

December 10, 2007

The Abortion Debate



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The next issue of Capitol Journal will be available on December 17th.

Top Story

Abortion foes have long wanted Congress to grant "personhood" and constitutional rights to embryos from the moment of conception. With Congress not so inclined, proponents are taking their battle to the states.

SNCJ Spotlight

ISSUES 2008: Abortion foes push "personhood" initiatives

The ongoing abortion debate is expected to take another turn next year as anti-abortion activists in a half dozen states seek constitutional amendments to grant "personhood" and constitutional rights to embryos from the moment of conception. If adopted, those measures could effectively outlaw all abortions and even some birth control methods.

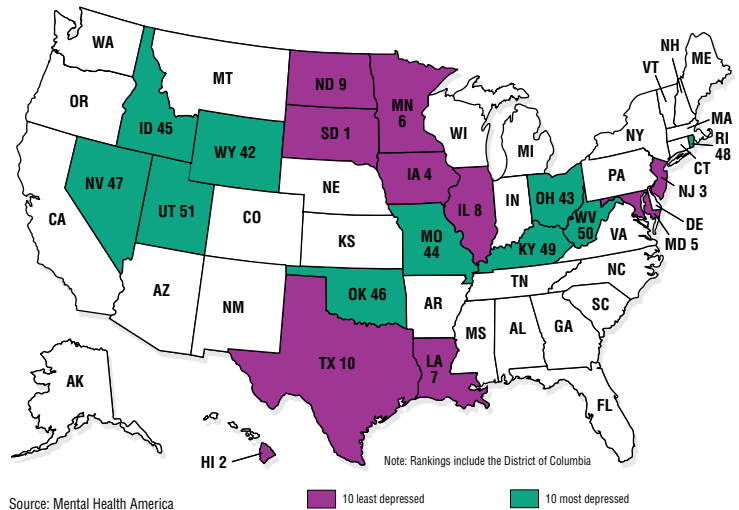
A signature drive is currently under way in COLORADO, and abortion opponents in MONTANA, OREGON, MISSISSIPPI and MICHIGAN are

of a personhood measure in MICHIGAN, for instance, failed to collect enough signatures to put it on the ballot in 2006. The GEORGIA proposal also stalled in the Legislature this year, making the new push anything but a done deal. The New York city-based Center for Reproductive Rights notes that similar proposals also failed to make their way through state legislatures this year in MONTANA, VIRGINIA, SOUTH CAROLINA and NORTH DAKOTA.

Even if one or many states approve a personhood measure, it will likely take years to reach the high court. There is also the probability that such a law would outlaw certain forms of birth control that prevent fertilized eggs from implanting in the uterus, such as the birth control pill. The statute could also potentially ban or restrict commonly used fertility treatments like in vitro fertilization, in which multiple eggs are fertilized, but only some are introduced into the mother's womb. Lorie Chaiten of the American Civil Liberties Union of ILLINOIS says those questions will be tough for voters to sort out. "Are you committing murder if you don't use all the eggs?" she asks.

There is also no guarantee that the Supreme Court will cooperate even if a challenge to *Roe V. Wade* gets that far. Since in the late 1980s, 10 states have amended their constitutions to provide general protections for unborn life, but the Supreme Court has since implied that those amendments do not override its core finding that women have a legal right to end pregnancies. That stance has even some of the strongest abortion foes convinced that the proposed state initiatives are not destined for success.

Bird's eye view



“Fundamentally, we’re talking about selling public lands which belong to all Americans and giving the proceeds back to local counties for what would ostensibly be conservation projects,” said Myke Bybee, public lands representative for the Sierra Club. “But those projects,” he said, are not always “in keeping with conservation.”

Even some fans of the law say the enormous infusion of cash has led to overreaching by some municipalities, particularly Las Vegas and North Las Vegas.

“We’ve gotten a bit greedy,” said Michael L. Montandon, the mayor of North Las Vegas, which is planning to spend \$85.3 million on a regional park that will feature an amphitheater, an aquatics center and sand volleyball courts all built around native gardens and wetlands. “When your neighboring cities are asking for five times what you are, it tends to make your staff run around looking for projects.”

Attempts to divert at least part of the proceeds from the federal land sales into the general federal Treasury have repeatedly been thwarted by NEVADA’s politically connected delegation, now headed by Senate Majority Leader Harry Reid (D). The Bush administration has tried to do so twice in recent years without success.

