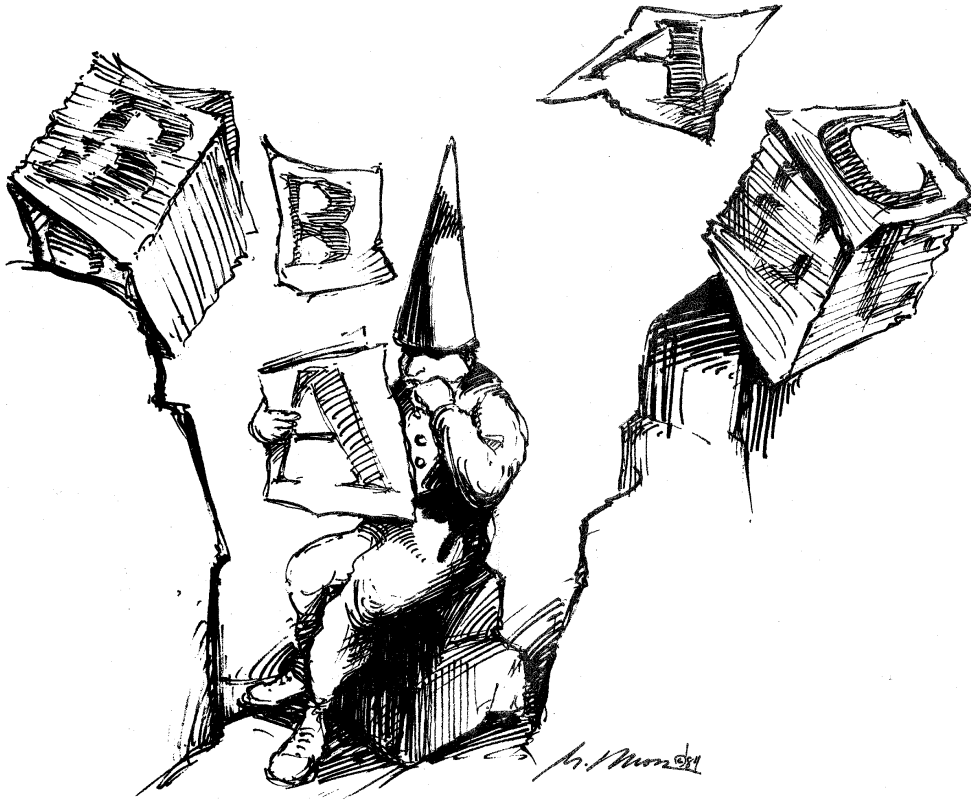


October 24, 2005

Some children left behind?



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Top Story

The 2002 No Child Left Behind law was supposed to greatly improve student test scores and close the gaps between white and minority student achievement. Based on its first real assessment, NCLB's grade is still incomplete.

SNCJ Spotlight

Test scores show mixed results for NCLB

American schoolchildren have improved only slightly in math and virtually not at all in reading since 2003, with almost 70 percent still scoring below grade level in those subjects, according to a new report from federal education officials. Although the National Assessment of Educational Progress (NAEP) examination — the first such assessment of U.S. student achievement since the implementation of President Bush's signature No Child Left Behind (NCLB) law in 2002 —

did not indicate that students were necessarily going backwards, it still came as a major disappointment for NCLB supporters hoping to see significant gains in student achievement.

“No one can be satisfied with these results,” said Ross Wiener, policy director for Education Trust, a Washington D.C.-based education advocacy group and a long-time supporter of No Child Left Behind. “There’s been a discernible slowdown in progress since ‘03, at a time when we desperately need gains. The absence of particularly bad news isn’t the same as good news.”

The NAEP, also known as “The Nation’s Report Card” and conducted under the auspices of the US. Department of Education, is a comprehensive reading and math test that has been given to a sampling of fourth and eighth graders every two years since 1990. Student achievement is tracked across several categories, including race, gender and income. This year’s test was administered to around 660,000 students in all 50 states, the District of Columbia and on U.S. military bases worldwide.

