

# New Revolution?



September 1, 2008

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The next issue of Capitol Journal will be available on September 8th.

## Top Story

*Tough economic times and a general distrust of political leaders has led to dozens of tax and spending issues that will appear on state ballots on Nov. 4. But opponents warn that voters should be careful what they wish for.*

## SNCJ Spotlight

### Election Day tax revolt brewing

In 1786 a former captain in the Continental army named Daniel Shays led a group of MASSACHUSETTS farmers, burdened by taxes and debt in the aftermath of the American Revolutionary War, in an armed and ultimately aborted rebellion against the government of the state. Tough economic times have set the stage for another revolt in the Bay State this year — without the gunplay — and have touched off tax battles in several other states.

On Election Day, MASSACHUSETTS' voters will decide whether to eliminate the state's income tax, a surprising development in a state long



referred to as “Taxachusetts.” Under the proposal known as Question One, the state’s 5.3 percent tax would be cut in half next year and be phased out altogether the following one.

The measure is one of dozens of tax and spending issues that will appear on state ballots on Nov. 4. Kristina Rasmussen, director of government affairs at the nonprofit National Taxpayers Union, estimates there will be more than 60 ballot measures with the potential for “some significant impact” on taxpayers.

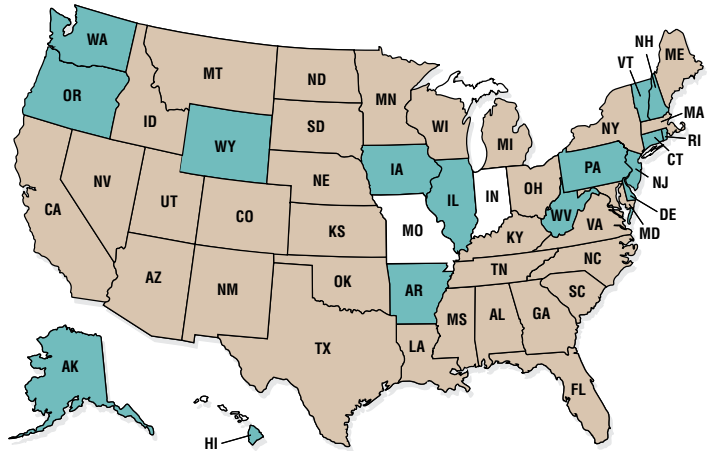
NORTH DAKOTA voters, for instance, will consider a ballot measure halving their state’s personal income tax rate (Measure 2). Voters in OREGON will weigh whether to remove the \$5,600 limit on federal income taxes that taxpayers can claim as a deduction on their state returns (Measure 59). And NEVADA voters are expected to weigh a constitutional amendment limiting property-tax increases to 2 percent per year (Proposition 13).

“This is as many serious tax measures on the ballot as we’ve seen” in many years, said Americans for Tax Reform’s Grover Norquist, president of Americans

**“This is as many serious tax measures on the ballot as we’ve seen.”**

for Tax Reform. Current economic conditions appear to be fueling the revolutionary spirit. Carla Howell of the Committee for Small Government, a citizen group backing Question One, said repealing MASSACHUSETTS’ income tax “will mean less money in the hands of politicians and will give back an average of \$3,700 to each of 3.4 million workers and taxpayers in MASSACHUSETTS — not just once but every year.” And Sharron Angle of We the People Nevada, which drafted that state’s

## Bird’s eye view



Source: USA Today ■ States that already have urban speed limits 60 mph and BELOW ■ States that have urban speed limits ABOVE 60 mph

### Congress ponders national speed limits

With gasoline prices still hovering near \$4-per-gallon, U.S. Sen. John Warner (R-VIRGINIA) has introduced SB 3266, which would order a study to determine the effects of a national 60-mph speed limit, while CALIFORNIA Rep. Jackie Speier (D) has proposed HB 6458, a measure to enact a 60 mph speed limit in urban areas. A limit of 55 mph was first enacted in 1974 as a temporary emergency response to oil shortages, and was only lifted in 1995. Thirty-three states currently have speed limits over 60 mph, with 11 of those setting their maximum speed at 70-75 mph. Those limits generally apply to rural highways, though several states — IDAHO, NEW MEXICO, SOUTH DAKOTA and NORTH DAKOTA — allow motorists to cruise at 75 mph on suburban interstates as well.





property tax-cap amendment, said homeowners have seen their property taxes go up even though home values have been going down.