At least one other state in the West, meanwhile, is taking an “if you can’t beat ‘em, join ‘em” approach. Senator Robert F. Bennet (R) of UTAH introduced a bill last year authorizing the sale of federal land in the southwestern part of his state. The measure stalled in Congress, but Bennet plans to try again with another version.

He’s not likely to get any help from NEVADA’s delegation, however.

“Nevada is doing just fine,” said Sen. Reid. “But I’m not going to be trying to be a missionary for people doing this in other states.” (NEW YORK TIMES)

HOUSING SLUMP SQUEEZING STATES: State budgets are beginning to slump along with the U.S. housing market. As many as 20 states will have to plug holes in their budgets next year, according to a report released last week by the nation’s governors and state budget officers.

The week in session

States in Regular Session: DC, MI, NJ, NY, PA, US, WI

States in Informal Session: MA

States in Skeleton Session: OH

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

States in Special Session: IL “q”, IL “r”, PA “a”, WI “c”

States in Recess: IN(2008), NH

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

States Currently Prefiling or Drafting for 2008: AL, AZ, CO, DE, FL, GA, IA, IN, KS, KY, ME, MO, NH, OK, SC, TN, VA, WA, WY

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”, AK “b”, AL “a”, CT “a”, CT “b”, DE “b”, FL “a”, FL “b”, FL “c”, FL “d”, HI “a”, HI “b”, HI “c”, KY “a”, KY “b”, MD “a”, MN “a”, MO “a”, MS “a”, MT “a”, MT “b”, NC “a”, NM “a”, NV “a”, UT “a”, WA “a”, WI “a”, WI “b”, WV “a”, WV “b”

Letters indicate special/extraordinary sessions

— Compiled By JAMES ROSS
(session information current as of 12/07/2007)
Source: State Net database



“Clearly, it’s a little more gloomy than it once was,” said Raymond C. Scheppach, executive director of the National Governors Association, which co-produced the annual “Fiscal Survey of States” with the National Association of State Budget Officers.

States like ARIZONA, CALIFORNIA, FLORIDA, and NEVADA, which rely heavily on real estate taxes, have been hit the hardest. CALIFORNIA, for instance, is facing a projected deficit of nearly \$10 billion in 2008-09. And FLORIDA is expecting a shortfall of \$2.5 billion.

But the outlook for the states in general is less rosy than it’s been in recent years. Scott D. Pattison, executive director of NASBO, said the report indicates that “most states are moving from peak fiscal conditions to a period of much slower spending and revenue growth.”

Overall state spending is expected to grow 4.7 percent in fiscal 2008, nearly half the 9.3-percent growth rate states saw in fiscal 2007 and well below the 30-year average of 6.4 percent.

State reserves are also shrinking. A record \$69 billion collectively in fiscal year 2006 and nearly \$63 billion in FY 2007, they are projected to fall to \$47 billion this year.

Tax cuts are falling out of favor as well. Twenty-four states cut personal income taxes by \$1 billion this year, down from last year’s \$2.1 billion in cuts. (STATELINE.ORG)

MICHIGAN REPEALS SERVICE TAX: At 12:01 a.m. Saturday, Dec. 1, the 6 percent tax on certain services that MICHIGAN lawmakers passed two months ago as part of an agreement to end a budget crisis went into effect. It only remained that way for about 17 hours.

The Senate passed a law on Saturday morning repealing the tax and replacing it with a 21.99 percent surcharge on the new MICHIGAN Business Tax, which takes effect Jan. 1. The House approved the measure in the afternoon. And Gov. Jennifer Granholm (D) signed it later that day.

Part of the problem was confusion in the business community over what services were actually subject to the tax. Salon services such as manicures and pedicures, for instance, were, but haircuts were not.

Upcoming elections

12/06/2007 - 12/27/2007

12/08/2007

Delaware Special Election

House District 28

12/11/2007

California Special Primary

Assembly District 55

Massachusetts Special Election

Senate 4th Middlesex District

Ohio Special Election

US House (Congressional District 05)

12/18/2007

Georgia Special Election

House District 072

New Hampshire Special Primary

House Rockingham County District 01 (Candia, Deerfield, Northwood, Nottingham)

Rhode Island Special Election

House District 75

Texas Runoff

House District 97

“The whole state doesn’t know what to do because of our Legislature and governor,” said one resident. “It’s a disgrace for the state of MICHIGAN.”

