

Fighting Chance



September 22, 2008

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● The next issue of
 ● Capitol Journal will be
 ● available on October 6th.
 ●

Top Story

The seemingly irresistible Democratic political tide may be ebbing, and some analysts believe that Republicans and Democrats may now even have equivalent opportunities to win contested statehouses.

SNCJ Spotlight

The turning of the tide

The once-irresistible Democratic political tide seems to be ebbing, and not in the presidential campaign alone. Tim Storey, the sterling political analyst for the National Conference of State Legislatures, believes that Republicans and Democrats have equivalent opportunities to win contested statehouses. In gubernatorial races, the authoritative Cook Political Report finds that Republicans could hold

A Cannon Perspective



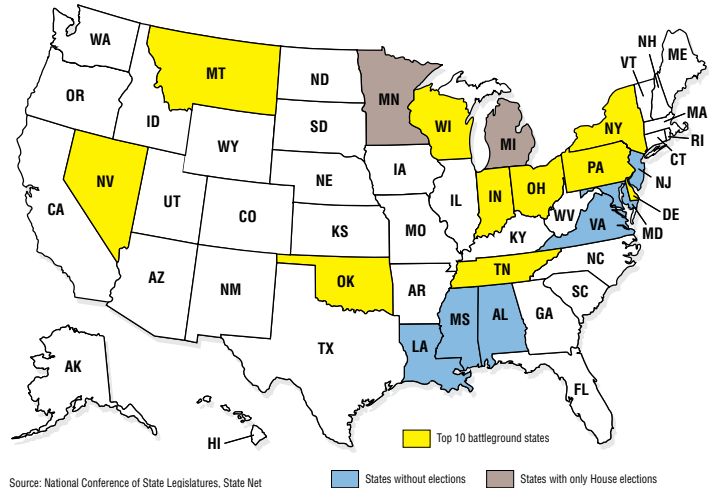
With Lou Cannon

their own or gain a governorship. Even the generic preference of voters for Democrats also shows signs of slippage. In early summer the Democrats led by double digits when voters were asked which party they preferred to control Congress; the margin is down to four points in an averaging of recent polls. Democrats retain significant strategic advantages in House races — they have only seven open seats to defend compared to 29 for the Republicans — but the Cook Political Report now envisions Democratic gains in the low teens, well below spring expectations. Although Democrats are poised to gain U.S. Senate seats and tighten their control of the upper house, most analysts anticipate that they will wind up two or three seats short of their original goal of a filibuster-proof 60 seats.

The apparent Republican resurgence has been most pronounced in the presidential contest. In the most recent Gallup and Rasmussen national polls the Republican ticket of John McCain and Sarah Palin has pulled even or slightly ahead of the Democratic ticket of Barack Obama and Joe Biden. The electoral map is fluid. At least six states that could make the difference are within the margin of polling error, meaning that the contest is effectively tied. Whether the Republicans can maintain their momentum is anyone's guess. "Twenty four hours is a lifetime in politics," in the words of Richard Harwood, my late, great editor at the *Washington Post*, and there are more than 40 days (and three presidential debates) before Election Day.

Legislative elections in many states are particularly close. They're important, too, because most of the legislators elected this November will participate in the 2011 congressional redistricting that could determine partisan control of Congress

Bird's eye view



State legislatures poised for partisan shift

In a little over a month, along with choosing a president and Congress, voters will decide who will occupy 80 percent of the 7,382 state legislative seats across the country. (There are no legislative elections this year in ALABAMA, LOUISIANA, MARYLAND, MISSISSIPPI, NEW JERSEY and VIRGINIA, and only House seats are up for consideration in MICHIGAN and MINNESOTA.) According to State Net, Democrats currently control 24 of the nation's statehouses, Republicans control 14, and power is divided between the two major parties in 11 states. (NEBRASKA's unicameral Legislature is nonpartisan. A complete partisan breakdown can be found at http://statenet.com/resources/partisan_lineup.html.) But at least 28 of the 84 legislative chambers with elections this year could change hands, according to the National Conference of State Legislatures (See SNCJ Spotlight in this issue). The accompanying chart shows the 10 states where NCSL considers such a shift most likely.



