

November 5, 2007

Drying Up?



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The next issue of Capitol Journal will be available on November 12th.

Top Story

GEORGIA Gov. Sonny Perdue (R) claimed victory in his ongoing water dispute with ALABAMA and FLORIDA, a sometimes-nasty political brawl that has spilled all the way over into Washington D.C. But the war is far from over.

SNCJ Spotlight

GEORGIA wins first round of Southeastern water war

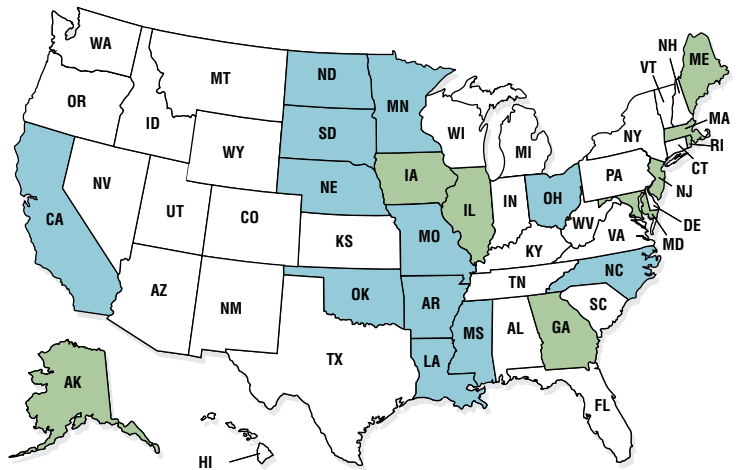
G EORGIA Gov. Sonny Perdue (R) scratched out a narrow victory last week in his ongoing three-way turf tussle over water with ALABAMA and FLORIDA, a sometimes-nasty political brawl that has spilled all the way over into Washington D.C. But while the Peach State clearly won the first battle, the war is far from over.

At issue is the more than a billion gallons of water the U.S. Army Corps of Engineers is currently releasing from GEORGIA's Lake Lanier each day. Like most of the Southeast, Lanier, which provides drinking water for the bulk of metropolitan Atlanta, has been hit hard by an ongoing drought that has seen its level drop to record lows. That, Perdue says, could mean Atlanta will run out of drinking water in just a few months. That possibility spurred Perdue to recently file a lawsuit seeking to force the Corps to reduce releases from Lanier, and then to hit up the White House for help by urging President Bush to declare a federal disaster that would force the Corps to comply with Perdue's wishes.

But Lanier also feeds key tributaries downstream in FLORIDA and ALABAMA. Both states rely on releases from Lanier to bolster rivers like the Chattahoochee and Apalachicola, which support numerous farms, commercial fisheries, industrial users and municipalities, including at least one nuclear power plant. The thought of seeing those flows cut back angered under Republican governors Bob Riley of ALABAMA and Charlie Crist of FLORIDA, who each fired off their own requests for Bush to deny Perdue's request. Although the president has so far stayed out of the spat himself, all three governors were summoned to Washington last week to meet with congressional representatives from each state, officials from the White House, the Corps of Engineers and Interior Secretary Dirk Kempthorne, himself a former governor of IDAHO.

After what was described as a tense meeting, round one went to GEORGIA when the Corps said it would be willing to reduce current releases from Lake Lanier by about 16 percent in the Apalachicola-Chattahoochee-Flint river—which runs along the ALABAMA-GEORGIA border into FLORIDA's Apalachicola Bay—while the

Bird's eye view



Source: Congressional Research Service, NEW YORK TIMES

Legend: ■ Bankrupt by March ■ Bankrupt April-September

States child health coffers could run dry in '08



A new report issued by the Congressional Research Service (CRS) says that 21 states will run out of money to pay for children's health care in 2008 unless Congress and the White House can quickly work out a new plan to increase funding to the State Children's Health Insurance Program (SCHIP).

According to the CRS report, nine states would run out of federal funds by March 2008 under current spending levels — \$5 billion for the current fiscal year — while another dozen would go dry between April and September. To maintain coverage for people now enrolled in those 21 states would require an extra \$1.6 billion, the study said. States estimate they will also spend at least \$7.6 billion of their own. President Bush vetoed an earlier measure to hike the federal commitment to \$9 billion. Congress is currently considering a revised version of that proposal.



three states work on a permanent water-sharing plan. Perdue was clearly elated about the decision, saying “I’m grateful for the relief” and noting he would “be praying for rain for ALABAMA and GEORGIA.”

