

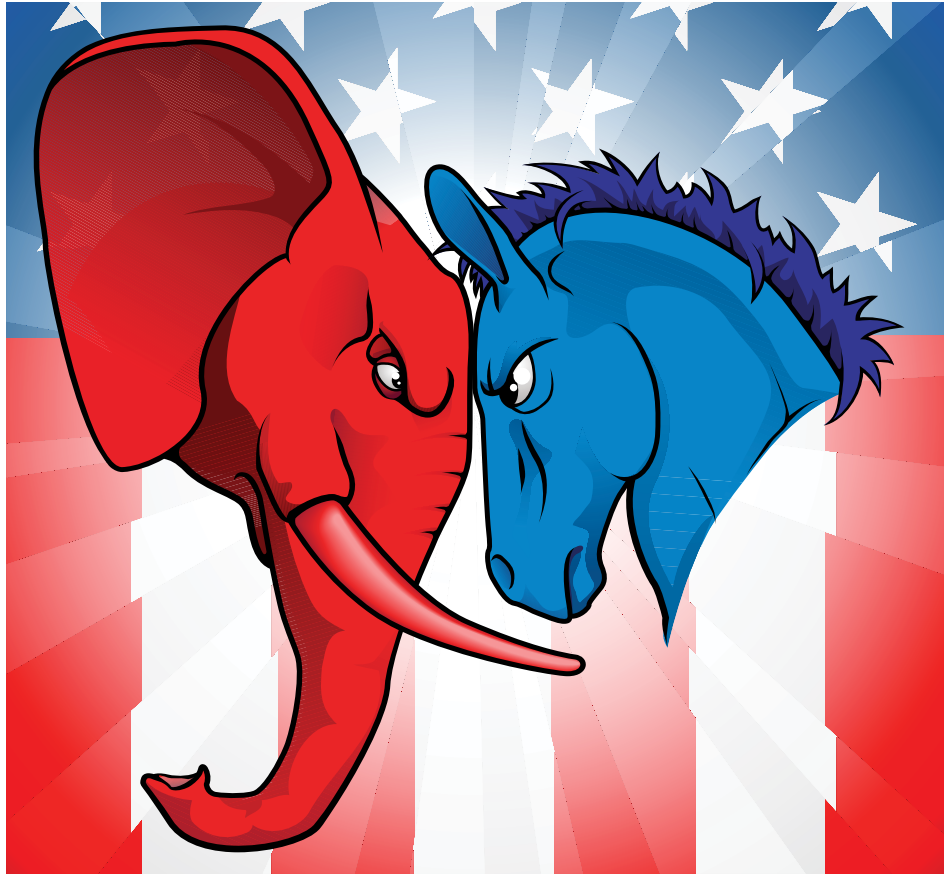


Capitol Journal

News & Views from the 50 States

Partisan Power Plays

February 6, 2012



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

Top Story

Taking redistricting out of the hands of lawmakers is supposed to take some of the politics out of the process. But recent incidents in states with independent redistricting commissions suggest that's not the case.

SNCJ Spotlight

Independent redistricting commissions not immune to partisanship

More than a dozen states rely on independent commissions to conduct at least some part of the process of drawing their legislative and congressional district boundaries after each decennial census. One of the main arguments for taking redistricting out of the hands of lawmakers who have a personal stake in how the lines are drawn has been that it would take some of the politics out of the process. But recent incidents in states with independent redistricting commissions suggest that's not the case.



“The commission essentially, all through its work, says, ‘Do we want to take the Republican or the Democratic plan,’” he said. “What looks like a great reform in 1974, it’s all just a cover for the political parties.”

The sole independent on Arizona’s independent commission, its chair, Colleen Mathis, also came under GOP fire after showing support for a map favoring that state’s Democrats — and it was revealed that her husband had worked on a Democrat’s 2010 legislative campaign. Gov. Jan Brewer (R) and Republican lawmakers actually impeached Mathis on the grounds that she had violated state constitutional requirements for drawing districts, but that action was overturned by the state’s Supreme Court.