“We need stable and predictable property taxes,” she said.

The leaders of the revolutionary movement also seem eager to see it spread.

“There are tax-cut activists around the country who are very interested in what we’re doing here,” said Angle. “If it does well, we may see copycat initiatives in 2010 and 2012 across the country.”

Norquist, likewise, said MASSACHUSETTS’ Question One “could be a model for the future” in other states.

But critics say Question One would be a disaster for the state, pointing out that the income tax generated about \$12.5 billion of the state’s \$28 billion in revenue last fiscal year.

Rebecca Deusser, a spokeswoman for MASSACHUSETTS Gov. Deval Patrick (D), said, “A cut of this magnitude would severely reduce the ability of the Commonwealth

**“A cut of this magnitude would severely reduce the ability of the Commonwealth to provide the services that citizens and taxpayers have come to expect from their state government.”**

to provide the services that citizens and taxpayers have come to expect from their state government,” a criticism that has also been leveled against anti-tax measures in other states.

Douglas Schoen, a founding partner of the political consulting firm Penn, Schoen and Berland, predicts that Question One will be defeated for that very reason: voters fearing an “evisceration of key programs.”

But with a similar proposal having attracted 45 percent of the vote six years ago, MASSACHUSETTS’ Election Day tax revolt is unlikely to be as one-sided a battle as Shay’s Rebellion was. (WALL STREET JOURNAL)

— *Compiled by Korey Clark*

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## Budget & taxes

**S**TATE AND FEDERAL OFFICIALS GETTING TOUGH ON **WILDFIRES:** The cost of fighting wildfires across the country is on the rise. For the third year in a row, the U.S. Forest Service had to shift money from other activities to cover its firefighting costs. This fiscal year the agency’s firefighting expenses are already \$400 million over the \$1.2 billion Congress appropriated, and those expenses are expected to climb as high as \$1.9 billion.



The situation isn't any better in the states. For example, ten years ago, CALIFORNIA typically spent \$44 million a year on fighting wildfires. In just the first month and a half of the state's current fiscal year, which began July 1, the Golden State has already spent \$285 million on firefighting, burning through \$13 million in just one day.

Part of the problem is that the number and size of wildfires are growing, and fire seasons are getting longer, a trend many scientists say is the result of global warming. But fire policy experts say more people are also building homes along what they call

the wildland-urban interface, and few communities enforce fire-prevention measures aggressively.

**“This is a very solvable problem. But you’ll step on some toes.”**

“This is a very solvable problem,” said Rich Fairbanks, a wildfire policy specialist with the Wilderness Society, who worked for the U.S. Forest Service for 32 years. “But you’ll step on some toes” along the way.

State and federal lawmakers, tired of watching their firefighting budgets go up in flames, are attacking the problem on several fronts and even showing some willingness to tread on a few toes.

The U.S. House recently passed a bill that would change the way the US Forest Service budgets for fires. And Sen. Dianne Feinstein (D-CALIFORNIA) has introduced a bill that would create model ordinances for building, landscaping, and zoning, and reward state and local governments that implement them.

At the state level, CALIFORNIA Sen. Christine Kehoe (D) pushed for an annual \$50 tax on homeowners who live in areas where the state is responsible for combating wildfires, though she later shelved the measure (SB 1617) when it became clear that Senate Republicans would not support it. (The measure would have required a two-thirds vote in both houses to gain approval.) In January, however, the state did adopt a new building code for fire-prone areas.

Firefighting agencies are also beginning to change their strategy in fighting wildfires. Under the controversial new approach, the agencies focus their efforts on the front posing the greatest threat to communities and either allow the rest of the fire to burn freely or steer it toward a natural fire break, such as a canyon.

The Wilderness Society's Fairbanks said scientists have long contended that periodic fires helped shape the West's ecology and reduce forest fuel loads. He said the new approach may not only end up saving money on firefighting in the long run but also move forests toward a more natural cycle.

