

July 10, 2006

SNCJ
 Q & A



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Top Story

ARIZONA Gov. Janet Napolitano (D) has been one of the nation's most vocal proponents of comprehensive immigration reform. We sat down with her recently to discuss this highly controversial topic.

SNCJ Spotlight

In depth with: ARIZONA Gov. Janet Napolitano

SNCJ: Illegal immigration has been an issue in border states for years. Why has this now become such a contentious national issue?

Napolitano: I think this has become a contentious national issue in part because the national government let it fester for too long. They didn't appropriate the money necessary to enforce the 1986 immigration law, which meant employers felt free to break it at will. They didn't appropriate enough money for the border patrol and associated equipment and so all of a sudden you end up with a situation where you're doing a half million

apprehensions a year in a state like ARIZONA. So the absence of consistent incremental federal action to deal with immigration has just become a huge open sore.

SNCJ: You've called for comprehensive immigration reform, which you say includes tough law enforcement that is also humane. What would you consider to be fair, tough and humane immigration reform?

Napolitano: I think we need to have greater security along the border between the ports and we need to have greater core infrastructure. We also need to enlarge the number of visas we permit and then streamline the process by which people get them so there's not a huge incentive to break the rules. We need to have very effective employer enforcement that accommodates that. In other words, you have to have a way for people to obey the law and then you have to enforce it, and that means not just at the border but in the interior of the United States as well. You should have some kind of temporary worker program and that needs to be narrowly tailored to fit the needs of particular segments of the economy.

SNCJ: You've strongly supported the use of National Guard troops along the border. At the same time you recently said it's not really possible or reasonable to expect a fully closed border. Given that dichotomy, what do you ultimately see coming out of the use of these National Guard troops in their deployment along the border?

Napolitano: I think the use of the Guard is basically designed to supplement when the border patrol doesn't step up. We went through the late 80s and 90s and didn't appropriate the right amount of money to keep the border secure, and now we've lost operational control of that border. Now we're playing catch up. One way to play catch up, because you can't hire and train 6000 border patrol agents at the same time, is you take 6000 National Guard out to the border. That way, they can do many of the tasks border patrol agents are currently doing so that those agents we do have can actually patrol the border.

The Week in Session

States in Regular Session: DC, MA, MI, NC, NJ, US

States in Skeleton Session: OH

States in Special Session: AK "c", CO "a", IA "a"

States in Recess: CA, NY, PA

Special Sessions in Recess: CA "a", CA "b", PA "a", VA "a"

States Adjourned in 2006: AK, AL, AZ, CT, CO, DE, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MN, MO, MS, NE, NH, NM, OK, RI, SC, SD, TN, UT, VA, VT, WA, WI, WV, WY

States in Special Session Adjourned in 2006: AK "b", AR "a", AZ "a", KY "a", LA "a", MD "a", OK "a", OK "b", OR "a", OK "b", TN "a", TX "c", UT "a", WV "a", WI "b", WI "c"

Letters indicate special/extraordinary sessions

Source: State Net, 07/07/06

As a concrete example, the ARIZONA National Guard at the border has been repairing vehicles, so border agents were repairing those vehicles or they would be out of service and they couldn't be used to patrol the border. That's the kind of thing the Guard can help with to effectively expand border patrol resources.

SNCJ: There are a variety of other options that people have put out there for a long time. Would you consider adopting some of these other ideas, specifically the live stream video with border cameras that Governor Perry in TEXAS is pushing?

Napolitano: I don't know if that would work. That's my question there. I would consider any option that makes sense, that is efficient and that would work. I think, for example, ground based radar accompanied by surveillance cameras in certain areas of the border would be very effective. I think fencing done the right way — not a wall — in certain areas of the border would be very effective. I think unmanned aerial

vehicles flying across or around the border can be a very good deterrent. I think you need a mixture of things because there's no one thing that's going to solve the problem.