for a decade. Storey's analysis finds that 28 of the 84 legislative chambers with elections this year could change hands and listed 10 states as principal battlegrounds: DELAWARE, INDIANA, MONTANA, NEW YORK, NEVADA, OHIO, OKLAHOMA, PENNSYLVANIA, TENNESSEE and WISCONSIN. Of these, the best chance for Democrats is probably in NEW YORK, where the switch of a single seat would give them control of the Senate for the first time since 1966. Democrats also could capture the lower legislative houses in DELAWARE, MONTANA, OHIO, and WISCONSIN and the senate in NEVADA, which Republicans hold by a single vote. Storey finds that the Republicans have a solid chance of winning the state senates in Oklahoma and Tennessee, both currently tied, and could regain control of the houses in INDIANA and PENNSYLVANIA, which they lost two years ago. The GOP also could win the senate in MONTANA and WISCONSIN.

Eleven governorships are being contested this year with control unlikely to change except in three of them. In MISSOURI, Democrat Jay Nixon, the state attorney general, leads handily in his attempt to win an open governorship being vacated by a Republican. NORTH CAROLINA and WASHINGTON, both governed by Democrats, are rated as toss-ups in the Cook report. Four years ago the WASHINGTON race between now-Gov. Christine Gregoire and her Republican challenger Dino Rossi was decided by 133 votes and three court decisions. Their rematch race appears equally tight.

Why are there so many close races and why is the Republican presidential ticket so competitive? There are as many theories about this as there are views of Hillary Clinton, but two underlying explanations seem especially useful. The first of these — a point made by Charlie Cook about House contests and by Storey about legislative races — is that Democrats plucked most of the low-hanging political fruit in the 2006 elections, which were disastrous for Republicans. In the wake of these mid-term elections, droves of incumbent GOP congressmen and legislators abruptly discovered that they wanted to spend more time with their families.

The second basic point to make about this election is that the United States remains a closely divided nation. This has been obscured by the unpopularity of President George W. Bush, whose approval ratings hover around 30 percent. Presidents Harry Truman, Richard Nixon, and Jimmy Carter reached lower nadirs in popular esteem, but Bush has been unpopular for a longer period of time, and his low ratings have taken a toll on his party and its candidates. As Bush has faded from the spotlight, GOP prospects have improved — with McCain the most conspicuous beneficiary. Political analyst Michael Barone finds the Democratic theme that McCain is a continuation of Bush an “unsustainable” argument. So far, it has been rejected by independents, a potentially decisive segment of the electorate in which McCain has a 14-point lead over Obama in a recent Gallup survey.

The flip side of McCain's appeal to independents was always the anxiety he causes among his party's rank and file. McCain has never made conservative hearts



go pit-a-pat, and it is the conservatives, religious and secular, who are the dependable foot soldiers of the Republican Party. McCain is only the third non-establishment Republican to be nominated for the presidency in more than a century (the others, Wendell Willkie and Barry Goldwater, both lost), and he has no field organization worthy of the name. He needed a running mate who excited the base of his party. His choice of Sarah Palin did in a single stroke what McCain hadn't been able to do in a decade. Whether the Palin rocket remains aloft until votes are counted is an open question, but she has kept McCain in the race.

Despite the Republican resurgence, the fundamentals of the 2008 election still favor the Democrats. Although it is doubtful if any president could do much to calm the financial waves that are roiling Wall Street and the world, a shaky economy on balance tends to hurt the nominee of the incumbent party, as a CBS-*New York Times* Poll indicated last week. One useful historical barometer of political change has been the answer voters give to the question: "Is America heading in the right direction or is it on the wrong track." In the latest average of poll responses to this question in RealClearPolitics, 73 percent say wrong track, roughly the percentage of voters who felt that way in 1980, when Ronald Reagan won the presidency and the GOP swept into control of the Senate.

Early this year, when Obama was inspiring millions of new voters to participate in politics, his resonant appeals for national restoration were reminiscent of Reagan, whom Obama praised as a national leader in one of his memoirs. Perhaps as the campaign progresses, Obama will borrow Reagan's 1980 battle cry: "Are you better off than you were four years ago?" It would be fitting, for the line was a paraphrase of one used by the greatest of Democratic presidents, Franklin D. Roosevelt. In this column, however, we make no predictions. There are more than 40 days of political lifetimes left in this election and as California Gov. Pat Brown once quipped in a burst of irrefutable political insight: "The future of the country lies ahead."