“Nature always bats last,” he said. “We need to rethink our strategies and let forests be forests.” (CHRISTIAN SCIENCE MONITOR)

**BUDGETS IN BRIEF:** Every Republican lawmaker in CALIFORNIA but one — Assemblyman Roger Niello — has signed Grover Norquist's “Taxpayer Protection



Pledge” this year. With at least two GOP votes in the Senate and six in the Assembly needed to pass a budget, and any Republican vote to raise taxes now a potential career killer, Gov. Arnold Schwarzenegger’s (R) plan to close the state’s \$15.2 budget gap with a temporary 1-cent sales tax increase appears doomed (SACRAMENTO BEE). • **GEORGIA**’s Department of Natural Resources is considering shifting several golf courses to private ownership and closing as many as six parks and seven historic sites to comply with budget cuts ordered by Gov. Sonny Perdue (R). The governor has ordered state agencies to propose cuts of at least 6 percent to help close the state’s \$1.6 billion budget gap (AUGUSTA CHRONICLE). • A **NEW JERSEY** appeals court has approved the state’s controversial decision to invest \$9 billion of its \$78 billion in public pension funds in hedge funds and other “alternative investments.” The court ruled that such holdings are permitted under state laws governing the retirement accounts (STAR-LEDGER [NEWARK]). • **VERMONT** may close its courthouses to the public for half a day each week under new budget cuts approved last week by lawmakers. A spokeswoman for the state Supreme Court said even bigger budget cuts may be on the way, necessitating a reorganization of the judiciary (TIMES ARGUS).

— *Compiled by KOREY CLARK*

## The week in session

**States in Regular Session:** CA

**States in Recess:** DC, MI, NJ, NY, PA, US

**Special Sessions in Recess:** CA “a”, CA “b”, CA “c”, CT “b”, CT “c”, CT “d”, DE “b”, PA “a”

**States in Informal Session:** MA

**States in Skeleton Session:** OH

**In Pro Forma Session:** US(Senate)

**States in Perfunctory Session:** IL  
Special Sessions “a”-“x”

**States Currently Prefiling or Drafting for 2009:** AL, FL, KY, MT, ND, NV, VA

**States Projected to Adjourn:** CA

**States Adjourned in 2008:** AK, AL, AZ, CO, CT, DE, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MN, MO, MS, NC, NE, NH, NM, OK, RI, SC, SD, TN, UT, VA, VT, WA, WI, WV, WY

**State Special Sessions Adjourned in 2008:** AK “c”, AK “d”, AL “a”, AR “a”, CT “a”, DE “a”, KY “a”, LA “a”, LA “b”, ME “a”, MS “a”, NC “b”, NH “a”, NM “a”, NV “a”, NY “a”, OR “a”, VA “a”, VA “b”, WI “c”, WI “d”, WI “e”, WV “a”, WV “b”

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS  
(session information current as of 08/29/2008)  
Source: State Net database

# Politics & leadership

**A LASKA CONGRESSMEN FACE TOUGH REELECTION CHALLENGES:** Republican voters in ALASKA went to the polls last Tuesday to decide whether a pair of veteran Congressmen accused of corruption should continue to represent the state. The results were mixed.

With 99 of precincts having reported the next day, U.S. Rep. Don Young, who has represented ALASKA in the House of Representatives since 1973 and is currently





under federal investigation for ethics violations, was running neck-and-neck with the state's Lt. Gov. Sean Parnell (R).

But U.S. Sen. Ted Stevens, the longest-serving Republican in Alaska Senate history, who was indicted in July for failing to disclose more than \$250,000 in gifts he received from an oil company, was easily fending off six challengers, garnering 63 percent of the vote.

"People said, 'We're with you,'" Stevens told cheering supporters, while pumping his fist in the air.

But even Stevens' future prospects are uncertain. With his trial scheduled to begin on Sept. 22, he could end up spending the final days of his general election campaign against popular Anchorage Mayor Mark Begich (D) in a D.C. courtroom. Or worse: Republicans could have a convicted felon on the Nov. 4 ballot.

Analysts said the recent developments could allow the Democrats to gain a foothold in the solidly red state.

