

# Uncivil War



July 18, 2011

|   |           |
|---|-----------|
| <b>Budget &amp; taxes</b>                             | <b>5</b>  |
| AL cuts Medicaid costs by checking receipts           |           |
| <b>Politics &amp; leadership</b>                      | <b>8</b>  |
| Real WI democrats win first round of recall primaries |           |
| <b>Governors</b>                                      | <b>10</b> |
| Christie's education reform proposals DOA             |           |
| <b>Bird's eye view</b>                                | <b>3</b>  |
| <b>Hot issues</b>                                     | <b>13</b> |
| <b>Once around the statehouse lightly</b>             | <b>16</b> |

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- The next issue of Capitol Journal will be available on August 1st.
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## Top Story

*Republicans are looking to cash in on November's historic statehouse victories by redrawing legislative maps to their benefit. But as previous "revolutions" have shown, long-term political domination is not so easy to accomplish.*

## SNCJ Spotlight

**GOP holds uncertain edge in legislative redistricting**

Despite the heralding of political "revolutions" and realignments, victories in U.S. elections tend to be short-lived. When Republicans controlled Congress and the White House during the first six years of George W. Bush's presidency, the architects of this achievement envisioned an enduring GOP majority. Democrats substituted their

## A Cannon Perspective



With Lou Cannon

own triumphalist fantasy after they took back Congress in 2006 and Barack Obama won the presidency two years later behind a surge of new voters and the support of independents who deserted the Republicans. As Democrats saw it, changing demographics, and especially the rise of Latinos, would send the Republican Party the way of the Whigs. That may still happen, but it didn't in 2010 as the GOP regained the House and added more than 740 state legislative seats across the country

**“Republicans are poised to cash in on their 2010 victories but with maps yet to be drawn in a number of the key states, it’s far from a done deal.”**

in a midterm landslide. Before the election, Republicans controlled both legislative chambers in only 14 states. Afterward, the GOP claimed majorities of the entire legislature in 26 states and of one chamber in another eight states, as well as 29 governorships.

Redistricting of the House and state legislatures is required every 10 years

to conform with population changes recorded by the federal census. This year Republicans are striving to extend their 2010 victories and insure GOP dominance of the federal and state legislative branches for the rest of the decade. Early redistrictings suggest they have a reasonable chance of doing this, but as the baseball savant Yogi Berra said in 1973, “It ain’t over ‘til it’s over.” In the more formal assessment of Tim Storey, an expert on redistricting at the National Conference of State Legislatures, “Republicans are poised to cash in on their 2010 victories but with maps yet to be drawn in a number of the key states, it’s far from a done deal.”

The early GOP models are Texas and Indiana, where redistrictings have solidified Republican control. The addition of four House seats in Texas, the most of any state, makes it the biggest congressional prize in 2012 and the new redistricting gives Republicans an advantage in all four of them. The newly drawn lines are designed to preserve the Republican super-majority in the Texas House of Representatives and the 19-12 GOP edge in the State Senate. In Indiana the new redistricting arrangement maintains a Republican advantage in the U.S. House, where the delegation leans 6-3 in the Republicans’ favor, and cements GOP control of both chambers of the Legislature. Four incumbent Democratic legislators were dumped into a pair of districts, assuring that no more than two of them will survive.

Democrats used comparable tactics in the few states where they still hold both the Legislature and the governor’s office. In Illinois, the new redistrictings preserve Democratic control of the Legislature and give Democrats a reasonable chance to win five extra House seats even though Illinois lost a congressional seat in the census. (Currently, Democrats hold an 11-8 margin in the House.) Sounding like Texas Democrats, Republicans in Illinois are crying “gerrymander” and threatening to sue.

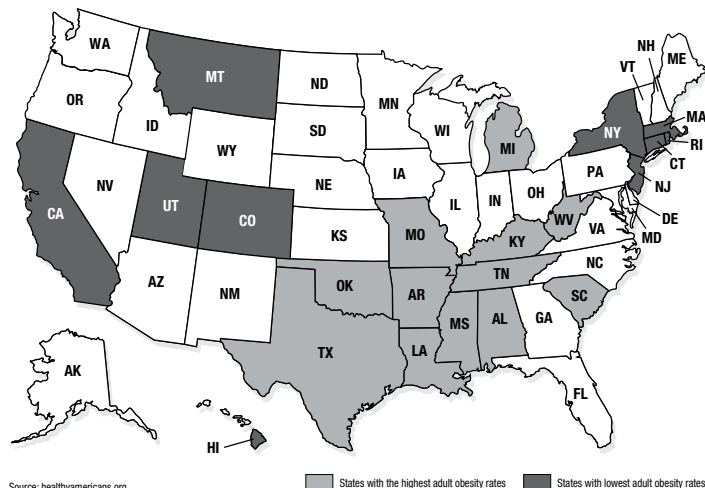
A combination of outcomes in the 2010 elections — losses of the legislature or governorships and ballot measures in California and Florida that turned redistricting