“We hoped to get GEORGIA to agree on all of the issues we have. That didn’t happen.”

Riley, however, was not so thrilled. “We hoped to get GEORGIA to agree on all of the issues we have. That didn’t happen,” he said after the meeting. Riley also made it clear he was not going to go along quietly with any decision to permanently reduce flows from Lanier, saying “It’s going to be very difficult to have any justification to go below (the current) level.”

Riley and Crist said they were accepting the Corps recommendation, but only as a precursor to more negotiating for a final agreement. Riley said any such deal would have to take into account both the Apalachicola-Chattahoochee-Flint and the Alabama-Coosa-Tallapoosa river basins. He noted that the Corps will also be increasing water flows into ALABAMA through another GEORGIA reservoir, Lake Allatoona. Corps Major Daren Payne said his agency will delay until December cutting flows from Allatoona that typically begin in the fall.

But both this arrangement and any final agreement must ultimately gain the okay from the federal Fish and Wildlife Service, which has expressed grave concern over the potential impact on several protected species of mussels and sturgeon that live downstream from Lake Lanier. Officials said the agency would issue an expedited biological opinion on the suggested changes within two weeks.

Back in GEORGIA, environmental groups also accused local and state governments of not doing enough to conserve water before the drought made the current situation into a crisis. The GEORGIA Water Coalition, a group of 150 environmental and civic organizations, said that implementing even a few water-saving measures in just the Atlanta area would save 85 million gallons each day.

“Failure is not an option this time.”

But Perdue has scoffed at such assertions, calling water conservation efforts — including his own recent order to cut use by 10 percent — mostly “symbolic.”

All three governors agreed to meet again in a month and to finish a comprehensive drought water-management plan by next February. As Riley sees it, they don’t have much choice. “Failure is not an option this time,” he said. “We are in the middle of the most severe drought we’ve ever had.” (ATLANTA JOURNAL-CONSTITUTION, ASSOCIATED PRESS)

— *Compiled by RICH EHISEN*

Budget & taxes

S TATES PONDER SALES TAX HIKES: With sales tax collections slumping along with the U.S. housing market, a number of states are considering hiking their sales tax rates not only to boost revenues but also to provide property tax relief.

MARYLAND Gov. Martin O'Malley (D), for instance, planned to call lawmakers into special session this week to consider a proposed 1 percent hike in the state's sales tax — from 5 percent to 6 percent — to close an estimated \$1.7 billion budget shortfall. INDIANA Gov. Mitch Daniels (R) is backing a 1 percent sales tax increase — from 6 percent to 7 percent — to reduce property taxes. And FLORIDA lawmakers considered a sales and property tax swap measure as well, but approved only the property tax reduction portion last week. Voters in NEW JERSEY, meanwhile, will decide tomorrow (Nov. 6) whether to devote 1 percent of the sales tax increase passed by lawmakers last year to property tax relief.

It isn't certain how many of the measures will pass. For example, FLORIDA's Legislature is deadlocked, and a poll conducted last week by the *Washington Post* showed that MARYLAND voters strongly oppose a sales tax increase. What is more obvious is that states seem to dislike property taxes more than sales taxes.

According to the Tax Foundation, property taxes are the most hated major tax, followed by the income tax, which there are relatively few efforts to increase in the works. The sales tax is the least hated.

"It's a strange thing," said Indiana Sen. Lindel Hume (D), who's proposed a sales and income tax-property tax swap. "The sales tax is without question a regressive tax that hurts the poor. But every income group prefers it to other taxes." (USA TODAY)

AMTRAK ON NEW TRACK: In recent years, Amtrak, the nation's intercity passenger-rail network, has faced an uncertain future, as mounting debt has prompted calls for privatization. In fact, the last major Amtrak reauthorization bill, passed by Congress in 1997, included language requiring Amtrak to become self-sufficient.

But soaring oil prices, ever-increasing road congestion and environmental concerns have shifted many lawmakers' view of passenger rail service. And last week, the U.S. Senate passed legislation boosting Amtrak funding and setting a new goal for the operation: improving train service rather than achieving financial self-sufficiency.