"I think it's extremely, highly probable, and I'm not a Democratic pollster," said Marc Hellenthal of Hellenthal & Associates in Anchorage. (WASHINGTON POST, LOS ANGELES TIMES, SEATTLE TIMES)

**SWIFT BOAT BACKER SOLICITING DEM'S SUPPORT FOR ALTERNATIVE ENERGY:** TEXAS oilman T. Boone Pickens is a longtime Republican donor who helped fund the Swift Boat Veterans for Truth attack ads that hurt Democratic Sen. John Kerry's 2004 presidential campaign. But Pickens recently renounced his affiliation with the GOP in order to pursue an ostensibly nonpartisan objective: energy independence.

Pickens wants to develop a wind turbine corridor along the Rocky Mountains, running from TEXAS to the Canadian border. He believes the enterprise would allow the United States to substitute wind-generated energy for natural gas-generated energy, freeing up natural gas for use in American cars and thereby alleviating

reliance on foreign oil.

Pickens pitched the idea to delegates at the Democratic National Convention last week, and some of them appeared willing to forgive his past transgressions for the sake of the larger cause.

"The Swift Boat episode is a bitter pill that I don't think many Democrats will forget," said Chris Wicker, chairman of the Democratic Party in Washoe County, NEVADA, a state very focused on being "green." "But we will move on," he said. "The issue of energy independence is bigger."

Las Vegas delegate Randy Soltero, likewise, said, "The guy's got ideas about renewable energy and energy independence. I don't care whose ideas they are. This country needs it."

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The NEVADA Dems embraced Pickens in the belief that he might bring some credibility to the issue, proving to skeptics that alternative energy works from a business standpoint.

“People don’t like change until they see how it works,” said JoEtta Brown, an alternate NEVADA delegate.

Still, some Nevadans were skeptical about Pickens’ plan.

“Even in the best wind areas, [wind power] only works 40 percent of the time,” said Michael Yackira, CEO of Sierra Pacific Resources, noting that wind usually dies when it gets hot. “It probably could work. I just don’t see it working in NEVADA.

I would prefer to support the development of battery storage.”

Others still had misgivings about Pickens himself.

“I wouldn’t say I’ve embraced him,” said Reno delegate Veronica Frankel. “I don’t like that he did the Swift

**“I wouldn’t say I’ve embraced him. I don’t like that he did the Swift Boat ads. But what is important is he’s getting people talking. His politics aside, he’s agreed to move in that direction.”**

Boat ads. But what is important is he’s getting people talking. His politics aside, he’s agreed to move in that direction.” (RENO GAZETTE-JOURNAL)

**SCHWARZENEGGER SIGNS HIGH-SPEED RAIL BILL:** A few weeks ago, CALIFORNIA Gov. Arnold Schwarzenegger (R) vowed not to sign any bills until lawmakers agreed on a state budget. But last week, the governor reversed himself, signing a bill he supports, providing \$9.9 billion in bond funding for a high-speed railway between San Francisco and Los Angeles. The reason for the change of heart is that the proposal — AB 3034 — revises a measure slated for the state’s November ballot, among other things adding Anaheim to the initiative’s prescribed route. Schwarzenegger also urged lawmakers to send him three other bills requiring voter approval: another bond measure addressing the state’s water infrastructure, a plan to allow the state to borrow against future lottery proceeds and controls on state spending. “The governor believes that Californians ought to have an opportunity to vote on all these measures,” said Schwarzenegger spokesman Aaron McLear. But McLear said those proposals would be the only exceptions to the line Schwarzenegger drew in the sand last month. “He will not sign any other bills until we have a budget,” he said. (LOS ANGELES TIMES, SAN FRANCISCO CHRONICLE)

**POLITICS IN BRIEF:** A federal judge decreed last week that a proposal to recall MICHIGAN House Speaker Andy Dillon (D) should be reconsidered, possibly allowing it to make the November ballot. The judge ruled that the state law under which some signatures were rejected because they were collected by