over to commissions — denied the Democrats control of congressional and legislative map-drawing in several populous states. New York was a notable missed opportunity. Democrats held the governorship and the State Assembly but Republicans narrowly took the Senate, assuring an even-handed reapportionment in the Empire State. Meanwhile, Republicans were winning both the governorships and legislatures in Michigan, Ohio, Pennsylvania, and Wisconsin. The GOP also won the Legislature in North Carolina, where the law does not allow the governor to veto redistrictings. Even when reapportionment is not in the hands of the legislature, Republicans have received most of the breaks. In Ohio and Pennsylvania, for example, the commissions drawing the new lines lean Republican.

Redistricting is of interest mostly to the 15,000 or so legislative and congressional candidates who will be helped or harmed by it and a handful of political elites. Ordinary voters no doubt prefer watching the grass grow to exploring the arcane processes of reapportionment. But redistricting impacts many issues that Americans care mightily about.

This year, with Washington gridlocked by divided government, Republicans advanced conservative agendas in the many statehouses they control. Wisconsin and Ohio limited collective bargaining by public employees. Five states required voter identification at the polls, supposedly to reduce fraud, bringing the number of states that do so to thirteen. Democrats claim the fraud issue is a smokescreen and the real GOP motive is to discourage minorities and the elderly from voting, which a study by the Brennan Center for Justice at New York University School of Law found is often the result of such laws. Five states banned abortion in the final 20 weeks of pregnancy. Four states cut off funding to Planned Parenthood and other clinics that provide abortion services, although a federal judge has put Indiana's law on hold. Several states passed tough immigration bills that emulate Arizona's SB 1070 and

## Bird's eye view



### Adult obesity problem continues to grow

Adult obesity rates rose in 16 states over the past year and didn't fall in a single state, according to a new report from the Trust for America's Health (TFAH) and the Robert Wood Johnson Foundation (RWJF). The report, *F as in Fat: How Obesity Threatens America's Future 2011*, indicated that 12 states now have obesity rates above 30 percent. Just four years ago, only one state had a rate that high. The South continues to be the region most impacted by the obesity epidemic. Nine of the 10 states with the highest adult obesity rates are located there, and for the seventh year in a row, Mississippi has the highest adult obesity rate in the nation, at 34.4 percent. Colorado has the lowest obesity rate (19.8 percent) and is also the only state with a rate below 20 percent.





give local law enforcement officers the authority to question persons they detain about their immigration status. These laws, too, are mostly on hold pending Supreme Court determination of their constitutionality.

However these measures fare in the courts, it is clear that redistricting has enormous political consequences on touchstone political issues — all the more so if divided government persists in Washington after next year’s elections. But there are many barriers that Republicans have to cross before they can declare victory. These include various legal challenges to redistricting, more than a dozen in Texas alone. Texas is one of nine states (plus certain counties or townships in seven other states) where pre-clearance from the Justice Department or a federal appeals court in Washington, D.C. is required under the Voting Rights Act of 1965.

The Republicans also face political challenges. The first of these occurs this month in Wisconsin where six recall elections could tip control of the Republican-held State Senate to Democratic and forestall partisan redistricting in a state where Republicans hold the governorship and the State Assembly. The recall contests are a backlash to Republican Gov. Scott Walker’s successful effort earlier this year to push through legislation banning collective bargaining except for police and firefighters.

In November four states — Louisiana, Mississippi, New Jersey and Virginia — will hold legislative elections that could provide clues to the national political mood. In Mississippi, Republicans have a narrow 27-24 edge in the State Senate. The state Senate is also up for grabs in Virginia, where Democrats hold a 22-18 margin.