SNCJ: Some observers contend that Congress has dragged its heels with the immigration issue, saying we don't really want to stop the flow of cheap labor to American industry because it ensures higher profits for employers and lower prices

Bird's eye view



More states ponder gay marriage amendment

Last week, courts in two states — NEW YORK and GEORGIA — upheld legal prohibitions on same-sex marriage. That trend could continue this fall as voters in at least six states — IDAHO, SOUTH DAKOTA, WISCONSIN, TENNESSEE, VIRGINIA and SOUTH CAROLINA — will consider codifying a ban on gay marriage into their state constitutions. That number could eventually rise, as lawmakers in PENNSYLVANIA, NORTH CAROLINA, MASSACHUSETTS and NEW JERSEY are also pondering bills that would place a gay marriage amendment before voters. States that choose to amend their constitution to ban same-sex marriage will join the 19 others that have already done so over the last decade. Another 26 states, including the half dozen with pending ballot measures this fall, ban same-sex unions by statute. The accompanying map shows the status of gay marriage laws in all 50 states.



for our consumers. In your view, is there a lack of political will to enact the kind of comprehensive reform you spoke of earlier?

Napolitano: Personally, I find it outrageous that Congress, which is controlled by one political party, is going to let this fester even more when clearly in our state and many states this is the number one domestic issue. You literally had millions of people marching in the street this spring. And it's not going to get any better. They have differences in opinion. So what? I just finished negotiating a \$10 billion budget with the legislature where we have lots of differences of opinion, but we locked ourselves in a room until we got it done. Congress ought to have the same discipline. It's a total failure of government in my opinion.

SNCJ: Along those same lines, you recently vetoed very broad legislation that would have established state sanctions against employers that knowingly hire undocumented workers —

Napolitano: You've got that wrong. That bill would have effectively offered amnesty to the employers. That was the cause of the veto. Not only that, if an illegal immigrant was fired by the employer and then sued, the state would have to indemnify the employer for hiring the illegal immigrant. So it was a total employer amnesty provision, not an employer sanction provision. See, I have this habit — I don't just read the title of the bill, I actually read the bill.

SNCJ: Still, in regard to employers, if the jobs weren't there, this clearly wouldn't be an issue we're talking about right now.

Napolitano: Exactly. And what needs to happen is we need to look at the number of visas we allow. The number of visas we allow from Mexico right now is the same as what we allow from the Dominican Republic. We haven't changed those numbers for years. I'm told that if you want to get a visa to come to the United States from Mexico, the wait is almost 10 years. Well no wonder people crawl through illegally.

SNCJ: What are your feelings about the Minute Man project?

Napolitano: I think what they are doing is filling the vacuum that Washington D.C. has created. In the absence of border patrol, in the absence of National Guard, in the absence of immigration reform, the Minute Men are there to fill that vacuum, but they are no substitute for the kind of comprehensive immigration reform that needs to happen.

SNCJ: Your legislative session is over, but there are some ballot issues that are going to be hot topics in the fall. What do you see happening on this issue the rest of this year and into 2007?

Under the terms of the tentative agreement, which was still awaiting approval by the full Legislature at press time, the governor would get his sales tax hike. But only half of the proceeds from the increase would go towards balancing the budget. The other half would be subject to a ballot question in November on whether it should be used to provide property tax relief. And in November of 2007, voters would be asked if all of the revenue from the tax increase should be used to lower property taxes.

The deal evidently came after the bloc of Assembly Democrats led by Roberts “broke up” and lost the number of votes it needed to pass its own budget plan and override a veto by the governor. “The Assembly Democratic caucus broke up,” said Sen. majority leader Bernard F. Kenny (D). “The votes weren’t there.”

Roberts made the best of the situation, stating, “I am gratified that property tax payers will be among the big beneficiaries of the resolution of this budget impasse.” He even acknowledged the contribution of the governor. “I also want to salute Governor Corzine,” he said. “From the day he presented his budget address, as he has worked throughout this entire process, his commitment to this being a responsibly balanced, honest budget has really made us focus on doing our job in a way that I think has achieved a very, very good result.”

Codey, in turn, thanked Roberts. “Without his leadership, frankly, we would not have an agreement that addresses property tax relief,” he said.