"The Senate bill is quite forthright in expecting Amtrak to run efficiently but not profitably," said Ross Capon, executive director of the National Association of Railroad Passengers. "It gets past the charade that Amtrak is going to turn a profit."

The six-year, \$11.4 billion proposal would boost Amtrak funding from about \$1.3 billion a year to nearly \$2 billion. Most of the money would go toward covering operating expenses and paying off debt. But \$1.4 billion would be designated for



a new grant program that would allow states to develop their rail corridors. The program would function much as the federal matching grant system for highway and mass transit projects does now.

“This has been the missing link in expanding passenger rail service through the state and the country,” said George Weber, acting chief of the ILLINOIS Department of Transportation’s Bureau of Railroads, which has been working to improve rail service along the Chicago-St. Louis corridor. (WALL STREET JOURNAL)

BUDGETS IN BRIEF: The MICHIGAN Legislature approved a \$9.7 billion state budget early last Wednesday morning. The spending plan was the second half of a deal struck Oct. 1 that ended nine months of bickering between lawmakers and Gov. Jennifer Granholm (D), which led to a brief government shutdown. The initial agreement had raised taxes by \$1.3 billion and gave lawmakers 30 days to agree on an actual budget (DETROIT FREE PRESS). • OHIO banked \$5 billion last week from the sale of its future payments from the national tobacco settlement. The record tobacco settlement bond sell-off will allow the state to accelerate a planned school construction program and provide a real estate tax break for seniors and disabled residents (PLAIN DEALER [CLEVELAND]).

— Compiled by KOREY CLARK

The week in session

States in Regular Session: DC, MA, MI, PA, US, WI

States in Skeleton Session: OH

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

States in Veto Session: IL

States in Special Session: AK “b”, MD “a”, PA “a”, WI “b”

States in Recess: NH, NJ, NY

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

States Currently Prefiling or Drafting for 2008: AL, CO, DE, FL, IA, KS, KY, ME, NH, OK

States Adjourned in 2007: AK, AL, AR, AZ, CA, CO, CT, DE, FL, GA, HI, IA, ID, IN, KS, KY, LA, MD, ME, MN, MS, MT, NC, ND, NE, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WA, WV, WY

State Special Sessions Adjourned in 2007: AK “a”, AL “a”, CT “a”, CT “b”, FL “a”, FL “b”, FL “c”, FL “d”, HI “a”, HI “b”, KY “a”, KY “b”, MN “a”, MO “a”, MS “a”, MT “a”, MT “b”, NC “a”, NM “a”, NV “a”, UT “a”, WI “a”, WV “a”, WV “b”

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS
(session information current as of 11/02/2007)
Source: State Net database

Politics & leadership

DEMOS HOPING TO MAKE INROADS IN VA LEGISLATURE: VIRGINIA Democrats won the last two gubernatorial races — in 2001 and 2005 — and defeated an incumbent Republican U.S. senator last year. Tomorrow (Nov. 6), they may continue that trend by picking up seats in the GOP-held General Assembly and possibly taking control of its upper chamber.

Republicans currently hold a 57-40 majority in the House of Delegates (with three seats held by independents) and a 23-17 edge in the Senate. But all 140 of those

seats are up for election tomorrow. And Democrats are confident they'll make gains in both chambers.

One reason for their optimism is the relative approval ratings for Democratic Gov. Tim Kaine and the General Assembly, 55 percent versus 34 percent, according to a recent poll by the Center for Public Policy at Christopher Newport University in Hampton Roads. The Democrats have been hammering

“We’re in a Democratic day.”

Republicans for the unpopular “abusive driving fees” they passed this year as part of a transportation funding plan, despite Kaine’s having signed the legislation.

The Democrats also have the momentum from their recent successes in statewide elections going for them, which may only be bolstered by the unpopularity of the Bush administration.

“We’re in a Democratic day,” said Larry J. Sabato of the University of VIRGINIA’s Center for Politics. “How long the day will last, and when will dusk come followed by night and a Republican day? I don’t know.”

Even some Republicans acknowledge that the outcome of the recent statewide elections has placed them at a disadvantage.