In reading, both test groups scored at 31 percent proficiency this year, virtually identical to scores from 2003. Both groups improved slightly more in math, with the younger students gaining four percentage points (from 32 percent to 36 percent proficiency) and the older kids adding a single point (from 29 to 30 percent). No state increased its 8th grade reading scores, while seven — HAWAII, ILLINOIS, INDIANA, MISSISSIPPI, NORTH CAROLINA, UTAH and WEST VIRGINIA — dropped precipitously in that category.

“To me, this goes beyond disappointing,” said former West Virginia Gov. Bob Wise, now the president of the Washington D.C.-based Alliance for Excellent Education, which lobbies for high school education reforms. “It shows we are failing to gain ground on the very conditions we need to reverse to improve our graduation rates and produce more students who are ready for college and the workforce.”

The Week in Session

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

States in Veto Session: IL

States in Special Session: CT "c", PA "a"

States in Recess: CA, NH, NJ

Special Sessions in Recess: CA "a", DE "a", OK "a"

States Adjourned in 2005: AK, AL, AR, AZ, CO, CT, DE, FL, GA, HI, IA, ID, IN, KS, KY, LA, MD, ME, MN, MO, MS, MT, NC, ND, NE, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WA, WV, WY

States in Special Session

Adjourned in 2005: AK "a", AL "a", CT "a", CT "b", GA "a", KS "a", ME "a", ME "b", MN "a", MO "a", MS "a", MS "b", MS "c", MS "d", MS "e", NM "a", NV "a", SD "a", TX "a", TX "b", UT "a", VT "a", WI "a", WV "a", WV "b", WV "c", WV "d"

Letters indicate special/extraordinary sessions

Source: State Net, 10/21/05

President Bush and Education Secretary Margaret Spellings disputed that sentiment, with Bush calling the report “encouraging” and saying that “It shows there’s an achievement gap in America that is closing.”

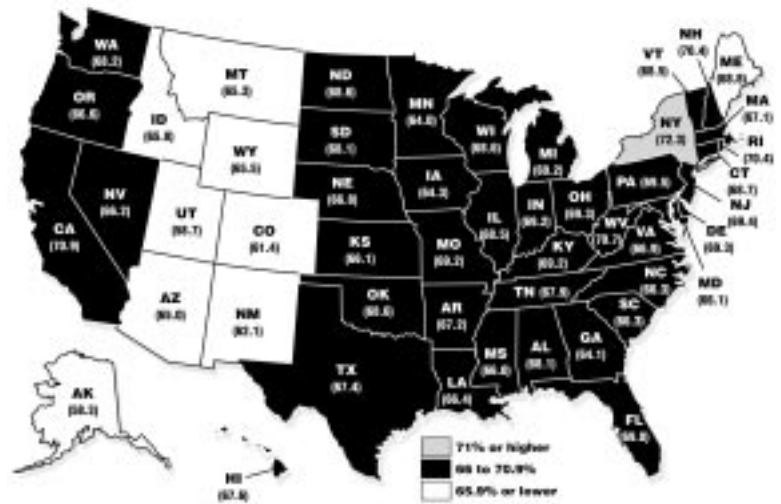
White and Asian students, however, continue to consistently outscore Hispanic and African-American students, although Grover J. Whitehurst, the acting commissioner for the National Center for Educational Statistics, said the traditional achievement gap between some groups, such as fourth grade math students, has narrowed considerably since 1990. But Gage Kingsbury, research director for the OREGON-based Northwest Education Evaluation Center, which carries out NAEP testing in 1,500 school districts, says the gap is not closing fast enough to reach full proficiency by No Child’s stated goal of 2014. He noted that at the current pace, black and white fourth graders would reach equal math proficiency levels only by 2034. Eighth grade reading equality, he said, would take more than 200 years.

“The change is moving too slowly,” Kingsbury said.

Education Trust’s Weiner agreed, calling the scores “meager progress,” adding that “Students of color and low-income students continue to be educated at levels below their affluent peers.”

