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Top Story

Lawmakers have faced historically difficult challenges in recent years. Even so, they have definitely made time to take up matters of a far less serious bent.

SNCJ Spotlight

Not all bills are life and death

By any standard, states have faced historically significant problems the last several years. But a brief perusal of measures introduced in statehouses this year reveals that, in spite of those ongoing challenges, lawmakers in virtually every state have taken up issues most people might consider anything but serious.

At least 10 states, for instance, have considered bills to designate official state symbols of one kind or another. Those include a successful measure to designate the Browning M1911 automatic pistol as the official Utah state

firearm (HB 219) and another that bestows the official Arizona state seal upon the Colt single action army revolver (SB 1610). Guns were not the only item up for “statehood.” In March, Virginia Gov. Robert McDonnell (R) signed SB 940, a bill designating the striped bass the official Virginia saltwater fish. That measure actually splits the state’s “official fish” designation into two categories, with the former titleholder, the brook trout, now dubbed the official “freshwater fish.”

Other designations include Oklahoma naming an official gospel song (SB 73) and Maine lawmakers naming the whoopie pie the official state treat. The measure, HP 59, also designates blueberry pie as the Pine Tree State’s official dessert, but only if it is made with authentic Maine wild blueberries.

Other such symbolic titles are still pending. In Texas, for instance, lawmakers recently sent Gov. Rick Perry (R) SCR 35, which would dub Western Swing the Lone Star State’s official music. Meanwhile, Massachusetts lawmakers are mulling over a trio of symbolic possibilities: SB 1704, which would name Rex Trailer, a Boston TV personality and children’s show host from the 1950s and 1960s, the state’s official cowboy; SB 1709, which would make volleyball the official Bay State recreational and team sport; and SB 1711, which would elevate the sturdy quahog clam to official state shellfish. Out in Wisconsin, the Senate may soon consider SB 100, a proposal to make the cream puff the official Badger State dessert, while the New York Legislature has a pair of bills (SB 6842 and SB 4431) that would make sweet corn the Empire State’s official fresh vegetable. They are dueling, however, with AB 6968, which would grant that designation to the onion.

Down South, meanwhile, the North Carolina Senate has already endorsed SB 322, which would dub stock car racing the Tar Heel State’s official sport. That measure is now in the House as HB 333. Conversely, back up North an effort in Maryland to name Grand Prix racing the Old Line State’s motor vehicle speed competition (HB 212) ran out of gas without ever really being a contender.

Nicknames were also a mixed bag this session, as Arizona Gov. Jan Brewer (R) inked her signature to HB 2549, a bill that codified “Grand Canyon State” as her state’s official moniker. Arkansas Rep. David Sanders (R) wasn’t as fortunate with his bill, HB 1005, which would have changed the state’s nickname back to the “Land of Opportunity” from its current designation as “The Natural State.” The measure drew strong opposition from tourism officials, who claimed the current nickname was too popular with people to change now. Four more states – Mississippi, New Jersey, New York and Tennessee – have introduced bills to name or change a state song. The Mississippi measures, HB 316 and SB 2572 – which proposed different songs – died in February. The others, New Jersey AB 752/SB 312, New York AB 4638 and Tennessee HJR 64, are all pending.

An effort in Montana to designate the “Code of the West” — life principles set out in author James P. Owen’s book “Cowboy Ethics” — the Treasure State’s official code (SB 216) also went nowhere, though the Senate later adopted it as a resolution (SR 31). The “Code” also caught on with the Oregon House, which endorsed a

similar resolution (HCR 14) in March. That measure is now pending in the Senate.

These measures are not the only ones addressing non-critical matters. They are joined across the states by scores upon scores of resolutions of congratulations, condolence and other recognitions for everything from local high schools' accomplishments to honoring notable citizens and everything in between.

Given that states are still fighting massive budget deficits the Center on Budget and Policy Priorities places cumulatively at over \$100 billion, these bills often irk government policy watchers. Public Citizen's Andy Wilson, a researcher at the group's Texas chapter, told *Bloomberg Businessweek* in May that, given the state's estimated \$27 billion budget deficit, issues like the Western Swing measure were a significant waste of time.

"We have a billions-of-dollars budget deficit that has to get closed, and for the first time since World War II, Texas is planning on not fully funding our education," he told the magazine. "The fact that lawmakers would be spending any amount of time on any other issue is worrisome."