Then there is the conundrum of California, where a series of voter initiatives is about to shake up an ossified political system. For the past decade, California has been a poster child for legislative dysfunction, partly because of lopsided legislative districts that protect incumbents of both parties. In California only seven legislative and congressional seats have changed partisan control in 612 races during the last four election cycles. Under the new system candidates will compete in open primaries in which the top two candidates regardless of party advance to the general election. Many of the new districts are far more competitive than the ones they replaced, according to the non-partisan Public Policy Institute of California.

Since Independents (called “decline to state” in California) can participate in these primaries, the new system may improve the election chances of centrists and eventually translate into more bipartisan cooperation in Sacramento. That’s the hope, anyway. Billionaire Charles T. Munger Jr., a moderate Republican who bankrolled the open-primary and redistricting initiatives, predicts that California’s legislative and congressional delegations will be transformed within two or three election cycles with more Republican centrists in office. He may turn out to be right, but Democrats could be the immediate beneficiaries in 2012. Democrats swept statewide elections in

## Upcoming stories

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

- **Education**
- **Health care**
- **Regulations**

2010 and hold a commanding registration edge in California, where the Republican Party has drifted obdurately to the right. It has been widely estimated that Democrats could pick up three or four House seats in 2012 and perhaps achieve a long-sought and elusive goal of a two-thirds majority in the Legislature. Republicans this year used the two-thirds rule, as they have in the past, to successfully resist the efforts of Gov. Jerry Brown [D] to extend some temporary tax increases.

On balance, while Republicans have an edge in redistricting across the nation, there are too many uncertainties to predict the outcome. It's also worth noting that even the cleverest redistrictings do not assure victory. Voter disillusion with the economy and the Iraq War during the George W. Bush presidency produced "wave elections" in 2006 and 2008 in which scores of supposedly safe Republicans were defeated. Voter disillusion with President Obama's health care and stimulus bills triggered an even stronger Republican wave in 2010. Richard Harwood, my late, great editor at the *Washington Post*, used to remind his reporters that 24 hours is a long time in the life of a politician. There are more than 500 days to the 2012 election.

— By Lou Cannon

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## Budget & taxes

**A** **L CUTS MEDICAID COSTS BY CHECKING RECEIPTS:** A few years ago Alabama's Medicaid director, Carol Steckel, spurred by lawsuits revealing that drug manufacturers had been publishing artificially high prices, began working on a new way to set drug prices for Medicaid beneficiaries. The state won federal approval for its approach in September and expects to cut its prescription drug bill by 6 percent as a result this year. Oregon received federal approval to adopt a similar plan in January. And now the U.S. Department of Health and Human Services is urging other states to do the same.

For decades, the benchmark states have used to determine how much to pay pharmacies that dispense drugs to Medicaid beneficiaries has been the "average wholesale price," which is based on the wholesale prices published by drug manufacturers. But Alabama found that pharmacies typically pay less than the published wholesale price, and prices vary widely among states for the same name-brand and generic drugs.

The new pricing method the state came up with is called "average acquisition cost." It is determined by conducting a twice-yearly random-sample survey of about 350 of the state's 1,350 drug stores. The stores turn over a month's worth of receipts for all of their drug purchases and file updates to those prices weekly.



Essentially the pricing model is based on the average prices pharmacies actually pay for drugs rather than the average prices drug manufacturers say they pay. Still, some pharmacists are concerned about the new pricing model.

“The devil you know is better than the devil you don’t,” said John Coster, Senior Vice President of Government Affairs for the National Community Pharmacists Association, which represents 23,000 independent drug stores across the country. “We have grave concerns about [Alabama’s] average acquisition cost model and how it’s determined.”

Coster said small independent stores tend to pay higher prices than big chains, so switching to an average cost would mean the reimbursements some of them receive would be less than what they paid.

To get its local pharmacies on board, Alabama raised the so-called “dispensing fee” it pays for each prescription from \$5.40 to \$10.64.

“They let their concerns be known and we addressed them,” said Alabama’s Pharmacy Director for Medicaid, Kelli Littlejohn.

Littlejohn also said the effort and expense of developing the program — including \$170,000 in contractor fees associated with conducting the pharmacy surveys — was a small price to pay for the \$30 million the state will save on Medicaid as a result. (STATELINE)

**OK HAS TOO FEW DOCTORS TO HANDLE HEALTH REFORM:**

Oklahoma and seven other states — Arkansas, Georgia, Kentucky, Louisiana, Nevada, North Carolina and Texas — will face the toughest challenges when the federal health reform law’s new Medicaid eligibility provisions become effective in 2014, according to a study published in *The New England Journal of Medicine*. The problem in those states, the study says, is that there are too few primary care physicians.

