

The Voters Speak

November 9, 2009



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● The next issue of Capitol Journal will be available on November 16th.

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Voters made themselves heard last week, giving the GOP a sweep of governor's races in VIRGINIA and NEW JERSEY and overturning MAINE's historic same-sex marriage law.

SNCJ Spotlight

New VA, NJ gov's preach pragmatism

In spite of winning the VIRGINIA governor's office in a 17-point blowout over Democrat R. Creigh Deeds last week, incoming Gov. Robert McDonnell (R) vowed to govern squarely from the political center, focusing on pragmatism over partisan politics.

"I just want to let everybody in VIRGINIA know that I intend to govern the same way I campaigned," he said. "I tried to tell people in a detailed way what we intend to do, and now that it's time to govern, I want to go about the business of getting results and accomplishing those goals."



Although his margin of victory was smaller — just four points over incumbent Jon Corzine (D) — the message from NEW JERSEY Gov.-elect Chris Christie (R) was the same.

“This administration is going to be about what works,” Christie said. “This stuff of Republicans and Democrats thinking we have to be mutually exclusive has just got to be over, because the problems here are too big.”

The GOP sweep was a stark reversal of fortune for Democrats, who had previously held the top leadership position in both states. Christie became the first Republican governor in the Garden State in a dozen years, while McDonnell’s victory ended eight years of Democrats in the VIRGINIA governor’s office. Republicans quickly cited the elections as a public rebuke of the Obama administration and a harbinger of a possible Party comeback after two successive national elections saw them lose both Congress and the White House.

Exit polls, however, cast doubt on GOP claims that voters were really rejecting the president. While surveys done by Edison Research showed that voters who identified themselves as independents voted heavily for Christie and McDonnell,

“This stuff of Republicans and Democrats thinking we have to be mutually exclusive has just got to be over, because the problems here are too big.”

those same voters continued to express their approval of President Obama. But what is indisputable is that, in spite of several campaign trips to both states, the president was clearly unable to draw his core supporters, particularly young people, to the polls. Current Gov. Tim Kaine (D) also was no help, in spite of consistently stumping for Deeds and channeling \$6 million in funds from the Democratic National Committee to his campaign.

In the end, it appears the biggest factor may have been that voters simply did not care much for either Corzine or Deeds.

Corzine’s pre-election approval rating was in the mid-40’s, remarkably similar to the 44 percent of the vote he garnered last Tuesday. Much of that had to do with bread-and-butter economic issues: rising unemployment, persistent budget deficits and his inability to reduce the nation’s highest property taxes. A massive corruption scandal involving scores of local and statewide Democratic Party officials and elected leaders that came to light in July also did not help.

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: 65

Number of Intros last week: 1,084

Number of Enacted/Adopted last week: 205

Number of Prefiles to date: 35,063

Number of Intros to date: 154,722

Number of 2009 Session Enacted/Adopted overall to date: 39,741

— Compiled By JAMES ROSS
(measures current as of 11/5/2009)
Source: State Net database

In VIRGINIA, the normally conservative McDonnell studiously avoided hot-button social issues like gay marriage and abortion in favor of a centrist platform that also concentrated on job creation. Voters also seemed to be turned off by Deeds relentlessly hammering McDonnell over a masters thesis the Republican candidate wrote 20 years ago in which he disparaged single women and working mothers. Deeds, who hails from the rural western part of the state, also never made inroads with voters in the more densely populated north.

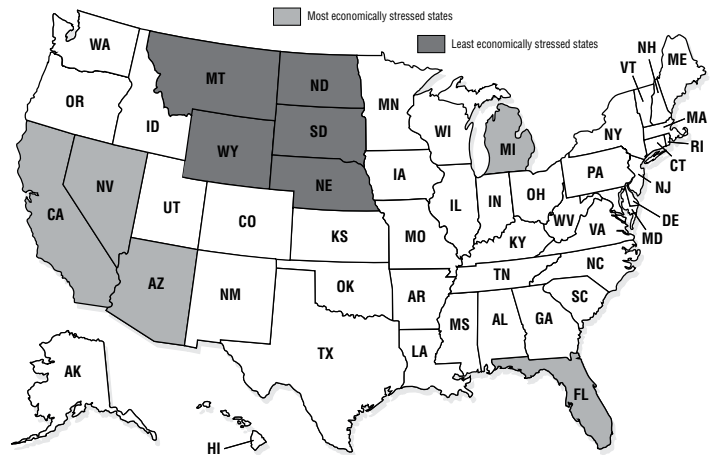
Going forward, McDonnell said he and other GOP legislative leaders would move quickly on much of his campaign agenda: bills that will offer tax credits to new businesses, make it easier to open charter schools, authorize oil and gas drilling off the coast and privatize the Old Dominion's liquor stores.

