

July 4, 2011

## Unnatural High



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

### Top Story

*Dozens of states have taken action to combat the sale of legal synthetic chemicals that mimic the effects of illegal drugs like pot and cocaine. But lawmakers are finding themselves up against a formidable adversary: science.*

## SNCJ Spotlight

### States battle chemists to ward off wave of synthetic drugs

The feds have banned them. Over 30 states have too, with others joining them all the time. But to their great chagrin, lawmakers trying to bar the sale of legal synthetic drugs meant to mimic the effects of marijuana, cocaine and other hard drugs are running into a formidable foe: science.

In recent weeks, governors in Alaska, Pennsylvania and Wisconsin have signed bills intended to ban increasingly popular synthetic drugs sold as “incense” or “bath salts” over the Internet or in convenience stores and smoke

shops around the country. Additional measures await gubernatorial signatures in Delaware (HB 30), Louisiana (HB 12) and Missouri (HB 641).

Many of the state measures bar chemicals used to make synthetic pot (synthetic cannabinoids), usually sold as incense or potpourri with a warning that the product is not for human consumption, but which users often smoke the same way they would real marijuana. Unlike naturally grown pot, however, the vegetation that makes up the physical product could be anything — its only purpose is to provide a vehicle for the manufacturers to transfer the chemicals to the end user. Also unlike real marijuana, synthetic replacements are not detectable through normal drug testing.

Lawmakers have also tackled “bath salts”, which users snort or inject to obtain a high like that of cocaine, ecstasy, LSD or methamphetamine. According to the National Conference of State Legislatures, as of June 21<sup>st</sup> at least 21 states had specifically criminalized the sale and possession of substituted cathinones, the chemical compounds that make up the drugs, sold under retail names like Bliss and Ivory Wave.

Some measures, such as Louisiana’s pending HB 12 and Pennsylvania’s SB 1006, which Gov. Tom Corbett (R) signed last week, deal with both compounds.

But regardless of how they go about it, all of the measures are competing with manufacturers — from sophisticated labs in China and other foreign countries to do-it-yourself operations in America — that can rapidly change the drugs’ chemical compounds to skirt new legal boundaries without missing a beat. At stake is a portion of the immensely lucrative recreational drug market, estimated by some to be worth over \$120 billion annually.

Exactly how many operations are making and selling synthetics is unknown, but Scott Collier, a St. Louis-based diversion program manager with the federal Drug Enforcement Administration, believes the figure tops 1,000 in the U.S. alone. And those, he says, are only the ones with the more recognizable brands, such as K2, Spice, Black Mambo, Barely Legal and others. Most observers believe the market for synthetic incense and bath salts is now in the hundreds of millions of dollars annually, and perhaps even larger.

“Factor in the number of people using the Internet as a supply store and making stuff out of their basement and that number jumps considerably,” he said.

Synthetic drugs first came became popular in Europe around 2006. Within a few years they had migrated to the United States. Kansas started state efforts to combat those products by adding many of the engineered cannabinoids to the state’s list of banned drugs in March, 2010. Under pressure from states to act, the DEA followed suit last November by imposing a one-year ban on five of the most common cannabinoids used in making synthetic pot.

Even so, authorities say use of the products has continued to expand. That growth has coincided with a significant increase in the number of users suffering serious side effects and even death. In 2009, the American Association of Poison Control Centers





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# Budget & taxes

**B**ROWN REACHES BUDGET DEAL WITH DEMS: After abandoning negotiations with Republican lawmakers, California Gov. Jerry Brown (D) struck a budget deal last week with Democratic legislative leaders.

The \$85.9 billion spending plan does not include the renewed tax hikes the governor had been trying to persuade Republicans to support putting before the state's voters. But it does include some fees Dems believe they can legally impose

without GOP support, such as a \$12 increase in the state's vehicle registration fee and a new fee for firefighting efforts in wildfire-prone areas, as well as a mandate for online retailers like Amazon.com to collect sales tax on purchases by California residents.

The budget also relies in part on \$4 billion in additional revenue, on top of the \$6.6 billion in unexpected revenue forecast last month. If

**“That’s nearly \$11 billion in new revenue that the Democrats assume will magically appear. That’s a wand that Harry Potter would be proud to wield.”**

that money fails to materialize, however, steep cuts to education and other services will kick in.

“In case we are overoptimistic, we have severe trigger cuts,” said Brown. “Those are real.”

That didn't stop Republicans from zeroing right in on the plan's projected windfall.