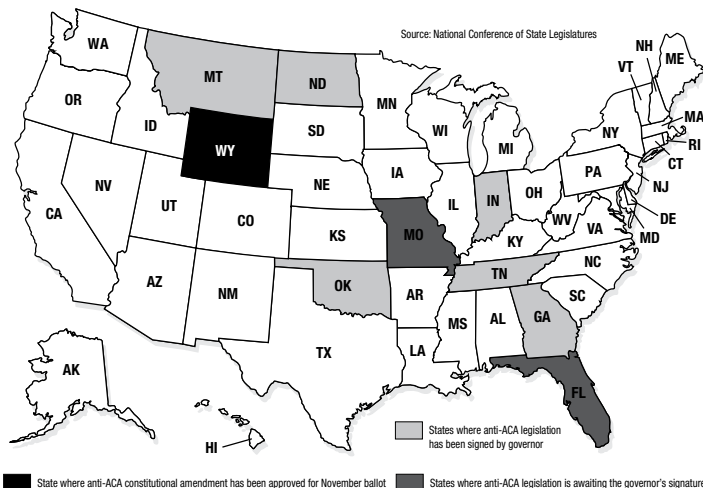
Similar complaints have been lodged about many of these measures. But current and former lawmakers say they might be getting a bad rap.

Texas Sen. Jeff Wentworth (R), who authored the Western Swing bill, told *Bloomberg* that the proposal correctly honors the state's long-standing musical tradition and argued that criticism like that from Wilson "would indicate that because we're working on this for five minutes that we're not working on the budget, which is unrealistic."

In an interview with *SN CJ*, former California Assemblyman Lloyd Levine, a Democrat, concurred with Wentworth's position.

"It's silly to presume that all 120 lawmakers [in California] are working on the same thing at the same time," he said. "That just doesn't happen."

Bird's eye view



Widespread opposition to federal health reform in states

As of late May, 42 states had filed at least 180 measures opposing or proposing alternative policies to the Affordable Care Act (ACA). Many of the bills and resolutions would block state agencies from implementing the federal law without legislative approval, nullify the law within state boundaries or create an "Interstate Freedom Compact" to coordinate or enforce opposition to the ACA. Such measures have already been signed by the governor in six states and are awaiting the governor's signature in two others. A proposed constitutional amendment has also been approved for the November ballot in Wyoming (SJR 2).



Budget & taxes

COURTS COMPLICATING BUDGET PROCESS: State budgets are usually hammered out by governors and legislators. But lately, judges have also been playing a key role in the process. In a number of states, the courts have been finding that in their struggle to cut spending and find new revenue sources to cope with the Great Recession, the executive and legislative branches have in some cases violated the law.

Last month, for instance, a Nevada court ruled that the state had illegally used revenue allocated for local governments to balance its last budget, opening a big hole in the coming budget and forcing the state's new Republican governor, Brian Sandoval, to break a campaign pledge and extend more than \$600 million in taxes that were about to expire.

In New Jersey, the state Supreme Court ruled last month that Gov. Chris Christie's (R) cuts to the education budget violated a previous court order directing the state to adequately fund the education of students in the state's poorest school districts, and it ordered the state to spend another \$500 million in those districts.

"Like anyone else," the court ruled, "the state is not free to walk away from judicial orders enforcing constitutional obligations."

A judge in North Carolina has scheduled a hearing this month to determine whether recent education cuts violate previous court orders related to education spending there.

"The current financial difficulties of the state do not relieve, justify or excuse the State of North Carolina from its constitutional obligation to provide each and every child in North Carolina an equal opportunity to obtain a sound basic education," Judge Howard E. Manning Jr. of Wake County Superior Court wrote in announcing the hearing.

The courts have also thrown a gorilla-sized monkey wrench into the budget process in California, which was already contending with the biggest budget deficit in the country. Two weeks ago, the Federal District Court in Northern California ordered the state to immediately begin paying higher monthly reimbursement rates to foster parents, forcing the state to set aside \$10.7 million more in the budget. That ruling came on top of the landmark decision by the U.S. Supreme Court last month that the state's prisons are unconstitutionally overcrowded and that it must reduce its prison population by 30,000 inmates.

Complicating matters for the states is the fact that the court decisions have tended to come at the 11th hour. The ruling in Nevada, for example, upended budget negotiations just days before the new spending plan was due.



Sandoval called the decision a “game changer” in a television interview. “It changed the entire dynamic with regard to the budget.”

Scott Pattison, executive director of the National Association of State Budget Officers, articulated another challenge for state budget negotiators.