— Lou Cannon

Budget & taxes

WALL STREET CRISIS HITS STATES HARD: It's too early to tell just how big of an impact the turmoil on Wall Street will have on already-struggling states. But the early reports aren't too encouraging.

In NEW YORK, Gov. David Paterson (D) said last week the crisis could cost his state \$1 billion in revenue over just the next six months and as many as 30,000 jobs in a "worst case scenario."

“While the full impact of these events may not be known for months or even years, the fact that financial-services firms that were able to survive the Great Depression, world wars and the Sept. 11 attacks collapsed under the weight of the current fiscal crisis is cause for grave concern,” the governor said at a press conference at his offices in New York City.

Another state that could end up taking a big hit is FLORIDA. According to the *St. Petersburg Times*, at the end of August the state owned over half a billion dollars in Lehman Brothers stocks and bonds and more than \$8 billion in investments in other troubled companies — including AIG, Freddie Mac and Fannie Mae — spread throughout the Citizens Property Insurance Corp., the state treasury, the state retirement system and other funds.

The state’s retirement system had the largest holdings of Lehman Brothers investments, over \$300 million worth. And although that constitutes less than 1 percent of the pension plan’s \$125 billion in total assets, Lehman’s bankruptcy could potentially wipe out the state’s roughly \$68 million in Lehman stocks, according to the State Board of Administration, which manages the fund. The SBA reported the state had already lost about \$55 million in Lehman stocks and another \$29 million in fixed income holdings.

But experts say FLORIDA’s retirement fund is still one of the best-funded in the nation, with a \$6 billion surplus.

“It’s never good to be in a down-market,” said Richard Ferlauto, director of pension policy at the American Federation of State, County & Municipal Employees union in Washington, D.C. “But (FLORIDA’s pension fund) can weather this storm better than most.”

Even in NEW YORK, not everyone was all gloom and doom about Wall Street’s meltdown.

“The world is not coming to an end here,” New York City Mayor Michael Bloomberg said at a press conference at City Hall. (NEW YORK POST, ST. PETERSBURG TIMES)

CA BUDGET STALEMATE BUDGES: Last week, more than 75 days into the new fiscal year, CALIFORNIA’s budget stalemate finally came to an end. Or so it seemed.

The week in session

States in Regular Session: DC, MI, NJ, OH, PA, US

States in Recess: IL, NY

States in Special Session: PA “a”

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

States in Informal Session: MA

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

States in Extended Session: CA(Budget)

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

States Adjourned in 2008: AK, AL, AZ, CO, CT, DE, FL, GA, HI, IA, ID, 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”, CA “c”, 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 09/19/2008)
Source: State Net database

Legislative leaders announced last Sunday that they'd reached an agreement that relied primarily on spending cuts and accounting maneuvers rather than a sales tax hike to close the state's \$15.2 billion deficit. A couple of days later, the Senate and Assembly both approved the deal.

Even before those votes, however, Gov. Arnold Schwarzenegger (R) was threatening to veto the plan, contending that it doesn't do enough to restrict future spending and simply pushes the state's fiscal problems into next year.

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“People aren't getting paid, hospitals are in danger of closing, but I will not sign a get out of town budget...that punishes taxpayers,” Schwarzenegger said.

Lawmakers forged ahead anyway, with leaders of both parties and houses claiming they had the two-thirds vote for an override. Although no Golden State governor has suffered a veto override in 30 years, Senate minority leader Dave Cogdill (R) told a Los Angeles radio talk show that his chamber would “most definitely” override the governor if he vetoed the budget. And Assembly Speaker Karen Bass (D) said her chamber wouldn't have much trouble doing the same.

“If we bring 120 legislators up here to override a veto, I'm pretty confident that we're not going to have difficulty doing that, and we would do it in rapid fire,” she said.

But lawmakers' confidence eroded the following day when complications arose over one of the linchpins of the plan, a 10 percent increase in state tax withholding, which would generate cash by accelerating the collection of taxes. The provision had been passed in separate legislation by Democrats using a procedural maneuver that required only a majority vote, allowing Republicans to sidestep a potential political landmine. An override vote, however, would essentially constitute an endorsement of the provision.

“It is not clear whether members of our caucus would vote for that,” said Assembly Budget Committee Vice Chairman Roger Niello (R).