petition circulators who weren't registered to vote or who lived outside Dillon's district was unconstitutional because it "severely burdened" the recall organizers' First Amendment rights (ASSOCIATED PRESS, CRAINE'S DETROIT BUSINESS). • **CALIFORNIA** Senate President Pro Tem Don Perata (D) made good on his promise several weeks ago to make lawmakers skip the Democratic National Convention if they failed to pass a budget. He scheduled sessions every day last week to work on policy bills while he continued to search for the two more Republican votes he needs (CONTRA COSTA TIMES). • Democratic Party conventioners in Denver last week voted to create a commission to review the party's nominating process for 2012. The Democratic Change Commission's primary goals would be to limit the number of unelected "superdelegates," standardize the caucus process and push the start of the primary season out of January (CONCORD MONITOR). • **ARIZONA** Secretary of State Jan Brewer (R) gave the go-ahead last week for a November ballot measure that would make it more difficult for voters to raise taxes or fees. Although Brewer said there wasn't enough time for election officials to conduct the name-by-name check of petition signatures normally required by state law, a random sample indicated that 95 percent of the submitted signatures — about 226,500 of the 230,047 required for constitutional amendments — would be valid, so Proposition 105 was presumed to qualify (TUCSON CITIZEN). • Despite the fact that Sen. Barack Obama's selection of Sen. Joseph Biden Jr. as his running mate brings the total number of U.S. senators in line for replacement to three, it's unlikely the outcome of the presidential race will have any direct impact on the balance of power in the chamber. That's because **ARIZONA** Gov. Janet Napolitano (D) would be required by law to fill Sen. John McCain's vacancy with a Republican if he prevails, and Govs. Rod Blagojevich (D) and Ruth Ann Minner (D), though free to name whoever they want, aren't likely to name Republican appointees if Obama wins (STATELINE.ORG).

— Compiled by *KOREY CLARK*

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## Governors

**MCCAIN PICKS PALIN:** Presumptive Republican presidential candidate Sen. John McCain surprised just about everyone last week by choosing **ALASKA** Gov. Sarah Palin (R) as his running mate. Although Palin had previously been mentioned as a possible vice-presidential candidate, most observers did not expect her to make the final cut, ostensibly because she is barely two years into her first term as the Last Frontier governor. Palin's only previous political experience was as the mayor of the small **ALASKA** town of Wasilla, which has only about 8,000 residents.

But Palin is also enormously popular in her home state, with approval ratings hovering near 80 percent. She is generally credited with fighting and defeating corruption in her own party, and is a vocal supporter of new oil drilling along ALASKA's north slope. Palin is also adamantly pro-life as well as a lifetime member of the National Rifle Association, two things sure to help McCain's bona fides with rock-rib conservatives, a group he desperately wants to win over. But while most Republicans seemed happy with the choice, Dems responded with what is sure to be a steady theme throughout the campaign. NEW YORK Sen. Chuck Schumer called the choice "desperate," saying that, "while Palin is a fine person, her lack of experience makes the thought of her assuming the presidency troubling." (WASHINGTON POST, LOS ANGELES TIMES, CNN)

**PERDUE SEEKS MENTAL HEALTH**

**OVERHAUL:** GEORGIA Gov. Sonny Perdue (R) has endorsed a proposal to create a separate department to oversee the state's state psychiatric hospitals and other mental health services. The governor endorsed a study group's recommendation to split the two agencies that currently oversee the state's social services — the Department of Human Resources and the Department of Community Health — into three distinct organizations, including a Department of Behavioral Health that would be responsible for providing mental health and substance abuse services. Lawmakers need to approve the proposal.

Perdue's said he hopes to have the trio of agencies operating by next July, but doesn't yet know whether the new system will cost more or less than the approximately \$3.8 billion the Peach State currently spends each year on public health. "We will be fleshing out these funding issues over the next few months," Perdue said, adding that he hopes the new agencies will be "more efficient and more effective."

The state's psychiatric hospitals are currently under investigation by the federal Department of Justice over allegations of unnecessary and sometimes suspicious deaths, neglect and abuse in the state's seven mental health facilities. The DOJ has threatened to

**Upcoming elections**

08/27/2008 - 09/17/2008

09/02/2008

**Arizona Primary Election**

House (All)  
Senate (All)  
US House (All)

09/06/2008

**Louisiana First Party Primary**

US House (All)  
US Senate (Mary L. Landrieu)

09/09/2008

**Delaware Primary Election**

House (All)  
Senate Districts 2, 3, 4, 6, 10, 11, 16, 17, 21  
Constitutional Officers:  
Governor, Lieutenant Governor,  
Insurance Commissioner  
US House (All)  
US Senate (Joseph R. Biden, Jr.)