“We don’t have Senator Allen raising money. We don’t have former Governor Early raising money. We don’t have Governor Kilgore,” said House Majority Leader H. Morgan Griffith (R), referring to the Republicans who lost to U.S. Sen. Jim Webb, former governor Mark R. Warner and Gov. Kaine, respectively.

Projections vary widely but it looks as though the Democrats could pick up at least a couple of seats in the House and maybe four in the Senate, enough to give them a one-seat majority in the chamber.

With control over redistricting in 2011 on the line, the legislative races have been the most expensive in the state’s history. Senate candidates alone raised a

Upcoming elections

11/01/2007 - 11/22/2007

11/06/2007

Florida Special Election

House District 34

Georgia Special Election

House District 127

Kentucky General Election

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

Maine Special Election

House District 72, District 27, District 83, District 93

Mississippi General Election

Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Auditor of Public Accounts, Commissioner of Agriculture & Commerce, Commissioner of Insurance

New Jersey General Election

Assembly (All)

Senate (All)

South Carolina Special Election

Senate District 25

Texas Special Election

House District 97 (Anna Mowery)

Virginia General Election

House (All)

Senate (All)

Washington General Election

Senate District 14, District 19

11/13/2007

Alabama Special Primary

House District 12

Massachusetts Special Primary

Senate 4th Middlesex District

New Hampshire Special Election

House Rockingham District 10

Rhode Island Special Primary

House District 75

11/15/2007

Tennessee Special Election

Senate District 10



combined total of \$31 million through Oct. 24, well over double the \$13.5 raised at the same point of the last Senate election season, four years ago.

Attention is focused on 21 tight contests across the state, 10 in the Senate and 11 in the House. “I’ve never seen so many races so close,” said J. Scott Leake, a veteran GOP strategist. (STATELINE.ORG, RICHMOND TIMES-DISPATCH)

POLITICS IN BRIEF: The **IOWA** Democratic Party voted last week to hold its presidential caucuses on Jan. 3, the same date that the state’s Republican Party set for its caucuses earlier in the month. All eyes are now on **NEW HAMPSHIRE**, which could set its primary as early as Dec. 4 to assure its

“I’ve never seen so many races so close.”

first-in-the-nation status (WASHINGTON POST, CNNPOLITICS.COM). • The **RHODE ISLAND** General Assembly approves legislation that would add the Ocean

State to the hordes of others that have moved their presidential primary to Feb 5, 2008. It now moves to Gov. Don Carcieri (R), who has not indicated if he will sign it (PROVIDENCE JOURNAL). • National Democratic leaders are pushing Anchorage, **ALASKA** Mayor Mark Begich to challenge U.S. Sen. Ted Stevens (R) — the longest-serving Republican in U.S. Senate history — next year. Stevens, who has held the office since 1968, is under federal investigation for corruption (ANCHORAGE DAILY NEWS). • **WASHINGTON** Rep. Richard Curtis, who has repeatedly opposed gay-rights measures, resigned last week amid revelations that he had sex with a man he met at an erotic-video store while on a GOP retreat last month (SEATTLE TIMES).

— *Compiled by KOREY CLARK*

Upcoming elections

(cont.)

11/17/2007

Louisiana General Election

Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Commissioner of Agriculture and Forestry, Commissioner of Insurance

11/20/2007

Florida Special Election

House District 101

Governors

S **PITZER YIELDS ON LICENSES:** Under pressure from Dept. of Homeland Security Sect. Michael Chertoff, **NEW YORK** Gov. Eliot Spitzer (D) backed off his plan to allow illegal immigrants to obtain driver’s licenses. In its place, Spitzer agreed to a compromise plan that will implement three distinctly different licenses for Empire State residents, including a version for illegal immigrants. But while the deal allowed Spitzer to save face with the feds, it did little to salve the ire of



critics at home who viewed his original proposal as supporting illegal immigration. Perhaps worse, the deal greatly angered many of Spitzer’s political allies who supported the original measure but now feel Spitzer sold them out.

Under the new agreement, the state will have one license that adheres to the new federal Real ID law and another that complies with the federal Western Hemisphere Travel Initiative, which requires a passport or some other approved form of identification to enter the United States. That version is seen by most observers as a concession to residents of the western and northern sections of the state who frequently travel to Canada. A third and final license will be made available to current

**“I believed the governor,
I trusted him.”**

license holders who don’t want to pay the increased cost of the Real ID version and who already have a passport. Because undocumented residents will be able to obtain this license, it will be stamped as

invalid for U.S. identification purposes.