“In the absence of additional efforts, the demand for care by newly insured patients could outstrip the supply of primary care providers in these states,” the study states.

Oklahoma is currently only at about 40 percent of its provider capacity. The state’s nearly 729,000 Medicaid-eligible residents are divided among 6,700 primary care providers, although over 2,000 of those are out-of-state physicians under contract. But the number of Medicaid recipients is expected to increase to nearly 1 million in 2014.

**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: 75**

**Number of Intros last week: 41**

**Number of Enacted/Adopted last week: 685**

**Number of 2011 Prefiles to date: 36,259**

**Number of 2011 Intros to date: 130,628**

**Number of 2011 Session Enacted/Adopted overall to date: 43,125**

**Number of Measures currently in State Net Database: 165,949**

— Compiled By OWEN JARNAGIN  
(measures current as of 7/14/2011)  
Source: State Net database

“Even though our capacity is sufficient now, it is absolutely going to be an issue when we get to 2014,” said Nico Gomez, Deputy Chief Executive Officer for the Oklahoma Health Care Authority

The journal study suggests one reason for Oklahoma’s shortage of primary care physicians may be that the state’s high rates of uninsured residents and poverty make it more difficult to attract and retain doctors. (OKLAHOMAN [OKLAHOMA CITY])

**BUDGETS IN BRIEF: NEW YORK** Gov. Andrew M. Cuomo (D) said last week that his top priority next year will be limiting retirement benefits for new public employees. In an interview with the *New York Times*, he said his inability to accomplish that goal was his biggest failing of this year’s session (NEW YORK TIMES). • A pension reform **MICHIGAN** made 14 years ago ending defined benefits for new state employees has saved the state as much as \$4.3 billion in unfunded state employee pension liability, according to a new report by the Mackinac Center for Public Policy. The report said shifting new employees to a 401(k)-style plan has reduced the state’s unfunded pension liability by roughly half since 1997 (LAWRENCE JOURNAL WORLD). • **NEW JERSEY** Senate Democrats tried to overturn 15 of Gov. Chris Christie’s (R) budget cuts to social welfare programs one by one last week and failed all 15 times. Over the course of a tense, three-hour session, they managed to persuade only one of the three Republicans they needed to override the line-item vetoes Christie made to the \$30.6 billion budget they passed last month (STAR-LEDGER [NEWARK]). • While **NEW JERSEY** Senate Democrats were busy trying to override Gov. Chris Christie’s vetoes of their budget proposals, his administration announced the allocation of \$850 million in aid to schools. That sum includes Christie’s initial \$250 million increase for all school districts, plus an additional \$450 million for 31 so-called “Abbott” or financially-struggling urban districts and \$150 million for non-Abbott districts (NEW JERSEY NEWSROOM). • **CONNECTICUT** Gov. Dannel P. Malloy (D) said last week he is moving forward with the layoffs of as many as 6,500 state employees to balance the state budget. He said layoff notices would be going to every department in the state, including the Department of Correction and the State Police, two departments traditionally protected from employee reductions (HARTFORD COURANT). • Spurred by state budget cuts approved last week, **MASSACHUSETTS’** top judges urged Gov. Deval Patrick (D) to stop appointing new judges and said they would have to close 11 courthouses and lay off workers (BOSTON GLOBE).

– Compiled by KOREY CLARK



“We have had some clerical errors that seem to be more than I can recall in the past,” conceded House Speaker Brian Bosma (R).

But Bosma said the five-week walkout by House Democrats earlier this year over union collective bargaining legislation is partly to blame because it compressed the legislative schedule.

“We lost five weeks, and those were workhorse weeks where we pore over legislation. There was a crunch at the end, so there is little doubt that had an impact.”

Democratic Rep. Win Moses, however, said Republicans were simply doing too much too fast.

“These are entirely Republican flubs,” he said. “They just didn’t do a thorough enough job. They were in charge.” (JOURNAL GAZETTE [FORT WAYNE], ASSOCIATED PRESS, EVANSVILLE COURIER & PRESS)

**WHITE HOUSE WEIGHED IN ON MA UNION BILL:** Back in April, shortly after Massachusetts’ Democrat-controlled House, at the bidding of the state’s Democratic governor, Deval Patrick, passed a decidedly un-Democrat-like bill curbing the collective bargaining rights of public employees, the governor received a concerned phone call from the White House.

