



# People & Politics



Just two years after the Democrats in Wisconsin took the majority in both chambers, the Republican tide turned the tables. Now two brothers, **Scott “Big Fitz” Fitzgerald** and his brother **Jeff Fitzgerald**, whom Scott recruited for the Legislature in 2000, are the new Senate majority leader and speaker of the Assembly. The two leaders are facing a high unemployment rate and a looming budget deficit of about \$3 billion. Nevertheless, the brothers predict a new era of cooperation between the two chambers. “There is a uniqueness when your brother is the leader of the other house,” Scott Fitzgerald said. “We talk daily and certainly communicate on a different level than other leaders.” Both Democratic leaders, Senate Majority Leader **Russ Decker** and Assembly Speaker **Mike Sheridan**, lost not only their majority, but their seats on Election Night.

Republican Representative **Brian Bosma** is the new speaker of the Indiana House. Shortly after he was elected by acclamation, the new speaker broke 194 years of tradition and appointed two Democrats to chair committees. Former Speaker Pro Tem **Chet Dobis** is heading up the Select Committee on Government Reduction, and Representative **Steve Stemler** will chair the Economic Development and Small Business Committee. “To demonstrate my commitment to bipartisanship, for the first time—to my knowledge—in state history, a speaker of the Indiana House will reach across the aisle and appoint two members of the minority party to serve as committee chairs,” Bosma said. “In addition, I am pledging weekly meetings with the leadership of the Democratic caucus to discuss events of the coming week and areas of agreement, disagreement and concern.”

Georgia Senate Republicans decided overwhelmingly to strip the powers the lieutenant governor has historically exercised

over the chamber. When the Senate goes into session in early January, it is expected to make it official and take away Lt. Governor **Casey Cagle’s** committee and chair appointment authority. Those selections will now be made by a new eight-member Committee on Assignments, which includes the Senate president pro tem, the majority leader, the majority caucus chair, vice chair and secretary, and two members appointed by the Lt. governor. “For us to be effective, we’ve got to work together, and that is what is important, that we have a presiding officer and the Senate working together on a common agenda,” said Senator **Mitch Seabaugh**, who advocated the change. “If you put all the power in one or the other, we believe that makes the Senate a little bit weaker.”

A more conservative Republican Senate in Nevada has chosen **Mike McGinness** as the new GOP leader, ending a 28-year leadership run, including 10 sessions as majority leader, for Senator **Bill Raggio**, who also chaired the Finance Committee. Raggio stepped down from his leadership and Finance Committee posts when his decision not to endorse Republican Sharon Angle in her race against Harry Reid fueled opposition against him in his caucus. Raggio, who is 84, said he was “very comfortable” with his decision. “I think these folks have budget proposals, and I think it best they have a free hand for their own input on it,” Raggio said. At the end of the session, Raggio will have served for 40 years.

**Peter Galbraith** has given up international diplomacy for a seat in the Vermont Senate. The one-time second ranking U.N. official in Afghanistan was fired for his criticism of what he perceived as an international cover-up of the election of President Hamid Karzai. The new Democratic senator said in an op-ed in the Reformer that “even

where warring parties have seemingly irreconcilable positions, they have many common interests.” He’ll be putting that to the test in his new job.

Arizona Senate Minority Leader **Jorge Luis Garcia** died in October of heart complications from a rare disease. The 57-year-old lawmaker was born in Mexico and moved with his mother, a U.S. citizen, and his 10 siblings to Arizona when he was 7. His early life shaped his political views, and although unassuming he was a man “you underestimated at your own peril,” according to former Republican Senator **Jonathan Paton**. “He was a very shrewd, smart guy,” Paton said. Garcia served in the House from 1993-1997. He returned to the Legislature in 2002 when he won his Senate seat. He had been minority leader for two years.

**Gary VanLandingham**, who has worked for the Florida Legislature for 28 years including the last seven as director of the Office of Program Planning and Government Accountability, left his state post at the end of the year to become director of the Pew Center on the States’ Results First initiative in Washington, D.C. The initiative, according to VanLandingham, will work with states “to advance policy options that benefit residents and improve states’ fiscal health.” During his tenure, the Florida Legislature adopted more than 80 percent of the office’s recommendations, realizing savings of some \$755 million for the state. VanLandingham was staff chair of NCSL and president of the National Legislative Program Evaluation Society.

Kansas Representative **Jim Morrison** died in November while undergoing treatment for a heart condition. He was 68. An optometrist, Morrison had served in the Kansas House since 1992 and was chair of the Health and Human Services Committee

# Lies of Honor

Impersonating a decorated serviceman is appalling. George Washington thought so. “Should any who are not entitled to these honors have the insolence to assume the badges of them, they shall be severely punished,” he wrote in 1782 of the Badge of Military Merit, now known as the Purple Heart.

Congress originally passed the Stolen Valor law in 1948, making it a federal misdemeanor to wear unearned medals and decorations. It was expanded in 2006 to include “falsely representing oneself as having been awarded any decoration or medal authorized by Congress for the armed forces.”

It’s a difficult law to enforce, however. And twice, courts have ruled the federal law to be unconstitutional because it restricts free speech.

The difficulty in enforcement, however, hasn’t stopped states from banning this kind of chicanery. Since most of these impersonators are brought to light in the state and local arena, California Assemblyman Paul Cook introduced a bill in 2007 “to mirror current federal law, thus giving state and local authorities the ability to prosecute these individuals.”

Nine states—California, Connecticut, Illinois, Kentucky, Missouri, New Jersey, Oklahoma, Tennessee and Utah—have Stolen Valor laws. California’s law specifies that to be prosecuted, charlatans must have the intent to defraud. Kentucky’s law specifies further that the deception requires the intent to defraud, obtain employment, or be elected



or appointed to public office.