Spellings sounded undeterred by the mixed results, calling the incremental gains confirmation that “we are on the right track with No Child Left Behind.” She

Bird’s eye view



Chronic diseases are the nation’s biggest killers

According to the national Centers for Disease Control and Prevention, more than 90 million Americans live with some form of chronic illness, from heart disease to cancer and diabetes. These chronic diseases account for 70 percent of all deaths in the U.S. every year, and up to 60 percent of the nation’s annual medical care costs. They also account for one-third of the years of potential life lost before age 65, and chronic disease is among the leading causes of disability among U.S. adults. Many of these long-term illnesses can be prevented or diminished through not smoking, better nutrition, regular exercise or physical activity and frequent detection screening. The accompanying map shows the percentage of deaths in each state annually due to chronic illness. For more information, visit the Centers for Disease Control and Prevention Web site at www.cdc.gov.



Source: U.S. Centers for Disease Control and Prevention

tion, which generally have high taxes and housing costs. “These recommendations are good for TEXAS, but bad for California,” Angelides stated in a press release. But the proposal also found critics across the aisle. Thomas Wright, executive director of Americans for Fair Taxation, which supports replacing the income tax with a national sales tax or a single-rate “flat tax,” said, “The tax panel will only tinker with the system and repeat the errors of the past. True reform has been taken off the table.” Henry Aaron, an expert on tax policy at the Brookings Institution, said he doubts the plan will ultimately become law because those who stand to lose from the proposed changes will fight harder than those who view those changes favorably. “It is a political law of life that those who think they are going to lose fight like steers,” he said. But panel members said they would continue to “refine” their plan before submitting it to the president Nov. 1. (COX NEWS SERVICE, DESERET MORNING NEWS (SALT LAKE CITY), SAN FRANCISCO CHRONICLE)

PUBLIC COLLEGES HEADING TOWARDS PRIVATIZATION? Taxpayer dollars made up only 64 percent of the nation’s public university revenues last year, 10 percent less than they comprised a little over a decade ago. That decline has some college presidents warning of “public higher education’s slow slide toward privatization.” And they point to some of the country’s top public universities as further evidence of that trend: the University of MICHIGAN at Ann Arbor, for instance, which derives only about 18 percent of its revenues from the state, and the University of VIRGINIA, where the state percentage is only about 8 percent. Katharine C. Lyall, a president emeritus of the University of WISCONSIN, says, “At those levels, we have to ask what it means to be a public institution.” As Lyall sees it, the mission of public colleges “used to be to serve the public good. But if private donors and corporations are providing much of a university’s budget, then they will set the agenda, perhaps in ways the public likes and perhaps not.” Others dismiss the doomsday talk of privatization. Patrick M. Callan, president of the nonprofit National Center for Public Policy and Higher Education, for example, says that state appropriations for higher education really haven’t changed much in recent years; they were about \$67 billion in 2001, \$70 billion in 2002, and \$69 billion in 2003 and 2004. The percentage of state tax revenues devoted to public universities, however, has declined over the last several decades, from about 6.7 percent in 1977 to 4.5 percent in 2000, according to a study by the Urban Institute. Stanley O. Ikenberry, a president emeritus of the University of ILLINOIS, said he believes that decline is not the result of any fundamental change in states’ commitment to higher education, but rather the political reality that in tight budget times, it is an easier part of the budget to cut than programs like Medicaid and K-12 educa-



tion. “The higher education budget serves as the default place to make the cut,” he said. (NEW YORK TIMES)

BUDGETS IN BRIEF: Last Monday, **MISSISSIPPI** Gov. Haley Barbour (R) signed the onshore casino bill (HB 45) passed during the emergency legislative session held earlier this month. The law, which will allow casinos to build on land within 800 feet of where gambling barges had previously been sited, had been held up at one point in the Senate by an effort to leverage a deal on another bill concerning tideland leases that many of the casinos pay the state. That bill (HB 44) also ultimately passed and was signed by the governor (ASSOCIATED PRESS, SUN HERALD [BILOXI]). • New Orleans Mayor Ray Nagin has abandoned his controversial plan to make a downtown casino zone a key element of his hurricane-recovery strategy for the city. Testifying before Congress last week, Nagin said that **LOUISIANA** Gov. Kathleen Blanco (D) “didn’t much like the idea, so it is pretty much dead” (TIMES-PICAYUNE [NEW ORLEANS]). •

