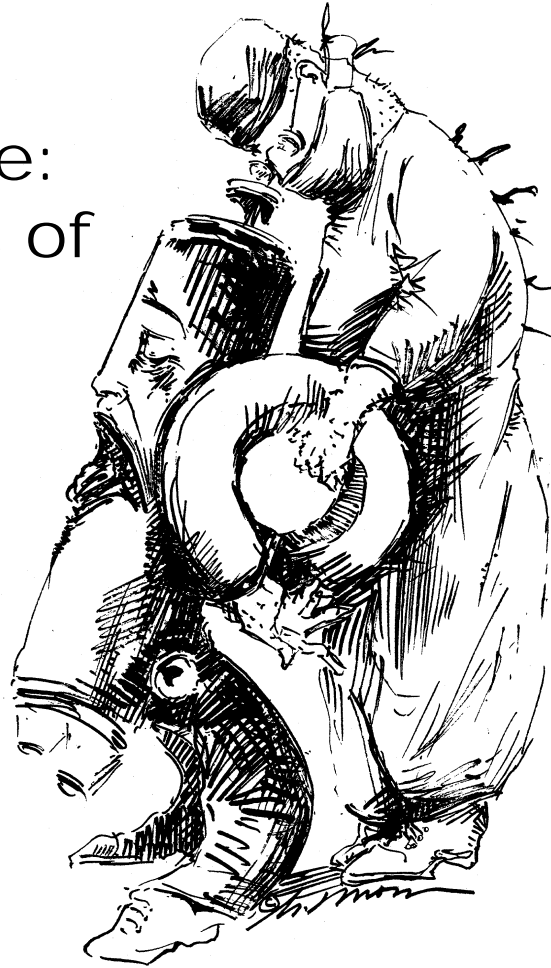


July 19, 2004

Under a
 Microscope:
 The Ethics of
 Stem Cell
 Research



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Top Story

Last week Capitol Journal examined the potential fiscal impact of embryonic stem cell research in NEW JERSEY and CALIFORNIA.

This week, we look at some ethical and political issues surrounding ESCR.

SNCJ Spotlight

Embryonic Stem Cell Research, Part II: An Ethical and Political Dilemma

Much like abortion three decades ago, the ethical imbroglio surrounding embryonic stem cell research (ESCR) — the harvesting of cells from human embryos in the hope of using those cells to cure debilitating and deadly diseases like cancer —

has turned this form of medical science into a political football. Unlike abortion, however, ESCR is not just a matter of moral right and wrong, but also of scientific legitimacy.

The debate over ESCR has often pitted medical researchers and their supporters against a collection of vigorous opponents that includes the Bush White House. Proponents claim human embryonic stem cells are different from adult and umbilical stem cells in that they are pluripotent — meaning they have the unique ability to transform into other kinds of cells, giving them the potential to provide cures for ailments like cancer, diabetes, spinal cord injuries and AIDS, all while using human embryos that would otherwise be discarded as leftovers from the in-vitro fertilization process.

Those who oppose ESCR say that not only are such scientific claims completely unproven, but that it is unacceptable to use human embryos in scientific research, regardless of the potential benefit. Many see ESCR as a first step in human cloning, and anti-abortion activists claim the eventual destruction of the embryos violates the sanctity of human life. President George W. Bush cited many of these concerns in his 2001 decision to ban any new federal funding of ESCR.

Some states, including IOWA and MICHIGAN, agreed with that decision and have banned stem cell research, while others have chosen to actively seek ways around the lack of federal funding. NEW JERSEY Gov. James E. McGreevey (D) recently pushed through a budget that includes \$11.5 million in public funds to develop a cutting edge ESCR facility that would be the first of its kind in the country.

McGreevey's support for ESCR, however, has not come without a price. The governor, raised a devout Catholic, has received intense criticism from the church and others in recent months, with one local Diocese actually threatening to forbid him from taking communion in its churches. McGreevey responded by volunteering to stop seeking communion altogether. McGreevey spokesperson Micah Rasmussen says the governor has been personally strained by the negative reaction, but says McGreevey rejects the idea that he has abandoned his faith by supporting ESCR.