Christie, meanwhile, said he would emphasize urban renewal and education reform, including efforts to reduce regulation and an audit of the state school system. And while he noted his intention to take a fully bipartisan approach to governance, Christie also made it clear that he feels voters expect him to be different from the man he will replace.

"The points of view that I espoused in the campaign were not ambivalent," he said. "And the voters voted for it." (NEW YORK TIMES, WASHINGTON POST, NORTHJERSEY.COM, RICHMOND TIMES-DISPATCH)

— *Compiled by RICH EHISEN*

Bird's eye view



Source: Nevada Appeal; Associated Press; Bureau of Labor Statistics; RealtyTrac; Public Access to Court Electronic Records (PACER); Internal Revenue Service; Professor Tony Smith, University of Pennsylvania

Economy recovering quicker in some states

The nation is not recovering uniformly from the recession, according to the Associated Press' most recent Economic Stress Index. Published monthly, the Index rates the stress level of over 3,100 U.S. counties, from 1 to 100, based on their unemployment, foreclosure and bankruptcy rates. The data for September showed the national average stress score was 10.1, down from 10.3 in August. But counties that suffered most during the recession, particularly those in the Southeast, industrial Midwest and Southwest are lagging behind other regions. The highest scores were mainly in states where the housing bust was most severe, like NEVADA and CALIFORNIA. The lowest scores were in Midwestern and Plains states, such as NORTH DAKOTA and NEBRASKA, which largely avoided the housing slump and which have benefited from rising oil prices and a weaker U.S. dollar, making American agricultural commodities more attractive abroad.



Budget & taxes

STATES COMING OUT OF RECESSION: The National Bureau of Economic Research, the private research firm that determines the official start and end dates of national recessions, has yet to declare the current downturn over. But that may very well be the case in 11 states, according to the economic forecasting firm Moody's Economy.com.

Moody's, which holds the view that the national recession actually ended in August, said that, based on indicators such as employment rates, home prices, residential construction and manufacturing production, ALASKA, IDAHO, INDIANA, IOWA, LOUISIANA, MISSISSIPPI, MISSOURI, MONTANA, NEBRASKA, NORTH DAKOTA and SOUTH DAKOTA are in recovery.

"If the U.S. economic recession ended in August, then some of the states had to have ended by then or slightly before," said Steven Cochrane, managing director of Moody's Economy.com.

But Cochrane said even in states showing signs of recovery, unemployment rates are likely to linger. Producing more goods and services may indicate that a state is technically out of recession, he said, but it won't start hiring new workers until it is on firmer financial footing.

"We could see unemployment rise right through the first half of next year," he said.

Cochrane also cautioned that conditions could worsen with the end of the federal stimulus program. (STATELINE.ORG)

STATES JACKING UP RENTAL CAR TAXES: MAINE residents blocked a 10-12.5 percent increase in excise taxes on car rentals passed by the Legislature by submitting petitions to put the tax hike to a vote in June. But rental car taxes are still proliferating.

NEW JERSEY passed a tax reform law allowing some municipalities to impose a 5 percent excise tax on car rental transactions. WISCONSIN has authorized counties to impose an \$18 tax on car rental bills to help fund a mass-transit project. And similar proposals are in the works in MICHIGAN and FLORIDA.

Backers of such measures typically sell them to voters as taxes on out-of-state travelers. But Laura Bryant, a spokeswoman for Enterprise Holdings, the owner of Enterprise, National and Alamo rental car companies, said that's not true.

"More than half of all car rental revenues come from local consumers and companies," she said. (USA TODAY)

BUDGETS IN BRIEF: Despite having campaigned both for president and governor as a tax-cutting Democrat, NEW MEXICO Gov. Bill Richardson (D) said last week that tax increases are "inevitable" next year because of the budget crisis.



He declined to specify which taxes the Legislature might consider (SANTA FE NEW MEXICAN). • The attorneys general of several states hurt by the mortgage crisis are considering filing consumer fraud lawsuits against major mortgage lenders. States were given the authority to do so by the Supreme Court’s decision in June revoking federal regulators’ exclusive oversight over national banks (NEW YORK TIMES).