“There was no message,” Patrick said as he signed collective bargaining changes into law last week. “They were just checking in.”

But at the time, President Obama, a friend and political ally of the governor, had been using the union-busting efforts of Republican governors like Wisconsin’s Scott Walker to fire up the Democratic base.

“It would be very difficult for the president and Democrats in Washington to use [Governor Scott] Walker as a foil, if Massachusetts, a Democratic state with a Democratic governor,” was also inciting union protests, said Peter Ubertaccio, a political scientist at Stonehill College.

The bill Patrick ultimately signed, however, isn’t as tough as the one passed by the House in May or by Republican-led states like Wisconsin. While it does curb the collective bargaining rights of teachers, firefighters, and other municipal employees, thanks to last-minute changes negotiated by Patrick it also cushions seriously ill workers and retirees from significantly higher health care costs and limits the ability of local governments to make sweeping public employee health plan changes without union approval.

## The week in session

**States in Regular Session:** MA, NC, US

**States in Recess:** CA, DC, MI, NH, NJ, NY, PA, WI

**Special Sessions in Recess:** CA “a”, CT “a”, DE “b”, VA “a”, WI “a”

**Upcoming Special Sessions:** MN “a”, WI “b”

**States in Skeleton Session:** OH

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

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

**State Special Sessions Adjourned in 2011:** AK “a”, AK “b”, AL “a”, AZ “a”, AZ “b”, AZ “c”, 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 7/15/2011)  
Source: State Net database



Christie had proposed to link teacher pay to student performance and to end teacher seniority protections, but Sweeney emphatically rejected both concepts last week.

“Sometimes when you have merit pay, you have the ability to have favorites. A real hard teacher gets less money than another teacher because he or she is not the favorite,” he said.

Sweeney also noted his opposition to teacher seniority changes, saying they were necessary to prevent districts from removing older, higher compensated teachers in favor of younger, cheaper ones. He said he is still willing to discuss teacher tenure reform, but not if it is linked to merit pay.

Christie and Sweeney had drawn praise for working in tandem on government pension and benefits reforms earlier in the year, but the two have not talked since the governor line-item vetoed about \$900 million from the budget a few weeks ago, funding that was heavily slanted toward programs favored by Dems. Sweeney

**“We’re not speaking. And it’s best I don’t speak with him because I’m still angry with him.”**

responded with a profanity-laced tirade against Christie, including a wish that he could “punch him in his head.”

Other measures Christie has proposed include granting tenure only after three years of effective reviews, making it quicker

and less expensive to fire ineffective teachers and creating a system of merit pay that rewards teachers who work in failing districts, who specialize in hard-to-staff subjects, or whose students demonstrate measurable improvement.

Sweeney didn’t offer much hope for a thaw in his suddenly frosty relationship with the governor.

“We’re not speaking,” Sweeney said last Wednesday. “And it’s best I don’t speak with him because I’m still angry with him.” He also made it clear the governor’s education reform proposals are in for a rocky road.

“I have no choice but to deal with him,” he said. “But some of these reforms I will never do.” (PHILADELPHIA INQUIRER, STAR-LEDGER [NEWARK])

**KASICH SUPPORTS DEBT CEILING COMPROMISE:** Ohio Gov. John Kasich (R) made the talk show rounds last week pitching his support for striking a deal with President Barack Obama to raise the federal debt limit while also cutting government spending and closing corporate tax loopholes. Speaking on MSNBC’s *Morning Joe* program, Kasich, a former Buckeye State congressman, voiced opposition to new taxes on the rich, but also the dire need to get something worked out before the nation’s borrowing deadline on August 1<sup>st</sup>.