“That's nearly \$11 billion in new revenue that the Democrats assume will magically appear,” said Senate Budget Committee Vice-Chairman Bob Huff (R).

“That's a wand that Harry Potter would be proud to wield.” (LOS ANGELES TIMES)

**GLITCH IN HEALTH REFORM LAW:** The Obama administration has fessed up to a glitch in the federal health care reform law that could let several million middle class Americans obtain nearly free health insurance intended for the poor. The loophole, discovered after the bill was signed, would allow early retirees to qualify for Medicaid by excluding most of their Social Security benefits from being counted as income in determining their eligibility for the state-federal program.

Retirees can now begin collecting Social Security at age 62, but they have to wait three more years to obtain Medicare, unless they're disabled. And while some of those early retirees may not wish to join a program for the poor, others might see it as a way to satisfy the health reform law's mandate that they have insurance — which takes effect in 2014 — until they qualify for Medicare.



According to officials at the U.S. Department of Health and Human Services, a married couple could have an annual income as high as \$64,000 and still qualify for Medicaid. That could mean up to 3 million more people signing up for the program in 2014, on top of the 16 million to 20 million additional enrollees previously estimated.

The Obama administration initially downplayed the problem but said last week it will look for a fix. Critics of the law, however, were quick to pounce.

“The fact that this is being discovered now tells you, what else is baked into this law?” said former Utah Gov. Mike Leavitt, who also served as Health and Human Services secretary under President George H.W. Bush. “It clearly begins to reveal that the nature of the law was to put more and more people under eligibility for government insurance.” (USA TODAY)

**MA SEEKING INVESTORS FOR SOCIAL SERVICES PROGRAMS:** Massachusetts is

hoping to become one of the first states in the nation to raise money for social services programs by offering investors the chance to turn a profit. The plan is to get investors to back programs through so-called “social impact bonds.” If the programs then succeed in cutting the state’s costs, investors would be paid from the savings. If not, the government’s losses would be minimized.

“We have a new fiscal reality in state government,” said Jay Gonzalez, the state’s Secretary of Administration And Finance. “We have to find a way to become more effective.”

The state has already received more than two dozen suggestions from nonprofits on how to create such performance-based programs. One of the interested parties is Roca Inc., a Chelsea-based nonprofit that works with high-risk young adults. The organization has proposed an intervention program that could save the state \$25 million to \$38 million in prison costs over four years by reducing the incarceration rate. (BOSTON GLOBE)

**AT LEAST TWO STATES EXPECTED TO MISS BUDGET DEADLINE:**

As of press time last Thursday, four states — Iowa, Massachusetts, Minnesota and Oregon — still had no budget for the new fiscal year, which begins on July 1 in most states. Iowa and Oregon were expected to make the deadline, but Massachusetts and Minnesota appeared likely to miss it.

**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: 188**

**Number of Intros last week: 762**

**Number of Enacted/Adopted last week: 984**

**Number of 2011 Prefiles to date: 35,908**

**Number of 2011 Intros to date: 129,893**

**Number of 2011 Session Enacted/Adopted overall to date: 41,605**

**Number of Measures currently in State Net Database: 165,215**

— Compiled By OWEN JARNAGIN  
(measures current as of 6/29/2011)  
Source: State Net database

Minnesota, however, was the only state facing the prospect of a government shutdown — which states have largely avoided since Pennsylvania’s nine-day closure in 2007 — with Democrats and Republicans in St. Paul appearing nowhere near a budget agreement last Wednesday.

Although legislative leaders in Massachusetts were predicting last week they would miss the budget deadline as well, there is no immediate threat of a shutdown in that state because Gov. Deval Patrick (D) signed a temporary measure that will keep the government operating through July 10. (STATELINE.ORG)

**CORBETT SIGNS PA BUDGET:** Pennsylvania Gov. Tom Corbett (R) signed a \$27.15 billion general fund budget for fiscal 2011-12 that contains no new or increased taxes. The spending level is about 4 percent lower than the 2010-11 budget and includes substantial cuts in education, economic development and social welfare programs while providing some \$300 million in tax cuts for businesses. (STATE NET)

**BUDGETS IN BRIEF:** The Governmental Accounting Standards Board was planning to propose new rules last week that would increase the amount of unfunded pension liabilities on most states’ and cities’ balance sheets by requiring them to account for the pension costs of their workforce while employees are still on the job. A revision of the GASB standards has been under consideration for over a year (WALL STREET JOURNAL).