Granholm certainly seemed chastened by the experience.

“The most important thing I learned is I’m not ever going to raise taxes again. It’s too hard,” she said. (LANSING STATE JOURNAL, DETROIT FREE PRESS)

WHITE HOUSE PUSHING FOR COUNTERTERRORISM CUTS: The Homeland Security Department was planning to give state and local governments \$3.2 billion in 2009 to help them defend against terrorist attacks. But the White House intends to ask Congress for less than half that amount — \$1.4 billion — according to documents obtained by the Associated Press.

Reportedly convinced that counterterrorism funding has not been well spent and that the security needs of the nation’s highest-risk cities have largely been met, the White House has proposed eliminating programs for port security, transit security, and local emergency management operations altogether in the next budget year.

Some members of Congress don’t seem too receptive to the idea. The plan “goes totally in the wrong direction,” said Rep. Peter King (R) of NEW YORK. “This would be a very grave mistake, and I will do all I can to stop it.”

Sen. Barbara Boxer (D) of CALIFORNIA was more outspoken.

“This budget proposal is dead on arrival,” she said. “This administration runs around the country scaring people and then when it comes to putting their money where their mouth is, they say ‘sorry, the bank is closed.’”

King and Boxer will hash out the issue with their fellow members of Congress next year. (ASSOCIATED PRESS, LINCOLN JOURNAL STAR)

BUDGETS IN BRIEF: State auditors in **VIRGINIA** have found that the abusive-driving fees that went into effect in July have not affected traffic safety and may not raise as much money as expected. The state could actually be obliged to suspend the licenses of more than 300,000 drivers over the next two years for failing to pay the fees, according to the auditors’ report, which may hasten calls for lawmakers and Gov. Tim Kaine (D) to repeal them (WASHINGTON POST). • **WASHINGTON** Gov. Christine Gregoire (D) estimated last week that flood damage from the recent wave of severe storms could top \$1 billion (SEATTLE POST-INTELLIGENCER, OLYMPIAN). • **IDAHO** Gov. C.L. “Butch” Otter (R) signed a pact with the Nez Perce and Kootenia tribes requiring gasoline sold on their reservations to be taxed at the same rate as elsewhere in the state (IDAHO STATESMAN). • Seeking to keep rising costs from derailing **MASSACHUSETTS’** landmark universal health insurance initiative, the Commonwealth Health Insurance Connector Authority voted last week to press insurers to limit premium increases to 5 percent next year for unsubsidized plans (BOSTON GLOBE).

— Compiled by KOREY CLARK

Politics & leadership

CAMPAIGN WATCHDOG PROPOSES TOUGHER RULES IN CA: In 1974, CALIFORNIA voters overwhelmingly passed the Political Reform Act, a landmark campaign disclosure law that has served as a model for the nation ever since. But more than three decades later, public officials are exploiting a loophole in the law that allows them to spend the public's money on travel, dining and gifts without proving those activities were done in the public's interest, according to the state watchdog group charged with overseeing the law. And the group says it's time to put a stop to that.

Under a new rule proposed last week by the Fair Political Practices Commission, all state and local elected officials and candidates who raise or spend more than \$1,000 a year would be required to disclose information such as the dates and destinations of out-of-state trips, the dates of and number of people who attended meals, and the nature and recipients of gifts. In each case, they would have to "state facts sufficient to demonstrate the political, legislative, or governmental purpose of the expenditure."

Commission Chairman Ross Johnson, a former Republican state legislator, said the change is needed "because the public has a right to know not just who is contributing to candidates but how the money is being spent. This is particularly true for gifts, meals and out-of-state travel, where the legislative, governmental or political purpose may be unclear."

The FPPC proposal comes two months after news reports detailing tens of thousands of dollars in campaign-fund spending by Assembly Speaker Fabian Nuñez (D), including over \$5,000 for a "meeting" at a wine shop in France's Bordeaux region and more than \$2,500 for "office expenses" at Louis Vuitton in Paris.

A spokesman for Nuñez said he "has always complied with state regulations on gifts and travel, and welcomes proposals to improve accountability to the public."