“If you want to put your head in the sand, and you want to put yourself in the position of where you let America default, you’ve got to be kidding me,” he said. Kasich called President Obama’s offer to generate revenue by closing some corporate tax loopholes as part of an overall plan to cut spending and raise the debt level “a

good compromise.” He also chided Congressional Republicans who contend supporting that proposal will alienate their conservative political base, saying they need to “go out and be a leader.” (COLUMBUS DISPATCH, NATIONAL JOURNAL)

**HASLAM KILLS PAY HIKES FOR DISCIPLINED STATE WORKERS:** The Tennessee State Employees Association is threatening to sue Gov. Bill Haslam (R) over his rejection of pay raises granted by lawmakers to hundreds of employees who have been disciplined over the past year. The union called Haslam’s action “mean spirited.” The state’s approximately 42,000 executive branch workers received an across-the-board 1.6 percent pay hike on July 1<sup>st</sup>, but at a meeting a few days prior, the governor and other top officials opted to block the hikes for any workers that had been demoted, suspended or received more than two written warnings in the past year. Haslam spokesperson David Smith defended blocking the hikes, saying “The policy speaks for itself in that the administration believes the increase should be provided to state employees that are adequately doing their jobs.” (CHATTANOOGA TIMES FREE PRESS)

**GOVERNORS IN BRIEF:** An **ILLINOIS** court blocks the administration of Gov. Pat Quinn (D) from not renewing contracts with Catholic Charities to provide foster care services in the Prairie State. Social services officials had declined to renew the contracts over the charity’s refusal to place children in the homes of same-sex couples living under the state’s civil unions law (CHICAGO TRIBUNE). • Still in **ILLINOIS**, Quinn signed SB 1533, legislation that clears a path to build a \$3 billion coal-to-gas power plant near Chicago. Environmental groups vehemently opposed the highly controversial plant. Quinn rejected an earlier version of the bill when it came to him last March, but signed this one after lawmakers added new consumer protections (CHICAGO TRIBUNE). • **UTAH** Gov. Gary Herbert (R) signed a memorandum of understanding with the governor of the Quinghai Province in Western China that allows the two states to work together on trade, environment, education and energy issues (SALT LAKE TRIBUNE). • **PENNSYLVANIA** Gov. Tom Corbett (R) said Keystone State

## Upcoming elections

7/14/2011 - 8/04/2011

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 and 22

### Wisconsin Recall Election

Senate District 30

07/26/2011

### South Carolina Special Primary Runoff

House District 10

08/02/2011

### Mississippi Primary Election

House (All)

Senate (All)

Constitutional Officers:

Governor,

Lieutenant Governor,

Secretary of State,

Treasurer,

Attorney General,

Auditor,

Commissioner of Agriculture and

Commerce,

Commissioner of Insurance

● schools were to blame for thousands of impending teacher layoffs, not the recently signed state budget that cut \$900 million in state education spending. Corbett said school districts should have managed their finances better this year, accusing them of basing their budgets around \$1 billion in one-time federal aid that has since run out (YORK DAILY RECORD). • **MAINE** Gov. Paul LePage (R) signed HB 1126, legislation that authorizes a commission to study the state’s Land Use Regulation Commission, the state agency that oversees planning, development and land use on more than 10 million acres. The agency was at the center of a harsh battle during the session, with Republicans seeking first to abolish it altogether before settling on the study (BANGOR DAILY NEWS).

— *Compiled by RICH EHISEN*

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## Hot issues

**B** **BUSINESS:** The **CALIFORNIA** Assembly and Senate give final endorsement to SB 39, legislation that would ban the sale of caffeinated alcohol drinks, which critics contend make it easy for consumers to drink too much. The bill heads to Gov. Jerry Brown (D) for review (SACRAMENTO BEE). • **MISSOURI** Gov. Jay Nixon (D) signs SB 365, legislation that will require Show Me State grain dealers to maintain assets at least equal to their liabilities and to maintain a net worth of at least 5 percent of their annual grain purchases. The measure will also require grain elevators to maintain a net worth of 25 cents per bushel based on their storage capacity (ST. LOUIS BUSINESS JOURNAL). • **ILLINOIS** Gov. Pat Quinn (D) signs HB 1297, which requires the state Environmental Protection Agency to speed up and streamline its permitting process for Prairie State businesses. The law’s tenets include a requirement to create an online permitting portal to help companies navigate the process more efficiently (QUAD-CITY TIMES [DAVENPORT]).