“These court cases, when they come down — and of course we have no position on the legal rulings — but from a finance or budget perspective, it is basically favoring certain spending over others,” he said. “If you’re going to spend more on corrections because of a case causing that to occur, that’s less money for something else. It’s a very difficult proposition for the states simply because they’re operating from a zero-sum-game perspective.”

Christie railed against that very thing in relation to the education funding ruling in New Jersey, stating, “as a fundamental principle, I do not believe that it is the role of the State Supreme Court to determine what programs the state should and should not be funding, and to what amount.”

California’s governor, Jerry Brown (D), however, has used the prison ruling against his state to support his push for extending temporary tax increases and sharing some of that revenue with counties to cover the cost of housing prison inmates in their jails. And in Nevada, some lawmakers have said the court ruling there actually spurred compromise by creating a crisis. (NEW YORK TIMES)

STATES TURN TO CHARITIES FOR HELP WITH ACA COMPLIANCE:

Severely strapped for cash, at least a dozen states have turned to philanthropic foundations to help cover the costs of complying with the Affordable Care Act (ACA).

The Robert Wood Johnson Foundation has agreed to spend up to \$10 million to provide technical assistance to 10 states: Alabama, Colorado, Maryland, Michigan, Minnesota, New Mexico, New York, Oregon, Rhode Island and Virginia.

“States are just obviously struggling now because of the economy, so there’s a great need to go beyond the academic papers and help operationalize” health reform plans, said Princeton lecturer and former New Jersey health commissioner Heather Howard, who is working on a Robert Wood Johnson grant to provide “technical assistance” to states, including actuaries to estimate medical risk and consultants to project the costs.

But nowhere are the ties between private foundations and state government closer than in California, where a projected \$10.8 billion deficit for 2012 has left little

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: 466

Number of Intros last week: 1,041

Number of Enacted/Adopted last week: 1,312

Number of 2011 Prefiles to date: 32,055

Number of 2011 Intros to date: 126,813

Number of 2011 Session Enacted/Adopted overall to date: 32,612

Number of Measures currently in State Net Database: 162,136

— Compiled By JAMES ROSS
(measures current as of 6/9/2011)
Source: State Net database



money for implementing the health reform law.

“Given our fiscal crisis, we’re not able to get the funds to begin implementing [the health law], and while it’s a clear policy goal, we have to focus on eliminating services” instead, said Toby Douglas, director of California’s Department of Health Care Services.

Consequently, the California Endowment is giving the state \$500,000 to pay for the planning of a Medicaid “health home” project, which would allow the state to draw more federal dollars. And the California HealthCare Foundation is paying for two consultants to work on the state’s application for federal funding for a health insurance exchange, which, in accordance with the reform law, must be in place by 2014. The foundation took its first plunge into paying California’s financial obligations two years ago, underwriting the state’s share of a federal health IT project as the recession deepened.

“Five years ago, I can’t imagine our board saying we’d be prepared to put up the state match,” said Marian Mulkey, the foundation’s health reform director, but she said it had become clear California couldn’t cover the expense itself. (KAISER HEALTH NEWS)

BUDGETS IN BRIEF: Republicans in the CALIFORNIA Legislature reportedly agreed last week to allow voters to decide whether to extend temporary tax increases to help close the state budget deficit in exchange for major changes in state spending, pension and regulatory policies. But negotiations were still deadlocked over Gov. Jerry Brown’s (D) plan to keep the taxes at their higher rate during the interim period before voters weigh in on them (STATELINE.ORG, LOS ANGELES TIMES).

• The recent tornado in Joplin, MISSOURI and a series of other twisters that ravaged the South in late April caused combined insurance losses of up to \$8 billion, according to preliminary estimates (COLUMBIA MISSOURIAN). • ILLINOIS Gov. Pat Quinn (D) said last week he will call legislators back to Springfield for a special session to approve spending for the state’s capital construction program. He said he would consult with legislative leaders about exactly when to hold the session (CHICAGO SUN-TIMES).

— Compiled by KOREY CLARK

The week in session

States in Regular Session: DC, DE, IA, LA, MA, ME, MI, NC, NH, NJ, NY, OH, OR, PA, PR, RI, US, WI

States in Special Session: AZ “c”, CA “a”, VA “a”, TX “a”, WI “a”

States Currently Prefiling or Drafting for 2012: KY

States Projected to Adjourn: IA, ME

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

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

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS
(session information current as of 6/10/2011)
Source: State Net database

CT BUCKS CONSERVATIVE TREND: Evidently, Connecticut didn't receive the memo that 2011 is the year of conservative state government. While legislatures across the country have been eschewing taxes, slashing spending and curbing union power, lawmakers in the Constitution State have been decriminalizing possession of small amounts of marijuana (SB 1014), extending civil protections to transgender people (HB 6599), granting in-state tuition rates to illegal immigrants (HB 6390), enacting the largest tax hike in the state's history (SB 1239) and passing the first law in the nation mandating sick leave for some workers (SB 913).