Resistance to Spitzer’s original proposal began almost immediately after he announced it. Republican lawmakers quickly denounced it and approved a measure to overturn the new rules. But some conservative lawmakers came to his aid, most notably Sen. Ruben Diaz Sr. (D), who openly lobbied for the measure on the Senate floor. Diaz was visibly angry after the deal was announced, lamenting that “I believed the governor, I trusted him.”

But observers like Senator Eric T. Schneiderman (D) say the issue is anything but resolved, given that the new system is more than a year away from implementation and that lawmakers will be asked to okay the funding to pay for it. “I really don’t believe this is the end of the story,” said Sen. Schneiderman. (NEW YORK TIMES, BUFFALO NEWS)

GOVERNORS IN BRIEF: **NEW JERSEY** Gov. Jon Corzine (D) announced he will not allow Garden State workers to take the Friday after Thanksgiving off as a paid holiday. Corzine said state offices will be open, and workers wanting the day off will need to take a vacation day (STAR-LEDGER [NEWARK]). • **FLORIDA** Gov. Charlie Crist (R) agreed to a 5 percent tuition increase for all Sunshine State community colleges and universities next year. Crist, who originally opposed the tuition hike, said he relented because lawmakers have taken steps to reduce state property taxes (MIAMI HERALD). • **IOWA** Gov. Chet Culver (D) abolished a new Hawkeye State tax on pumpkins. State revenue officials implemented the tax this year when they determined that pumpkins were primarily used for decorations instead of food. Culver called the tax “ridiculous” (QUAD CITY TIMES [DAVENPORT]). • **ALASKA** Gov. Sarah Palin (R) said that in spite of recent surveys that predict two-thirds of the world’s polar bears — and all of those in **ALASKA** — may be gone in 50 years because of the shrinking polar ice cap, she is against listing polar bears as an endangered species under the federal Endangered



Species Act. Palin said that listing any species as “threatened” because of possible global warming effects would “open the floodgates” for petitions affecting thousands of other species (ANCHORAGE DAILY NEWS).

— *Compiled by RICH EHISEN*

Hot issues

B **USINESS:** The **OHIO** House approves legislation that would end the practice of deducting 100 percent of a jobless senior’s Social Security check from his or her unemployment benefits. The Buckeye State is currently the only one in the nation to take a full 100 percent Social Security offset. The measure moves to Gov. Ted Strickland (D), who is expected to sign it into law (TOLEDO BLADE). • Still in **OHIO**, a Senate committee endorses SB 221, legislation that would deregulate electricity in the Buckeye State. The measure, which would also bar major utilities from raising electric rates in 2009 to match regional wholesale prices and require that utilities generate 25 percent of their power from renewable and advanced energy plants by 2025, moves to the full Senate (PLAIN DEALER [CLEVELAND]). • **FLORIDA** insurance regulators approve a 2 percent surcharge on home and car policies in order to help raise \$300 million to fund the Sunshine State’s Insurance Guarantee Fund. That fund is used to help pay unpaid claims left by another insurer that went bankrupt in 2006 (TALLAHASSEE DEMOCRAT). • The **RHODE ISLAND** Assembly votes to override Gov. Don Carcieri’s (R) veto of a bill that prohibits requiring nurses to work more than 12 consecutive hours. Carcieri contended that the issue was a collective bargaining matter that should not have been decided by lawmakers (PROVIDENCE JOURNAL).

CRIME & PUNISHMENT: A **CALIFORNIA** court rules that the state’s new lethal injection procedures are invalid because they were never submitted to the public for comment or reviewed by the office that approves all state regulations. State corrections officials plan to appeal (SAN FRANCISCO CHRONICLE). • The **FLORIDA** Supreme Court rules that the Sunshine State’s new lethal injection methods pass constitutional muster. The case is expected to be appealed to the U.S. Supreme Court (ORLANDO SENTINEL). • The **RHODE ISLAND** General Assembly votes to reverse a four-month-old law that required 17-year-olds to be treated as adults in all criminal cases. Lawmakers did not make the change retroactive, however, meaning that any 17-year-old arrested under the law since its inception on July 1 will still be tried as an adult (PROVIDENCE JOURNAL).