- **NEW YORK** Gov. Andrew Cuomo (D) and legislative leaders struck a deal last month on renewing regulation of rent-controlled apartments, capping property taxes and raising tuition at state universities (NEW YORK TIMES).
- The **ARIZONA** Supreme Court refused to block the state from scaling back its Medicaid program. The justices rejected the petition by several public interest law firms to block the Arizona Health Care Cost Containment System from changing eligibility standards that could eventually leave about 150,000 residents without care (EAST VALLEY TRIBUNE [MESA]).
- Former **NEW YORK** Lt. Gov. Richard Ravitch and former Federal Reserve chairman Paul A. Volcker announced a new high-level project last month that will look into the states’ current fiscal problems to determine how much they are due to the 2008 financial crisis and how much they are due to structural issues. The project will initially focus on five states: **CALIFORNIA, ILLINOIS, NEW YORK, TEXAS** and **VIRGINIA** (NEW YORK TIMES).

— Compiled by **KOREY CLARK**

## The week in session

**States in Regular Session:** CA, DC, IA, MA, PA, PR, US

**States in Recess:** MI, NC, NH, NY, OH, WI

**States in Special Session:** DE “a”, CA “a”, CT “a”

**Special Sessions in Recess:** VA “a”, WI “a”

**States Currently Prefiling or Drafting for 2012:** FL, KY, TN

**States Projected to Adjourn:** IA

**States Adjourned in 2011:** AK, AL, AR, AZ, CO, CT, DE, FL, GA, HI, ID, IL, IN, KS, KY, LA, ME, MD, MN, MO, MS, MT, ND, NE, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WA, WV, WY

**State Special Sessions Adjourned in 2011:** AZ “a”, AZ “b”, AZ “c”, AK “a”, AK “b”, AL “a”, AZ “a”, AZ “b”, DE “a”, KY “a”, LA “a”, TX “a”, UT “a”, WA “a”

Letters indicate special/extraordinary sessions

— Compiled By OWEN JARNAGIN  
(session information current as of 6/30/2011)  
Source: State Net database





Months earlier, the *Journal Sentinel* reported that during a case last year, Justice Prosser had called Justice Abrahamson a “total bitch” and threatened to “destroy” her. Prosser had confirmed making those remarks, saying he’d “probably overreacted” but also accusing Justices Abrahamson and Bradley of being “masters at deliberately goading people into perhaps incautious statements.”

“In a very short period of time, we have gone from having a Supreme Court that was a national model to a Supreme Court that is really fodder for late-night comics,” said Howard Schweber, a political science and law professor at the University of Wisconsin-Madison. “We no longer view the court as being somehow above or outside the day-to-day politics. It’s become just another partisan office.” (MILWAUKEE JOURNAL SENTINEL, ASSOCIATED PRESS, POST-CRESCENT [APPLETON])

**NJ ENACTS UNION-BUSTING BILL:** Democrats control both houses of New Jersey’s Legislature, and union membership in the state is among the highest in the nation. But that didn’t stop Garden State lawmakers from approving a broad rollback of benefits and power for government workers and retirees last month.

Among other things, the legislation will require government workers to contribute more to their health insurance and pensions, raise the retirement age from 62 to 65, and curb public employee unions’ collective bargaining rights.

While a major setback for the unions, it was a big victory for Gov. Chris Christie (R), who signed the measure (SB 2937) on July 28.

**“In a very short period of time, we have gone from having a Supreme Court that was a national model to a Supreme Court that is really fodder for late-night comics.”**

“We are putting the people first and daring to touch the third rail of politics in order to bring reform to an unsustainable system,” the governor said in a statement.

Christie was able to pull off the feat due primarily to division within the Democratic caucus.

“This bill is not about savings; it is about breaking the backs of the hard-working men and women of this state,” Middlesex County Assemblyman Patrick J. Diegnan Jr (D) said of the union reform measure. “I challenge everyone in this chamber today: how many

have even read the full 124 pages of union-busting activities?”

But Assemblyman Angel Fuentes (D) of Camden said, “These reforms are unquestionably bitter pills for us to swallow, but they are reasonable and they are necessary,” adding, “We now have towns across this state that are struggling to afford health benefits for their employees. This has resulted in cities laying off workers.”

Christie was able to exploit those differences through his alliances with the party’s more conservative leaders and legislators, whom union leaders have taken to calling “Christie Democrats.”



