



## People & Politics



**Missouri** House Speaker **Steven Tilley** took the gavel in a decidedly Republican chamber. The GOP has a 106-57 majority. Yet he appointed Democrats to chair three of the 44 House committees. Tilley says he chose the most qualified people, regardless of political party. Representative **Chris Kelly**, who chaired the House Budget Committee in the 1980s when Democrats were in control, now chairs the Public Safety and Corrections Appropriations Committee. Representative **Linda Black**, who defeated her former husband, John Fischer, in the general election, is chair of the Corrections Committee. And Representative **Jamilah Nasheed** is chair of the Urban Issues Committee.

Former **Ohio** Senator **Steve Buehrer** left his legislative seat to head up the state's Workers' Compensation Bureau. Appointed by newly elected Governor John Kasich, Buehrer had chaired the Senate Insurance, Commerce and Labor Committee, and previously worked at the bureau as head of human resources. He also chaired the 13-member Workers' Compensation Council, created by the Legislature to review bills. Buehrer was serving his first term in the Senate. He was a member of the House from 1999-2006.

Officeholder responsibilities can keep a guy busy in **New Jersey**. Just ask Senator **Stephen Sweeney**. In addition to being president of the Senate, Sweeney has stepped in as the state's acting governor, and served as director of the Gloucester County Board of Chosen Freeholders. This in addition to his full time job as a union organizer. He held the "freeholder," position for 14 years (13 as director) before he stepped down at the end of the year. Freeholder is a job title peculiar to New Jer-

sey—the word dates back to colonial times—and is an elected county office. Nine New Jersey lawmakers, who also hold another elected office, were exempted from a ban on dual-office holding the Legislature passed three years ago. Now the governor wants to eliminate the practice all together.

The man many once considered the most powerful politician in the **North Carolina** General Assembly, **Marc Basnight**, said a degenerative nerve disease as well as his desire to spend more time with his fiancée, convinced him to resign from the Senate after 25 years, 18 as Senate president pro tem. His resignation took effect the day before the GOP took control of the chamber for the first time in more than 100 years. He had his hand on every major piece of legislation, including the creation of the state lottery and the ban on smoking in bars and restaurants. "Senator Basnight's respect for the institution has never been more apparent than during the current transition process," said Republican Senator **Phil Berger**, the new president pro tem. "The grace, respect and cooperation he and his staff have shown Republicans will be the standard by which all future transitions are measured."

A veteran **Utah** newspaperman is the new chief deputy of the House. Speaker **Rebecca Lockhart** named **Joe Pyrah** to the post. He will also be the spokesman for the House Republican caucus.

**Michigan's** Senate Fiscal Agency Director **Gary Olson** left his post after 20 years to join a respected Lansing research firm as the senior expert on public finance and state government policies. **Ellen Jeffries**, who had

been deputy director and is an expert on education finance, will head up the agency.

Former **Connecticut** House speaker and Congressman **William Ratchford** died in January at age 76. Ratchford began his legislative career in 1963, and served as speaker from 1969 to 1973 and minority leader in 1973-74. He was president of the National Legislative Conference in 1973-1974, one of three organizations of state legislatures back then. He made the merger of these competing organizations a priority of his presidency and played a lead role in the negotiations that led to the formation of the National Conference of State Legislatures in 1975. He was elected to the U.S. House in 1978, and served three terms. "He was a profoundly caring human being whose vision and enthusiasm for strengthening state legislatures helped launch NCSL," said Linda Adams, who served on the Connecticut Legislature's staff.

**Arizona** Representative **Frank Pratt**, on Christmas day, was ambushed, beaten unconscious and tied up for some five hours at his place of business before his wife found him. He was airlifted to a Phoenix hospital and treated for a fracture and multiple bruises and contusions. Police located his stolen SUV a week after the attack and have arrested a suspect.

The longest serving legislator in **Nevada** history has resigned after 38 years. **Bill Raggio**, 84, had served as both the majority and minority floor leader, and had been the GOP caucus leader for 28 years. He stepped down in November when Senator **Mike McGinness** challenged him for opposing Sharon Angle in her U.S. Senate campaign.

# Getting at the Hard Core

**H**ard-core drunken drivers—repeat offenders or those who drive with a blood alcohol content of 0.15 percent or more—killed some 7,600 people in 2009. They account for more than 70 percent of all alcohol-related fatalities, according to the National Transportation Safety Board.