EDUCATION: A federal court in **ILLINOIS** declines to issue a temporary restraining order to stop Prairie State schools from observing a state-mandated



moment of silence, but allows a lawsuit seeking to do away with the law to continue. The court will take the matter up again on Nov. 14 (SPRINGFIELD JOURNAL REGISTER). • An **OHIO** Senate committee approves legislation that would require all school employees, including cafeteria workers, janitors and office assistants, to undergo an FBI background check every five years. The proposal would also grant Buckeye State education officials greater authority to revoke a teacher's license that has expired. It moves to the full Senate (COLUMBUS DISPATCH). • Still in **OHIO**, the Senate votes unanimously to allow school districts to charge parents for all-day kindergarten on a sliding scale based on income. The measure moves to the House (TOLEDO BLADE). • The **IOWA** Board of Regents reverses a 40-year-old policy by allowing police officers at the state's three universities to be armed. Hawkeye State universities had been among a small number of schools nationwide without armed officers (IOWA CITY PRESS-CITIZEN).

ENVIRONMENT: The Aloha State Legislature approves a measure to allow the controversial **HAWAII** Superferry to begin transporting cars, trucks and passengers between the islands before completion of a court-ordered environmental impact assessment. The service was shut down in August after environmental groups sued over concerns the ferry would cause significant harm to whales and native fish species. The measure moves to Gov. Linda Lingle (R), who is expected to sign it. **HAWAII** is the last major archipelago in the world without ferry service (NEW YORK TIMES). • **NEW JERSEY** Gov. Jon Corzine (D) and **NEW YORK** Gov. Eliot Spitzer (D) agree to participate in an international partnership to fight global warming by sharing plans to cap emissions and trade rights to emit pollutants. Other participants include members of the European Union, Canada and Norway (ALBANY TIMES UNION). • The **PENNSYLVANIA** House approves HB 110, which would require the state to inventory heat-trapping emissions and develop a statewide plan to track and reduce those gasses. The Senate version has been approved in committee and is awaiting a vote of the full chamber (PITTSBURGH POST-GAZETTE).

HEALTH & SCIENCE: **NEW JERSEY** Gov. Jon Corzine (D) signs SB 147/AB 4328, legislation that will require Garden State hospitals to report hospital-acquired-infection (HAI) rates to the state health officials and to post that information on a

In the hopper

At any given time, State Net tracks tens of thousands of bills in all 50 states, the US Congress and the District of Columbia. Here's a snapshot of what's in the legislative works:

Number of prefiles last week: 219

Number of Intros last week: 488

Number of bills enacted/adopted last week: 186

Number of prefiles to date: 41,575

Number of Intros to date: 163,520

Number of enacted/adopted overall to date: 41,369

— Compiled By JAMES ROSS
(measures current as of 11/01/2007)
Source: State Net database



public Web site. Hospitals will also be required to report the steps they are taking to control infections (STAR-LEDGER [NEWARK]).

HOMELAND SECURITY: The federal Department of Homeland Security reaches a compromise agreement with **NEW YORK** Gov. Eliot Spitzer (D) that will create three levels of driver’s licenses for Empire State residents. The first would meet the requirements of the federal REAL ID act, while the second, called an enhanced license, would be issued only to U.S. citizens for traveling to other Western Hemisphere nations without a passport. The third would resemble the current license and be issued to drivers who already have a passport and don’t want to pay the cost of one of the new licenses. That license, which would also be made available to illegal immigrants, would not be valid for use as a federal ID (NEW YORK TIMES, BUFFALO NEWS).

IMMIGRATION: A federal court in **OKLAHOMA** refuses to block implementation of HB 1804, the new Sooner State law that bars illegal immigrants from receiving public benefits or obtaining driver’s licenses. The law also imposes strict sanctions against employers who knowingly hire undocumented workers and requires local and state law enforcement to check the immigration status of anyone arrested for felonies or drunk driving. Police must also work with federal authorities to have illegals deported (OKLAHOMAN [OKLAHOMA CITY]).