The five member FPPC plans to take up the proposed rule change at its Dec. 13 meeting. The commission intends to consider another rule on the same day that would require certain nonprofit groups to disclose the source of their funding when they campaign for or against a ballot measure. (LOS ANGELES TIMES, SACRAMENTO BEE, FPPC.CA.GOV)

DNC THREATENS SANCTION AGAINST MI DEMS: Last week, MICHIGAN became the second state to be officially rebuked by the Democratic National Party for scheduling its presidential primary in violation of party rules. The DNC's rule-making body recommended stripping MICHIGAN of all 156 of its delegates to next summer's presidential nominating convention at the DNC's fall meeting last week in VIRGINIA. The panel said the penalty would go into effect in

30 days unless MICHIGAN’s Democrats agree to hold their primary — currently scheduled for Jan. 15 — after Feb. 5.

That’s unlikely to happen, given the Wolverine State’s long-standing grievance with the current primary schedule, which grants primacy to the less demographically diverse states of IOWA and NEW HAMPSHIRE (which were given permission by the DNC’s Rules and Bylaws Committee last week to hold their primaries on Jan. 3 and Jan. 8, respectively).

“It’s about fundamentally changing the presidential nominating system to reflect the diversity of this country, and to nominate a candidate that will be the president of all of these United States,” said Debbie Dingell, an influential MICHIGAN Democrat and the wife of Democratic U.S. Rep. John D. Dingell. “It is not a president of IOWA or NEW HAMPSHIRE,” she said.

One member of the DNC’s Rules and Bylaws Committee suggested that the sanctions against MICHIGAN and FLORIDA were imposed only for appearances’ sake.

“No one at this table believes that the delegate sections for MICHIGAN and FLORIDA will be absent at the convention in Denver,” said Don Fowler, who opposed the sanctions against MICHIGAN. “We all understand that after the nominee is selected, manipulation will be taken to somehow place those delegations in the convention in Denver.”

But Fowler said the row over the nominating calendar and the DNC’s request that candidates not campaign in states that violate the party’s scheduling rules, could still hurt the Democratic nominee in MICHIGAN and FLORIDA.

“The Republicans will be there in full force, buying television ads, campaigning, recruiting people,” he said. “The Democrats will not be there, and in those two states we will miss the greatest opportunity in the four-year cycle to recruit new people, to build the party, to broadcast the positives that the Democratic Party stands for. In those two critical states, that opportunity will be missed — make no mistake about that — and that has serious implications for the general election.” (CQ POLITICS)

COURT OKAYS DNC SANCTION: A federal judge gave the Democratic National Committee the go-ahead last week to strip FLORIDA of its delegation to next summer’s presidential nominating convention for scheduling its primary for Jan. 29. U.S. Sen. Bill Nelson (D-FLORIDA) and Rep. Alcee Hastings (D-FLORIDA) had challenged the DNC’s action, but Chief U.S. District Judge Robert Hinkle dismissed it, ruling that that the national parties have the authority to set their schedules and penalize states that defy them. “It’s OK that the national party has allowed certain states to go first,” Hinkle stated after an hour of aural arguments. The judge added, “There is nothing in the Constitution that mandates a free-for-all that lets every state do what it pleases,” suggesting what may have guided his decision. Nelson and his chief lawyer said they would not appeal the ruling. (TALLAHASSEE DEMOCRAT)

— *Compiled by KOREY CLARK*

Governors

SCHWARZENEGGER AGAIN TACKLES REDISTRICTING: CALIFORNIA Gov. Arnold Schwarzenegger (R) announced last week that he will head up a campaign to qualify a measure for the November 2008 ballot that would strip legislators of the authority to draw their own political districts. The measure, which would also apply to Board of Equalization districts, would create an independent redistricting panel of five Democrats, five Republicans and four independent or minor-party voters.

“The people of CALIFORNIA are not served well by a system that is so gerrymandered that 99 percent of the incumbents are re-elected in districts that they themselves drew,” Schwarzenegger said. “We need a system where the voters choose the politicians, rather than the politicians choosing the voters.”

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But critics were quick to point out that the governor’s plan excludes Congressional districts, which many see as a concession to House Speaker Nancy Pelosi, who opposed changing those boundaries. Many observers are also skeptical that the proposal could result in more than a handful of competitive districts.

But Schwarzenegger vowed to do “whatever it takes” to curry public favor for what has been one of his signature causes. The governor also threw his weight behind redistricting reform in 2005. That proposal was part of his disastrous “Year of Reform” campaign, a quartet of major ballot measures that voters overwhelmingly rejected, leading to a precipitous drop in his popularity. But with a full year of “post-partisanship” under his belt and his poll numbers back on high, the ever optimistic Schwarzenegger is ready to go after the 694,354 valid voter signatures needed to get the proposal on the November ballot.