Ultimately, the answer was no and lawmakers went back to the drawing board, proposing instead to make up the lost revenue by increasing penalties on corporations that underpay taxes. The new deal would also lower the amount of the state's reserve fund from \$1.2 billion to \$800 million, and force corporations who underpay their taxes by \$1 million or more to pay penalties of 20 percent. The deal also assumes a cancellation of a proposed tax amnesty program. Lawmakers scheduled a vote for last Friday, but party leaders in both houses say they expect no problems getting it approved. Schwarzenegger also now appears set to sign the measure. When he does, it will bring to an end the longest budget stalemate in state history, a record 81 days. (SAN JOSE MERCURY NEWS, LOS ANGELES TIMES, SACRAMENTO BEE)

BUDGETS IN BRIEF: The property damage in **TEXAS** from Hurricane Ike could run as high as \$16 billion, according to the **CALIFORNIA**-based company Risk Management Solutions. But there's only \$2.3 billion in the state insurance pool created to cover such damage, which could leave the state on the hook for the difference (**NEW YORK TIMES**). • **PENNSYLVANIA** Gov. Ed Rendell (D) ordered an immediate hiring freeze, banned all out-of-state travel by state employees and directed cabinet secretaries to trim 4.25 percent from their budgets last week. The measures were aimed at saving \$200 million from this year's state budget in anticipation of a weakening economy (**PHILADELPHIA INQUIRER**). • **CALIFORNIA** state Controller John Chiang (D) reported last week that the state's payroll computer program would take six months to reconfigure to change workers' pay to comply with the executive order issued in July by Gov. Arnold Schwarzenegger (R) dropping most state workers' pay to the federal minimum wage of \$6.55 an hour until a budget is signed. The administration filed a lawsuit against the controller in August in an effort to expedite his compliance (**SACRAMENTO BEE**). • Also in **CALIFORNIA**, Atty. Gen. Jerry Brown (D) asked a federal judge to reject a request by the court-appointed overseer of prison healthcare to seize \$8 billion from the state treasury for prison construction. Brown contends that action would violate the state's sovereign rights (**LOS ANGELES TIMES**). • The **LOUISIANA** Workforce Commission reported that the number of unemployment claims in the state, which spiked to 25,026 after Hurricane Gustav struck on Sept. 1, nearly doubled last week to 48,569 (**TIMES-PICAYUNE [NEW ORLEANS]**). • **WISCONSIN** Gov. Jim Doyle (D) has placed the price tag on damage from the June and July flooding not covered by insurance or federal disaster assistance at \$1.22 billion. That figure is the basis for the administration's request for additional aid from the U.S. Department of Housing and Urban Development (**MILWAUKEE JOURNAL SENTINEL**). • **UTAH** Gov. Jon Huntsman Jr. (R) is calling lawmakers into special session this week to fill a \$200 million hole in the state budget. Lawmakers of both parties and chambers support the idea, believing they should act now while they have options (**SALT LAKE TRIBUNE**).

— Compiled by **KOREY CLARK**

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: 140

Number of 2009 prefiles last week: 69

Number of Intros last week: 518

Number of bills enacted/adopted last week: 101

Number of 2008 prefiles to date: 20,873

Number of 2009 prefiles to date: 1,200

Number of Intros to date: 89,534

Number of bills enacted/adopted overall to date: 26,466

— Compiled By JAMES ROSS
(measures current as of 09/18/2008)
Source: State Net database

Politics & leadership

INCUMBENTS OUSTED IN MA PRIMARIES: Voters in and around Boston demonstrated their desire for change in last Tuesday's primary elections, booting three sitting state legislators from office.

The highest-profile ouster was that of Sen. Dianne Wilkerson (D), the state's only black senator. Endorsed by the state's top Democrats, including Gov. Deval Patrick, but beset by legal troubles related to campaign finance violations, Wilkerson was edged out by retired teacher Sonia Chang-Díaz by a vote of 50.57 percent to 49.29 percent. Barring a recount, Chang-Díaz will face a relatively unknown Socialist Workers Party candidate, William Theodore Leonard, in November, with no Republican candidate on the ballot.