In addition to state versions of the Stolen Valor Act, Maryland, Massachusetts, Minnesota and Nevada prohibit impersonating or falsely representing any individual—decorated or not—from a military, patriotic or veterans’ organization. Oregon and Washington prohibit masquerading as any military member or veteran. And New Mexico prohibits anyone from wearing a military uniform with the intent to impersonate a person with military authority.

## Election Numbers



6,125

83%

STATE LEGISLATIVE SEATS ELECTED

1,167

59.2%

STATE SENATE SEATS ELECTED

4,958

91.6%

STATE HOUSE SEATS ELECTED

1,751

23.7% of total seats,

28.6% of seats up for election,  
35.1% of seats with incumbents running

SEATS THAT TURNED OVER

4,985

81.4%

RACES THAT HAD INCUMBENTS

375

6.1%

INCUMBENTS WHO COULDN'T RUN  
BECAUSE OF TERM LIMITS

3,852

77.3%

INCUMBENTS WHO FACED NO PRIMARY  
CHALLENGERS

2,000

32.7%

CANDIDATES WHO FACED NO MAJOR PARTY  
OPPONENT

Sources: NCSL and ballotpedia.org

# Dangerous Duo



**W**hat did the drinks Four Loko and Joose have in common? Lots of caffeine and lots of alcohol. And that was causing lots of concern. Some young people who consumed these kinds of drinks were blacking out, injuring themselves, landing in the hospital and even dying.

More than a year ago, 29 state attorneys general shared concerns about these alcohol energy drinks, first introduced in 2005, with the U.S. Food and Drug Administration. And on Nov. 17, 2010, the FDA warned four companies that the caffeine added to these alcoholic drinks is an “unsafe food additive.”

Even before the FDA came out with its warning, many colleges and some state liquor control boards had banned alcoholic energy drinks. And at least eight states introduced legislation in 2010 to either study,

regulate or prohibit the drinks.

Often referred to as “blackout in a can,” the drinks had an alcohol content ranging from 6 percent to 12.5 percent. One can of some brands was the equivalent of five beers and a cup of Starbucks coffee. A February 2010 study by the University of Florida found that college-age adults who consumed these drinks were three times more likely to be highly intoxicated when leaving a bar and four times more likely to drive than those who drank only alcohol.

Four Loko maker Phusion responded to the FDA’s warning by announcing the company’s intent to remove caffeine from its products. “We have repeatedly contended—and still believe, as do many people throughout the country—that the combination of alcohol and caffeine is safe. If it were unsafe, popular drinks like rum

and colas or Irish coffees that have been consumed safely and responsibly for years would face the same scrutiny that our products have recently faced,” the statement on the company’s website read. “We are taking this step after trying—unsuccessfully—to navigate a difficult and politically charged regulatory environment at both the state and federal levels.”

Following the FDA’s warning, retailers told the Kansas Morning Sun they weren’t going to pull the drinks from their shelves just yet. Not, at least, until the state of Kansas bans them. “If they ban [them], we will too, but if they don’t, we’ll just keep carrying [them],” a liquor store owner told the newspaper. On Nov. 22, the Kansas Alcoholic Beverage Control Board passed a ban, joining at least 12 other states that have taken regulatory action.

# HIV: Myths Persist

One-third of all new HIV infections occur in young people between the ages of 13 and 29. Why? According to a Kaiser Family Foundation poll in 2009, some have misconceptions about how the disease is transmitted. Nearly 30 percent believed at least one myth about how HIV is spread, such as through water in a swimming pool or by sharing a drinking glass.

The White House Office of National AIDS Policy's official strategy aims to reduce new infections by 25 percent in five years through better education and screening among higher risk populations, including young people.

Thirty-four states and the District of Columbia already require schools to provide HIV/AIDS instruction, although these laws vary, according to the Guttmacher Institute. A survey by the Centers for Disease Control in 2006 showed 85 percent of high schools said they teach how HIV is transmitted.

The National AIDS strategy recommends schools improve current education by providing accurate and more age-appropriate information about the biological aspects of the infection. The office promotes programs that cover abstaining, delaying or limiting sexual activity but that also ensure sexually active young people know how to protect themselves.

## HIV CONTINUES TO INFECT

The estimated number of diagnoses of new HIV infections in 2008 in the 37 states with confidential name-based reporting.



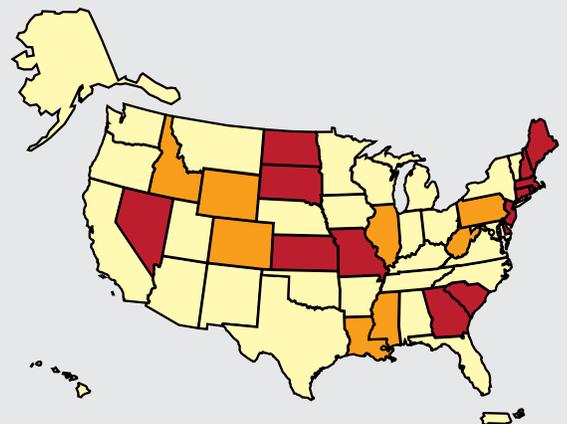
Source: CDC, Nov. 2010.

## Show Your Badge!

As elsewhere, security concerns at state capitols have increased. Fourteen states now require lobbyists to wear some kind of identification. Georgia, Massachusetts, Missouri, New Jersey and Pennsylvania require a photo on badges or cards. Although 28 states, the District of Columbia and three territories have no requirements, tradition and protocol in many dictate use of identification.



- Requires lobbyists to wear badges or identification cards.
- Encourages, but doesn't require them.
- No provisions.
- Rhode Island
- D.C.
- Guam
- Virgin Islands



Source: NCSL Ethics Center, 2010.