Corzine, however, was a little less free-flowing with praise. “While we are understandably encouraged by this agreement, this is not a time for celebration or elation,” he said. “Far too many people’s lives have been disrupted economically and emotionally. Workers’ wages have been lost, business revenues diminished and basic public services interrupted. This absolutely must not happen again.” (NEW YORK TIMES, STAR-LEDGER [NEWARK], PHILADELPHIA INQUIRER, RECORD OF BERGEN COUNTY, WASHINGTON POST, REUTERS, ABC-NEWS)

BUDGET TROUBLES LOOMING IN OTHER STATES: While NEW JERSEY is one of the few states still struggling with budget problems this year, plenty of others may see similar troubles in the years ahead. A growing number of states face structural deficits like the one at the heart of the Garden State’s budget debacle

“Far too many people’s lives have been disrupted economically and emotionally. Workers’ wages have been lost, business revenues diminished and basic public services interrupted. This absolutely must not happen again.”

Politics & Leadership

OWENS SAYS DON'T WAIT ON FEDS TO HANDLE IMMIGRATION: COLORADO Gov. Bill Owens (R) urged the Centennial State Legislature to implement its own plan for dealing with illegal immigration rather than waiting on a plan from the federal government.

Owens made his comments last week after crashing a Democrat-led Joint Budget Committee meeting held during the special legislative session he called to address illegal immigration. Democratic leaders had wanted top officials from Owens' administration to testify at the meeting, but with many of them gone for the 4th of July holiday, Owens instead decided to testify himself. Swarmed by news media, Owens led a dramatic march from his office to the hearing, where he told the committee that Colorado spends about \$560 million a year educating illegal immigrants and their U.S.-born children, who are legal citizens. Those costs, he says, fall mostly on local governments because the federal government is doing little to help.

"We could sanction all the employers we want, (but) the hiring of illegal immigrants is still going to go on."

"I wish the federal government were a better ally," said Owens.

The comment — and Owens' showmanship — clearly irked some Democrats, who noted that in his State of the State address in January, Owens twice stressed that illegal immigration was more of a federal problem than a state matter. Republican lawmakers later held a news conference where they demanded voters in November be allowed a say on whether illegal immigrants should be denied state services. The COLORADO Supreme Court last month blocked a proposed ballot measure that would have done that, saying it unconstitutionally violated the state's single-issue requirement.

Democrats later held their own press conference where they called for new state laws that deny public services to illegal immigrants while also penalizing employers for hiring undocumented workers. While the hubbub made for good theater, Republican Sen. Dave Owen accused both parties of political grandstanding.

"We could sanction all the employers we want, (but) the hiring of illegal immigrants is still going to go on," Owen said. "This is an issue where you can write all the laws in the world, it's not going to go away."



One of Sen. Owen's GOP colleagues, Rep. Dave Schultheis, saw all the com-
 motion differently, saying "I love the fact that we're finally getting this on the
 table. This is going to be a big issue in the election in November." (ROCKY
 MOUNTAIN NEWS [DENVER], ASSOCIATED PRESS)

POLITICS IN BRIEF: In the wake of the U.S. Supreme Court decision strik-
 ing down VERMONT's 1997 campaign spending law (see **HIGH COURT
 STRIKES DOWN VT CAMPAIGN LIMITS** in July 3 *SN CJ*), the state's attor-
 ney general and secretary of state have advised political candidates and potential
 donors to adhere to the contribution limits in place prior to the enactment of that
 law. Those limits are \$2,000 per candidate for statewide office for individuals
 (\$1,000 after the September primary) and \$3,000 for political action committees,
 with no restrictions on contributions from political parties (RUTLAND HER-
 ALD).

— *Compiled by RICH EHISEN & KOREY CLARK*

Governors

WILL RELIGION HURT ROMNEY'S WHITE HOUSE BID? It
 has been more than four decades since a presidential candidate's
 religion has played a role in his election chances. But based on the
 results of a recent nationwide Bloomberg/Los Angeles Times poll, religion may
 just be a significant factor in 2008 for presidential hopeful and current MASSA-
 CHUSETTS Gov. Mitt Romney (R), who is Mormon.

According to the poll, 37 percent of those surveyed said they would not vote
 for a Mormon. By comparison, 21 percent of registered voters indicated they
 would not support an evangelical Christian candidate, 15 percent wouldn't back a
 Jewish candidate, and 10 percent would reject a Catholic. Muslims fared the worst
 overall, with a 54 percent rejection rating. More than two in five Democrats said
 they would not vote for a Mormon, while about a third of both Republicans and
 independents said they wouldn't.