LOUISIANA’s governor was a bit more amenable to state lawmakers, heeding their calls to let them take up budget issues associated with Hurricanes Katrina and Rita in a special session scheduled for Nov. 6. Blanco had been planning to hold off on addressing the \$1.5 billion hole the hurricanes have punched in the state budget until January (ADVOCATE [BATON ROUGE]). • According to projections released last week, **WYOMING** could end the 2005-06 biennium with a \$1.8-billion budget surplus, surpassing last biennium’s record \$1.2-billion surplus by a sizeable margin. The increase is attributed primarily to the surge in natural gas prices (BILLINGS GAZETTE). • Despite a Powerball jackpot that grew to a record \$340 million last week, lottery officials in **INDIANA** said ticket sales were running about 30 percent below projections. They suspected that high gas prices might be the cause (INDIANAPOLIS STAR).

Upcoming Elections

(10/06/2005 - 10/27/2005)

11/08/2005

Georgia Special Election
House 121

11/08/2005 Mississippi
Special Election
House 096

11/08/2005 Missouri
Special Election
House 094, 150
Senate 029

11/08/2005 New Jersey
General Election
Assembly (All)

11/08/2005 Oklahoma
Special General
Senate 048

11/08/2005 Tennessee
Special Election
House 022

11/08/2005 Texas
Special Election
House 143

11/08/2005 Virginia
General Election
House (All)

— Compiled by KOREY CLARK



Politics & Leadership

JUDGE SUSPENDS GA VOTER ID LAW: GEORGIA attracted national attention earlier this year when it passed a law requiring voters to show photo identification at the polls — the toughest voter ID law in the country. The Peach State was in the spotlight again last week when a federal judge declared that the new law amounted to an unconstitutional poll tax because it did not do enough to minimize the burden of its provisions on several voting groups. “The photo ID requirement is most likely to prevent Georgia’s elderly, poor and African-American voters from voting,” wrote U.S. District Judge Harold Murphy, in a 123-page ruling issued last Tuesday. “For those citizens, the character and magnitude of their injury — the loss of their right to vote — is undeniably demoralizing and extreme.” Supporters of the law contend that it is needed to curb voter fraud and that it allows anyone who cannot afford a voter ID card — which costs \$20 or \$35, depending on whether it’s valid for 5 years or 10 — to sign an affidavit declaring they are indigent and obtain a card for free. They also maintain that residents can vote by absentee ballot without having to present photo ID at all in most cases. But Judge Murphy addressed those arguments in his decision, stating that there has been no report of voter impersonation fraud in Georgia in the past nine years, that “many voters simply may be too embarrassed over their inability to afford a photo ID card to request and complete an affidavit for a free card,” and that most voters who lack a photo ID “likely are unaware” they can vote absentee without one. Murphy’s ruling actually only granted a temporary injunction barring the state from enforcing the voter ID law until he issues a final decision about its constitutionality, but his harsh words strongly suggest the direction he is leaning. The law’s backers are urging the state to appeal, pointing out that it has already received federal approval and suggesting that Murphy’s decision is simply another case of judicial activism. “The U.S. Justice Department reviewed and approved this law,” said Georgia House Speaker Glenn Richardson (R). “Despite this review and approval, a Jimmy Carter-appointed judge has now ignored that decision, thwarting the best interests of the people of this state.” (ATLANTA JOURNAL-CONSTITUTION, LOS ANGELES TIMES)