— *Compiled by KOREY CLARK*

Politics & leadership

VOTERS SUPPORT MOST PROPOSITIONS: The 26 propositions on the ballot in six states last Tuesday fared well with voters. Seventeen of the legislative measures, two of the five citizen initiatives and one of the three referendums won approval.

But there were certainly losers on Election Day. The biggest may have been supporters of same-sex marriage. Voters in MAINE approved Question 1, repealing the state’s new marriage equality law, passed in May. Opponents of the measure had hoped the libertarian-leaning Pine Tree State would finally reverse the national trend of voters rejecting same-sex marriage at the ballot box. Instead the vote marked the second successive time voters have repealed a same-sex marriage law — after CALIFORNIA approved Proposition 8 last year — and the 33rd time they’ve rejected a gay marriage proposition.

Gay rights advocates appear to have won a consolation prize, however: passage of WASHINGTON’s Referendum 71, upholding a state law granting same-sex domestic partners many of the same rights as married couples. But the margin of victory, as of last Thursday, was only 51 percent to 49 percent, despite the fact that supporters of the measure reportedly outspent opponents by more than 16 to 1.

Supporters of limited government spending were also on the losing side of last week’s ballot battles. Voters in MAINE and WASHINGTON soundly rejected propositions that would have imposed state and local government spending caps and required voter approval for future tax increases. The 40 percent to 60 percent vote against MAINE’s Question 4 and 45 percent to 55 percent tally in opposition to WASHINGTON’s Initiative 1033 suggest voters aren’t too worried about government spending growth, in spite of the enormous expansion of federal spending over the past year.

Other measures on the ballot dealing with traditional hot button issues were MAINE’s Question 3, seeking the repeal of a 2007 school district consolidation law (which failed 41 percent to 59 percent), and Question 5, expanding medical use of marijuana (approved 59-41); OHIO’s Issue 3, authorizing casinos in Cleveland,



Columbus, Cincinnati, and Toledo (approved 53-47); and TEXAS' Proposition 11, prohibiting the use of eminent domain to promote economic development or generate tax revenue (approved 81-29). (INITIATIVE AND REFERENDUM INSTITUTE, NEW YORK TIMES)

GOP WIDENS MAJORITY IN VA HOUSE:

The tide that swept Democrat Barack Obama into the White House last year turned last Tuesday in VIRGINIA. Along with claiming the governor's office, Republicans appear to have picked up at least five seats in the House of Delegates, increasing their majority in the General Assembly for the first time since 2001. Evidently buoyed by the wave of support for gubernatorial candidate Robert F. McDonnell, the GOP unseated incumbent Democrats in House districts that Obama carried in 2008.

"Clearly, there has been a resurgence of our party," said House Majority Leader H. Morgan Griffith (R).

Del. Kenneth R. Plum, the chairman of the House Democratic Caucus seemed inclined to agree.

"It's been difficult to buck the headwind of the national mood," he said.

Among the GOP victories were James M. LeMunyon's win over two-term Del. C. Charles Caputo (D) in Fairfax County's 67th District and Republican Thomas A. "Tag" Greason defeat of two-term Del. David E. Poisson (D) in Loudoun County's 32nd District. Richard L. Anderson also appeared to have defeated freshman Del. Paul F. Nichols (D) in Prince William County's 51st District, and Barbara J. Comstock, a lobbyist, held a slim lead over Del. Margaret G. Vanderhye (D), a freshman in District 34.

Though overshadowed by the gubernatorial contest and other statewide races, all 100 House seats were on the ballot. Prior to the election, Republicans held a 53-45 majority with two seats held by independents who caucused with the Republicans. (WASHINGTON POST, NEW YORK TIMES)

POLITICS IN BRIEF: Republican Orié Melvin appears to have defeated Democrat Jack Panella in last week's PENNSYLVANIA Supreme Court race. The result could mean Republicans will control the redrawing of legislative and congressional districts after the 2010 Census (PITTSBURGH TRIBUNE-REVIEW).
 • **UTAH** Attorney General Mark Shurtleff (R) abruptly dropped out of the state's U.S. Senate race, saying he needed to spend time with his daughter who is struggling with