The governor’s announcement came amidst a growing belief among some political observers that another of his major priorities — a universal health care plan — is on life support. Part of that revolves around growing concerns over next year’s budget, which is projected to be as much as \$10 billion in the red. Voters must approve the financial components of any health care proposal, but public support for the \$14 billion plan could become very unlikely in the face of such a large budget shortfall.

But the bill’s fate could also hinge on another ballot measure — the state’s pending Proposition 93, a proposal to alter term limits which voters will decide in February. If rejected, current Assembly Speaker Fabian Nuñez and Senate Pro Tem Don Perata, the two Democrats most actively involved in the health care reform



negotiations with Schwarzenegger, would soon be termed out. Some political analysts believe both leaders being in lame-duck status could conceivably derail any chance of the bill even getting through lawmakers and on to a public vote in November. Both Schwarzenegger and Nunez, however, contend the bill will get done this year. (SACRAMENTO BEE, SAN FRANCISCO CHRONICLE, SAN JOSE MERCURY NEWS, LOS ANGELES TIMES)

EXECUTIVE ORDERS: ALABAMA

Gov. Bob Riley (R) issues EO 38, which creates the Geographic Information Executive Council to “develop policies regarding the utilization of geographic information, GIS systems, and other related technologies”

(STATE NET). • **DELAWARE** Gov. Ruth Ann Minner (D) issues EO 43, which creates the Statewide Interoperability Executive Council, which will be tasked with developing “a statewide communications interoperability plan.” That plan will include standards for public safety communications and cooperation between state, local and federal government (STATE NET). • Communications interoperability is also the issue in VERMONT, where Gov. James Douglas (R) issues EO 8. That order creates the VERMONT Communications Board, which will “assess the state’s overall interoperable communications capability, policies and needs,” and recommend strategies for linking the communications systems of local, state and federal emergency responders (STATE NET).

GOVERNORS IN BRIEF: MINNESOTA

Gov. Tim Pawlenty (R) rejected a request from a pair of DFL lawmakers to call a special session to deal with funding for public works projects. Pawlenty said he would instead urge lawmakers to take up the issue during the regular session in February (ST. PAUL PIONEER PRESS). • **VIRGINIA** Gov. Tim Kaine (D) said he will definitely seek to pass legislation next session calling for sellers at gun shows to run background checks on people who purchase weapons. That contradicts an earlier statement from a Kaine spokesperson, who said last week that the issue would not be a high priority for the governor in 2008 (VIRGINIAN-PILOT [NORFOLK]). • **FLORIDA** Gov. Charlie Crist (R) said the state should consider lowering the threshold for executing drug dealers. As a state senator, Crist sponsored the current state law that imposes capital punishment on traffickers who import more than 300 kilograms of cocaine.

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: 1,133

Number of Intros last week: 478

Number of bills enacted/adopted last week: 68

Number of prefiles to date: 43,477

Number of Intros to date: 166,000

Number of enacted/adopted overall to date: 41,793

— Compiled By JAMES ROSS
(measures current as of 12/06/2007)
Source: State Net database



The state has yet to execute anyone for violating that statute (TALLAHASSEE DEMOCRAT). • **UTAH** Gov. Jon Huntsman Jr. (R) said he has no objection to nuclear waste from foreign countries being disposed of in the Beehive State, as long as it falls within the state’s radiation limits and fits in a mile-square site already allocated for it. A private company has applied to the U.S. Nuclear Regulatory Commission to import 20,000 tons of radioactive waste from Italy’s commercial nuclear program, process it at a plant in **TENNESSEE** and dispose of about 1,600 tons at a **UTAH** disposal site (SALT LAKE TRIBUNE). • **NEW YORK** Gov. Eliot Spitzer (D) said the state will commission an independent research group to help state leaders develop a “strategic roadmap” for universal health insurance. The report is expected by next summer (ALBANY TIMES UNION). • **ARIZONA** Gov. Janet Napolitano (D) announced her support for a proposal to offer health and other benefits to domestic partners of state employees, gay or straight. Supporters say the proposal is a step toward fairness and would help the Grand Canyon State better compete for employees in a marketplace where domestic-partner benefits are becoming more common (ARIZONA REPUBLIC [PHOENIX]). • **NEW JERSEY** Gov. Jon Corzine (D) announced he will lead an effort to raise \$30 million in private funds to renovate Rutgers Stadium. Corzine recently pulled state support for the project over concerns about the state’s poor financial situation (STAR-LEDGER [NEWARK]). • **GEORGIA** Gov. Sonny Perdue (R) announced that the Peach State will commit \$34.7 million toward the purchase of 19,465 acres of green space. The funding covers all or part of three separate purchases. The balance of the funding will come from a collection of federal grants, local municipalities and private foundations (ATLANTA JOURNAL-CONSTITUTION). • **PENNSYLVANIA** Gov. Ed Rendell (D) threatened to withhold state aid to help doctors and other medical professionals pay malpractice insurance unless Keystone State lawmakers act on his proposal to expand state health insurance. The governor wants lawmakers to set aside at least part of a projected \$500 million surplus in the state’s medical-malpractice fund, known as MCare, under legislation to extend the malpractice insurance subsidies for 2008 (PHILADELPHIA INQUIRER).