STATE WEB SITES TURN TEN: This year marks the 10th birthday of state government Web sites. Although there is some debate over which state actually launched the first site — CALIFORNIA, MASSACHUSETTS, MICHIGAN and WASHINGTON all claim that title — the few that appeared in 1995 and 1996



were fairly rudimentary, in some cases consisting of nothing more than an Internet homepage. As the popularity of the Internet grew and the cost efficiencies it offered became more apparent, other states rushed to establish their own Web presence. Now, all 50 states offer Internet sites, some of which are at the leading edge of Web site design and content. For example, the top finisher in the Center for Digital Government's Best of the Web awards this year — DELAWARE — offers "podcasting," which allows users of Apple Computer Inc.'s iPod music players to obtain automated notices of breaking state news. Other Best of the Web award winners included INDIANA, TENNESSEE, VIRGINIA and WASHINGTON. But Paul Taylor, chief strategy office for the Center, said the disparity between the best state sites and the rest is narrowing. "What we've got now is a few states that are really, really good, and below them we have a critical mass that a year from now could be among the top five." (STATELINE.ORG)

In case you missed it: Intelligent Design

In recent years, many opponents of evolution have been pressuring school boards across the country to require teaching the theory of intelligent design — the concept that life is too complex to have developed without the help of an intelligent creator — alongside Darwin's theory in science class. Supporters say ID is based on legitimate science; many teachers and scientists complain it is a back-door way to force religion into the classroom.

In case you missed it, the full story can be viewed on our Web site at www.statenet.com.
(See archives under the Resources tab)

POLITICS IN BRIEF: ARIZONA's Court of Appeals ruled last week that legislative district maps drawn in 2000 by an independent redistricting commission do not contain too few competitive districts, as a coalition of Democrats and Hispanics had contended and a lower court affirmed last year. The coalition has vowed to appeal the decision to the state Supreme Court. In the meantime, the existing legislative boundaries — which gave the Republicans an 18-12 majority in the Senate and a 38-22 edge in the House after the elections in 2002 and 2004 — will remain in place (ARIZONA DAILY STAR [TUCSON], ARIZONA CAPITOL TIMES [PHOENIX]). • Early voting got under way last Monday for COLORADO's Nov. 1 election, which will determine the fate of the state's high-profile referendums C and D. The first would suspend the spending restrictions imposed by the Taxpayer's Bill of Rights and the second would allow the state to borrow \$2.1 billion to pay for roads, schools, health care and pensions (DENVER POST). • Also in COLORADO, Attorney General John Suthers (R) issued a ruling last Tuesday declaring Senate president Joan Fitz-Gerald (D) ineligible to run for re-election because she has reached the state's two-term limit, despite the fact that the first of those terms — which began in 2001, following the death of Sen. Tony Grampsas (R) — was only half the usual four-year length. Fitz-Gerald claimed the AG's ruling was politically motivated and vowed



confidence that it could adequately manage epic disasters. Napolitano, who said an average of 1,500 people are apprehended every day trying to sneak across the Mexican border into her state, said the Bush administration should focus on getting the illegal immigration problem under control before taking over disaster management from states. The resistance displayed by Bush, Perry and Napolitano echoes what several other governors — including many Republicans — have been saying for

weeks. During a recent interview on *Larry King Live*, MISSISSIPPI Gov. Haley Barbour (R) said, “People could have taken the impression that we in Mississippi need the federal government to come in and take over what we’re doing, that we need some kind of czar to tell us how to run Mississippi. We don’t need that. In fact, that wouldn’t help us. That would hurt us.” ALABAMA Gov. Bob Riley (R) also chimed in, testifying before the Senate Finance Committee that “In the aftermath of Hurricane Katrina, many have concluded that all the answers are to be found in Washington, DC. As a former member of Congress, I recognize that the federal government has a unique and critically important role to play in responding to catastrophes — but state and local leaders must retain the primary role in planning and acting as first responders.” DELAWARE Gov. Ruth Ann Minner (D) has also called for continued local control, saying “When Governor Barbour needed our help, I was able to send resources...Within 24 hours, we were one of the first on the ground in Mississippi, a fact which I can say is due to my ability to call up state assets. Governors must continue to be afforded this ability.” Those sentiments seem to be reaching friendly ears in Congress, which many observers doubt has the desire to take over top disaster responsibility from the states. Rep. Lamar Smith, a San Antonio Republican, said that the governors “were very clear in their opposition, and that sends a message to us in Congress.” (SAN ANTONIO EXPRESS-NEWS, NATIONAL GOVERNORS ASSOCIATION, STATE-LINE.ORG, DALLAS MORNING NEWS, ARKANSAS DEMOCRAT GAZETTE, ARIZONA REPUBLIC [PHOENIX])