All the efforts California went to in order to shield its redistricting commission from political influence were apparently for naught. According to a report in December by *ProPublica*, Democrats who control the state’s Legislature managed to circumvent those protections by enlisting individuals aligned with the party to testify before the commission in support of Democrat-friendly maps without disclosing their party ties. In one instance, the report said, a woman who claimed to represent an Asian community in Southern California was actually a Sacramento-based lobbyist who grew up in rural Idaho.

“It wasn’t so much that the Democrats tried,” said Douglas Johnson, a fellow at the Rose Institute of State and Local Government. “Of course they tried. The surprise is that it worked.”

Idaho’s Reapportionment Commission, meanwhile, has been mired in political controversy for months. After the commission’s three Democrats and three Republicans failed to meet a September 6 deadline for drawing the state’s legislative boundaries, the state Supreme Court ordered the appointment of new commissioners. The new panel managed to approve a map, but it was rejected by the court for violating state constitutional standards, touching off a battle over whether a third

effort at drawing the state’s maps required a third set of commissioners.

Former Republican state legislator Evan Frasure, who helped create the state’s commission structure in 1994 and co-chaired the state’s first commission, conceded the process hasn’t gone entirely smoothly.

“Rather than having 105 legislators duking it out, now you have six people. But it did not remove the partisan nature of it.”

“Rather than having 105 legislators duking it out, now you have six people,” he said, “but it did not remove the partisan nature of it.”

Some supporters of independent commissions, however, say their purpose isn’t so much to take partisanship out of the process as it is to take it out of the result. And there is evidence to suggest it has done that to some degree. For instance, of the 765 congressional and legislative elections that have been held in California over the last



decade — in districts drawn by the state Legislature — seats have switched hands between Democrats and Republicans only five times, according to Stan Forbes, the independent who chaired the state’s redistricting commission.

“The 2001 lines were the incumbent protection act and they said so,” he said. “Everyone was candid that that was what happened.”

But under the commission’s new congressional map, several seats are expected to be hotly contested for the rest of the decade. Colorado’s commission-drawn maps have, likewise, significantly increased the number of competitive districts.

And even the process of redistricting with an independent commission can be relatively partisanship-free. In Washington, new legislative and congressional lines were unanimously approved by a commission consisting of two Democrats and two Republicans, one of whom called the state’s approach “the best in the country.” (STATELINE.ORG, DENVER POST, WASHINGTON POST, PROPUBLICA, ROSE INSTITUTE OF STATE AND LOCAL GOVERNMENT)

— *Compiled by KOREY CLARK*

Budget & taxes

TO TAX OR NOT TO TAX: In his state of the state speech last week, New Jersey Gov. Chris Christie (R) called for a 10-percent across-the-board cut in the state’s income tax.

“This will send a loud signal,” he said. “The New Jersey comeback has begun.”

The spending plan released last month by Maryland Gov. Martin O’Malley (D), on the other hand, called for raising taxes on residents earning six-figures a year or more.

“I don’t like asking for this; I don’t like doing this,” he said at a State House news conference. “But in order to get us through this recession in advance of other states, and in order to protect the priorities of the people of our state and the futures of our children, there are difficult things we need to ask of one another...this is one of them.”

The two divergent proposals represent the policy poles of an issue that is shaping up to be a major one this year: taxes. Lining up alongside Christie on the tax-cut side are the governors of at least half a dozen other states, including Kansas Gov. Sam Brownback (R), New Mexico Gov. Susana Martinez (R), Iowa Gov. Terry Branstad (R), Nebraska Gov. Dave Heineman (R), Alaska Gov. Sean Parnell (R) and South Carolina Gov. Nikki Haley (R).

On the tax-hike side along with Gov. O’Malley are fellow Democratic Govs. Jerry Brown of California, Chris Gregoire of Washington and Beverly Perdue of North Carolina.

For the four Democrats, increasing taxes is the only viable option for maintaining state services that have been decimated by budget cuts over the last few years. Gov. Gregoire, for instance, wants Washington voters to approve a temporary half-cent sales tax increase to put money back into schools and the state's "frayed" safety net.

