public employee unions from collecting fees from non-union members and HB 4003, which imposes the same restriction on private sector unions. The Senate approves a similar measure, SB 116, which would apply only to private sector workers. The measures move to the opposite chambers, with final votes expected this week (DETROIT FREE PRESS). • The **OHIO** House approves HB 278, which would double the minimum auto insurance requirements for Buckeye State drivers. It is now in the Senate (STATE NET, COLUMBUS DISPATCH). • Still in **OHIO**, the Senate approves HB 380, which would require workers suing over asbestos poisoning to disclose all such suits they have filed. The bill returns to the House (COLUMBUS DISPATCH, STATE NET)). • Also in **OHIO**, the House endorses HB 605, which would place a \$10 cap on prizes awarded from buying pre-paid phone cards sold at Internet cafes in the Buckeye State. Officials say purchasers use the cards to illegally play online gambling games. It moves to the Senate (COLUMBUS BUSINESS JOURNAL).

CRIME & PUNISHMENT: For the second time in a year, a **FLORIDA** court rules that the Legislature illegally contracted with private companies to provide health care in Sunshine State prisons. Leon County Circuit Court Judge John Cooper said lawmakers should have put the matter before voters. Gov. Rick Scott (R) said the state will appeal (MIAMI HERALD). • The **MICHIGAN** House approves SB 358, which would allow person arrested for running dog fighting operations to be charged with racketeering. The measure is now with Gov. Rick Snyder (R) for review (DETROIT NEWS, STATE NET). • Also in **MICHIGAN**, the Senate approves SB 357, which would allow property to be used in dog fighting rings to be declared a public nuisance. It returns to the House to consider changes made in the House (DETROIT NEWS). • Still in **MICHIGAN**, lawmakers endorse SB 356, which



would allow for the forfeiture of property declared a nuisance under SB 357. It is now with Gov. Snyder (DETROIT NEWS, STATE NET).

In case you missed it

With the elections finally over, lawmakers will settle in to try and solve a myriad of thorny problems in 2013.

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

http://www.statenet.com/capitol_journal/12-03-2012/html#sncj_spotlight

EDUCATION: A **LOUISIANA** court rules that the Pelican State’s new school voucher program is unconstitutional, saying it relies on funds intended in “plain and unambiguous” terms solely for public schools. Gov. Bobby Jindal (R) said the state will appeal (NEW YORK TIMES). • The **OHIO** Senate and House approve HB 143, which requires that a young athlete showing signs of a concussion be immediately removed from competition and not allowed to return until cleared by a medical professional. The measure, which also requires coaches, parents and school officials to receive education about concussions, moves to Gov. John Kasich (R) for review (COLUMBUS DISPATCH).

HEALTH & SCIENCE: The **MICHIGAN** Senate approves SB 1115, which limits medical malpractice awards to no more than \$500,000. It is now in the House (DETROIT FREE PRESS, STATE NET). • Also in **MICHIGAN**, the Senate approves SB 1117, which adds non-licensed health care providers to those which can be sued for medical malpractice. It is now in the House (STATE NET, DETROIT FREE PRESS). • Staying in **MICHIGAN**, the Senate approves SB 1118, which limits the time period for suing on behalf of a deceased person and bans prejudgment interest on attorney fees and costs awarded in medical malpractice suits. It is now in the House (DETROIT FREE PRESS). • Also in **MICHIGAN**, the Senate approves a bill that would allow health care providers to refuse to offer care they feel violates their conscience, such as birth control. It moves to the House (LANSING STATE JOURNAL). • **NEW JERSEY** Gov. Chris Christie (R) vetoes SB 2135, legislation that would have created a state-run health benefits exchange in the Garden State. The state will defer to the federal government to run its exchange, which is required under the Affordable Care Act (STAR-LEDGER [NEWARK]).

IMMIGRATION: The **ILLINOIS** Senate approves SB 957, which would allow undocumented immigrants to obtain a special three-year driver’s license. To be eligible for the license, which would not be good for identification purposes, applicants must have lived in the Prairie State for at least one year. It has moved to the House (CHICAGO TRIBUNE, STATE NET).

SOCIAL POLICY: U.S. District Judge William B. Shubb rules that a new **CALIFORNIA** law barring so-called “gay conversion” therapy is unconstitutional. The ruling came one day before U.S. District Judge Kimberly J. Mueller upheld the same law, ruling it does not infringe upon therapy providers’ free speech rights. Judge



Shubb’s ruling applies only to three specific plaintiffs who sued to block the law from taking effect on Jan. 1 (SACRAMENTO BEE).