— *Compiled by RICH EHISEN*

Upcoming stories

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

- A preview of hot issues for 2008

Hot issues

BUSINESS: The **ARIZONA** Supreme Court unanimously upholds a Grand Canyon State law that limits the responsibility for payment of damages in lawsuits involving faulty products. State Farm Insurance challenged the law, claiming that it is impossible to allocate “fault” in product liability cases.



The company also argued that the statute deprives consumers of the right to sue an entire distribution chain (TUCSON CITIZEN). • **MASSACHUSETTS** Gov. Deval Patrick (D) signs legislation that will require mortgage lenders to file a 90-day notice of intent to foreclose with the homeowner and the state before they can begin those proceedings. The new measure also requires Bay State borrowers to receive consumer counseling before obtaining certain high-cost mortgages, and mandates that lenders be licensed by the state (BOSTON GLOBE). • The **MICHIGAN** House approves legislation that would allow the State Housing Development Authority to offer homeowners with adjustable-rate mortgages a chance to convert them into 30-year fixed-rate loans. The proposal moves to the Senate (DETROIT NEWS). • A **NEW JERSEY** Senate committee endorses legislation that would bar the Garden State public employee pension system from investing in companies that do business with Iran. That measure now moves to the full Senate (STAR-LEDGER [NEWARK]). • The **OHIO** House approves a measure that would limit the investment options for the state Bureau of Workers' Compensation, the nation's largest state-run insurance fund for injured workers. The list contains 26 permissible investments, including stocks, bonds, secured mortgages, money market funds, and certificates of deposit. The proposal moves to the Senate (TOLEDO BLADE).

CRIME & PUNISHMENT: A **NEW JERSEY** Senate committee endorses legislation that would abolish the death penalty in the Garden State. It moves to the full Senate, which is expected to vote on the measure this month (STAR-LEDGER [NEWARK]). • A federal appeals court rules that **IOWA** may no longer spend public money on a faith-based prison treatment program. The court rejected, however, a lower court's ruling that the program be shut down and replay \$1.5 million in taxpayer money to the state. The program is now privately funded (UNITED PRESS INTERNATIONAL).

EDUCATION: The **CONNECTICUT** Board Of Education endorses a proposal to require Constitution State high school students to pass end-of-course exams, complete an independent study, and take at least 24 credits in specific courses to earn a diploma. The plan now is subject to almost a year of public comment. A final version is expected to go before lawmakers in December 2008 (HARTFORD COURANT). • A **PENNSYLVANIA** House committee approves legislation that would establish a uniform base tuition for the Keystone State's 11 cyberschools. Those schools currently charge a varying tuition rate to school districts in which their students reside, based on 80 percent of what it costs those districts to educate their own students. The measure now goes to the full House (PATRIOT-NEWS [HARRISBURG]).

In case you missed it

On Nov. 6, voters in seven states weighed in on a total of 35 statewide propositions and referendums, approving 28 and rejecting only seven. But those seven rejections came on some of the most high profile and controversial issues under consideration. In our Nov. 12 issue, we wrapped up how all the state ballot measures finished.

In case you missed it, the article can be found on our Web site at http://www.statenet.com/capitol_journal/11-12-2007/html



ENVIRONMENT: The **FLORIDA** Fish and Wildlife Conservation Commission indefinitely postpones a decision to take manatees off the state’s endangered species list. The Commission did approve a manatee management plan that calls for stronger enforcement of boating speed zones (ST. PETERSBURG TIMES).