"The governor was raised a strict Catholic, and he considers himself to be a very devout man," says Rasmussen. "He also considers [ESCR] to be every bit the moral issue as his critics. But he considers it the right thing to do to push forward with this research."

*State Recaps
available this
week on the
State Net Web site*

AK, AL, CO, CT, FL, GA,
HI, IA, ID, IN, KS, KY, LA,
MD, ME, MN, MO, MS, NE,
NH, NM, OK, RI, SC, SD,
TN, UT, VA, VT, WA, WI,
WV, WY

2003-04 State Session
Recaps showcase legislative
statistics for each state.



Wise says there are many fallacies about stem cell research, but none greater than the claim from many ESCR opponents that adult stem cells can be made to transform “backward” into any other human cell in the manner of an embryonic cell. Adult stem cells also last only a few weeks in culture and must continually be collected, while embryonic cells can be grown and expanded as well as being stored for years.

“It is a fallacy that adult cells can be forced to transform into other cells,” he says. “But it is also not true that embryonic stem cells are the only therapeutic option for treating all of these devastating diseases as some people claim.”

In spite of the publicity and politics generated by the Reagans, Wise also says there is no indication right now that embryonic stem cells can actually reverse the devastating effects of Alzheimer’s Disease. Wise contends, however, that significantly promising results in treating spinal injuries, ALS, Parkinson’s and diabetes warrant further study using embryonic stem cells.

While Wise cautions against placing too much faith in any form of stem cell research, he says it is critical that ESCR continue, as much for the ability of scientists to advance all forms of medicine as for this specific research.

“This is the first example of a sitting president intervening into science,” he says. “The U.S. has a long history of letting science lead the way in many areas, outside of politics. Not allowing [ESCR] now is like saying electricity is against God and should not be used.”

— *By RICH EHISEN*

Budget & taxes

SCHWARZENEGGER STRUGGLES WITH BUDGET BATTLE: After scoring major political victories with his fiscal recovery package and workers’ compensation plan in his first several months in office, CALIFORNIA Gov. Arnold Schwarzenegger (R) is facing his first real leadership challenge with the state’s budget. The governor achieved his first victory by appealing directly to voters through a referendum on the March ballot, and he managed the second by threatening to do so again. But with budget approval requiring a two-thirds vote in the Legislature, that option is not available to Schwarzenegger, which has left him constantly shifting tactics without much success in breaking the deadlock. While a number of issues remain unresolved, funding for local governments is the one most widely blamed for the standoff.

Schwarzenegger secured a tentative agreement with local government officials last month that would allow the state to cut \$2.6 billion from cities and counties over

the next two years in exchange for a constitutional amendment requiring a four-fifths legislative vote to make any future cuts — even in a fiscal crisis. Democrats, who control the Legislature, want greater flexibility to borrow from local governments in an emergency, and they’ve refused to approve the governor’s deal. And although local governments have threatened to take the issue before voters, with public opinion polls showing the measure would likely fail, lawmakers aren’t taking that threat too seriously.

As the stalemate drags on, interest groups have begun trying to resurrect issues that lawmakers had considered dead, complicating budget negotiations. “Getting a deal has become much tougher than it was a week ago,” said a budget analyst with the Public Policy Institute of California last week.