Those “Christie Democrats” could find themselves targeted in upcoming legislative elections. Protestors crowded the New Jersey State House prior to the Assembly vote on the bill last month chanting “We’ll remember in November!” (NEW YORK TIMES)

**POLITICS IN BRIEF:** Three **FLORIDA** unions — the Florida Education Association, the Police Benevolent Association and the SEIU Florida Public Service Union — have filed suit to block Gov. Rick Scott (R) and other trustees of the state retirement system from cutting 3 percent of state workers’ salaries to replace over \$1 billion of the state’s obligation to the pension fund. They allege state law specifies that public workers do not have to contribute part of their salaries to the state retirement system unless they agree to that change in their negotiated contracts (ST. PETERSBURG TIMES). • The U.S. Supreme Court struck down an **ARIZONA** law allowing political candidates to receive extra public funds to match spending by privately financed opponents. The 5-4 decision will also impact 10 other states with matching-fund provisions (ARIZONA REPUBLIC [TUCSON]). • Mitt Romney’s presidential campaign advisers are pushing to get **UTAH**’s Republican primary moved up from late June to earlier in the spring in the hope of having a bigger impact on the nomination process (SALT LAKE TRIBUNE). • According to analysis by the New Hampshire Sunday News, two-thirds of **NEW HAMPSHIRE**’s legislators have at least a bachelor’s degree, as opposed to the 53 percent reported last month by the Chronicle of Higher Education. (See STATEHOUSE EDUCATIONAL DIVIDE in the June 20 issue of SNCJ.) While that moves the state out of the bottom five percent of the Chronicle’s education ranking, it still leaves it in the bottom 10 (NEW HAMPSHIRE SUNDAY NEWS).

## Upcoming elections

6/29/2011 - 7/20/2011

07/05/2011

**New Hampshire Special Primary**  
House District Rockingham 14

07/12/2011

**Arkansas Special Election**  
House District 54

**California Special Election**  
US House District 36

**South Carolina Special Primary**  
House District 10

**Wisconsin Recall Primary**  
Senate Districts 2, 8, 10, 14, 18 and 32

**Wisconsin Special Primary**  
Assembly District 48

07/19/2011

**Georgia Special Election**  
House District 139  
Senate District 26

**Georgia Special Runoff**  
House District 113

**New Hampshire Special Primary**  
House District Hillsborough 3

**Wisconsin Recall Primary**  
Senate Districts 12, 22 and 30

— Compiled by *KOREY CLARK*

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# Governors

**C**UOMO WINS BIG IN NY: New York Gov. Andrew Cuomo (D) admittedly came into office with an ambitious agenda that promised to shake up the Legislature's infamous partisan gridlock. Skeptics — wary of similar promises from Cuomo's recent predecessors, many of whom quickly fell victim to Albany's dysfunction or, worse, their own human foibles — offered him only a marginal chance of success. But as the governor's first legislative session wound down last week, skeptics were hard to find. In contrast, many longtime Empire State political observers are calling it the most productive in decades, with Cuomo earning the vast majority of the credit for making it all happen.

The list of significant legislation Cuomo openly championed included historic ethics reform for lawmakers, which requires them to disclose outside employment incomes and clients who do business with the state; a five-year property tax cap that limits levies to the lesser of 2 percent annually or the rate of inflation; a renewal of New York City's rent control law; and a state budget that closed a \$10 billion shortfall without hiking taxes. The icing on the governor's cake came last week when lawmakers made New York the sixth state to legalize same-sex marriage, one of Cuomo's signature campaign issues and one he fought for mightily down the stretch. It was a streak that clearly impressed friend and foe alike.

"The governor, quite frankly, ran the table," said Steve Boggess, one-time chief of staff to former Senate Majority Leader Joseph Bruno (R).

Just getting the gay marriage bill to a Senate vote took all of Cuomo's political skill. The bill easily passed the Assembly on June 15<sup>th</sup>, but Senate Majority Leader

Dean Skelos (R) was noncommittal about bringing it to a vote in his chamber, noting that many of his Republican colleagues adamantly oppose same-sex marriage on moral grounds. There was also the ever-

**"The governor, quite frankly, ran the table."**

present political fear that supporting the measure would cost them dearly with their conservative base, possibly even losing them their one-seat majority in the Senate. The state's Conservative Party, which many Republican lawmakers depend on, in fact warned they would oppose any Republican senator who voted for same-sex marriage in future legislative elections.

But after intense debate among themselves and persistent closed-door lobbying from Cuomo, Skelos agreed to bring the bill to the floor, saying "The days of just bottling up things, and using these as excuses not to have votes — as far as I'm concerned as leader, it's over with."