"Without the half penny, we lose far more than we gain," she told lawmakers this month. "We lose our future, our values and our way."

Gov. Brown, likewise, wants California's voters to approve a temporary increase in the state sales tax and the income tax on residents making \$250,000 or more a year to, among other things, avoid having to shorten the public school year.

Some Democrats are also looking to taxes to pay for key projects. For example, Gregoire wants to impose a \$1.50 fee on every barrel of oil produced in Washington to fund a 10-year transportation package.

The Republican governors, however, argue that cutting taxes will enable families to buy more and encourage companies to hire more, spurring economic growth.

"These taxes must be reduced," Gov. Branstad said in his state of the state address, referring to his proposed 40 percent cut in commercial and industrial property taxes, "not because they cost businesses money, but because they cost Iowans jobs."

With revenues showing signs of recovery some Republican governors are also inclined to give money back to taxpayers rather than increase spending.

"Let others choose tax increases," Christie said in his state of the state. "We choose responsible tax cuts to give our overburdened citizens real relief." (STATELINE.ORG, WASHINGTON POST)

OK PROSECUTORS USING PROBATION TO PAY BILLS: Oklahoma prosecutors are relying on a novel program to help them maintain staffing levels in an environment of shrinking state budgets. Established in 2003, the program allows state prosecutors to recommend supervision by district attorney's offices for criminal offenders as an alternative to prison, jail or traditional probation.

Offenders in the "DA supervision" program are charged a \$40 fee just like the state's prison department charges probationers. But the DA program has ballooned from 16,000 participants in 2008 to 38,000, far exceeding the 21,000 in the state prison system's probation program. That has some critics asking how much supervision prosecutors are providing for the fees they're charging, which totaled nearly \$14 million last year.

Some DA's offices "don't provide any supervision that I'm aware of, and I mean any," said Allen Smallwood, former president of the Oklahoma Bar Association.

Prosecutors maintain the program increases public safety by covering offenders who might receive no supervision at all otherwise, while at the same time allowing DA's offices to maintain staff in spite of a 23 percent reduction in state funding over the last three years.

● a planned increase in the Medicaid co-pay from under \$3 to \$6 (DESERET NEWS).

● • An **OHIO** legislative panel gave the go ahead for the state to launch the JobsOhio economic development program, despite the Kasich administration’s decision not to disclose how it will determine whether Ohioans are getting a positive return on their \$100 million a year investment in the program (COLUMBUS DISPATCH).

● • Exxon Mobil has agreed to pay **MONTANA** \$1.6 million in penalties for water pollution caused by a pipeline break last summer that fouled miles of shoreline along the Yellowstone River (GREAT FALLS TRIBUNE).

● • According to estimates from nonpartisan legislative analysts, Facebook’s initial public offering could bring as much as \$1 billion in revenue to **CALIFORNIA**, which is still in fiscal crisis, facing a projected budget shortfall of over \$9 billion. “If it is as big as it is being billed, then on behalf of a grateful state, I will go to Mark Zuckerberg’s house and either wash his windows or mow his lawn,” said a spokesman for Gov. Jerry Brown (D) (STATELINE.ORG).

— Compiled by *KOREY CLARK*

Politics & leadership

IN ENACTS RIGHT TO WORK LAW: On Feb. 1 Indiana officially became a right-to-work state — the first in the Midwestern manufacturing belt and the first in the nation in over a decade — when Gov. Mitch Daniels (R) signed HB 1001, effectively barring unions from collecting dues from non-union employees at private companies.

The governor had once opposed right-to-work legislation but said the new law would bring “jobs and opportunity for our young people and for all those looking for a better life.”

“Seven years of evidence and experience ultimately demonstrated that Indiana did need a right-to-work law to capture jobs for which, despite our highly rated business climate, we are not currently being considered,” he said.

Democratic lawmakers, whose vehement opposition to the bill led to a couple of House walkouts last month, seemed no less agitated about the Republican majority’s action last week.

Sen. Karen Tallian (D) said the right-to-work law was “the last parting shot from an administration that has taken shots at so many people.”