Schwarzenegger went out on the road last Wednesday to urge the public to press lawmakers on the subject. The Democrats, meanwhile, began committee hearings to try to settle the remaining budget issues, at the same time criticizing the governor’s tactic. “This is where the negotiations happen,” said Assembly Speaker Fabian Nunez (D). “They don’t happen out in the street at coffee shops or restaurants. Those are dog-and-pony shows.” UC Berkeley political science professor Bruce Cain agrees that Schwarzenegger has much to lose at the committee hearings. “If there was ever a moment for the governor to show no weakness, this is it,” he said. “He has to show he can exert leadership one way or another. He can’t let this drift.” (LOS ANGELES TIMES, SAN JOSE MERCURY NEWS)

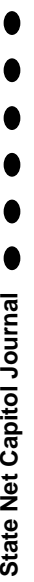
STATES PUT CASINOS UP FOR BID: Last year, lawmakers in RHODE ISLAND accepted a proposal from Harrah’s Entertainment to establish the first casino in the state. After a lengthy period of study, the Legislature specified a set of criteria that potential developers would have to meet, which Harrah’s did. But two states, INDIANA and MISSOURI, are trying a very different approach: taking competitive bids for new casino licenses. Indiana’s Gaming Commission is currently holding hearings on proposals from three competitors — including Trump Hotels and Casino Resorts — for the state’s 11th riverboat casino license, while Missouri recently gave preliminary approval for a new casino in the St. Louis area to Pinnacle Entertainment, over Harrah’s and two other companies. Government officials and the competing companies alike indicated that the competitive process upped the ante. Pinnacle’s \$258 million offer, for example, includes money for environmental cleanup, a new road, a new park and a community aquatic center, concessions the company’s vice president said might not have been necessary if they’d been “the only game in town.” Developments in Indiana and Missouri, meanwhile, have cast doubt on Harrah’s deal in Rhode Island, which was already on shaky ground. The casino bill passed last year was vetoed by Gov. Carcieri (R), and even if lawmakers decide to



override it, voters statewide would still have to give their approval. Neither of those prospects seems very likely now, with many questioning whether Harrah's offer is actually the best deal the state can get. (PROVIDENCE JOURNAL)

BUDGETS IN BRIEF: HAWAII Gov. Linda Lingle (R) signed into law a five-year extension of the state's controversial Act 221 technology tax credit program, which has been criticized for, among other things, being prone to abuse. Lingle hopes the extension, along with several other modifications, including a name change to Act 215, will result in an improved reputation for the program (HONOLULU ADVERTISER). • Opponents of a high-speed rail constitutional amendment passed by **FLORIDA** voters in 2000 have garnered over \$1.4 million for their campaign to kill the project in November. Among the top donors was Anheuser-Bush, whose Sea World Orlando theme park was bypassed under the rail plan approved by state officials in favor of a direct route to Walt Disney World (ORLANDO SENTINEL). • **NEW YORK** Assemblyman Patrick Manning (R) threatened last week to file a lawsuit against Assembly Speaker Sheldon Silver (D) to compel him to call lawmakers back from summer break to pass a budget. Manning says he has consulted with constitutional lawyers about such a suit because of his disgust over the Legislature's failure to do its job. A spokesman for Silver said Manning's threat demonstrated "a complete lack of understanding of the legislative process and the state Constitution" (NEW YORK POST). • **NEW HAMPSHIRE** is considering a proposal that would levy a seven percent tax on a variety of Internet and telephone services, including chat rooms, voice mail and instant messaging. The Granite State is one of about a dozen exempted from the federal Internet Tax Freedom Act, and state officials contend they merely want to update rules that have become outdated by technological advances. The proposal met with heavy opposition at a public hearing last week (ASSOCIATED PRESS, CONCORD MONITOR, UNION LEADER [MANCHESTER]).

— *Compiled by KOREY CLARK*



Across state lines

High School Grads on the Rise

More adults than ever have completed at least a high school education, according to a recently released report from the U.S. Census Bureau. Based on 2003 statistics, 85 percent of U.S. adults 25 and over have earned a high school diploma, while another 27 percent

of that same age group has completed at least a bachelor's degree. That figure is also a record.

NEW HAMPSHIRE, MINNESOTA and WYOMING had the highest high school graduation rates, each averaging around 92 percent. TEXAS, LOUISIANA, ALABAMA and WEST VIRGINIA were the only states not to reach an 80 percent graduation rate. The District of Columbia had the highest percentage of college grads 25 and over, at 46.4 percent. The highest ranking states for college grads were MASSACHUSETTS and MARYLAND, each at around 37 percent.