Along with Wilkerson, seven-term incumbent Rep. Anthony J. Verga (D) and two-term Rep. Patrick Natale (D) also lost their seats, to first-time candidate Ann-Margaret Ferrante and Woburn Alderman James J. Dwyer, respectively. Ferrante and Natale will be unopposed in November. (BOSTON GLOBE)

POLITICS IN BRIEF: The Obama campaign filed a federal lawsuit in **MICHIGAN** last week seeking to limit the ability of Republicans to challenge the eligibility of voters in the state. The suit was spurred by a recent Web report alleging that the **MICHIGAN** GOP intended to challenge the voting eligibility of residents who had faced foreclosure, a report which was later denied by party officials (WALL STREET JOURNAL). • **CALIFORNIA's** Bay Area Council, which represents the chief executives of such businesses as Google, Yahoo, Chevron and Wells Fargo, is pushing for a constitutional convention to revamp the state's budget process. Among other things, the organization is proposing the adoption of a two-year budget cycle and the elimination of the state's two-thirds vote requirement for passing a budget (ASSOCIATED PRESS, SAN JOSE MERCURY NEWS). • Homeless advocates in **OHIO** are working to get those in shelters and on the streets to the polls. According to the **OHIO** Secretary of State's office, the homeless can legally vote, using a shelter as their address (TOLEDO BLADE). • As she had vowed, **PENNSYLVANIA** Lt. Gov. Catherine Baker Knoll (D), despite battling a rare form of cancer, presided over the state Senate when it returned from its summer recess last week. The 77-year-old has not missed a single Senate session in the nearly six years of her tenure (STATE NET). • As **CALIFORNIA's** budget standoff continued to drag on this month, voters gave their elected representatives the worst approval rating in the state's history. A Field Poll released Sept. 11 showed that only 15 percent of registered voters approved of state lawmakers' performance (SACRAMENTO BEE).

— Compiled by KOREY CLARK



to cover 100 percent of the cost of debris removal and emergency measures that TEXAS governments incurred when Hurricane Ike devastated Galveston last week. Jindal immediately sent Bush a letter requesting the same treatment, noting that his state had suffered dramatically not only from Ike, but from Hurricane Gustav just two weeks earlier. "Singularly, each was a major disaster," Jindal wrote. "Combined, these storms amount to a catastrophic event for the state." Officials estimate that a waiver of debris-removal costs could save the state about \$75 million. (TIMES-PICAYUNE [NEW ORLEANS])

GOVERNORS IN BRIEF: MASSACHUSETTS

Gov. Deval Patrick (D) has proposed a plan to terminate 100 Massachusetts Turnpike toll collectors in an effort to move toward fully automating the Bay State's toll roads. The layoffs are expected to be meted out over the next 12 to 18 months (BOSTON HERALD). • **NEW YORK** Gov. David Paterson (D) said he plans to relaunch the "I Live New York" program, an effort to keep younger residents from leaving the Empire State started by former first lady Silda Wall Spitzer. The program has been stalled since former Gov. Eliot Spitzer (D) resigned over a prostitution scandal last March (ALBANY TIMES UNION). • **WYOMING** Gov. Dave Freudenthal (D) said he plans to ask Cowboy State lawmakers for funding to help jumpstart research on a reliable vaccine for brucellosis, which can cause cattle to abort their fetuses. The disease is endemic in elk and bison herds in northwest **WYOMING**, which spread the disease to cattle herds in other states (CASPER STAR-TRIBUNE).

— *Compiled by RICH EHISEN*

<p style="text-align: center;">Upcoming elections 09/18/2008 - 10/09/2008</p> <p>09/20/2008 Hawaii Primary Election House (All) Senate 1, 3, 5, 6, 7, 12, 16, 18, 22, 23 US House (All)</p> <p>09/23/2008 Mississippi Special Election House District 114 (Guice)</p> <p>10/04/2008 Louisiana Special Primary House District 18 Senate District 9 US House (All) US Senate (Mary L. Landrieu (Rescheduled from 9/6/08))</p>

Hot issues

BUSINESS: The PENNSYLVANIA House approves HB 2525, which would double the required minimum floor space for kennels, require annual vet checks for all kennel dogs, ban wire floors in kennels of adult dogs, require that dogs have access to outdoor exercise areas twice the size of their kennel enclosures and eliminate cage stacking. The House also approves HB 2532, which would allow only veterinarians to perform surgical procedures on dogs. Both measures move to the Senate (LANCASTER INTELLIGENCER JOURNAL).



• The attorneys general of 25 states ask MillerCoors, a joint venture of the nation’s second- and third-largest breweries, to stop production of a new caffeine-laced malt beverage popular with young adults. The AGs have threatened legal action against the company if it doesn’t drop its planned rollout. A MillerCoors spokesperson says the company has no plans to halt the product’s introduction (CHICAGO TRIBUNE).