Upcoming elections

11/5/2009 - 11/26/2009

11/10/2009

Alabama Special Runoff
House District 56

Rhode Island Special Election
House District 10

11/17/2009

California Special Primary
Assembly District 72

Mississippi Special Election
House District 117

11/24/2009

Iowa Special Election
House District 33

Rhode Island Special Primary
House District 62 (if needed)



depression. Shurtleff had been considered the strongest of several conservatives seeking to unseat Republican U.S. Sen. Bob Bennett (DESERET NEWS). • **NORTH CAROLINA** Senate Majority Leader Tony Rand (D), one of the state’s most powerful lawmakers, announced last week that he is resigning from the Legislature. Rand, who recently turned 70, said his father died at his age, and he wants to pursue new challenges (NEWS & OBSERVER [RALEIGH]). • Democrat Bill Owens won a special election in **NEW YORK**’s northernmost Congressional district last Tuesday, one of the few setbacks suffered by national conservatives, who had forced moderate Republican Dede Scozzafava out of the race and supported Conservative Party candidate Douglas L. Hoffman. The Empire State’s 23rd U.S. House district has been a Republican stronghold for generations (NEW YORK TIMES). • **CALIFORNIA**’s Democratic Lt. Gov. John Garamendi handily defeated little-known Republican David Harmer in last week’s race for the state’s 10th U.S. House District seat. The seat opened in June when Democrat Ellen O. Tauscher resigned to take a post in the State Department (NEW YORK TIMES).

In case you missed it

Voters in a half dozen states went to the polls on November 3rd to weigh in on hot button issues like same-sex marriage, government spending and medical marijuana.

In case you missed it, the article can be found on our Web site at

http://www.statenet.com/capitol_journal/11-02-2009/html

— *Compiled by KOREY CLARK*

Governors

SCHWARZENEGGER GETS WATER DEAL: After two-plus years of intense negotiations, CALIFORNIA lawmakers have given Gov. Arnold Schwarzenegger (R) perhaps his biggest legislative victory: a package of measures to overhaul the state’s archaic water supply system. Schwarzenegger called the bill package “an historic achievement” and “one of the most complicated in our state’s history.”

The measures lawmakers endorsed include creating a new agency to oversee management of the troubled Sacramento-San Joaquin Delta, which channels water for 25 million Golden State residents. The Delta, the largest estuary on the West Coast, has suffered increasing environmental degradation over the last several decades. Citing significant damage to fish populations, a federal court last year ordered major cutbacks on the amount of water shipped from Northern CALIFORNIA through the Delta to central and southern parts of the state. That sparked a fierce debate between downstate water users, who argued that the water cutbacks were wiping out thousands of agricultural jobs in the Central Valley, and environmentalists who countered that the normal water shipments were destroying the Delta ecosystem. Other elements



to the package include a 20 percent statewide urban conservation mandate and a requirement that groundwater be monitored for the first time in state history.

Supporters hailed the package as a critical step in the state’s ability to eventually meet its water needs for a population that is expected to reach 50 million over the next two decades. But critics found plenty to dislike as well, most notably the last-minute removal of a measure that would have levied large fines against upstream water diverters. Some observers have estimated that up to two-thirds of the diversions from the Delta watershed are unpermitted.

Many urban water districts, particularly those in the North, also cried foul over the conservation mandate, which they claim does not take into account a municipality’s current resources and needs. Delta residents and many environmental groups also rejected what they see as a green light for downstate users to build a new conveyance canal to funnel water around the Delta, which they contend will actually harm the estuary more than help it.

All of the enthusiasm and condemnation may be for naught, however. Voters must now approve another part of the package — an \$11 billion bond to pay for it all. This won’t be an easy sale, particularly given that state finance officials already project next year’s budget to be \$7.4 billion in the red. Without a major boost to the sagging economy, skeptical voters may not be inclined to push the state deeper into debt.

The measure is also likely to bring together an odd pairing of traditional rivals. State employee unions are set to fight the bond measure, arguing that the increased debt service on the budget will leave the state with less money for state worker salaries. Tax groups, normally not in sync with union desires, also oppose the increased debt service the bonds will bring.

Assembly Speaker Karen Bass (D) acknowledged it won’t be easy to get voters on board. “We’re done with part one,” she said. “Part two is we need to take the message out [of Sacramento]... We have to begin by educating voters about water.” (LOS ANGELES TIMES, SACRAMENTO BEE, STATE NET).