Last week, the state wrapped up its first session in two decades with a Democratic governor, Dannel P. Malloy, in charge. And both legislative chambers are also under Democratic control. But Senate President Donald E. Williams Jr. said they had made smart economic choices for the future of the state.

"We're not interested in burning the bridges leading to our economic future," he said. "Governor Malloy and the Democratic Legislature have decided to dig in and not do what other states are doing: using a flamethrower when it comes to municipal aid, state support for education, state support for pathways that lead to opportunity."

Williams also said the legislation passed on social issues was relatively modest. The marijuana decriminalization bill, for instance, is similar to legislation passed in a dozen other states.

Republicans, however, said the session constituted the same kind of overreaching that got Democrats into trouble on the national stage.

"What the Democrats in Hartford are doing is very similar to what the Democrats in Washington did in 2009, which was to pass a radical agenda without any Republican support," said state Republican Party Chairman Christopher Healy.

Thomas D'Amore, an independent political consultant who was chief of staff for Gov. Lowell P. Weicker Jr., an independent, in 1990, said that for all the partisan posturing, the session stood out more because of its contrast with other states than anything else.

"If you get beyond the headlines and look at the details, most of what you'll find is pretty moderate and full of compromises," he said. But he added "if things don't turn around, then the outcome is going to be beyond the control of this governor."
(NEW YORK TIMES)

MAJOR ETHICS REFORM COMING TO NY: New York Gov. Andrew Cuomo (D) and legislative leaders agreed on a sweeping ethics reform package last week that will force lawmakers to publicly disclose their outside incomes and the clients they represent before the state. The "Clean Up Albany Act of 2011" (SB 5679) creates an independent Joint Commission on Public Ethics with "robust enforcement powers" to investigate both the executive and legislative branches.

"This bill is the tough and aggressive approach we need," said Cuomo, who campaigned on a pledge to reform politics in Albany. "It provides for disclosure



of outside income by lawmakers, creates a true independent monitor to investigate corruption, and spells out tough, new rules that lobbyists must follow.”

The reform package is not without faults. Eight of the 14 members of the Ethics Committee will be appointed by legislative leaders. Three will be selected by the Assembly speaker, currently Democrat Sheldon Silver; three by the Senate majority leader, Republican Dean G. Skelos; and one by the minority leaders of each chamber. (The other six, three Democrats and three Republicans, will be chosen by the governor.) To launch an investigation of any lawmaker, two legislatively appointed commissioners of that lawmaker’s same party would have to vote for it, meaning that three commissioners could block an investigation, even if all 11 of the others were in favor of it.

Furthermore, sitting lawmakers would not be subject to losing their pensions if convicted of a felony. That penalty would only apply to future officeholders.

Still, even with its shortcomings, most good-government groups endorsed the deal, calling it a major improvement over the current system, under which lawmakers are rarely punished. The reforms would become fully effective in 2013. (NEW YORK TIMES)

LEGISLATIVE PACE RATCHETING UP IN WI: The gears of government have gone into overdrive in Wisconsin. In the past few weeks, Gov. Scott Walker (R) has signed bills requiring voters to show photo identification at the polls (AB 7) and deregulating parts of the telecommunications industry (SB 13a). And legislation to expand school vouchers, allow residents to carry concealed weapons, cut funding for Planned Parenthood and disqualify illegal immigrants for in-state tuition at Wisconsin universities is now being sped through the Legislature by the Republican majority.

“There has been not even a pretense of trying to find a bipartisan agreement on important issues,” said Senate Democratic leader Mark Miller, who added that some measures went from introduction to committee approval in only a week. “It’s the Republican agenda, and that’s it. The only negotiations now are among themselves.”

Although Republican lawmakers insist they’re just trying to fulfill their campaign promises, there is a threat hanging over them: Recall elections in as many as six GOP-held Senate districts — spurred by the union-unfriendly policies of Gov. Scott Walker (R) and the Republicans this session — are scheduled for July 12. And losing just three of those races could cost the party its newly won control of the chamber.