HEALTH & SCIENCE: The **MICHIGAN** House endorses legislation that would ban smoking in all but a select few Wolverine State workplaces. The measure, which now moves to the Senate, would allow lighting up only in casinos, cigar bars, horse racetracks and bingo halls (DETROIT FREE PRESS).

HOMELAND SECURITY: ARIZONA Gov. Janet Napolitano (D) and U.S. Secretary of Homeland Security Michael Chertoff sign an agreement making **ARIZONA** the third state eligible to begin issuing new driver’s licenses with radio-identification chips next year that would be used in lieu of a passport at the U.S. border. **WASHINGTON** and **VERMONT** have already been given similar permission. The Grand Canyon State is expected to introduce the new licenses next year (ARIZONA REPUBLIC [PHOENIX]).

POTPOURRI: The **IOWA** Supreme Court rules that a state law defining Indian children as those of mixed blood who are not eligible for tribal membership is overly broad and violates equal protection clauses in both the federal and state constitutions (SIOUX CITY JOURNAL).

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

WELL, SINCE IT’S NOT AGAINST THE LAW: It has not been the best of times for San Francisco Mayor Gavin Newsom, once considered a rising star in the CALIFORNIA Democratic Party and a possible candidate for the governor’s office in 2010. A series of highly public miscues — most notably getting caught in an extramarital affair with the wife of his campaign manager, followed by a trip to rehab for alcohol addiction — has dimmed that star a bit of late. But Newsom still has his supporters in the City by the Bay. As reported by the *San Francisco Chronicle*, city supervisors overwhelmingly rejected a recent proposal to bar city managers from engaging in sexual relationships with their employees. The measure’s sponsor, Supervisor Chris Daly, cast the lone vote in favor

of his proposal, calling it “common practice” in the corporate world. The other 10 supes didn’t see it that way, calling the measure “intrusive.”

BUT WOULD SHE BE JURY FOREMAN? Never let it be said that MICHIGAN Gov. Jennifer Granholm shirks her civic duty. As reported by the *Detroit News*, Granholm reported for jury duty last week. Unfortunately for her, the two cases in question were both settled without a trial, sending all the potential jurors home. We say unfortunately because, as Granholm told reporters afterward, she really wanted to serve on a jury. But Granholm also noted that her chances were actually pretty slim even if the trial had gone on. Before winning the governor’s office in 2002, Granholm had a long track record as a big time government prosecutor, first for the federal government and then as the MICHIGAN attorney general from 1998 to 2002. “If I were a defense lawyer, I would not put me on a jury,” she said.

MAYBE HE SHOULD SIT UP AND BEG: Governors deal with condemned prisoners seeking a pardon all the time. But it isn’t every day that the condemned prisoner is a dog. Enter Congo, a German shepherd accused of mauling a gardener in NEW JERSEY last June. According to the *Trenton Times*, city officials in Princeton Township have declared Congo to be a vicious dog and ordered him put down. But Congo’s supporters have refused to let him go quietly into that good night. They contend the victim had grabbed the dog’s owner, causing the passionate pooch to go into defense mode. Thousands have sent e-mails to Gov. Jon Corzine asking the gov to grant the chompy K-9 a pardon. Corzine hasn’t weighed in yet, but Assemblyman Neil Cohen has. Cohen recently introduced a bill that would change the state’s dog laws and get Congo off Death Row. Cohen said his office has received 700 e-mails about the situation, with only one in favor of carrying out Congo’s sentence.

MORE BOOZE: A host of former CALIFORNIA leaders believe they know how to make lawmakers more effective: more booze, more lobbyist money and less open government. At a recent gathering, reports the *Sacramento Bee*, former Gov. Pete Wilson said he thinks lawmakers need to hit the bottle the way he and his Legislative colleagues did back in the 1960s. “These guys, the teetotalers, need to lighten up a bit,” Wilson said. Former Senate Pro Tem John Burton bemoaned the loss of the lobbyist-sponsored free lunch, which he said allowed lawmakers to get to know one another better. But the most direct assessment of how to improve the political sausage grinder came from outspoken former Assembly Speaker Willie Brown, once the self-proclaimed “Ayatollah of the Assembly.” Brown — famous for once negotiating major tort reform on a restaurant napkin — lamented the loss of backroom wheeling and dealing, saying that open government laws force lawmakers to pander too much to their constituents. Right. We sure wouldn’t want that to happen.

— By RICH EHISEN



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