GOVERNORS IN BRIEF: ARIZONA Gov. Jan Brewer (R) officially announced she would seek a full four-year term in 2010. Brewer took office earlier this year when former Gov. Janet Napolitano (D) left to lead the federal Office of Homeland Security (ARIZONA REPUBLIC [PHOENIX]). • A spokesperson for **NEVADA** Gov. Jim Gibbons (R) said the governor made a mistake last week when he repeatedly insisted that a bomb planted in current Senate Majority Leader Harry Reid’s (D-NV) car in 1981 was a fake. Gibbons told several radio programs that he had read an official report that said the bomb, which targeted Reid when he was the head of the State Gaming Commission, was really a phone book in a shoe box. Reid’s office provided police

Upcoming stories

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

- **2010 Preview**
- **Golden State retrospect**
- **Budget updates**



reports and a bomb squad log that showed the bomb was real, calling Gibbons' claim "a flat out lie." Gibbons' spokesperson Dan Burns said the governor "made a mistake" (LAS VEGAS SUN). • **ARKANSAS** Gov. Mike Beebe (D) said he believes rules that Razorback State voters endorsed last year to bar unmarried couples from adopting children is hindering the state's ability to place foster kids into adoptive homes. Beebe says he believes adoptions should be handled "on a case-by-case basis based on what is the best interest of the child" (ARKANSAS NEWS [LITTLE ROCK]).

— *Compiled by RICH EHISEN*

Hot issues

B **USINESS:** The **RHODE ISLAND** General Assembly endorses SB 1002, a bill that requires Ocean State mortgage lenders to give borrowers a 45-day notice before starting foreclosure proceedings. Lenders will also have to inform borrowers that they can seek free mortgage counseling. It is now with Gov. Don Carcieri (R), who has not indicated if he will sign it (PROVIDENCE JOURNAL). • The **MASSACHUSETTS** House approves SB 998, a bill that would allow the Bay State to regulate kickboxing, wrestling, karate, jiu-jitsu, and other mixed martial arts. The measure returns to the Senate for concurrence (SOMERVILLE JOURNAL). • Still in **MASSACHUSETTS**, the House unanimously approves HB 4298, which would require owners of "expiring use" affordable housing to notify a tenant at least two years before bringing a unit's rent back to market rates. It is now in the Senate for consideration (SOMERVILLE JOURNAL). • **ILLINOIS** lawmakers override Gov. Pat Quinn's (D) amendatory veto of HB 3325, which allows vehicles to have a certain amount of tinting on the front driver's side and front passenger's side windows. The new law goes into effect immediately (JOURNAL STAR [PEORIA]). • **CALIFORNIA** insurance regulators endorse new rules that allow Golden State drivers to purchase "pay-as-you-drive" automobile insurance, which lets consumers buy insurance based on their actual, verified mileage, rather than estimated mileage (SACRAMENTO BEE). • The **MONTANA** Supreme Court upholds a Treasure State law that ends workers' compensation payments when a permanently injured worker reaches retirement age. The court said the benefits are meant only to assist an injured employee for their "work life" and not into retirement (THE MISSOULIAN).

CRIME & PUNISHMENT: The **RHODE ISLAND** Senate approves HB 5039, a bill that would give Ocean State police the authority to take blood from drunken-driving suspects who are involved in serious or fatal wrecks and who refuse

to take a breathalyzer test. Any chemical testing must be documented on audio and videotape. It moves to Gov. Don Carcieri (R) for review (LAND LINE MAGAZINE [GRAIN VALLEY]). • Still in **RHODE ISLAND**, the House and Senate each approve SB 204, which would bar drivers from sending, reading or receiving cell phone text messages while behind the wheel. Drivers would still be allowed to make hand-held cell phone calls. It also moves to Carcieri for consideration (LAND LINE MAGAZINE [GRAIN VALLEY]). • Also in **RHODE ISLAND**, Carcieri signs HB 5044, which closes a loophole in state law that made indoor prostitution legal. The measure goes into effect immediately (ASSOCIATED PRESS). • The **WISCONSIN** Assembly approves AB 230, legislation that allows Badger State police to have electronic access to drivers' license photographs and obtain them via electronic request. Current law requires such requests to be made in writing. It is now with the Senate (WISCONSIN STATE JOURNAL [MADISON]).

EDUCATION: The **WISCONSIN** Assembly endorses AB 458, legislation that would require Badger State schools that teach sex education to also instruct students on the use of birth control. It moves to the Senate (WISCONSIN STATE JOURNAL [MADISON]). • **SOUTH DAKOTA** education officials issue new rules that require all Coyote State high school students to take at least one semester of physical education during high school. Students would also have to take algebra II or physics as well as one semester of health (ARGUS LEADER [SIOUX FALLS]). • The **CALIFORNIA** Senate endorses SB 1e, legislation that would repeal the Golden State's cap on charter schools. The measure would also require education officials to develop a strategy to turn around the state's lowest performing schools, and allows students at those institutions to attend any school in the state. It also encourages school districts to reward teachers who consistently improve student scores. The bill is now with the Assembly (SACRAMENTO BEE).