Democrats, who face three Senate recall challenges of their own, are confident about their prospects of reclaiming the majority.

“The other side is already measuring the drapes” is how Senate Majority Leader Scott Fitzgerald (R) put it.

<p style="text-align: center;">Upcoming elections 6/8/2011 - 6/29/2011</p> <p>06/21/2011 Georgia Special Election House District 113</p> <p>06/28/2011 Florida Special Election House District 110</p>

The Dems are already setting their sites on January, when Walker will be eligible for recall.

“This whole recall effort has been an exercise in building the party, building a movement to fight the Scott Walker-[U.S. Rep.] Paul Ryan agenda,” said Graeme Zielinski of the Democratic Party of Wisconsin. “The energy, the passion you saw on the streets in recent months is being transformed into real political action.” (NEW YORK TIMES, LACROSSE TRIBUNE)

POLITICS IN BRIEF: All 18 incumbent legislators who faced primary challenges in **NEW JERSEY** last Tuesday survived. Republicans are seeking to take control of the Legislature in November, when all 120 seats will be contested. Democrats currently hold 47 of the 80 seats in the Assembly and 24 of the 40 seats in the Senate (ASSOCIATED PRESS, TIMES UNION [ALBANY]). • A three-judge panel of the 11th Circuit Court of Appeals in Atlanta heard arguments last week in the challenge by 26 states to the Affordable Care Act. The judges didn’t tip their hands as to how they will rule, expressing skepticism about the constitutionality of the law’s health insurance mandate but also asking sharp questions of those opposing it. The 11th Circuit panel is the latest of three across the country to hear challenges to the health reform law, which could reach the U.S. Supreme Court before the 2012 presidential election (CNN.COM, ATLANTA JOURNAL CONSTITUTION). • Jury selection began last week in an **ALABAMA** corruption trial involving Independent state Sen. Harri Anne Smith, Democratic Sen. Quinton Ross and two of Montgomery’s most influential lobbyists, Tom Coker and Bob Geddie. The case stems from the efforts last year by VictoryLand owner Milton McGregor and Country Crossing owner Ronnie Gilley to pass a bill setting up a statewide referendum on whether to allow electronic bingo machines at their respective casinos (BIRMINGHAM NEWS). • The **SOUTH CAROLINA** Supreme Court ruled last week that Gov. Nikki Haley (R) lacked the authority to order lawmakers back into session to consider four government restructuring bills. Haley may still get the legislative action she’s seeking when lawmakers return June 14 for a previously scheduled session (STATE [COLUMBIA]). • **NEW YORK** Gov. Andrew Cuomo (D) has proposed broad limits to retirement benefits for new city and state workers. Among the most significant changes would be an increase in the minimum retirement age for state workers from 62 to 65 and from 57 to 65 for teachers (NEW YORK TIMES). • **NEW JERSEY** Gov. Chris Christie (R) and Senate President Stephen Sweeney (D) reached a deal last week on legislation that would make public employees pay a bigger share of their pension and health benefits. But Assembly Democrats refused to go along with the plan, leaving its prospects in doubt (PRESS OF ATLANTIC CITY).

— Compiled by *KOREY CLARK*

Governors

CHRISTIE UNVEILS NEW ENERGY PLAN: New Jersey Gov. Chris Christie (R) unveiled a new 10-year master energy plan for the Garden State last week, a plan where wind and nuclear power would play a larger role in the state's energy future. The plan also reiterated the governor's intention to scale back the state's goals for renewable energy, which he has called unrealistic.

The plan Christie revealed last week lowers the amount of electricity to be obtained from renewable sources like solar or wind power to 22.5 percent by 2021, down from the state's previous objective of 30 percent. It also calls for gaining more electricity from natural gas. New Jersey is already looking to build three new natural gas plants.

The plan comes on the heels of Christie saying he would pull the state from the Regional Greenhouse Gas Initiative, a multi-state compact to lower greenhouse gas emissions, which he has called "gimmicky" and "a failure." The governor's energy proposal does maintain support for offshore wind projects, and he expressed confidence New Jersey would beat competitors like Maine and Maryland and be "first in the water" with a large commercial wind farm. He also emphasized the development of large scale commercial and industrial solar energy projects, particularly on landfills and brownfield sites.

"All of these things combined will lead us to a future here in New Jersey where we have lower cost energy, but also are leading the way on renewable energy," he said.