The report also notes the distinct economic advantage of a college degree, indicating that in 2002, average annual earnings for those with a bachelor's degree was \$51,194, while those with only a high school diploma averaged \$27,280. The numbers are even more discouraging for those who don't graduate from high school, \$18,826.

To review the full report visit the U.S. Census Bureau Web site at <http://www.census.gov/>.

—By RICH EHISEN

High school and college graduation rates by state					
State	High school graduate or higher %	Bachelor's Degree or higher %	State	High school graduate or higher %	Bachelor's Degree or higher %
Alabama	79.9	22.7	Montana	90.1	24.9
Alaska	90.6	24	Nebraska	90.8	26.8
Arizona	83.8	26	Nevada	85.6	21.2
Arkansas	80.9	17.4	New Hampshire	92.1	34
California	81.1	29.8	New Jersey	86.2	33.4
Colorado	88.7	36	New Mexico	81.7	23.7
Connecticut	87.5	33.5	New York	84.2	29.6
Delaware	88.7	28.1	North Carolina	81.4	23.8
D.C.	86	46.4	North Dakota	89.7	25.2
Florida	84.7	25.8	Ohio	87.2	25
Georgia	85.1	25	Oklahoma	85.7	24.3
Hawaii	88.5	27	Oregon	86.9	26.4
Idaho	88.2	22.5	Pennsylvania	86	24.8
Illinois	85.9	28.1	Rhode Island	81	27.6
Indiana	86.4	22.2	South Carolina	80.8	22.3
Iowa	89.7	24.6	South Dakota	88.7	23.9
Kansas	88.6	31	Tennessee	81	23.5
Kentucky	82.8	21.3	Texas	77.2	24.7
Louisiana	79.8	22.3	Utah	89.4	28.4
Maine	86.6	23.7	Vermont	88.9	31.3
Maryland	87.6	37.2	Virginia	87.8	34.2
Massachusetts	87.1	37.6	Washington	89.1	28.8
Michigan	87.6	23.3	W Virginia	78.7	15.3
Minnesota	91.6	32.7	Wisconsin	88.6	24.1
Mississippi	81.2	19.3	Wyoming	90.9	20.7
Missouri	88.3	26.6			

Source: U.S. Census Bureau



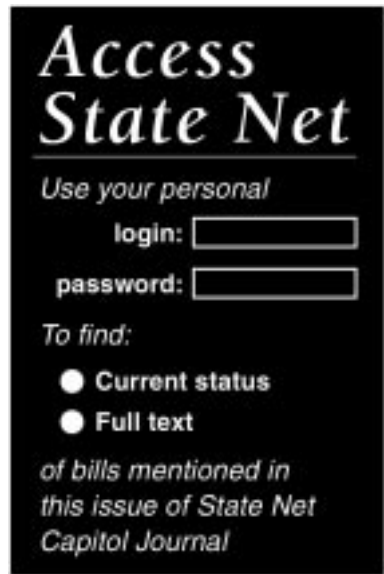
Politics & Leadership

NEW CONNECTICUT GOV TAKES CHARGE: CONNECTICUT'S new governor, M. Jodi Rell (R), didn't waste any time accepting her new responsibilities, removing seven top appointees of former Gov. John G. Rowland during her first week in office. Rell accepted the resignations of four commissioners and two deputy commissioners, while a fifth commissioner announced he will be retiring. In her first interview since moving up to the state's top job from her former post as lieutenant governor, Rell said she was a little awed by the transition, but comfortable with her new position and with her role in returning integrity to the state. But Rell's actions have drawn some criticism, primarily from Democrats who are already looking ahead to 2006, when Rell will face reelection — if she decides to run. State Democratic Chairman George Jepsen faulted Rell for removing only a third of Rowland's commissioners and failing to fire his key policy aide, Marc S. Ryan. On a more personal level, Jepsen questioned how Rell could have been fooled by Rowland for so long. But even some members of Rell's own party were puzzled by a few of her decisions, such as ousting Information Technology Commissioner Gregg "Rock" Regan, who was not directly implicated in the Rowland scandals. Rell gave few details about her decisions, explaining in the case of Regan, for example, that while he had "done great things" as the state's computer czar, he hadn't moved quickly enough on "government services." Rell was a little more clear when it came to distinguishing herself from her predecessor, stating at one point, "I am just a simple person with simple tastes. I don't need a lot to get by. Give me my diet Coke, you know, I'm happy." (HARTFORD COURANT, NEW HAVEN REGISTER)