“Sometimes it was a grenade, sometimes it was a well-aimed sniper shot, but whenever there was an opportunity, there was an attack by those with a radical agenda,” she said. “It was public employees, it was teachers, it was gays, blacks, Hispanics, and of course it was women, and, finally, this.”



After the General Assembly passed HB 1001, pro-union protesters staged a massive rally and then marched to Super Bowl Village and Lucas Oil Stadium, where Sunday’s game was played.

“This was just a skirmish in a long war that’s gone on for a long time, and I know the Indiana labor movement, and our opponents ain’t seen nothing yet,” Nancy Guyott, president of Indiana’s AFL-CIO chapter, told the crowd.

That fight could extend well beyond Indiana’s borders, with last week’s action likely to spur right-to-work efforts in other states, including New Hampshire, Maine, Missouri and Michigan.

“I’m disappointed that they beat us to this one,” said Michigan Rep. Mike Shirkey (R). “Now a border state is going to establish a leverage position in being attractive to businesses.”

“It was public employees, it was teachers, it was gays, blacks, Hispanics, and of course it was women, and, finally, this.”

Union leaders acknowledge the threat and vow to fight.

“They’re not going to stop in Indiana,” said Brian Buhle, secretary-treasurer of the Teamsters Local 135 in Indianapolis. “And there’s certainly going to be a national effort

on behalf of all of national labor to try to stop it from spreading to other states in the Midwest.” (NORTHWEST INDIANA TIMES [MUNSTER], (NEW YORK TIMES, EVANSVILLE COURIER & PRESS, WNDU-TV [SOUTH BEND])

NH & TN LOOK TO CURB COURTS: Many lawmakers have long complained about “activist judges” who effectively legislate from the bench, but lawmakers in New Hampshire and Tennessee are looking to do far more than just carp.

“The executive, legislative and judicial branches were created separate but equal, but the judiciary has overstepped their bounds,” said Tennessee Sen. Mae Beavers (R) “They’re not just interpreting the law, but making policy.”

Consequently, Beavers sponsored a bill (SB 2348, since withdrawn) that would have taken away the state Supreme Court’s ability to rule on the constitutionality of laws passed by the Legislature. And in New Hampshire Rep. Gregory Sorg (R) is sponsoring a constitutional amendment (CACR 28) stipulating “the supreme court shall determine the constitutionality of judicial acts and the legislature shall determine the constitutionality of legislative acts.”

It’s not the first time in either state that a lawmaker has tried to limit the state courts’ authority. Last year, a constitutional amendment directing judges to “strictly construe the enacted text” of laws passed Tennessee’s Senate unanimously before stalling in the House. And although Sorg said he’s introduced his amendment in New Hampshire’s last four legislative sessions, interest in it has grown each time.

Governors

O'MALLEY MAKES CASE FOR SAME-SEX MARRIAGE IN MD: Maryland Gov. Martin O'Malley (D) began his campaign to legalize same-sex marriage in the Old Line State, telling the state Senate Judicial Proceedings Committee last Tuesday that allowing gays to wed was an issue of "human dignity."

O'Malley emphasized that his proposal — officially introduced as SB 241, sponsored by Senate President Thomas Miller (D) — would mostly benefit children of same-sex couples, giving their families stability and ensuring gay couples would receive the same property, custodial and medical rights currently available only to heterosexual married couples.

"We all want the same things for our children," he testified. "It's not right, and it is not just that the children of gay couples should have lesser protection than the children of other couples in our state."

The governor also took pains to note his proposal would not require religious institutions and faith-based groups from having to perform or condone same-sex nuptials. He was joined in testifying in favor of the bill by several other elected officials, all Democrats except Sen. Allan H. Kittleman, the only GOP state legislator to openly support gay marriage.

Kittleman compared the push for gay marriage to the civil rights movement and downplayed opponents' claims that the bill would cause harm to religious organizations that do not support it.

"You don't take away someone's civil rights because of what might happen," he said. "You can deal with the mights later on, but make sure we get the civil rights done now."