The safety board recommends states adopt the following 11 policies to eliminate hard-core drunken driving.

1

Conduct frequent statewide sobriety checkpoints; 38 states have done so.

2

Allow sanctions such as license plate impoundment, ignition interlock devices, vehicle immobilization, vehicle impoundment, and vehicle forfeiture; 49 have done so.

3

Develop state and community programs to enforce DWI driver's license suspension and revocation; three have done so.

4

Require offenders to maintain a zero blood alcohol level while driving; five have done so.

5

Impose tougher penalties, assessment and treatment for those arrested with a blood alcohol level of 0.15 percent or higher; 35 have done so.

6

Provide alternatives to confinement, such as home detention with electronic monitoring; 40 have done so.

7

Prohibit plea bargaining of a drunken driving offense; 27 have done so.

8

Prohibit diversion programs that permit erasing, deferring or otherwise purging drunken driving records or that allow offenders to avoid license suspensions; 27 have done so.

9

Allow administrative license revocation for failing or refusing a blood alcohol test; 40 have done so.

10

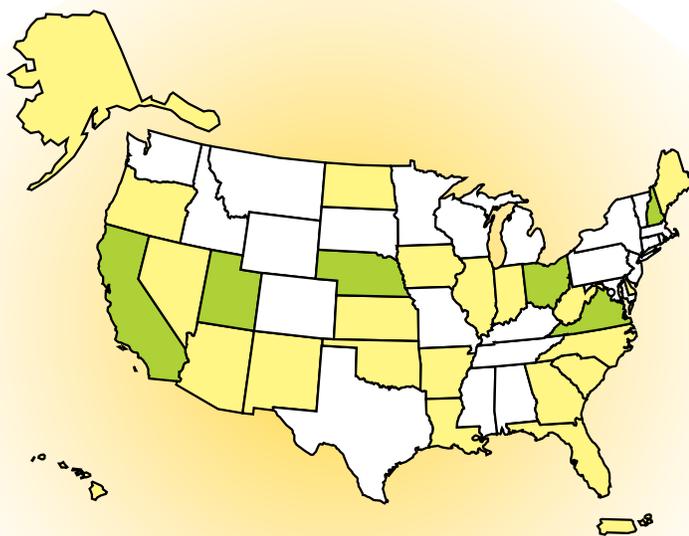
Require retention of old records and previous offenses for at least 10 years; 27 have done so.

11

Establish individual, court-based sanction programs, such as drunken driving courts, with frequent offender contact, unannounced testing, mandatory assessment, treatment and long-term follow-up; 36 have done so.



## CORE DRINKING DRIVING ACTIONS REMAINING



- Has at least eight of these policies
- Has six or seven
- Has five or fewer

Source: National Transportation Safety Board, November, 2010.

# Accountable Health Care

“ACO are the latest fad,” Dan Hawkins, senior vice president for policy and research at the National Association of Community Health Centers told National Public Radio. “I call them the hula hoop of health care because everyone wants one even if they haven’t actually been defined anywhere.”

What are they? Accountable care organizations are run by doctors, nurses and other providers who monitor care through physician offices, clinics or hospitals. They aim to improve health care, while providing a different way to pay for and receive services, which may result in savings.

Medicaid, Medicare or private insurers contract directly with the group of providers, whose pay is based partly on patient results and meeting cost targets. This model rewards providers for the quality of care they give rather than the quantity of tests and treatments they perform.

This type of health care is relatively new, and largely untested, but growing in popularity. Federal health reform authorizes and encourages pilot programs, and many believe it shows great promise for improving the quality of health care while, perhaps, holding down costs. Medicare will start using accountable care organizations next year.

State lawmakers can authorize statewide or pilot programs or participation in federally supported Medicaid demonstration programs.