Christie also lauded his new renewable energy goal, calling it realistic and not "a pie-in-the-sky number." (NEW YORK TIMES, PRESS OF ATLANTIC CITY)

HUNDREDS OF BILLS HIT SANDOVAL'S DESK: Nevada lawmakers wrapped up their session, leaving Gov. Brian Sandoval (R) with about 10 days to determine the fate of hundreds of bills. Aides say the governor will review the measures before committing them to one of three categories: budget measures and essential non-controversial bills, controversial proposals or those which passed on strict party-line votes, and everything else. Although he has 10 days to act, senior Sandoval adviser Dale Erquiaga said he doubts they will need that long to work through the measures. But Josh Hicks, a former chief of staff for Republican Gov. Jim Gibbons, said the current governor may encounter more distractions than he is expecting.

"The lobbying is not over yet," Hicks said. "There will be people pushing for vetoes or pushing for signatures, either way." (RENO GAZETTE JOURNAL)

GOVERNORS IN BRIEF: For the sixth consecutive year, MONTANA lawmakers failed to override a single veto from Gov. Brian Schweitzer (D). Schweitzer issued 130 vetoes during the 2011 session, including 78 outright. He



also had four line-item vetoes to spending bills and 48 amendatory vetoes suggesting changes to bills (BILLINGS GAZETTE). • **ALABAMA** Gov. Robert Bentley (R) issued an executive order banning burning in all 67 Heart of Dixie counties to address a threat of wildfires that is being stoked by hot, dry weather and a large number of downed trees (BIRMINGHAM NEWS). • **WASHINGTON** Gov. Christine Gregoire (D) said she was disappointed that Evergreen State lawmakers did not make more aggressive cuts to the many boards and commissions that assess everything from midwifery to noxious weeds. Lawmakers considered legislation that would have eliminated 32 state commissions, but eventually agreed to cut only six (TACOMA NEWS TRIBUNE). • **CALIFORNIA** Gov. Jerry Brown said last week his office has reclaimed over 29,000 state-issued cell phones from state employees, a 44 percent reduction in the overall number of cell phones issued to Golden State government workers. Brown originally estimated the state would recover over 96,000 phones, but his office said he now expects the figure to be closer to 33,000 (SACRAMENTO BEE). • **TEXAS** Gov. Rick Perry (R) reportedly told advisers and friends he is reconsidering his vow to not toss his hat in the ring for the 2012 GOP presidential nomination. Perry is allegedly concerned that none of the current contenders will pose much of a challenge to President Barack Obama (WALL STREET JOURNAL).

— *Compiled by RICH EHISEN*

In case you missed it

Several Republican governors made cutting corporate business taxes a priority this year. But some are finding a surprising opponent: their GOP colleagues.

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

http://www.statenet.com/capitol_journal/06-06-2311/html

Hot issues

BUSINESS: The **CONNECTICUT** House approves SB 913, legislation that requires businesses with 50 or more employees to grant workers one hour of sick leave for every 40 hours of work, up to a maximum of five days a year. The measure, which would exempt manufacturing companies, nationally chartered nonprofit organizations, day laborers, independent contractors and temporary workers, goes to Gov. Dannel Malloy (D), who has said he will sign it into law. It will go into effect on Jan. 1st (HARTFORD COURANT, NEW YORK TIMES, STATE NET). • **TEXAS** Gov. Rick Perry (R) signs HB 274, which will require some civil plaintiffs who sue businesses and lose to pay the court costs and attorney fees of those they are suing. The measure also creates expedited civil actions for cases less than \$100,000 and allows judges to dismiss meritless lawsuits early in the process (SOUTHEAST TEXAS RECORD [BEAUMONT]). • **NEVADA**

Gov. Brian Sandoval (R) vetoes AB 254, which would have allowed the state to cite businesses for workplace safety violations if an employee “has access to a safety hazard,” even if no workers have actually been harmed. He also vetoes AB 253, which would have increased fines for willful workplace safety violations (RENO GAZETTE-JOURNAL). • Still in **NEVADA**, the Senate approves AB 571, which would allow bars that permit smoking to also serve food, provided they also offer customers an enclosed smoke-free space and bar people younger than 21. It moves to Gov. Sandoval for review (LAS VEGAS REVIEW-JOURNAL). • **FLORIDA** Gov. Rick Scott (R) signs HB 7207, which essentially removes state oversight of local development projects and makes it more difficult to sue to block those projects (MIAMI HERALD). • **OREGON** Gov. John Kitzhaber (D) signs HB 3000, which allows state agencies to invoke a preference for Beaver State goods and services by paying up to 10 percent more in public contracts (STATESMAN-JOURNAL [SALEM]).