STATE LAWMAKERS GATHER IN UTAH: After spending the last year wrestling with their own problems, state legislators from across the country are gathering this week at the National Conference of State Legislators (NCSL) in Salt Lake City to share the lessons they've learned and discuss the challenges they're likely to face in the future. Among the issues scheduled for discussion are Medicaid, identity theft, same-sex marriage, unfunded federal mandates like the No Child Left Behind Act and the impact of term limits. About 1,000 lawmakers are scheduled to attend the conference, which will run July 19-23. (STATE-LINE.ORG)



SINE DIE: SOUTH CAROLINA's 2004 legislative session ended with a day-long filibuster of a gubernatorial appointment in the Senate. Some observers considered it a fitting conclusion to a session characterized by gridlock, but Gov. Mark Sanford (R) wasn't at all happy about the development, which killed several of his key proposals, including a measure to expand charter schools. While the House passed 14 of the 16 items on Sanford's agenda for the session, only three ended up passing both chambers: a plan to pay off the state's debt, an easing of restrictions on small businesses and the Teacher Protection Act, which will allow teachers to sue students for assault and battery. Among the few other things the Legislature managed to pass were a measure establishing a relief fund for the survivors of military personnel killed in the war on terrorism and a constitutional amendment to end the requirement that bars and restaurants sell alcohol only in minibottles, which will go before the voters in November. (CHARLESTON POST AND COURIER, THE STATE [COLUMBIA]).



POLITICS IN BRIEF: VIRGINIA lawmakers met in special session last week to fix a mistake they made when they repealed the state's obsolete Sunday closing law during the regular session. While all agreed that the repair was needed to prevent businesses from being subjected to fines or triple-overtime payouts for failing to give employees a day of rest on Saturday or Sunday, in keeping with this year's budget mess, dozens of votes, two committee meetings and a lengthy debate on the meaning of the word "shall" were required to make the needed change (RICHMOND TIMES-DISPATCH, WASHINGTON POST). • National conservative group The Club for Growth is establishing a **PENNSYLVANIA** chapter to challenge "tax and spend" Republicans in the state Legislature, possibly including House Speaker John Perzel. While the fund-raising powerhouse has yet to defeat an incumbent, 17 of the 19 congressional candidates it backed in 2002 won their races (PHILADELPHIA ENQUIRER). • The **NORTH CAROLINA** House made history last Monday when it voted to override Gov. Mike Easley's (D) veto of a bill that would require local governments to pay for the removal of unwanted billboards from roadsides. It was the first time the state's legislators had ever taken that action. The future of the bill remains uncertain, however, because the Senate must still take it up and, according to observers, the chamber may elect not to do so (NEWS AND OBSERVER [RALEIGH]).