The organizations may combine other health care initiatives—such as medical homes and electronic medical records—with new ways of paying for health care, such as

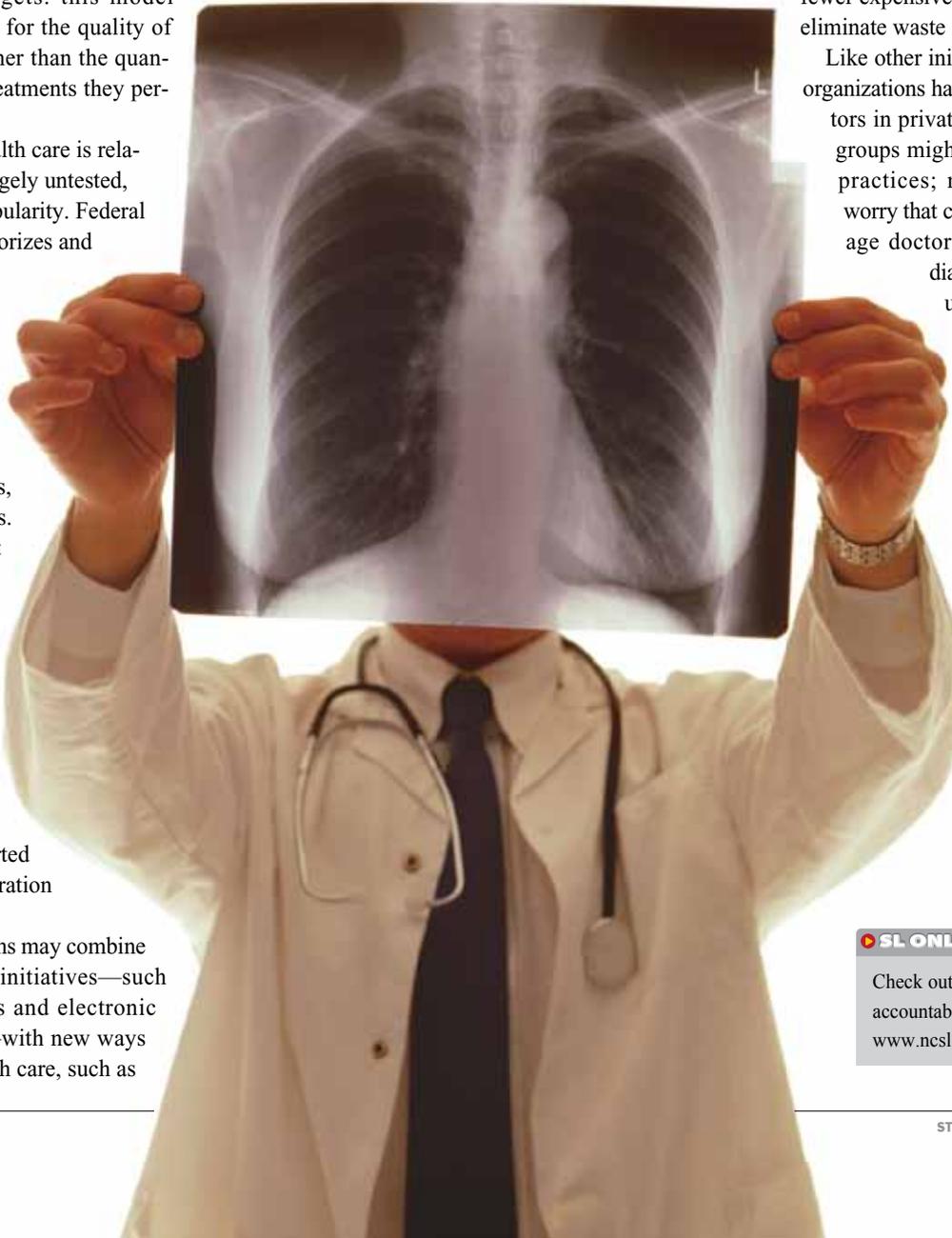
global and episode-of-care payments, which bill for an entire injury or disease rather than each exam, test or treatment.

Steven Shortell, a health policy expert at the University of California, Berkeley provides the following illustration of how these organizations may save money. Health care providers sign an agreement to participate in an accountable care organization. Spending targets are based on past years’ data, which are used for setting payment amounts. If total spending comes in under that target, the providers share in the savings. If spending comes in above the target, the providers must absorb it.

Savings may come from better preventive care, management of chronic diseases and coordination of care, all of which may require fewer expensive tests and treatments, and eliminate waste and duplication.

Like other initiatives, accountable care organizations have caused concerns. Doctors in private practice fear that these groups might gobble up independent practices; medical device makers worry that cost concerns will discourage doctors from using expensive diagnostic equipment; labor unions fear large hospitals may monopolize the market and push up costs.