Upcoming stories

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

- **Nuclear power**
- **Prison health care**
- **No Child Left Behind**

CRIME & PUNISHMENT: The **VIRGINIA** Supreme Court rules that the Old Dominion’s anti-spam law is unconstitutional. The court said the statute, which is designed to prevent spammers from sending mass unsolicited e-mails, doesn’t make any distinction between types of e-mail or types of speech and thus violates the First Amendment right to free speech. State officials plan to appeal the ruling to the U.S. Supreme Court (WASHINGTON POST). • The **MASSACHUSETTS** Senate approves HB 1527, which would increase the penalties for being a spectator at an animal fight from a maximum \$250 fine and/or 30 days of imprisonment to a maximum \$1,000 and/or 5 years of imprisonment. The measure also bars people from possessing depictions of animal cruelty, including video recordings, electronic images, streaming videos or video downloads. The measure rests now with Gov. Deval Patrick (D), who has requested amendments (BOSTON GLOBE, STATE NET). • The **PENNSYLVANIA** Senate approves HB 4, legislation that would allow nonviolent drug offenders in prison to be resentenced to an addiction treatment program. The measure would also move approximately 30,000 convicts now serving their sentences in county jails into the state prison system. The bill moves to the House (PHILADELPHIA INQUIRER).

EDUCATION: Education officials in **PENNSYLVANIA** announce a ban on smoking at all Keystone State public universities and colleges. The new rules bar lighting up anywhere on school grounds, including parking lots and all other outdoor venues (PITTSBURGH POST-GAZETTE). • The **ARKANSAS** attorney general decrees that Razorback State public colleges and universities may admit illegal immigrants and are not required to verify the citizenship of prospective students. Attorney General Dustin McDaniel said there is no state or federal law that specifically bars higher education institutions from admitting undocumented immigrants. He said the ultimate decision on whether to admit any student lies with the educational institution (ARKANSAS NEW BUREAU [LITTLE ROCK]). • A **CALIFORNIA** court allows a lawsuit challenging the constitutionality of a Golden State law granting in-state tuition to illegal immigrants to move forward. A group of out-of-state students challenged the law in 2005, contending that they were being charged higher tuition and fees than undocumented immigrants. A lower court dismissed the suit (LOS ANGELES TIMES).

ENVIRONMENT: Environmental officials in **MARYLAND** announce new rules that would limit where, how and for how long chicken farmers may store excess manure in open outdoor piles and allow state officials to inspect poultry farms unannounced. Environmentalists contend that poultry waste washes downstream and helps trigger low-oxygen “dead zones” in Chesapeake Bay. The rules will not be finalized until next year (WASHINGTON POST). • **NEW YORK** Gov. David Paterson (D) signs legislation that bars the logging of old growth trees in state forests. The new statute defines old growth as any trees in a stand of at least 10 acres that are at least 180 to 200 years old and that have evolved and reproduced naturally, with the capacity for self-perpetuation (ALBANY TIMES-UNION). • **CALIFORNIA** energy regulators endorse a plan that would require Golden State utilities to obtain a third of their energy from renewable sources by 2020. The proposal must still be approved by several other regulatory bodies as well as lawmakers and the governor before it could become law (WALL STREET JOURNAL).

HEALTH & SCIENCE: A **NEW JERSEY** Assembly committee endorses AB 2844, legislation that would create a statewide emergency system for locating elderly residents who are missing. Under the proposed system, news of a missing elderly resident would be broadcast on radio and television as well as be posted on electronic highway signs. It moves to the full Assembly (PHILADELPHIA INQUIRER). • The **KENTUCKY** Court of Appeals rules that Bluegrass State judges may not allow gays and lesbians to adopt children as though they are a stepparent. The court said stepparent adoptions are allowed only when the stepmother or father is married to the biological parent. Same sex marriage is forbidden by both state law and a state constitutional amendment (COURIER-JOURNAL [LOUISVILLE]). • **MASSACHUSETTS** Gov. Deval Patrick (D) signs HB 1678, which creates a special advisory council to study and improve the way the state responds to cases of sudden infant death syndrome (BOSTON HERALD).