**CRIME & PUNISHMENT:** **MISSOURI** Gov. Jay Nixon (D) signs HB 214, which authorizes state officials to develop procedures for identifying human trafficking. The measure also increases the maximum penalty for traffickers to 20 years in prison (REPUBLIC [COLUMBUS]). • Still in **MISSOURI**, Nixon signs SB 320, which creates a single definition for domestic violence, gives judges greater discretion about what they can include in orders of protection and allows people with such orders to avoid paying filing fees in order to have them enforced (REPUBLIC [COLUMBUS]). • Also in **MISSOURI**, Nixon signs HB 641, which bars the sale of synthetic drugs, often sold as “bath salts,” that mimic the effects of cocaine and marijuana (NEWS TRIBUNE [JEFFERSON CITY]). • **HAWAII**



Gov. Neal Abercrombie (D) vetoes SB 40, which would have established a tracking system for the sale of products containing pseudoephedrine or ephedrine. The governor said the measure was unconstitutional (HAWAII GOVERNOR'S OFFICE). • Also in **HAWAII**, Abercrombie allows SB 1533, which clarifies that a person commits the offense of cruelty to animals in the second degree if the person kills animals without need, to become law without his signature (HAWAII GOVERNOR'S OFFICE). • **NEW YORK** Gov. Andrew Cuomo (D) signs SB 5643, legislation that makes it a primary offense for Empire State drivers to send, write or receive cell phone text messages while behind the wheel. Under the new law, police will be allowed to pull over and cite motorists solely for texting while driving. Violators face a \$150 fine (ALBANY TIMES-UNION). • **NEW HAMPSHIRE** Gov. John Lynch (D) vetoes SB 88, legislation that would have allowed Granite State residents to use deadly force in self defense anywhere they have a legal right to be without first trying to retreat if possible (CONCORD MONITOR). • **LOUISIANA** Gov. Bobby Jindal (R) signs HB 12, which bans the sale, manufacture and use of so-called "bath salts," chemical compounds frequently used as cocaine substitutes (TIMES-PICAYUNE [NEW ORLEANS]).

## In case you missed it

Voter ID has long been considered a classic issue of hyper-partisan politics. This year, Republicans have successfully passed new voter ID requirements in several states. But the GOP's support may produce meager short-term benefit at considerable long-term cost.

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

[http://www.statenet.com/capitol\\_journal/07-11-2011/html#sncj](http://www.statenet.com/capitol_journal/07-11-2011/html#sncj)

**EDUCATION:** The **MASSACHUSETTS** Public Health Council approves rules that bar Bay State schools from providing students with high-fat or sugary food items in vending machines and cafeterias. The new rules take effect for the 2012-2013 school year (BOSTON GLOBE). • **CALIFORNIA** Gov. Jerry Brown (D) signs AB 746, which gives Golden State school officials the right to suspend or expel a student for bullying another student over the Internet or by other electronic means. It goes into effect in January (SAN JOSE MERCURY NEWS). • Still in **CALIFORNIA**, Brown signs SB 48, which requires Golden State schools to include the role and contributions of lesbian, gay, bisexual and transgender Americans, as well as people with disabilities and members of other cultural groups, in the teaching of social sciences (SACRAMENTO BEE). • **MISSOURI** Gov. Jay Nixon (D) signs HB 300, which bars scholastic athletes suspected of suffering a concussion or brain injury during competition or practice from getting back on the field for at least 24 hours. An injured athlete must also receive written clearance to play from a health care provider trained in treating concussions (ST. LOUIS POST-DISPATCH). • **NEW YORK** Gov. Andrew Cuomo (D) vetoes SB 4067, which would have allowed Empire State school districts to issue over \$1 billion in bonds to cover current pension costs (NEW YORK GOVERNOR'S OFFICE). • **ILLINOIS** Gov. Pat Quinn (D) signs a trio of education bills: HB 1204, which requires Prairie State school districts to educate all students about ways to prevent violence and resolve conflicts peacefully; HB 139, which requires districts to emphasize reading and math during summer school instruction

for students who have fallen two grade levels behind in those subjects for two consecutive school years; and HB 2397, which requires districts to promote at least 60 minutes of reading instruction in kindergarten through third grade for students who are one or more levels below their grade proficiency. HB 1204 and HB 2397 go into effect immediately, while HB 139 goes into effect in January (CHICAGO SUN-TIMES, ILLINOIS GOVERNOR'S OFFICE). • **NEW HAMPSHIRE** Gov. John Lynch (D) vetoes HB 542, which would have required school districts to adopt policies allowing parents to object to course material (CONCORD MONITOR).

**ENVIRONMENT:** **ILLINOIS** Gov. Pat Quinn (D) signs HB 2903, which will provide grants to help car-sharing companies purchase electric vehicles for their fleets. It goes into effect right away (QUAD-CITY TIMES [DAVENPORT]). • Still in **ILLINOIS**, Quinn also signs HB 2902, which will create a state advisory council to develop strategies to encourage the use of electric vehicles. It also goes into effect immediately (QUAD-CITY TIMES [DAVENPORT]).