Opinions differed as to how much the religion issue might actually affect a
 Romney presidential bid. Merle Black, a professor of politics at Emory University,
 said religion is something Romney "will have to address. It will be a challenge. It
 doesn't necessarily kill him as a candidate, but he may have to talk in more detail
 than he ever has before about his faith."

Scott Rasmussen, an independent pollster in Ocean Grove, NEW JERSEY,
 agreed, saying the poll's results are "a sign that this is going to be a factor in Rom-
 ney's campaign." But Republican political consultant Mike Murphy, who advised

Romney in his gubernatorial bid, claimed talk of Romney's religion being an obstacle to the presidency is premature.

"I think the poll is wrong. I think this is a classic example of how with polling data, you can find something that is not predictive at all," Murphy said, adding that "When he ran for governor of MASSACHUSETTS, everybody said there was no way a Mormon would win in one of the most Catholic states in America. I've been to this movie before."

Public sentiment against certain religions was also prevalent in 1960, when John F. Kennedy, a Catholic, launched his campaign for the White House. David Campbell, a professor of political science at the University of Notre Dame, notes that polls at the time showed 35 percent of voters were against electing a Catholic.

That feeling clearly changed as Kennedy won a tight race against Richard Nixon. But Emory University's Black rejects the comparison to biases against Catholic or Jewish candidates, saying that, "I don't think it is of the same status, because Mormonism has never been seen as a mainstream religion."

Campbell agreed that Romney will likely face a stiff challenge, particularly in the primaries.

"The question facing Mitt Romney," said Campbell, "Is will he be the Mormons' Al Smith — who was the first Catholic ever to run for president, in 1928, and went down in flames — or will he be the Mormons' John F. Kennedy?" (LOS ANGELES TIMES, BLOOMBERG.COM)

BLAGOJEVICH INVESTIGATION GETTING SERIOUS: U.S. Attorney Patrick Fitzgerald confirmed last week that he is conducting a widespread criminal probe into "very serious allegations of endemic hiring fraud" in the administration of ILLINOIS Gov. Rod Blagojevich (D). Fitzgerald disclosed the investigation in a letter to state attorney general Lisa Madigan (D), who said she was ending her own investigation into the administration at Fitzgerald's request. Blagojevich is the second governor this year — KENTUCKY Gov. Ernie Fletcher (R) is the other — to face allegations of hiring misconduct. Fletcher was indicted in May on misdemeanor charges that accuse him of illegally rewarding political supporters with state jobs. (CHICAGO SUN-TIMES, DAILY HERALD [SPRINGFIELD]), CBSNEWS.COM)

"When he ran for governor of MASSACHUSETTS, everybody said there was no way a Mormon would win in one of the most Catholic states in America. I've been to this movie before."

LYNCH TO MASS — SHOW ME THE MONEY: NEW HAMPSHIRE Gov. John

Lynch (D) threatened to take legal action against MASSACHUSETTS unless the Bay State forks over \$3 million that Lynch says his state is owed for flood control costs. The beef centers on the 1957 Merrimack River Valley Flood Control Compact, in which both states agreed to pay annual compensation to NEW HAMPSHIRE towns that relinquished taxable land to allow for the construction of dams along the Merrimack River and its tributaries. Those dams, which hold back more than 50 billion gallons of water, were built in an attempt to avoid a repeat of a devastating MASSACHUSETTS flood in 1936. Lynch says the Bay State has failed to make full payments in over a decade. That has clearly vexed

Lynch, who said, “We saw during the floods of Mother’s Day weekend just how valuable those dams were in saving lives and property. Yet despite the proven value of these dams to the citizens of MASSACHUSETTS, [it] is still renegeing on the commitments it made when our two states established the flood control system.” Representatives of MASSACHUSETTS Gov. Mitt Romney (R) say he is reviewing the letter. (FOSTER’S DAILY DEMOCRAT [DOVER])

MURKOWSKI TO VOTERS — I’LL SHOW YOU THE MONEY:

ALASKA Governor Frank Murkowski (R) said last week he wants to give state residents the chance to invest directly in the proposed natural gas pipeline he is negotiating for with three of the state’s major oil companies, ConocoPhillips, Exxon Mobil Corp. and BP Plc. Murkowski said he would introduce a plan to state lawmakers that would allow citizens to divert part or all of their ALASKA Permanent Fund dividends — annual payouts to nearly all residents from the state-owned \$33 billion trust account built from past oil — into shares of the proposed gas pipeline from Arctic ALASKA to the U.S. Midwest. The proposal drew immediate criticism from pipeline opponents, who contend the deal Murkowski has worked out provides too many concessions to companies and shortchanges the public. “If you can get the same deal as the producers, jump in. If you’re getting the same deal as the state, I’d advise caution,” said Sen. Hollis French, an Anchorage Democrat. (BOSTON GLOBE)

Upcoming Elections
(07/06/06 - 07/27/06)

07/18/2006

Georgia Primary Election#

House (All)

Senate (All)

Constitutional Officers:

Governor, Lieutenant Governor, Secretary of State, Attorney General, State School Superintendent, Insurance Commissioner, Agriculture Commissioner, Labor Commissioner

US House (All)

07/25/2006

Oklahoma Primary Election

House (All)

Senate (All)

Constitutional Officers:

Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Superintendent of Public Instruction; Commissioner of Labor; Commissioner of Insurance

US House (All)

ments rather than standardized statewide tests. If the rejection becomes final, each state could lose up to 25 percent of its federal education funding (LINCOLN JOURNAL STAR).

ENVIRONMENT: MISSOURI Gov. Matt Blunt (R) signs HB 1270, legislation that requires most fuel sold in the Show Me State to contain at least 10 percent ethanol. The law goes into effect in 2008 (ST. LOUIS POST-DISPATCH).

HEALTH & SCIENCE: The **CALIFORNIA** Supreme Court rules that people who don't tell their partners about their sexual pasts could be forced to pay damages for negligently transmitting AIDS or other sexually communicable diseases (LOS ANGELES TIMES). • **LOUISIANA** Gov. Kathleen Blanco (D) signs SB 742, which bans smoking in most public buildings. Exceptions include casinos and free-standing bars (TIMES-PICAYUNE [NEW ORLEANS]). • The **NORTH CAROLINA** General Assembly approves a ban on smoking in all statehouse offices. It moves to Gov. Mike Easley (D), who is expected to sign it into law (WINSTON-SALEM JOURNAL). • **RHODE ISLAND** Gov. Don Carcieri (R) signs legislation that authorizes state officials to negotiate with insurance providers to create a low-cost health plan for small businesses and low wage workers, with premiums no more than 10 percent of the statewide average wage (PROVIDENCE JOURNAL).

HOMELAND SECURITY: Bowing to complaints that **CALIFORNIA** authorities engaged in widespread monitoring of political protests, Gov. Arnold Schwarzenegger (R) orders the release of approximately 60 intelligence reports prepared by his administration for the state Office of Homeland Security. The administration says it will allow the media to view those reports after "law-enforcement-sensitive information" and information about ongoing investigations has been removed (SAN JOSE MERCURY NEWS).

SOCIAL POLICY: The **GEORGIA** Supreme Court reinstates the Peach State's voter-approved constitutional ban on gay marriage. The decision overturns the ruling of a lower court, which said the ban violated the state's single subject ballot provision for ballot measures (WASHINGTON POST). • The **NEW YORK** Court of Appeals rules that denying marriage to same-sex couples does

In case you missed it:

Immigration has become a flashpoint issue for the entire nation. States that border Mexico — TEXAS, CALIFORNIA, ARIZONA, and NEW MEXICO — have taken sometime vastly different approaches to dealing with this situation. One of the more controversial has been TEXAS Gov. Rick Perry's decision to spend \$5 million to place cameras along his state's border, with video images they capture being streamed in real time onto a Web site that is open to the public. On June 19, the State Net Capitol Journal examined the ongoing debate over Perry's plan.

In case you missed it, the article can be found on our Web site at http://statenet.com/capitol_journal/06-12-2006.

not violate the state constitution. The ruling also noted that changing the law was a matter for the Legislature to determine, not the courts (NEW YORK TIMES). • **LOUISIANA** Gov. Kathleen Blanco (D) signs HB 1379, a measure that forces married couples with minor children to wait at least a year before they can divorce. The law makes exceptions for cases of adultery and physical or sexual abuse (TIMES-PICAYUNE [NEW ORLEANS]).