SOCIAL POLICY: A panel of the 7th U.S. Circuit Court overrules a lower court’s ruling that barred **INDIANA** lawmakers from saying sectarian prayers on the House floor. The lower court said those prayers violated the constitutional separation of church and state. The higher court’s ruling did not address the constitutionality of the issue, saying only that the plaintiffs — a small group of taxpayers — did not have the legal standing to sue because no public money was being spent on the prayers. The plaintiffs are expected to request a full hearing (INDIANAPOLIS STAR). • **RHODE ISLAND** lawmakers override Gov. Don Carcieri’s (R) veto of a measure that provides domestic partners with the same pension and death benefits as the married spouse of a deceased public employee (PROVIDENCE JOURNAL).

Upcoming stories

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

- **Sanctuary cities**
- **Retail health clinics**
- **Family leave**

— Compiled by *RICH EHISEN*

Once around the statehouse lightly

ALL TRICK, NO TREAT: In spite of being universally excoriated for numerous gaffes in recent years — think Hurricane Katrina and beyond — FEMA was actually earning high praise for its handling of the devastating wildfires that hit Southern CALIFORNIA last month. That is, until they held a press conference most notable for a lack of reporters, a result of the 15-minute notice the agency gave the media before the event kicked off. As the *Washington Post* reports, the paucity of a skeptical fourth estate was no problem as the agency had already packed the audience with FEMA staffers posing as reporters to lob softball questions at agency official Harvey Johnson. It is hard to imagine such a brilliant plan going awry, but real reporters of course figured the scheme out toot sweet. The resulting fallout has been harsh, costing John “Pat” Philbin — the FEMA director of external affairs who set up the charade — both that position and an even better one he had lined up with the nation’s top intelligence official. Let *SNCJ* be the first to say, “Philby, you’re doing a heck of a job.”

AND CHEESEBURGERS ARE HEALTH FOOD: You have to admire CALIFORNIA Gov. Arnold Schwarzenegger’s (R) ability to maintain his own unique view of the world. As the *Los Angeles Times* notes, Schwarzenegger recently denied ever taking drugs during a recent interview with the British version of GQ magazine. When reminded that he had previously admitted to smoking marijuana — and that he was shown toking the hippie lettuce in the 1977 documentary “Pumping Iron” — the Governor replied that pot “is not a drug, it’s a leaf.” A Schwarzenegger spokesperson later said the gov was joking, dutifully noting that the interviewer, Piers Morgan, was one of the judges on “America’s Got Talent,” which the spokesperson called “the newest version of ‘The Gong Show.’”

MAYBE THEY SHOULD GO ARNOLD’S ROUTE: This week’s odd bill comes from WISCONSIN, where State Net reports that Assemblyman Marlin Schneider has introduced AB 534. Schneider’s proposal would bar the sale of cigarettes that contain nicotine, with violators earning a \$10,000 fine. Uh, isn’t ingesting nicotine the whole point of lighting up in the first place? The measure doesn’t include any potential alternatives to the nicotine-laden tobacco cigarettes are known for...though they might ask Schwarzenegger for his thoughts on the matter.

WHY DON’T WE LEAVE IT IN THE ROAD? Which is apparently what some members of the CALIFORNIA Dept. of Transportation have been up to of late. As reported in the *Sacramento Bee*, the agency is under fire for allegedly dumping



the carcasses of countless roadkill at remote sites along roadways in the Bay Area district of Assemblyman Jared Huffman. One such site contained the bones of literally hundreds of animals, both wild and domestic.

That is a definite no-no as squished critters are supposed to be taken to rendering plants or animal shelters for proper disposal. The situation has clearly ruffled Huffman's feathers, who began to dog the CalTrans folks for an explanation. Their response? An agency spokesperson compared their workers to recalcitrant children, saying "You tell them what to do, and they pretend to know in front of you, but they get out on their own (and) they do what they want to do." Sounds like kids...and politicians.

In case you missed it

Metals are a hot commodity these days for both investors and thieves. As we note in our Oct. 15 issue, a growing wave of stolen train tracks, roadside guard rails, public plumbing fixtures and even beer kegs has lawmakers across the nation searching for ways to ease the metal mania.

In case you missed it, you can the article can be found on our Web site at http://www.statenet.com/capitol_journal/10-15-2007/html.

— 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), Linda Mendenhall (IL), Lauren King (MA) and Ben Livingood (PA)

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