**HEALTH & SCIENCE:** **ILLINOIS** Gov. Pat Quinn (D) signs HB 1191, a bill that prohibits insurance companies from excluding coverage for related medical costs for patients participating in clinical cancer trials. It takes effect in January (QUAD-CITY TIMES [DAVENPORT]). • **MISSOURI** Gov. Jay Nixon (D) signs HB 265, which allows the state medical board to conduct a hearing if it believes a doctor is a threat to patients because of incompetency, mental illness or substance abuse, and to subsequently order competency tests for and discipline any doctor who fails to meet minimum standards. The law also allows the public release of educational background, specialty certifications, disciplinary record in other states and pending discipline cases (ST. LOUIS POST-DISPATCH). • **HAWAII** Gov. Neal Abercrombie (D) signs HB 1134, legislation that eliminates a section of state law calling for Hawaii's health system to be repealed when federal legislation provides better coverage. The law is intended to ensure the Aloha State's health law, which requires businesses to provide insurance coverage for full-time employees, will stay intact alongside the federal Affordable Care Act (HONOLULU STAR-ADVERTISER).

**IMMIGRATION:** The U.S. Department of Justice announces it will require firearms dealers in **CALIFORNIA, ARIZONA, NEW MEXICO**, and **TEXAS** to alert federal officials anytime they sell more than two semiautomatic rifles to someone in a five-day period. Federal authorities say the requirement is intended to quell illegal gun-smuggling operations along the U.S. border with Mexico (LOS ANGELES TIMES).

**SOCIAL POLICY:** The **MICHIGAN** Senate approves HB 4409, legislation that would cap lifetime welfare benefits in the Wolverine State at 48 months. The



throughout the shutdown, others, including Democratic House Speaker Marion Greene, collected away. More incredibly, so were Dayton's personal chef and housekeeper. GOP criticism finally prompted Dayton to announce he would pay the chef out of his own pocket. The housekeeper, however, stayed on the state payroll. Why? Dayton's folks cite the building's age (almost 100 years), public status and, most notably, that it needs a "significant amount of maintenance and upkeep." Well, boo hoo.

**A LITTLE TOO 'ANIMAL HOUSE', EH:** Budget lunacy is always the norm in California, with 2011 no different. Lawmakers and Gov. Jerry Brown recently produced a budget that theoretically closes a \$9 billion budget gap. Along the way, Brown made all kinds of hay by taking back thousands of state-issued cell phones from workers, selling off thousands of state cars and barring agencies from buying custom trinkets that promote their particular mission. But penny pinching is not really the Legislature's bailiwick. As the *Sacramento Bee* reports, the state Assembly recently dropped over \$13,000 having its official seal placed on all members' doors. Assembly administrators apparently ordered the seals to block lawmakers from decorating their doors with all kinds of partisan messages and other brick-a-brack, which they said made the halls of power look "like a dorm." Some observers might argue it will take a lot more than that to end the building's frathouse atmosphere.

**ON A REALLY FAST TRACK:** If you are going to keep up with Vermont Lt. Gov. Phil Scott, you had better get a move on. Scott, you see, has a longstanding affinity for speed. In fact, as the *Burlington Free Press Reports*, Scott has been racing his green No. 14 Chevy on Thursday nights for the last 10 years. Most of it has come without too much fuss. But since being elected to his current office in January, the former state senator has found his racing habit drawing a bit more attention. This was particularly true earlier this month, when Scott took to the track while Gov. Pete Shumlin was traveling out of state, meaning Scott was power shifting and swapping paint as the state's acting governor. After assuring one media wag that he didn't need to have a security detail in the car with him, Scott went on to finish seventh.

**NEITHER SNOW NOR RAIN** shall keep Wisconsin Gov. Scott Walker from making his appointed rounds...on Twitter. As the *Milwaukee Journal-Sentinel* reports, the gov was on his way late last week to Utah for the annual meeting of the National Governors Association when a hailstorm stranded him and his family overnight at the Denver airport. The gang ended up sleeping on the floor. The tweet-happy Walker couldn't wait to share the details, including info nuggets like the fact airport folks got him a pillow and blanket and that he had been in his suit for 28 hours. Um, it might be time for a Twitter intervention.

— By RICH EHISEN