POTPOURRI: The **FLORIDA** Supreme Court rules that more study is needed before allowing Sunshine State court records to be posted on a public Web site. The justices said they feared that placing the records online too fast could lead to the illegal posting of confidential information that could result in identity theft or other misuses (PALM BEACH POST).

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

A DANGEROUS PLACE: No one said that passing a budget in NEW JERSEY would be easy this year, not with Gov. Jon Corzine and lawmakers from his own party at odds over how to pay for state programs. But as the *Newark Star-Ledger* reports, the situation seriously deteriorated on the House floor as Corzine sought to address a joint session. Two legislative leaders exchanged profane unpleasantries — and both were of the same Democratic Party, which also happens to be the governor’s party. Spit wads also were exchanged and the governor’s staff was booted from its customary gallery seats. The word “chaos” was liberally used to describe the situation. No confirmation to the rumor that a squad of kindergarten teachers has been hired to restore order.

SPEND, DANG YOU: The NEBRASKA Corn Board is in serious trouble. It’s an odd bit of trouble, given that the state agency just went through an audit, after which it received a glowing report. The only problem noted in that audit, reports the Associated Press, involved the board’s two minivans. Seems the board didn’t drive the vehicles nearly enough. A state standard calls for the vans to be driven at least 17 days a month, good for 12,000 miles a year. Corn Board vans, which use

ethanol, racked up only 8,000 miles last year. “Visibility and promotion” are more important than miles driven, says a board official, noting that the vans are decorated to promote the use of ethanol. A spokeswoman for the auditor said the “violation” wasn’t very serious. Well, that’s a relief.

YEP, COULD HAVE BEEN WORSE, but officials in IOWA considered it bad enough. A hacker slashed into a Web site for the Department of Education, leaving the picture of a half-naked woman as eye candy among the more boring job listings usually found on the site. The Associated Press notes that a visitor notified the department, which immediately fixed the problem. “It could have been worse,” said a department official. Whoa, yeah — given the endless combination of images available to hackers, it could have been way worse.

BURMA SHAVE, REDUX? Most folks today are too young to remember Burma Shave billboards that dotted America’s highways back in the 1930s, ’40s and ’50s. Motorists were treated to a series of boards about a quarter-mile apart, each with a distinctive message about shaving cream. By the end of the series, the words “Burma Shave” were imprinted on a person’s brain. The billboard industry in NORTH CAROLINA isn’t proposing a return to those good old days, reports the *Charlotte News and Observer*. But the industry is worried that drivers plying Tar-heel highways don’t get a good look at the messages plastered on their boards. The problem: Too many trees. State transportation officials say that the 250-foot stretch of treeless territory in front of each board is plenty enough for drivers to read the message. But the industry isn’t satisfied and has sought to double the approach path by appealing to its friends in the Legislature. If lawmakers approve the change, North Carolinans will have 5.3 seconds to absorb the message, rather than 2.6 seconds. They’ll also have a lot fewer trees.

In the Hopper

State Net’s database tracks tens of thousands of bills in all 50 states at any given time. Here’s a snapshot of what’s in the legislative works:

Number of 2006 prefiles last week: 81

Number of 2006 Intros last week: 379

Number of bills enacted/adopted last week: 708

Number of 2006 prefiles to date: 20,707

Number of 2006 Intros to date: 96,053

Number of enacted/adopted overall in 2006: 27,644

— Compiled By JAMES ROSS
(Measures current as of 07/06/06
Source: State Net)



YO, GARFIELD: Head’s up, MICHIGAN cat owners. The state Lottery is looking for a dozen or so irresistible felines for its newest game — “Kitty Cash.” Modeled after the highly successful “Lucky Dogs” game, the photos of cats will appear on the tickets. Sorry, owners, cats selected for the ticket pics won’t be paid, unless “psychic rewards” and everlasting fame tickle your tummy. According to the *Detroit News*, there are nearly 2.5 million cats in the Wolverine State. Our nominees: Bill the Cat and Fuzzy.

— *By A.G. BLOCK*