But Cuomo didn't limit his lobbying to Skelos. He also reached out extensively to individual lawmakers, often by inviting them into his office suite on the second floor of the Capitol for one-on-one talks or hosting them for dinner at the Executive

Mansion. The final Senate vote, 33-29 in favor, including four Republicans, became his signature victory to date. Cuomo signed the bill, AB 8354, barely two hours later.

“With the world watching, the legislature, by a bipartisan vote, has said that all New Yorkers are equal under the law,” an ebullient Cuomo said after signing the bill last Friday.

The powerful sweep drew Cuomo praise from all corners. It also began immediate talk of Cuomo as a presidential candidate in 2016.

**“If you can govern successfully in this environment, everyone has to take you seriously.”**

“It’s not just that he delivered on a major civil rights issue for the Democratic base in a huge state, it’s how he did it — winning bipartisan support and sticking with it when it seemed it might fail,” Democratic consultant Jason Ralston said.

Democratic strategist Paul Begala concurred. Even though the election is five years away, an eternity in politics, Begala noted that Cuomo’s success in the bare-knuckle world of Albany politics already makes him a logical choice for many Dems looking for a breakout candidate.

“If you can govern successfully in this environment, everyone has to take you seriously,” he said. (NEW YORK TIMES, NEW YORK DAILY NEWS, NEW YORK POST, DEMOCRAT & CHRONICLE [ROCHESTER], WASHINGTON POST, AMNY.COM)

**BLAGOJEVICH GUILTY ON 17 COUNTS:** A federal court found impeached Illinois Gov. Rod Blagojevich (D) guilty on 17 of 20 counts of corruption, including essentially trying to sell Barack Obama’s former Senate seat. Blagojevich, the fourth Prairie State governor since 1973 to be convicted of a felony, faces a lengthy prison sentence. It was a dramatically different result than the former governor’s first trial, which produced a single conviction out of 24 charges. Responding to jury criticism that the prosecution’s original case was confusing, U.S. Attorney Patrick Fitzgerald streamlined the charges for the second trial, including dropping charges against Blagojevich’s brother. A status hearing for sentencing is set for August 1<sup>st</sup>. Most observers believe Blagojevich will garner at least 10 years in federal prison. (CHICAGO TRIBUNE, WASHINGTON POST)

**ABERCROMBIE SEEKS TO RESHAPE REGULATORY BOARDS:** Seeking to reshape the Aloha State’s regulatory environment to match his “A New Day in Hawaii” blueprint, Hawaii Gov. Neal Abercrombie (D) asked last week for resignations from all appointed members of several state regulatory bodies, including the Public Utilities Commission, Land Use Commission, Public Housing Authority, Board of Land and Natural Resources and Stadium Authority. New governors often ask for courtesy resignations from executive branch employees that serve



at the governor's pleasure, but it is unusual to ask appointees, whom the governor has no control over. Those appointees also cannot be fired without cause, serving until their term expires. As of last week, only one appointee, Matilda Yoshioka of the Public Housing Authority had agreed to step down. (HONOLULU STAR ADVERTISER, MAUI NEWS)

## In case you missed it

For years, states have enacted tougher and tougher sentencing guidelines. Now, with budgets still reeling and prison costs out of sight, lawmakers across the country are rethinking those policies.

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

[http://www.statenet.com/capitol\\_journal/06-20-2011/html#snj](http://www.statenet.com/capitol_journal/06-20-2011/html#snj)

**GOVERNORS IN BRIEF:** **ALASKA** Gov. Sean Parnell (R) vetoed legislation (HB 126) that would bar convicted felons from serving on state government boards or commissions unless the conviction has been set aside. Parnell called the provision, which was tucked into a larger bill addressing termination dates for several boards, too broad (ANCHORAGE DAILY NEWS). • **GEORGIA** Gov. Nathan Deal (R) issued Executive Order 06.23.11.03, which places a freeze on gasoline taxes in the Peach State. The state fuel tax was scheduled to rise 1.6 cents per gallon next month, but Deal's order freezes the current rate until December 31<sup>st</sup> (ATLANTA JOURNAL-CONSTITUTION). • Deal also met recently with **ALABAMA** Gov. Robert Bentley (R) to discuss the states' long-standing feud over water in **GEORGIA's** Lake Lanier. A court order bars either of the governors from revealing details of the meeting (BIRMINGHAM NEWS). • **FLORIDA** Gov. Rick Scott (R) signed five education bills month that will collectively expand the number of Sunshine State charter schools and virtual schools, increase school vouchers and enhance a program that allows students to transfer out of failing public schools (MIAMI HERALD).