CRIME & PUNISHMENT: The **CALIFORNIA** Senate unanimously approves SB 26, which would make it a misdemeanor to smuggle a cell phone into a prison. Violators face a \$5,000 fine. The bill is now in the Assembly (SACRAMENTO BEE). • **COLORADO** Gov. John Hickenlooper (D) signs SB 134, legislation that makes it a crime to possess, buy or sell synthetic marijuana commonly sold in retail markets under brand names like K2 or Spice. The law goes into effect July 1st (DENVER POST). • **ALABAMA** Gov. Robert Bentley (R) signs HB 361, which allows Heart of Dixie judges to require some convicted drunken drivers to have interlocking devices placed on their cars. The bill applies to repeat offenders and first-time offenders with extremely high blood alcohol content or who are driving with a child under 14 (BIRMINGHAM NEWS, STATE NET). • The **CONNECTICUT** Senate and House approve SB 1014, which would reduce the penalty for possessing a half ounce or less of marijuana from \$1,000 down to \$150 and no criminal record. The measure moves to Gov. Dannel Malloy (D) for review (HARTFORD COURANT).

EDUCATION: The **WYOMING** Supreme Court rules that Equality State school districts are allowed to test students who wish to participate in extracurricular activities for drugs and alcohol. The court said schools have a “compelling interest” in providing for the health and safety of their students (CASPER TRIBUNE). • **NEVADA** Gov. Brian Sandoval (R) signs AB 393, which requires licensed school district employees to report whether they have been arrested for any crime. The measure also requires teachers renewing their licenses to undergo a background investigation and provide their fingerprints for inspection by the state criminal history repository (LAS VEGAS REVIEW-JOURNAL). • Still in **NEVADA**, Sandoval vetoes AB 456, which would have allowed some high school seniors who do not receive passing scores on all parts of the state proficiency exam to receive diplomas



(RENO GAZETTE-JOURNAL). • The **CALIFORNIA** Assembly approves AB 620, which requires Golden State colleges and universities to adopt clear policies to address the problem of bullying and harassment of gay or transgender students. It moves to the Senate (SAN DIEGO UNION TRIBUNE). • Still in **CALIFORNIA**, the Senate approves SB 161, which would allow schools to train employees to administer medication to children during a seizure. It goes to the Assembly (CALIFORNIA WATCH [SACRAMENTO]). • **WASHINGTON** Gov. Christine Gregoire (D) signs HB 1795, which moves the power to set tuition rates from the Evergreen State Legislature to colleges and universities (SEATTLE POST-INTELLIGENCER). • The **CONNECTICUT** House approves BH 6585, legislation that would require school principals to notify parents at least six weeks before grades are finalized if their student is in danger of failing a course. The measure moves to the Senate (CONNECTICUT MIRROR [HARTFORD]). • The **OREGON** Senate approves HB 3197, which requires school districts notify parents before the end of the school day when a child is absent. It moves to Gov. John Kitzhaber (D) for review (OREGONIAN [PORTLAND]). • **FLORIDA** Gov. Rick Scott (R) signs SB 228, the so-called “baggy pants” bill, which requires Sunshine State schools to ban clothing that shows underwear or body parts in an indecent or vulgar manner (MIAMI HERALD). • Still in **FLORIDA**, Scott also signs HB 7197, which requires high school students to take at least one online course before graduation (MIAMI HERALD).

Upcoming stories

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

- **Education**
- **Health care**
- **Budgets**

ENERGY: The **CONNECTICUT** House and Senate approve SB 1243, a bill that, among many things, creates a new energy department and changes how the state regulates and procures electricity. It moves to Gov. Dannel Malloy (D), who is expected to sign it into law (STATE NET).

ENVIRONMENT: The **NEW YORK** Assembly approves AB 7400, which would extend until June 1, 2012 a statewide moratorium on new permits for a controversial natural gas drilling technique known as hydrofracking, which uses high volumes of water, mixed with chemicals, to crack open gas-bearing shale formations. Critics argue the process can contaminate underground water basins. It moves to the Senate (ALBANY TIMES UNION). • The **NEW HAMPSHIRE** Senate approves HB 519, which would remove the Granite State from the Regional Greenhouse Gas Initiative, a multi-state compact designed to reduce greenhouse gas emissions. It has moved to a conference committee (UNION LEADER [MANCHESTER]).