SOCIAL POLICY: An **ILLINOIS** court says a Prairie State law that provides for monetary compensation from someone who harms a fetus in the womb does not apply in cases of in vitro fertilization and preservation of embryos outside the womb. The ruling came in the case of a couple who sued a fertility clinic after it destroyed nine frozen embryos the couple had stored there (DAILY HERALD [ARLINGTON HEIGHTS]).

POTPOURRI: Canadian officials ban the importation of all horses originating in **FLORIDA** after an outbreak of equine piroplasmiasis, a rare blood-borne disease thought to have been eradicated from the United States in the late 1980s. The

In case you missed it

Professional certifications like “Senior Specialist” and “Retirement Adviser” have become major selling points for financial services sales people. As we noted in the September 15 issue of SNCJ, lawmakers are now working to prevent poorly trained or unethical financial advisers from preying upon vulnerable older citizens.

In case you missed it, the article can be found on our Web site at http://www.statenet.com/capitol_journal/08-11-2008/html



disease is usually transmitted by a species of tick or through the use of common needles to inject multiple horses (ORLANDO SENTINEL). • **MARYLAND** horse racing officials enact a strict limit on the use of anabolic steroids for thoroughbred race horses. Trainers who violate the limits face suspension and fines up to \$1,500. **DELAWARE, PENNSYLVANIA** and **VIRGINIA** have adopted similar policies (BALTIMORE SUN).

— Compiled by RICH EHISEN

Once around the statehouse lightly

TELL A FRIEND: Someone once said that a lie will go around the world while the truth is pulling on its boots. So it was last week in FLORIDA, where a government employee unintentionally started a statewide panic over a supposed gas shortage caused by Hurricane Ike. As the *Tallahassee Democrat* reports, the worker e-mailed her family members and friends warning of a potentially massive spike in gas prices resulting from the alleged shortfall. Those folks naturally began forwarding it to their friends, who sent it to their friends, etc. Soon, hordes of motorists were on a mad dash to gobble up every drop they could carry, sending state officials and Gov. Charlie Crist rushing to assure the public that they had hundreds of millions of gallons in reserve and there was no cause for worry. Right. Anxious Floridians went through three days supply in just a few hours. Chalk one up for trust in government.

CUBS FANS ONLY! As if he doesn't already have enough troubles, oft-embattled ILLINOIS Gov. Rod Blagojevich is a diehard Chicago Cubs fan. Like politics, that often comes with its share of bitter disappointment. Still, Blago has never been shy about voicing his devotion to all things Cubbie. But the governor recently went a bit hinky even for him when Cubs pitcher Carlos Zambrano tossed a no-hitter against the Houston Astros. Blagojevich was so excited that, as the *Arlington Heights Daily-Herald* reports, he immediately proclaimed last Tuesday to be "Carlos Zambrano Day in Illinois," noting in his announcement that "Big Z" had "made Cubs fans proud." The big announcement struck out big time with Southsiders, however, who quickly pointed out that no such honor was bestowed upon White Sox pitcher Mark Buehrle last season when he threw a no-no of his own. Apparently Cubs fans couldn't care less about that.



AS I SAY, NOT AS I DO NOT DO: Canada’s Green Party wants to legalize marijuana, positing that doing so would pump tons of new tax revenues into government coffers. So imagine the embarrassment and shame last week for Party leader Elizabeth May, who, as Reuters reports, was forced to admit that she has no personal affinity whatsoever for the hippy lettuce. May said she has in fact never partaken of it, and never plans to. She sheepishly apologized, saying, “I am not a fan of marijuana use. I have to confess this — I know all politicians are asked. I’ve never used marijuana. I apologise.” Okay, as long as you’re sorry.

FOR IT BEFORE I WAS AGAINST IT: Flip-flopping is not unusual in politics, but it usually happens when someone has something to gain from it. Not so with CALIFORNIA Assemblyman Jim Silva, a freshman lawmaker who recently voted on his very first budget. As the *Sacramento Bee* reports, Silva voted yes. Or at least he did until the voting results were announced, after which Silva changed his vote to no. Silva says he simply got confused on what bill he was voting for and when he figured it out he corrected his mistake. Hey, at least he was there. As the *Bee* also notes, only two of the Golden State’s 118 lawmakers missed voting on the historically overdue budget. One, Democrat Nell Soto, is seriously ill and has been out for months. The other, Republican George Plescia, was traveling in Italy. His office couldn’t say whether he would return for any further budget votes this year.

— By *RICH EHISEN*



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