— *Compiled by RICH EHISEN*

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## Hot issues

**B** **USINESS:** The U.S. Supreme Court strikes down a **VERMONT** law that barred pharmacies from selling prescription information for drug marketing purposes (BURLINGTON FREE PRESS). • The U.S. Supreme Court also declares unconstitutional a **CALIFORNIA** law barring the sale of violent video games to minors. The 7-2 decision said the law infringed on the game makers' First Amendment rights (SACRAMENTO BEE). • Still in **CALIFORNIA**, Gov. Jerry Brown (D) vetoes SB 104, so-called "card check" legislation that would have allowed farm labor unions to bargain for employees without holding an election, instead collecting signatures from a majority of workers on cards saying they wanted representation (LOS ANGELES TIMES). • **HAWAII** Gov. Neal Abercrombie (D) signs HB 1342, legislation that temporarily exempts the development of broadband

infrastructure from state and county permitting requirements. The exemptions, which are intended to facilitate the spread of high-speed Internet service in the Aloha State, run from 2012 through 2017 (HONOLULU STAR ADVERTISER). • Also in **HAWAII**, Abercrombie signs SB 1089, which allows state labor officials to penalize businesses that fail to give notification 60 days before relocating or ending operations (HAWAII GOVERNOR'S OFFICE). • **NEVADA** Gov. Brian Sandoval (R) signs AB 571, which overturns a state law that restricts food service in adults-only taverns that allow smoking (RENO GAZETTE-JOURNAL). • **PENNSYLVANIA** Gov. Tom Corbett (R) signs SB 1131, legislation that says most product liability defendants found to be less than 60 percent at fault would not have to pay more than their share of the damages. Exceptions include intentional misrepresentation, intentional acts, environmental crimes and liquor law violations (PITTSBURGH TRIBUNE-REVIEW). • **ILLINOIS** Gov. Pat Quinn (D) signs HB 1698, legislation that comprehensively overhauls the Prairie State's workers' compensation law. The law's many provisions include a 30 percent reduction to the medical fee schedule and the creation of workers' compensation care provider networks (CRAIN'S CHICAGO BUSINESS, ILLINOIS GOVERNOR'S OFFICE). • **NORTH CAROLINA** Gov. Bev Perdue (D) signs HB 709, a workers' compensation measure that, among several things, caps payments for most disabled workers at 500 weeks, extends temporary partial disability payments to 500 weeks, and increases survivors' death benefits to 500 weeks and burial benefits to \$10,000 (CHARLOTTE OBSERVER).

**CRIME & PUNISHMENT:** **NEW JERSEY** Gov. Chris Christie (R) signs SB 2541, legislation that imposes an automatic five-year jail sentence and \$15,000 fine for intentionally killing an on-duty police or search and rescue dog in the Garden State (NEWJERSEYNEWSROOM.COM). • **NEVADA** Gov. Brian Sandoval (R) vetoes AB 301, which would have automatically restored to felons the right to vote upon completion of their felony sentence (LAS VEGAS REVIEW-JOURNAL). • **HAWAII** Gov. Neal Abercrombie (D) signs SB 1069, legislation that makes it a crime to attend or bet on a dog fight in the Aloha State. The law also increases the penalty for anyone who owns, trains, equips, arranges, and sponsors dog fights (HONOLULU STAR ADVERTISER). • Still in **HAWAII**, Abercrombie signs SB 1068, which classifies killing or attempting to kill someone's pet without their consent as animal cruelty in the first degree (HONOLULU STAR ADVERTISER). • **FLORIDA** Gov. Rick Scott (R) signs HB 75, which reduces punishments on minors who send sexually explicit text messages, photos or videos via electronic data transmission, like cell phones. Under the law, first-time violations come with a \$60 fine or eight hours of community service. Subsequent violations have harsher penalties (ST. PETERSBURG TIMES). • **ALASKA** Gov. Sean Parnell (R) signs HB 7, a bill that criminalizes possession of synthetic cannabinoids, which are designed to mimic the effects of marijuana. Under the law, holding less than 12 grams of