POTPOURRI: The **NEW JERSEY** Assembly approves AB 2982, which would allow Garden State lottery winners to remain anonymous for one year. It is now in the Senate (STAR-LEDGER [NEWARK]). • Also in **NEW JERSEY**, the Assembly unanimously approves AB 1280, which would amend Garden State law to add e-mail addresses to a list of confidential information restricted from being released under the Open Public Records Act. The bill moves to the Senate (STAR-LEDGER [NEWARK]). • The **ILLINOIS** House joins the Senate in voting to override Gov. Pat Quinn’s (D) amendatory veto of SB 681, a bill that, among several things, allows Prairie State gun owners to buy ammunition by mail from in-state dealers. The bill now goes into effect as originally submitted to Quinn last June (STATE NET, QUAD-CITY TIMES [SPRINGFIELD]).

— Compiled by *RICH EHISEN*

Once around the statehouse lightly

NEW DOG IN THE HOUSE: The California Legislature swore in its newbies last week, meaning it is once again time to relegate someone to the “doghouse,” the microscopic Capitol office usually reserved for lawmakers who get on the bad side of the Assembly Speaker. Since there hasn’t yet even been a single vote by which anyone could irritate Speaker John A. Perez, the assignment — to Republican Assemblyman Travis Allen, a freshman from Huntington Beach — was merely the luck of the draw. How long he stays, however, remains to be seen. Last year’s resident, Republican Linda Halderman, embraced the 391-square foot site, even decorating it to resemble an actual doghouse. But as the *Fresno Bee* reports, Perez won’t have Halderman to kick around any more. Halderman, a surgeon by trade, left the Legislature this year to ply her skills on a remote Caribbean island near Cuba. Her new digs: a concrete house on an unpaved road with “spotty” electricity... which was apparently still preferable to another year in the Assembly.

DOING IT GANGNAM STYLE: While a six-pack of governors hit Washington D.C. last week to lobby President Obama and Congressional leaders to reach an accord on the so-called “fiscal cliff,” former Wyoming Sen. Alan Simpson was taking his case directly to the people...Gangnam Style! In a *YouTube* video for the “The



Can Kicks Back” campaign, an effort to engage young people in the national debt discussion, Simpson dances to the hopelessly infectious pop song — alongside a man in a can costume no less — while urging viewers to “stop Instagramming your breakfast and tweeting your First World problems” and start spreading the word about the country’s debt issues instead. In between busting dance moves, the 81-year-old Simpson, one of the most dignified members of Congress in his day, urges young people to get active or “these old coots will clean out the Treasury before you get there.” As *ABC News* reports, he has a ways to go to catch up with the Korean pop video sensation, which to date has been viewed over 887,000,000 times.

Corrections
 In the Dec. 3 issue of SNCJ we incorrectly identified University of Alabama head coach Nick Saban. We regret the error.

COVER UP, PLEASE: San Francisco has always been one of the most tolerant cities in the world, with random acts of goofiness, exhibitionism and downright hedonism the norm. But some things are a bit much even for the city that famed *SF Chronicle* columnist Herb Caen once dubbed “Baghdad by the Bay.” As Reuters reports, city leaders have finalized a ban on public nudity, saying such behavior is becoming just a bit too much even by San Francisco’s decidedly liberal standards. But this being The City (the more preferred moniker for locals), there has to be an equally off-kilter catch. To wit: the ban was the brainchild of city supervisor Scott Weiner. And yes, the ban’s opponents have had a field day with that one.

A BIT PUNCHY: She’s gone toe-to-toe with the president of the United States, so it should be no surprise that Arizona Gov. Jan Brewer doesn’t feel compelled to hold back when a reporter makes her angry. The brouhaha started last week when a reporter for Phoenix TV station KTVK asked the gov whether she believed global warming was caused by humans. The gov, seemingly caught off guard, opined that she did not think so. An aid then swooped in ushered Brewer away, only to have the governor turn and march back to reporter Dennis Welch, whereupon, as noted on *Romenesko.com*, she whacked him in the arm and demanded to know “where the [expletive] did that come from?” While one observer claimed the gov “slugged” Welch, the video pretty clearly shows it was more of an agitated tap. Still, one would be wise not to cross the good governor any time soon.

— By *RICH EHISEN*



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