HEALTH & SCIENCE: The **OREGON** House endorses SB 99, legislation that would create a health care exchange designed to give small businesses and



housing, employment and public accommodations. It moves to Gov. Dannel Malloy (D), who is expected to sign it (BOSTON GLOBE). • The **PENNSYLVANIA** Senate approves SB 3, a bill that would ban abortion coverage from policies obtained through health insurance exchanges created as part of the federal Affordable Care Act. The bill moves to the House (PATRIOT-NEWS [HARRISBURG]).

POTPOURRI: The **CALIFORNIA** Assembly endorses AB 438, which requires independent contractors to prove they could save taxpayers money before being allowed to take over the running of a public library. It moves to the Senate (SACRAMENTO BEE). • **FLORIDA** Gov. Rick Scott (R) signs HB 411, which exempts photos, videos and recordings depicting deaths from public records (MIAMI HERALD). • **ALABAMA** Gov. Robert Bentley (R) signs SB 172, legislation that requires all Heart of Dixie animal shelters to switch from gas chambers to lethal injection for euthanizing unwanted animals (BIRMINGHAM NEWS). • **MAINE** Gov. Paul LePage (R) signs SP 228, which makes the Pine Tree State the 33rd to bar drivers from sending or reading text message while behind the wheel. Violators face fines up to \$100 (BANGOR DAILY NEWS).

– Compiled by RICH EHISEN

Once around the statehouse lightly

A SIGN OF THE TIMES: It was a moment of triumph for Maine Gov. Paul LePage: placing a large blue sign declaring the state “OPEN FOR BUSINESS” on Interstate 95 just inside the Pine Tree State border. The sign, a gift from a group of LePage’s supporters, was an ode to his campaign pledge to place just such a sign there should he be elected. But the gov’s pro-business agenda has created strong animosity among his critics, many of whom were outraged when he ordered the removal of a 60-foot mural honoring workers from the state’s Department of Labor building earlier this year. So it may not be surprising that, as the *Bangor Daily News* reports, the oversized marker recently disappeared. Within days a humorous ad popped up on Craigslist for a “right-wing political sign” for \$1,000, which the seller offered to trade for a “multi-panel mural depicting the labor movement.” No word on the culprits, though police say they have several leads, with the perps facing up to a \$5,000 fine and possible jail time. In the meantime, a group of businessmen have offered to foot the bill for replacing the sign.



NOW WE'RE COOKING: It's pretty hard to imagine a high school teacher instructing students on the finer points of using alcohol, but that is about to be the case in Oregon. As the *Salem Statesman-Journal* reports, lawmakers recently endorsed legislation that would allow culinary students to use alcohol as an ingredient in the dishes they make. The impetus for lifting the booze ban came when a Beaver State high school cooking teacher was told his student team had finished just out of the top five in a national culinary contest, costing them a chance at scholarships. The reason? According to the instructor, the recipes lacked a certain bouquet, i.e. alcohol. That rejection turned into a recipe for action in the form of HB 2750. Lawmakers sent the bill to Gov. John Kitzhaber last week. Bon appétit.

Correction

In our June 6th issue, we incorrectly referenced former New Jersey Gov. Jim Florio as Tom Florio. We regret the error.

DONUT DILEMMA: For most of us, the only dilemma surrounding donuts is whether we should have another one now or wait until later. But it has become a little nuttier than that around the Kansas statehouse. As the *Topeka Capital-Journal* reports, the hubbub started when state health officials penned new rules requiring vendors who sell baked goods at the Capitol Midweek Farmer's Market to use only whole wheat flour from the Sunflower State. Unfortunately, it turns out the folks selling cider donuts, an annual favorite among the Market's customers, do not use said homegrown wheat, nixing their ability to sell the sugary treats. Needless to say, that spawned lots of complaints. It has also sparked new thinking from officials, who say they will meet with the market's vendors to figure out a new policy.

FLAUNTING THE FOUNDERS: A little knowledge is never a bad thing. Unfortunately, when it comes to the basics of our Constitution, Declaration of Independence and other principles behind the formation of the American Republic, some folks think modern students know just that: much too little. So, as the *Greensboro News-Record* reports, North Carolina Republicans are pushing legislation that would require Tar Heel State students to learn all about the Founding Fathers and "the concepts behind the founding of the United States" in order to graduate. This is probably not a bad idea, but based on the often creative interpretation of America's history espoused by prominent members of the national political scene, it might be better to start those lessons with Congress, candidates for higher elected office and the nation's political gadflies.

— By RICH EHISEN

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