Pharmacists, on the other hand, are optimistic about their potential. As providers, they would share in decisions about patient care. These organizations are the “wave of the future,” John Coster, of the National Community Pharmacist Association told NPR. “So we either get on the train or get run over by it.”



## SL ONLINE

Check out NCSL’s full brief on accountable care organizations at [www.ncsl.org/magazine](http://www.ncsl.org/magazine)

# Employee or Contractor?

Employee “misclassification” is costing state and federal governments billions in unpaid taxes at a time when budget deficits are soaring. By inaccurately labeling employees “independent contractors,” businesses can avoid paying taxes and complying with labor laws.

Employee misclassification is a complex legal issue that hurts workers, governments and businesses that play by the rules.

Businesses are obligated to withhold income, Social Security and Medicare taxes from an employee’s wages; pay the employer’s share of Social Security, Medicare and unemployment taxes; and provide workers’ compensation insurance coverage.

A recent report by the U.S. Government Accountability Office estimated that in 2006, the federal government lost \$2.72 billion in Social Security, unemployment and income taxes because of employee misclassification.

States report similar tax losses. Rhode Island recently estimated a loss of \$50 million in uncollected income, unemployment and other payroll taxes. Illinois lost close to \$125 million in income tax revenue from 2001 to 2005. A New York task force investigating workplace fraud found that misclassification cost the state more than \$4.8 million in unemployment taxes in 2008.

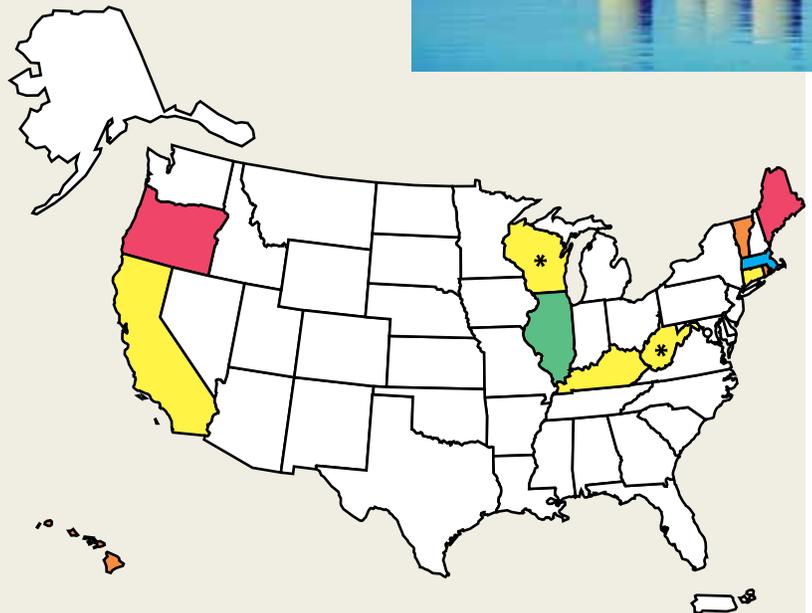
Connecticut, Iowa, Maine, Massachusetts, Michigan, Nevada, New Hampshire, New Jersey, New York, Rhode Island, Vermont and Washington have created task forces or commissions, either by legislation or executive order, to investigate this problem.

Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Minnesota, Nebraska, New Hampshire, New York, Washington and Wisconsin have passed laws since 2008 that more clearly define employment, increase investigative authority or impose sanctions on businesses that routinely or repeatedly misclassify workers.

## Nuclear Power Unplugged

There are currently 104 nuclear reactors in 31 states providing about 20 percent of the nation’s electricity, according to the Nuclear Energy Institute. Concerns around safety, waste disposal and unrestrained costs, however, along with opposition from environmentalists, have restricted construction of new plants. Minnesota has banned all construction of new nuclear power facilities, and 12 other states have set the following conditions on any new construction.

- Must first identify an effective technology or means for disposing or reprocessing of high-level waste. \*West Virginia and Wisconsin also require proof that the construction will be economically feasible for ratepayers.
- Must identify an effective technology or means for high-level waste disposal or reprocessing or must be approved by the state legislature.
- Must be approved by the state legislature.
- Must identify an effective technology or means for high-level waste disposal or reprocessing and must be approved by the voters.
- Must be approved by the voters and the legislature if certain conditions are met.



Source: NCSL, 2010.