Some religious leaders also were on hand to lend support for the measure, but most religious representatives in attendance were overwhelmingly opposed to the bill. Mary Ellen Russell, executive director of the Maryland Catholic Conference, was one of many who argued that same-sex marriages can never be considered equivalent to heterosexual marriage, noting "We can't equate things that are not the same."

Annapolis Evangelical Presbyterian Church Robert J. Borger also took exception to earlier comments made by First Lady Katie O'Malley, who referred to lawmakers who opposed a similar measure last year as "cowards."

"Those with sincere religious convictions are being asked to give up their beliefs," he said. "A coward runs from a fight...this is a fight we will not run from."

Ms. O'Malley, a Baltimore District Court judge, later apologized, saying she regretted her choice of words.

The Committee is expected to vote on the proposal this week. It supported similar legislation last year and is expected to follow suit this time around as well. Most observers expect the measure to also eventually clear the full Senate, as it did in 2011, but its fate in the House, which rejected that proposal, remains unclear. (WASHINGTON POST, WASHINGTON TIME, BALTIMORE SUN)

DEMS STRUGGLE TO FIND SOLID NC GOV

CANDIDATE: North Carolina Gov. Bev Perdue's (D) abrupt decision to forgo seeking another term has left Tar Heel State Democrats scrambling to find a suitable candidate to replace her on the ticket. As of last week, three of the most highly regarded possibilities — Charlotte Mayor Anthony Foxx, U.S. Rep. Heath Shuler and former White House Chief of Staff Erskine Bowles, who served under President Bill Clinton — have all said they will not seek the nomination. Meanwhile, Lt. Gov. Walter Dalton, former Rep. Bob Etheridge and state Rep. Bill Faison have thrown their respective hats into the ring. U.S. Reps. Brad Miller and Mike McIntyre, and ex-State Treasurer Richard Moore had all indicated they were waiting to see what Bowles would do before saying for sure if they would get into the race as well.

Perdue's decision took even her senior staff by surprise. The governor said she was stepping aside because she wants to focus on improving state education funding and her "re-election will only further politicize the fight," adding that she hoped her decision would "open the door to an honest and bipartisan effort to help our schools."

But critics and supporters alike also took note that the governor was already trailing badly in the polls to likely GOP nominee Pat McCrory, who Perdue defeated by a slim margin in 2008. (WINSTON-SALEM JOURNAL, NEWS & OBSERVER [RALEIGH], NEW YORK TIMES).

CHRISTIE APOLOGIZES FOR GAY MARRIAGE COMPARISON: New Jersey Gov. Chris Christie (R) apologized for saying people would have preferred to have a referendum on segregation in the South. Christie made the comment in response to Democratic lawmakers' statements that gay marriage is a civil right and therefore shouldn't be decided by voters as a ballot question. He drew immediate criticism from both Democrats and civil rights leaders, saying it inferred those rights could have been obtained without the decades-long struggle that activists actually endured. In a radio appearance last week, Christie issued a rare apology, "I didn't mean to offend anybody, and if I did I'm sorry." (BLOOMBERG BUSINESSWEEK, NORTHJERSEY.COM)

The week in session

States in Regular Session: AK, AL, AZ, CA, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, MA, MD, ME, MI, MN, MO, MS, NE, NH, NJ, NM, NY, OH, OK, OR, PA, PR, RI, SC, SD, TN, US, UT, VA, VT, WA, WI, WV

States in Recess: DE(until 03/13/2012), NC(until 02/16/2012)

Special Sessions in Recess: DE "b"

States Currently Prefiling or Drafting: AR, LA, MT(2013), ND(2013), WY

Letters indicate special/extraordinary sessions

— Compiled By OWEN JARNIGAN
(session information current as of 2/3/2012)
Source: State Net database