the drug is a misdemeanor, with possession of more than that amount a felony (ANCHORAGE DAILY NEWS). • **PENNSYLVANIA** Gov. Tom Corbett (R) signs SB 1006, legislation that makes it a crime to possess or sell synthetic compounds sold as incense or bath salts (PATRIOT-NEWS [HARRISBURG]). • Still in **PENNSYLVANIA**, Corbett signs HB 40, which expands the state’s so-called Castle Doctrine bill to also allow residents to use deadly force to defend themselves outside of their homes, such as at work or in their car (PHILADELPHIA INQUIRER). • **NORTH CAROLINA** Gov. Bev Perdue (D) signs HB 650, which enhances the Tar Heel State’s Castle Doctrine law to allow residents to use deadly force to protect themselves in their home, vehicle or workplace. The measure, which goes into effect December 1<sup>st</sup>, also allows concealed weapons permit holders to carry guns in state parks (WINSTON-SALEM JOURNAL).

## Upcoming stories

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

- **Education**
- **Health care**
- **Redistricting**

**EDUCATION:** The **MARYLAND** Board of Education adopts a policy making the Old Line State the first to require public schools to work lessons about environmental literacy, including conservation, smart growth and the health of the natural world, into their core subjects like science and social studies that students must pass to graduate. School districts will be allowed to shape curriculum to make it relevant to their communities, but must adhere to standards set down by the state. The requirement begins with students entering high school this fall (BALTIMORE SUN). • **MAINE** lawmakers send LD 1553, a bill that would authorize the creation of the Pine Tree State’s first charter school, to Gov. Paul LePage (R). He is expected to sign it into law (BANGOR DAILY NEWS). • **OREGON** Gov. John Kitzhaber (D) signs SB 909, a bill that establishes a 13-member Oregon Education Investment Board appointed by the governor, which will oversee all levels of state education from preschool through college (OREGONIAN [PORTLAND]).

**ENERGY:** **OREGON** Gov. John Kitzhaber (D) signs HB 2960, which establishes a state-funded lending mechanism that will allow Beaver State school districts to apply for low-interest loans to retrofit aging K-12 schools with energy-efficient technology (OREGONIAN [PORTLAND]).

**ENVIRONMENT:** The U.S. Supreme Court rejects a lawsuit filed by eight states and environmental groups against five of the nation’s largest electric power companies. The court ruled that the responsibility for greenhouse gases belongs to Congress and the federal Environmental Protection Agency and not the courts (LOS ANGELES TIMES). • **FLORIDA** Gov. Rick Scott (R) signs HB 421, which allows agricultural property owners to divert surface water and make other diversion changes

without first having to get a water management district permit (ST. PETERSBURG TIMES). • A **CALIFORNIA** appeals court rules that the state may move forward with implementing its cap-and-trade program, the cornerstone of an omnibus plan to reduce greenhouse gas emissions. A lower court recently ordered the state Air Resources Board to halt the plan and to consider other alternatives. State air resources officials, however, announce they will delay the plan's implementation anyway. The plan will now take effect in 2013 instead of 2012 (SAN DIEGO UNION-TRIBUNE, LOS ANGELES TIMES).

**HEALTH & SCIENCE: NEVADA** Gov. Brian Sandoval (R) signs several bills related to health care transparency, including SB 339, a bill that requires doctors to inform patients or their family or guardian about infections acquired in Silver State hospitals within five days. The law has exceptions for when patients are comatose or suicidal (LAS VEGAS SUN). • **MAINE** Gov. Paul LePage (R) signs HP 951, legislation that eliminates mandatory state registration and mandatory disclosure of a medical marijuana patient's specific medical condition to state health officials. The measure also prohibits arrest for qualifying patients, caregivers and dispensary employees acting under the law (BANGOR DAILY NEWS). • **FLORIDA** Gov. Rick Scott (R) signs HB 479, a medical malpractice measure which, among several things, repeals a ban on the sale of malpractice insurance policies that give doctors the authority to control settlement decisions. The law also requires out-of-state medical experts in malpractice trials to obtain state certification before testifying. Those experts will also face discipline if found to have offered "deceptive or fraudulent" testimony (ST. PETERSBURG TIMES). • **NORTH CAROLINA** Gov. Bev Perdue (D) vetoes SB 33, legislation that would have capped non-economic awards for malpractice victims at \$500,000 (CHARLOTTE OBSERVER).