— *Compiled by KOREY CLARK*

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Governors

WESTERN GOVERNORS DIS- AGREE ON NEW ROADLESS RULES:

Two governors of rural western states voiced widely disparate viewpoints on the Bush administration's decision to scuttle a Clinton-era rule that closed nearly 60 million acres of national forest to road building and logging. The new plan calls on governors to petition the federal government to keep certain areas roadless while also allowing them to approve new logging, mining and oil or gas development on national forest land. IDAHO Gov. Dirk Kempthorne (R) praised the decision, saying it grants governors something the Clinton administration did not — a voice in the process. Kempthorne said he never agreed with the concept of roadless land, saying that “when the previous administration tried to implement their rule in 2001, it ignored the sovereign states and denied us any input in the process.” The original prohibition was challenged in court nine different times, concluding with a 2003 ruling that invalidated it. In announcing the new rules, U.S. Agriculture Secty. Ann Veneman said, “the prospect of endless lawsuits represents neither progress nor certainty for communities.” But NEW MEXICO Gov. Bill Richardson (D) joined a chorus of environmental protesters who decried the deci-

... unquote

“Allowing governors to petition to protect national forest lands in their states is a meaningless fig leaf. This is the biggest single giveaway to the timber industry in the history of the national forests.”

—*Phil Clapp, president of the National Environmental Trust, reacting to Veneman's announcement. (DENVER POST)*

sion, saying the new rules are “an abdication of federal authority” and that he would work to protect “every single inch” of his state's roadless areas. (IDAHO STATESMAN, WASHINGTON POST, DENVER POST)

MURKOWSKI PITCHES BIG VISION:

ALASKA Gov. Frank Murkowski (R) is heavily lobbying Canadian officials to endorse his \$23 billion plan to build a network of rail, pipeline and highway links that will better connect the natural resources of the Last Frontier State to Canada and the rest of the United States. The plan would

Quote...

“The new proposal offers governors the opportunity to work with USDA on collaborative, state-specific plans.”

—*U.S. Agriculture Secty. Ann Veneman announcing a new Bush administration plan that could potentially open 60 million acres of national forest land to logging and road building.*

Hot Issues

B **USINESS:** The **NORTH CAROLINA** House and Senate agree on a bill that would allow companies benefitting from state-backed bonds to forego paying their workers an above-average wage. The law currently states that such companies must pay employees 110 percent of the average weekly wage in the county where the jobs are performed. The bill heads to Gov. Mike Easley (D) (ASSOCIATED PRESS, WINSTON-SALEM JOURNAL). • **LOUISIANA** Gov. Kathleen Blanco (D) signs HB 1708, which creates a new structure for setting river pilot rates and provides new oversight for some pilot functions (NEW ORLEANS TIMES-PICAYUNE). • A **NEW JERSEY** court rules that baseball fans who are struck by a foul ball while at a concession stand in one of the Garden State's minor league ballparks can legally sue the team and the owners of the food service company. The court's decision says that the standard risk assumed by fans attending games does not apply while those fans are at concession stands (NEWARK STAR-LEDGER).

CRIME & PUNISHMENT: The **NEW JERSEY** Supreme Court rules that drivers must pay fines on traffic tickets even if the citing officer fails to sign the violation notice (NEWARK STAR-LEDGER). • **ILLINOIS** Gov. Rod Blagojevich (D) signs HB 5061, a bill that bars a \$5-per-day-of-incarceration credit for persons who are unable to post bail. The law would also bar similar payments to those who receive a fine upon being convicted of sexual assault (QUAD-CITY TIMES). • **MICHIGAN** Gov. Jennifer Granholm (D) announces that any Wolverine State parolee who is caught with a gun or associating with others who carry guns will be returned to prison for five years or the balance of their maximum sentence, whichever is less. The new zero-tolerance policy affects approximately 17,000 parolees (DETROIT NEWS). • Law enforcement officials in **TENNESSEE** announce a plan to require approximately 600 recently-released violent sex offenders to wear ankle bracelets that can be traced via satellite. The Volunteer State is the first to undertake such a program on a statewide level. It will go into effect in January 2005 (TENNESSEAN [NASHVILLE]). • **RHODE ISLAND** Gov. Don Carcieri (R) signs legislation that bans racial profiling by Ocean State law enforcement officers. Supporters of the bill claim police disproportionately stop and search vehicles driven by minorities (BOSTON GLOBE).