ENVIRONMENT: President Barack Obama signs HB 2996, the Great Lakes Restoration Initiative, legislation that provides \$475 million for a comprehensive program to restore and protect the Great Lakes. The bulk of the effort will go

The week in session

States in Regular Session: DC, MA, MI, NY, PA, PR, US

States in Recess: NJ, WI

States in Special Session: CA "e", CA "f", NE "a", NY "v"

Special Sessions in Recess: DE "a"

Upcoming Special Sessions: TBA: AZ "d", FL "b", MS "d", NY "v", OK "a"

States in Committee Hearings: OH

States Currently Prefiling or Drafting for 2010: AL, FL, IA, KS, KY, ME, MT, ND, NH, OK

States Adjourned in 2009: AK, AL, AR, AZ, CA, CO, CT, DE, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MN, MO, MS, MT, NC, ND, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WA, WV, WY

State Special Sessions Adjourned in 2009: AK "a", AL "a", AZ "a", AZ "b", AZ "c", CA "a", CA "b", CA "c", CA "d", CA "g", CT "a", CT "b", CT "c", CT "d", FL "a", HI "a", HI "b", IL "a", IL "b", IN "a", KY "a", MS "a", MS "b", MS "c", NM "a", NV "a", NY "a-o", TX "a", UT "a", VA "c", VT "a", WI "a", WV "a", WV "b", WV "c"

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS
(session information current as of 11/6/2009)
Source: State Net database

toward battling invasive species and cleaning up pollution (CLEVELAND PLAIN DEALER). • The **CALIFORNIA** Legislature approves a package of bills that collectively overhaul the Golden State’s aging water system. The bills include measures that would create a state committee to oversee the management of the Sacramento-San Joaquin Delta (SB 1g), implement a statewide urban water conservation program that requires most urban areas to cut water use by 20 percent (SB 7g) and, for the first time, authorize the collection of data on groundwater levels (SB 6g). The package also includes a bill (SB 2g) that would ask voters to approve \$11 billion in bonds to pay for many of the measures. The bills move to Gov. Arnold Schwarzenegger (R), who is expected to sign them into law (STATE NET).

HEALTH & SCIENCE: The **ILLINOIS** Legislature endorses HB 3923, a bill that would give most Prairie State health insurance policyholders the right to an external appeal of claim denials by their insurance company. The proposal would also require insurance companies to report what they pay out for health care and how much they collect in premiums. It is now with Gov. Pat Quinn (D), who is expected to sign it (QUAD CITY TIMES [DAVENPORT]).

SOCIAL POLICY: An **ILLINOIS** court blocks implementation of a state law requiring doctors to notify parents or guardians when a girl 17 or younger seeks an abortion. The ruling marks the latest round in the battle over the statute, which was approved by lawmakers in 1995 but never implemented due to legal challenges. The case is scheduled to go before the court again later this month (CHICAGO TRIBUNE). • The **WISCONSIN** Supreme Court rejects a petition to directly take up a challenge to the state’s domestic partner registry. The plaintiffs had argued the registry allows gay couples a domestic option that is too similar to marriage, thus violating the Badger State’s constitutional ban on same-sex unions (WISCONSIN STATE JOURNAL [MADISON]).

POTPOURRI: The **RHODE ISLAND** House and Senate endorse a proposal to have voters decide whether to shorten the state’s official name, “**RHODE ISLAND** and Providence Plantations,” the longest in the nation. Proponents want to drop the reference to plantations, which they claim is too closely tied with slavery. The matter would go before voters in November, 2010. It moves to Gov. Don Carcieri (R) for review (ASSOCIATED PRESS).

— *Compiled by RICH EHISEN*



A REAL PIECE OF...ART: New Zealand sculptor Sam Mahon is more than a bit hacked off at the country's environmental minister, Nick Smith. Mahon accuses Smith of ignoring copious dairy runoff he says is polluting local waterways. Now Mahon has turned to what he knows best to illustrate his displeasure. As the *Straits Times* of Singapore reports, Mahon has sculpted a bust of Smith's head made out of the one element he feels is most fitting: cow dung. Mahon, who dubbed the 3D piece "Nick Smith in [Dung]," is auctioning off the work on the Internet. Smith has taken it all in stride, calling it "a bit of a laugh." And what if the work doesn't sell? Mahon says he has a plan B, noting "I'll just regrind it and spread it in the garden."

— By *RICH EHISEN*

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