**IMMIGRATION:** A federal court blocks two provisions of an **INDIANA** law that enacted strict immigration enforcement requirements on police and employers: one making it illegal for immigrants to use ID cards issued by foreign consulates as proof of identification and another allowing police to arrest anyone with a notice of action filed by immigration authorities, a formal paperwork step that affects virtually anyone applying to be in the U.S. for any reason. State officials say they will appeal (EVANSVILLE COURIER & PRESS). • **SOUTH CAROLINA** Gov. Nikki Haley (R) signs SB 20, legislation that requires Palmetto State law enforcement officers to check the immigration status of drivers they pull over or suspect of breaking the law. The measure, which also requires employers to use the federal government's E-Verify database to check their workers' legal status, goes into effect on January 1<sup>st</sup> (REUTERS). • **NORTH CAROLINA** Gov. Bev Perdue (D) signs HB 36, legislation that requires Tar Heel State employers to also use the E-Verify system. The legislation makes exceptions for companies that employ fewer than 25 people or which use

seasonal workers. Most of the law goes into effect in October (WINSTON-SALEM JOURNAL).

**SOCIAL POLICY:** A federal court rules that **INDIANA** cannot cut off federal Medicaid funding to Hoosier State clinics that provide abortion services. Judge Tanya Walton Pratt of the Federal District Court said the law conflicts with the federal Medicaid statute, which generally allows Medicaid beneficiaries to choose their health care providers. The state is expected to appeal (NEW YORK TIMES). • A **WISCONSIN** court rules that the state's domestic partnership registry does not violate the Badger State's voter-approved constitutional ban on gay marriage. The plaintiffs say they will appeal (LA CROSS TRIBUNE). • **NEW YORK** Gov. Andrew Cuomo (D) signs AB 8354, legislation that makes the Empire State the sixth to legalize same-sex marriage. The law, which allows religious organizations to refuse to perform gay marriages or to allow their facilities to be used for a ceremony, goes into effect in late July (NEW YORK TIMES, STATE NET). • The **NEW HAMPSHIRE** Legislature overrides Gov. John Lynch's (D) veto of HB 329, legislation that requires abortion providers to notify parents of minors 48 hours before performing the procedure (NEW YORK TIMES). • **NORTH CAROLINA** Gov. Bev Perdue (D) vetoes HB 854, legislation that would have required women seeking abortions to wait 24 hours after state-prescribed counseling. Supporters say they will seek an override (CHARLOTTE OBSERVER). The **OHIO** House approves three abortion bills: HB 125, which would bar abortion once a fetal heartbeat is detected, HB 78, which would bar having the procedure after the 20<sup>th</sup> week of pregnancy and HB 79, which would prohibit health insurance plans in the state's yet-to-be created health care exchange from covering abortion. All three go to the Senate (DAYTON DAILY NEWS). • The **RHODE ISLAND** Senate approves HB 6103, legislation that would legalize same sex civil unions in the Ocean State. The measure moves to Gov. Lincoln Chafee (I), who is expected to sign it into law (BOSTON GLOBE).

**POTPOURRI:** The **MICHIGAN** Senate approves SB 291, which would repeal a state law requiring motorcyclists to wear helmets when riding. It moves to the House (LANSING STATE JOURNAL). • **TEXAS** Gov. Rick Perry (R) vetoes HB 242, a bill that, among several things, would have barred Lone Star State drivers from sending or reading cell phone text messages while behind the wheel (DALLAS MORNING NEWS). • The **OHIO** House approves HB 99, which would ban Buckeye State drivers from sending or reading text messages while behind the wheel. It moves to the Senate (DAYTON DAILY NEWS). • **LOUISIANA** Gov. Bobby Jindal (R) signs HB 243, which makes it legal in the Pelican State for cars and trucks to have television screens on the dashboard as long as those screens cannot be easily seen by the driver (TIMES-PICAYUNE [NEW ORLEANS]).

— Compiled by RICH EHISEN





as large and diverse as California, you have to be able to do more than one thing at one time.”

**HOW MUCH IS THAT DOGGIE IN THE WINDOW?** You may not hear that question much longer in San Francisco. As the *Los Angeles Times* reports, the SF Board of Supervisors is considering a proposal to ban sales of all animals in the City by the Bay. That’s right, all animals: if it slithers, crawls, flies, woofs, meows, chirps, swims or hops, or has fur, a tail or tail feathers, forget about it. There are, however, exceptions. The ban would not apply to markets selling live animals sold for human consumption —poultry, turtles and fish etc. — though it would bar selling live rodents to feed pet snakes. In summary, San Francisco residents could buy an animal to eat but not to take home as a pet. And in all cases, the snakes are flat out of luck... particularly if they might taste good themselves.

— *By RICH EHISEN*

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