**District of Columbia Primary Election**

Council Ward 2, Ward 4, Ward 7, Ward 8;  
Member at Large  
US House (Territory Delegate)

**Minnesota Possible Special Primary**

Senate District 16, Betsy L. Wergin;  
District 63, Dan Larson

**Minnesota Primary Election**

House (All)  
US House (All)  
US Senate (Norm Coleman)

**New Hampshire Primary Election**

House (All)  
Senate (All)  
Constitutional Officers: Governor  
US House (All)  
US Senate (John E. Sununu)

*continues on next page*

sue the state if conditions in those facilities are not improved.

Perdue did not address the investigation, but Republican Sen. Renee Unterman, a member of the reorganization panel that developed the proposed reorganization plan, said the new mental health agency is the key to making those changes work. “We have reached the bottom of the barrel with mental health,” Unterman said, adding that a separate mental health agency would allow the state to “concentrate and focus on rebuilding.”

The governor also hinted that he would consider consolidating hospital services or turning over some facilities to private operators, but declined to elaborate on any specific future proposals. (ATLANTA JOURNAL-CONSTITUTION)

#### **GOVS LOOK TO EASE BORDER**

**CROSSINGS:** CALIFORNIA Gov. Arnold Schwarzenegger (R) and a coalition of border governors from both countries are exploring the idea of public-private partnerships to construct vehicle toll lanes at entry points between the United States and Mexico. Schwarzenegger said the governors hope to cut down the current wait time at border crossings, which can be as long as two hours for passenger vehicles and four hours for commercial trucks.

Schwarzenegger’s comments came during the recent Border Governor’s Conference in Los Angeles. In addition to Schwarzenegger, the conference featured governors Janet Napolitano (D) of ARIZONA, Bill Richardson (D) of NEW MEXICO and Rick Perry (R) of TEXAS, as well as six governors from Mexico. He noted that Department of Homeland Security chief Michael Chertoff, another conference attendee, is also open to the idea. “Everyone agrees that we need to expand the pipe...which means that we can get more people across quicker, more efficiently,” Schwarzenegger said. He said the states would soon begin working with federal officials soon to figure out how such partnerships could be done without drawing criticism that “you’re selling off the border.” (LOS ANGELES TIMES)

**PERRY LIKES TEXAS TEACHERS ARMED:** TEXAS Gov. Rick Perry (R) said he supports a school district’s recent decision to allow teachers and staff to carry guns on campus, and would similarly be in favor of more districts following suit.

### **Upcoming elections (cont.)**

08/27/2008 - 09/17/2008

#### **New York Primary Election**

US House (All)

#### **Rhode Island Primary Election**

House (All)

Senate (All)

US House (All)

US Senate (John F. Reed)

#### **Vermont Primary Election**

House (All)

Senate (All)

Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Auditor of Accounts

US House (All)

#### **Wisconsin Primary Election**

Assembly (All)

Senate (Even)

Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General

US House (All)

09/16/2008

#### **Massachusetts Primary Election**

House (All)

Senate (All)

US House (All)

US Senate (John F. Kerry)



“I’m pretty much a fan that if you’ve been trained and you are registered, then you should be able to carry a weapon. Matter of fact, there’s a lot of instances that would have saved a lot of lives,” Perry said. His comments came in response to the Harrold Independent School District’s approval last October of rules that allow school employees to carry concealed firearms as long as they are properly trained and have a concealed carry permit from the state. Harrold is one of the smallest districts in the Lone Star State, with only 110 total K-12 students. District supervisors cited the school’s distance from the nearest sheriff’s station, at least a 30-minute drive, for its decision. (DALLAS MORNING NEWS)