topic in **NORTH CAROLINA**, where lawmakers approve a bill that would allow people who already hold a concealed weapon permit to skip the normal background check when buying a gun. It shoots to Gov. Mike Easley (R) for review (NEWS & OBSERVER [RALEIGH]). • **HAWAII** Gov. Linda Lingle (R) signs legislation that requires all top state officials, including the governor, to take an ethics training class. Those classes begin in January (HONOLULU STAR BULLETIN). • **LOUISIANA** Gov. Kathleen Blanco (D) signs HB 1580, which prohibits street sports that block driveways, tie up traffic or create a public safety hazard (NEW ORLEANS TIMES-PICAYUNE).

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

LET’S GO PUBLIC. That might not be a choice in Boston later this month, reports the *Boston Herald*, because conventioners rollicking their way through the Democratic National Convention will find a very inconvenient situation regarding public convenience. Seems that the city’s five public toilets shut down at 5 p.m. — long before conventioners stagger home to their hotels — and Hizzoner, Mayor Thomas Menino won’t extend their hours. A similar situation happened during the city’s Super Bowl party, and revelers simply answered nature’s call — wherever. Says Menino of fears that MASSACHUSETTS shall reek again, “I think we can flush these fears away.”

CIVIL WAR. It’s brewing in New England between VERMONT and NEW HAMPSHIRE over the desire of Killington, currently Vermont, to secede and join New Hampshire. The tony ski resort is petitioning New Hampshire and even had a meeting last week with its governor. According to The Associated Press, Killington officials are fed up with Vermont’s high taxes. Granite State Gov. Craig Benson talked up New Hampshire’s low tax rate, but it’s unlikely anything will happen. Seems the Vermont Legislature didn’t take Killington’s request seriously.



HAH! TAKE THAT! Okay, all you KENTUCKY snobs, those of you who grumped and whined about the Bluegrass State’s new license plate — the one with the smiley-face sun in the background. Thought it was sophomoric, did you? Thought it made Kentuckians look like a bunch of morons, did you? Well, as the *Louisville Courier-Journal* reports, Kentucky’s new tag won an award — Best License Plate, given by the Automobile License Plate Collectors Association. The CONNECTICUT-based ALCPA officials cited the plate’s “dramatic colors,” “crisp, clear state legend,” and “distinctive font.” Second place: MAINE’S lobster plate, which lost by one vote (80-79). Third with 77 votes was TEXAS’ “God Bless America” plate.

NOTHING IS FREE. Certainly not the millions of dollars worth of exercise equipment that TEXAS schools thought they were getting from the National School Fitness Foundation, headquartered in UTAH. As the *Houston Chronicle* reports, the foundation recently filed for Chapter 11 bankruptcy amid allegations of scandal, leaving schools that received its equipment on the hook to pay for it. Schools in MINNESOTA also may be affected. The foundation was formed four years ago to help combat childhood obesity and promised to reimburse school districts for exercise equipment if those schools followed an exercise regimen prescribed by the foundation. But the foundation stopped paying for the equipment in April, with about \$77 million still owed to equipment manufacturers.

ARREST THAT ... UH ... CRITTER! If you are a builder in NEW JERSEY and your building site happens to contain even one bog turtle, you are shut down. Finished. Kaput. The bog turtle, after all, is an endangered species and protected from the incursions caused by any developer. Well, almost any developer. Seems state officials are in a quandary over recent ... er ... developments around Grovers Pond in Warren County. As the *Star-Ledger* notes, that area is a well-established breeding ground for the turtle population, but construction of a dam recently flooded the reptile’s precious habitat. Arrest and fine the culprits? Easier said than done. The perpetrators are beavers, who may not be on the list of endangered species but also aren’t candidates for jail time.

BELT IT OUT. Some KANSAS legislators think Republican state Rep. Patricia Lightner is a bit much at times — overly aggressive in pursuit of her agenda and now of a seat in Congress. But Lightner, reports *The Kansas City Star*, has another side,