Hot issues

BUSINESS: After one of the most closely watched legislative efforts of the year, **INDIANA** Gov. Mitch Daniels (R) signs HB 1001, legislation making the Hoosier State the 23rd to adopt a so-called “right-to-work” law that bars union contracts from requiring nonunion members to pay union dues for representation (REUTERS). • Still in **INDIANA**, the Senate approves SB 271, which prohibits a landlord from requiring a tenant submit a lien on his or her vehicle as a security deposit. It is now in the House (NORTHWEST INDIANA TIMES [MUNSTER]). • The U.S. Supreme Court strikes down a **CALIFORNIA** law barring the slaughter of downed swine. Justices said the 2008 state law is preempted by longstanding federal law covering slaughterhouse activity (SACRAMENTO BEE). • Also in **CALIFORNIA**, the Senate approves SB 654, which would allow local redevelopment agencies to retain public funds if those dollars are slated for affordable housing projects. The redevelopment agencies were abolished as part of last year’s budget and were slated for closure last Wednesday. The measure is now in the Assembly (SACRAMENTO BEE). • **WEST VIRGINIA** Gov. Earl Ray Tomblin (D) signs HB 4086, which grants a 25-year tax credit to businesses that invest at least \$2 billion into building an ethane cracker, used in Marcellus Shale natural gas drilling, in the Mountain State (CHARLESTON GAZETTE). • The **NEBRASKA** Legislature gives unanimous first round approval to LB 427, a bill that would require commercial dog breeders to give their animals regular physical and dental exams, provide appropriate exercise areas and use electronic microchips for identification. The measure faces two more votes before it could advance to Gov. Dave Heineman (R) for review (LINCOLN JOURNAL STAR). • The **OHIO** Senate gives unanimous approval to SB 130, which would create a state oversight and licensing authority for Buckeye State commercial dog breeders. That agency would be tasked with ensuring large-scale breeders are regularly inspected and required to maintain a certain level of care, including the size and condition of cages. It is now in the House (COLUMBUS DISPATCH).

CRIME & PUNISHMENT: Fearing a rise in human trafficking surrounding the Super Bowl, **INDIANA** Gov. Mitch Daniels (R) signs SB 4, which bars the use of force or fraud to compel participation in sexual conduct and bars a parent or guardian from selling or transferring custody of a child for prostitution. The law took effect immediately (NORTHWEST INDIANA TIMES [MUNSTER]). • Still in **INDIANA**, the Senate approves SB 11, which would make attending animal fights a felony punishable by up to six months in jail. It is now in the House (EVANSVILLE COURIER & PRESS, STATE NET). • Staying in **INDIANA**, the House unanimously approves HB 1196, which would bar the sale and manufacture



of cocaine-like designer drugs routinely sold as “bath salts.” The bill, which would add nearly two dozen chemicals to a Hoosier State law banning the synthetic marijuana known as spice or K2, moves to the Senate (NORTHWEST INDIANA TIMES [MUNSTER]).

Also in **INDIANA**, the Senate unanimously approves SB 190, which would bar a rapist from seeking custody, parenting time or contact with a child born as a result of a sexual assault. It moves to the House (NORTHWEST INDIANA TIMES [MINSTER]).

- **DELAWARE** Gov. Jack Markell (D) signs SB 160, which makes permanent an emergency First State ban barring the same so-called bath salts. Under the law, manufacturing or selling the chemicals could lead to up to eight years in prison (NEWS JOURNAL [NEW CASTLE-WILMINGTON]).
- The **NEW YORK** Senate approves SB 5560, which would require all convicted criminals to submit a DNA sample to a state database. It moves to the Assembly (STATE NET, NEW YORK TIMES).
- The **WEST VIRGINIA** Senate approves SB 161, legislation that would require all adults to report suspected child abuse to police. It is now in the House (STATE NET, CHARLESTON GAZETTE).

EDUCATION: The **WISCONSIN** Senate approves SB 353, which would limit how and when Badger State educators could physically restrain or seclude students. It has moved to the Assembly (MILWAUKEE JOURNAL-SENTINEL).