## Upcoming stories

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

- **College textbooks**
- **Prison health care**
- **No Child Left Behind**

**GOVERNORS IN BRIEF: MICHIGAN** Gov. Jennifer Granholm (D) will oversee a hearing this week to determine if embattled Detroit mayor Kwame Fitzpatrick should be removed from office for official misconduct. Granholm rejected a plea for a dismissal from Fitzpatrick’s attorney. Maurice Kelman, a retired Wayne State University law professor, says the design of the hearing is almost sure to lead to Granholm finding against the mayor, something which could lead to Fitzpatrick’s resignation before the September 3<sup>rd</sup> hearing (DETROIT FREE PRESS). • **ILLINOIS** Gov. Rod Blagojevich (D) vetoed legislation aimed at preventing a governor from taking campaign contributions from state contractors. Blagojevich sent the measure back to lawmakers, insisting they place similar restrictions on themselves and other state officers. Lawmakers said they will attempt to override the veto (CHICAGO TRIBUNE). • **ALABAMA** Gov. Bob Riley (R) said he will seek to defeat a proposal to bring electronic bingo back to the Birmingham Race Course, something supporters say could bring in an additional \$20 million a year for the city and create 2,500 jobs. The Birmingham city council has approved placing the matter before voters in a non-binding referendum. Riley said he opposes the measure because he doesn’t believe in gambling, noting “It might make a lot of people wealthy, but I don’t think it’s the best thing for the state of Alabama” (BIRMINGHAM NEWS). • **LOUISIANA** Gov. Bobby Jindal (R) activated the Pelican State’s catastrophic action team in anticipation of Hurricane Gustav reaching landfall there early this week. Jindal declared a state of emergency last Wednesday and ordered 1,500 National Guard troops to New Orleans to aid in possible evacuations (NEW ORLEANS TIMES-PICAYUNE).

— *Compiled by RICH EHISEN*



required to set more stringent monitoring requirements if they determined the federal requirements were inadequate. The EPA changed that in 2006 when it prohibited states from requiring new monitoring (NEW YORK TIMES).

**HEALTH & SCIENCE:** The **CALIFORNIA** Supreme Court rules that Golden State doctors may not invoke their religious beliefs as a reason to deny treatment to gays and lesbians. The justices determined that state law prohibiting businesses from discriminating based on sexual orientation also applies to the medical profession (SAN DIEGO UNION-TRIBUNE). • The **CALIFORNIA** attorney general issues new guidelines for Golden State medical marijuana dispensaries that require those outlets to operate as not-for-profit collectives or cooperatives. The new rules also bar the establishments from buying marijuana from illegal, commercial growers, and limits fees to only covering overhead and operating expenses (LOS ANGELES TIMES). • The **GEORGIA**-based Centers for Disease Control cuts off funding for an advanced HIV monitoring system in eight states: **GEORGIA, ILLINOIS, MARYLAND, MISSOURI, OHIO, OKLAHOMA, PENNSYLVANIA,** and **TENNESSEE**. The CDC says it is halting funds to those states in order to increase funding for the system in 25 other states and cities (NEW YORK TIMES). • Back in **CALIFORNIA**, the Assembly approves SB 981, which would require ER doctors and health plans that disagree over the billing of services to settle the dispute through an independent third party. It now returns to the Senate (LOS ANGELES CHRONICLE).

**POTPOURRI:** A federal appeals court upholds an **OHIO** law that bars protesters from demonstrating within 300 feet of a burial or funeral service. The law had been challenged by a **KANSAS** church that regularly pickets at military funerals because they believe the soldiers' deaths are God's way of punishing America for its acceptance of homosexuality (USA TODAY). • The **CALIFORNIA** Senate endorses AB 2233, which would bar motorists from driving with a live animal in their lap. It returns to the Assembly (LOS ANGELES TIMES). • Still in **CALIFORNIA**, the Senate gives a final endorsement to SB 28, which would bar motorists from text messaging while behind the wheel. It moves to Gov. Arnold Schwarzenegger (R) for review (LOS ANGELES TIMES).

## 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 2008 prefiles last week:** 16

**Number of 2009 prefiles last week:** 89

**Number of Intros last week:** 117

**Number of bills enacted/adopted last week:** 113

**Number of 2008 prefiles to date:** 20,699

**Number of 2009 prefiles to date:** 768

**Number of Intros to date:** 88,566

**Number of bills enacted/adopted overall to date:** 26,155

— Compiled By JAMES ROSS  
(measures current as of 08/28/2008)  
Source: State Net database

— Compiled by RICH EHISEN

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# Once around the statehouse lightly

**G**OVERNOR TWINKLE TOES: KANSAS Gov. Kathleen Sebelius may not have ended up as Barack Obama's vice-presidential running mate, but that didn't stop her from cutting a rug at one of the Dems big convention parties in Denver last week. According to *New York* magazine, Sebelius was spotted "just tearing it up" on the dance floor with LOUISIANA Lt. Gov. Mitch Landrieu, who it referred to as "a mighty sexy bald-headed man." The gov's dancing drew rave reviews from several observers, including New Orleans music legend Allen Toussaint, who the mag says came over and gave her a bow. Later, a breathless Sebelius promised to make sure Dems partied harder than their GOP counterparts. Sounds like the easiest promise she'll ever keep.

**NOW THAT'S A BONUS, BABY:** Jo Harris knew she was due to receive a nice "longevity" bonus when she hit the seven year mark on her job at the OKLAHOMA Employment Security Commission. But as the Associated Press reports, a misplaced decimal point turned what was supposed to be a handy little bump of \$850 into a massive windfall of \$850,000. A red-faced payroll official eventually caught the error, but only after the check was already on its way to Harris' bank. They quickly canceled it and reissued one for the right amount, but they need not have worried. Harris said she had no intention of taking the cash. But wasn't she even a little tempted to take the money and run? Uh, that would be a no. As Harris explained, "I don't go to jail for anybody."

**POLS BEHAVING BADLY I:** The downfall of long-time U.S. Sen. Larry Craig of IDAHO has apparently done more than make him fodder for late night TV talk show hosts. You may recall that Craig was convicted in 2007 for lewd conduct in a Minneapolis airport bathroom stall, essentially playing footsy with a man he was seeking to "connect" with. Sadly for him, that person was an undercover cop, which led to his arrest and resignation from Congress. He later cancelled that, but is not seeking another term this fall. Craig's actions also appear to have inspired CALIFORNIA Senate Bill 1105, a measure that, according to State Net, "allows for the suspension of a teacher's credentials if the credential holder pleads nolo contendere to loitering in or about a public toilet." The measure is now with Gov. Arnold Schwarzenegger.



**POLS BEHAVING BADLY II: CALIFORNIA**

Sen. Carol Migden is known as one of the most, uh, challenging personalities under the Capitol dome. Migden’s often erratic behavior has in fact taken on the air of legend in Sacramento, including her once surreptitiously pushing a Republican senator’s “yes” voting button on a bill he opposed. But Migden usually saves her most caustic behavior for her staff, which must bear the daily brunt of her infamous temper. As the *Sacramento Bee* reports, that ire was on full display last week when personnel officials had to intervene after Migden began screaming at her staff from the hallway outside of her office. The staff was eventually sent home for the rest of the week. Staffers can take heart, however, as the reign of terror is almost over. Last June, Migden became the first sitting CALIFORNIA lawmaker since 1996 to go down in her own party primary.

**In case you missed it**

Candidates often promise the world when on the campaign trail. But as SNCJ columnist Lou Cannon noted in our August 18 issue, just as often those promises don’t hold up to fiscal reality.

In case you missed it, the article can be found on our Web site at [http://www.statenet.com/capitol\\_journal/08-18-2008/html](http://www.statenet.com/capitol_journal/08-18-2008/html)

**POLS BEHAVING BADLY III:** Bad behavior from elected officials is hardly contained to America. As the *San Francisco Chronicle* reports, the German consul in the City by the Bay recently filed a complaint with the Foreign Ministry in Berlin after a group of visiting Deutschland lawmakers acted in a manner he called “inappropriate to bloody-minded.” The consul complained that the vacationing pols were far more interested in sightseeing and shopping — particularly for shoes — than in doing any kind of official work. He further noted that one German elected official used a racial slur to request a wheelchair for a member of the group with a broken foot, saying “we need a [N-word] who can push the wheelchair.” The offending pol didn’t deny using the word, or anything else for that matter. He did, however, complain that the consulate’s services were “not of the standard we’re used to.”

— By RICH EHISEN



**Editor:** Rich Ehsen — capj@statenet.com

**Associate Editor:** Korey Clark — capj@statenet.com

**Editorial Advisor:** Lou Cannon

**Correspondents:** Richard Cox (CA), Steve Karas (CA), Bruce McKeeman (CA), Jeff Kinnison (CA), Chelsea Wolfe (CA), Linda Mendenhall (IL), Lauren King (MA) and Ben Livingood (PA)

**Editorial Intern:** Katherine Hasnain

**Graphic Design:** Vanessa Perez

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