- The **OHIO** House grants final approval to HB 116, which requires Buckeye State school districts to expand current anti-bullying policies to include acts of harassment or intimidation sent electronically or which occur on school busses. It moves to Gov. John Kasich (R), who has indicated he will sign it into law (CINCINNATI ENQUIRER).
- The **CALIFORNIA** Assembly approves AB 1172, which would allow charter school petitions to be rejected if they negatively affect a school district’s finances. It moves to the Senate (SACRAMENTO BEE).
- The **INDIANA** Senate approves SB 155, which would bar Hoosier State universities from imposing a mandatory retirement age on school administrators. It graduates to the House (EVANSVILL COURIER & PRESS, STATE NET).
- Also in **INDIANA**, the Senate approves SB 267, which requires the state Department of Education to develop teaching materials on child abuse and child sexual abuse to be used in second- through fifth-grade classrooms. It moves to the House (NORTHWEST INDIANA TIMES [MUNSTER]).
- Staying in **INDIANA**, the Senate approves SB 89, which would allow schools to teach creationism in science classes as long as they include origin of life theories from multiple religions. The measure moves to the House (STATE NET, NORTHWEST INDIANA TIMES [MUNSTER]).
- The **FLORIDA** Senate approves SB 98, which would permit

Upcoming elections

1/2/2012 - 2/23/2012

02/07/2012

Georgia Special Election
House Districts 60 and 107

02/14/2012

Oklahoma Special Election
House Districts 1 and 71
Senate Districts 20 and 46

02/21/2012

New Hampshire Special Election
House District Hillsborough 10



Sunshine State schools districts to allow student volunteers to deliver “inspirational messages” in public schools. It is now in the House (TAMPA BAY TIMES).

ENVIRONMENT: The **CALIFORNIA** Air Resources Board approves regulations that require 15 percent of new cars sold in the Golden State by 2025 to run on electricity, hydrogen or other systems that produce virtually no pollutants. The new rules also require automakers to reduce greenhouse gas emissions by 50 percent on all new vehicles by 2025 and tailpipe emissions of soot and smog by roughly 75 percent over the same time period (SAN JOSE MERCURY NEWS). • The **WISCONSIN** Assembly approves AB 426, a far-ranging measure that would relax multiple environmental standards related to iron mining in the Badger State and block citizens from challenging mining permits. It has moved to the Senate (STATE NET, MILWAUKEE JOURNAL SENTINEL).

HEALTH & SCIENCE: The **CALIFORNIA** Assembly approves several health insurance related measures, including AB 369, which would bar insurers from requiring policy holders to try more than two lower-priced medications before providing access to a product prescribed by their physician; AB 154, which would require insurers to cover a broader range of mental illnesses, including depression and substance abuse; and AB 1000, which mandates that insurers cover the cost of oral chemotherapy. All three measures move to the Senate (SACRAMENTO BEE). • Staying in **CALIFORNIA**, the Assembly approves AB 1278, a measure that would bar smoking on all Golden State hospital grounds. It moves to the Senate (LOS ANGELES TIMES). • The **INDIANA** House approves HB 1149, legislation that would bar smoking in public places. The measure, which exempts casinos, private clubs, retail tobacco outlets and cigar and hookah bars, moves to the Senate (STATE NET, NORTHWEST INDIANA TIMES [MUNSTER]). • The **UTAH** House approves HB 55, which would require Beehive State hospitals to post their infection rates on a user-friendly state website. It is now in the Senate (SALT LAKE TRIBUNE).

SOCIAL POLICY: The **VIRGINIA** Senate approves SB 484, which would require women seeking an abortion to first obtain an ultrasound and be given a chance to view the image. It now moves to the House (WASHINGTON POST). • Still in **VIRGINIA**, the Old Dominion announces it will close all but one of its large institutions for the developmentally disabled and move thousands of people into their own homes, their family’s homes or group homes. The deal was part of a settlement agreement with the U.S. Department of Justice, which had concluded that the state discriminated against residents by keeping them in large institutions instead of providing community-based care in smaller settings (WASHINGTON POST). •

In case you missed it

Both the White House and Congress have strong agendas in 2012, but the U.S. Supreme Court is poised to rule in several cases that would limit federal power or require more sharing of it with the states.

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

http://www.statenet.com/capitol_journal/01-23-2012/html.



The **INDIANA** House approves HB 1007, which would require welfare recipients in three as-yet unnamed Hoosier State counties to submit to random drug testing. The measure would also require half the members of the General Assembly to submit to drug tests annually, with those refusing losing parking privileges and access to government-supplied laptops. It has moved to the Senate (**EVANSVILLE COURIER & PRESS**). • The **WASHINGTON** Senate approves SB 6239, which would make the Evergreen State the seventh to legalize same-sex marriage. The measure, which allows churches to refuse to marry gay couples, is now in the House (**SEATTLE TIMES, STATE NET**).

POTPOURRI: The **NEBRASKA** Legislature gives second round approval to LR40CA, which would make the Cornhusker State the 14th to codify the right to hunt and fish into their state constitution. It faces a final vote by lawmakers before it can go before voters for ultimate approval or rejection (**LINCOLN JOURNAL-STAR**). • The **OHIO** Senate approves HB 14, which would amend a current state law that labels pit bulls as “vicious dogs” unless there is proof that a specific dog has attacked other dogs or a human. It returns to the House for concurrence on changes made in the Senate (**CLEVELAND PLAIN DEALER**). • A **HAWAII** House committee kills HB 2288, which would have required Internet providers to track their Aloha State customers’ web use (**HONOLULU STAR ADVERTISER**).

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

TAKE THAT, FIDO: Recent battles over regulating large scale commercial dog and cat breeders, a.k.a. “puppy mills,” have been nasty affairs full of raw emotion in several states. For some folks, making sure breeders treat their animals better is akin to elevating said pooches and kittens above their human owners. Well, Missouri Rep. Ward Franz isn’t going for that. As the *Kansas City Star* reports, Franz has introduced HB 1513, which would legally bar animals from having rights equal to or — sakes! — above human beings. Franz said the bill is only intended to stop animal rights groups who want to limit the rights of animal owners. The measure is currently in committee. No word if his colleagues will toss him a bone and move it on.



SPEAKING OF ANIMAL FLESH: Celebrity chef Paula Deen — the champion of all things buttery — has been getting righteously grilled herself of late. Critics have vilified Deen over concealing her personal battle with Type II diabetes while also partnering with a drug maker that sells medication to fight the disease. But don't expect Arizona state Sen. Frank Antenori to jump on that bandwagon. As the *East Valley Tribune* of Mesa reports, Antenori took to the Senate floor last week to warn folks off from picking on Deen or anyone else who loves her style of cooking. He further made it clear his adoration for “egg McMuffins” and taking his wife out for “a big 24-ounce chunk of charred mammal flesh and a baked potato smothered with butter and chives.” As he sees it, after spending 20 years in the U.S. Army, “I earned the right to do that.” No argument here.

DOGHOUSE CONFIDENTIAL: Around the California Capitol, Assembly office number 5126 is generally the last place a lawmaker wants to end up. Known as “the doghouse,” the 391-square-foot space is where Assembly Speakers send lawmakers who have angered them. Most inhabitants accept their punishment and go quietly about making nice so they can get the heck out. But don't expect that from this year's occupant, Assemblywoman Linda Halderman. As the *Sacramento Bee* reports, Halderman, who represents the Fresno area, has embraced her tiny new digs, renaming it “the Bulldog House” in honor of the Fresno State University mascot. She has also hung a cloth frame around the door that makes it look like a doghouse, and placed large bulldog paw prints on the floor leading to her office. Halderman claims to not know why Speaker John A. Perez gave her the cramped quarters, but says she'll now only leave “kicking and screaming.”

WHAT'S GOOD FOR THE GOOSE: Making welfare recipients pass a drug screening test has become quite the rage in some places, most recently in the Indiana House, where Rep. Jud McMillin, a Republican, was pushing just such a bill last week. Dems initially balked, but then took a new tack: requesting an amendment to require lawmakers to be tested as well. The debate was predictably testy, highlighted by the No. 2 House Democrat, Rep. Linda Lawson, leaving a fake urine sample on Republican House Speaker Brian Bosma's desk. Bosma was not amused, leading Lawson to lament, “Can't we all have a little fun?” In a surprise, the House eventually adopted the measure, HB 1007, but only after amending it to require only some — not all — lawmakers to pass a drug screening or risk losing their House-issued laptops and their favored parking spaces. The bill has moved to the Senate.

— By RICH EHISEN



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