GOVERNORS IN BRIEF: A new poll shows ALABAMA Gov. Bob Riley (R) with a double-digit lead over each of the Democrats seeking to unseat him in 2006. The Mobile Register-University of South Alabama poll showed Riley with 46 percent of the potential vote compared to 31 percent for former Gov. Don

Quote of the week:

“The states have extensive experience as first responders. It’s the Phoenix Fire Department that shows up first around here. It’s not FEMA.”

— **Jeanine L’Ecuyer, communications director for ARIZONA Gov. Janet Napolitano (D), on why the governor was lobbying Congress to not seek federal control over disaster management. (ARIZONA REPUBLIC [PHOENIX])**



Siegelman and 33 percent for Lt. Gov. Lucy Baxley (MOBILE REGISTER). • **RHODE ISLAND** Gov. Don Carcieri (D) declared a state of emergency after excessive rains caused extensive flooding across the Ocean State (BOSTON GLOBE). • **LOUISIANA** Gov. Kathleen Blanco (D) formed a 23-person steering panel to guide the Pelican State in its effort to rebuild after Hurricanes Katrina and Rita. The Louisiana Recovery Authority will be responsible for developing 30-day, 100-day and long-term rebuilding plans (TIMES-PICAYUNE [NEW ORLEANS]).

— Compiled by RICH EHISEN

Hot issues

B **USINESS:** A **NORTH CAROLINA** court orders major cigarette-makers to pay tobacco farmers in 14 states \$106 million that those companies withheld from growers last December. The companies had argued that a recent \$10 billion federal government buyout of tobacco quotas to be financed by assessments against cigarette-makers should have relieved them of making the payment (WINSTON-SALEM JOURNAL). • **MISSISSIPPI** Gov. Haley Barbour (R) signs HB 45, legislation that will allow casinos to rebuild their operations on shore rather than only on barges in the waters of the Mississippi River or the Gulf of Mexico. The new buildings must be located within 800 feet from where those barges were previously sited. Casino gambling produces approximately \$500 million in annual state tax revenue for the Magnolia State (SUN HERALD [BILOXI]).

CRIME & PUNISHMENT: The **TENNESSEE** Supreme Court unanimously rejects a claim that the three-drug combination used for executing condemned prisoners causes extreme pain and thus constitutes cruel and unusual punishment prohibited by the U.S. Constitution. The plaintiff in the case has vowed to appeal in federal court (LOS ANGELES TIMES). • The **MASSACHUSETTS** House endorses a bill that would require people convicted of multiple drunken driving offenses to have Breathalyzer devices installed in their vehicle. Those systems prevent a legally inebriated driver from starting the vehicle. The measure moves to the Senate (BOSTON HERALD). • The U.S. Supreme Court rules that death row inmates do not automatically have the right to a jury trial to determine their mental competence for execution. The high court decision overrules a 9th U.S. Circuit Court ruling that ordered **ARIZONA** officials to grant a

condemned inmate a jury trial on his claim of mental retardation. The Supreme Court ruled in 2002 that states cannot execute legally retarded prisoners, but the new order leaves determination of that status in the hands of individual states (WASHINGTON POST). • **NORTH DAKOTA** becomes the 33rd state to join the national sex offender registry Web site, which allows users to track convicted sexual offenders across all linked states (GRAND FORKS HERALD).

EDUCATION: In **WASHINGTON**, the 9th U.S. Circuit Court of Appeals upholds the Seattle Public Schools' use of race as a tiebreaker in assigning students to popular high schools. Similar court verdicts were recently reached in **MASSACHUSETTS** and **KENTUCKY**. The plaintiffs vowed to appeal to the U.S. Supreme Court (SEATTLE TIMES).

ENVIRONMENT: A **WYOMING** court says landowners do not have the right to prevent waste water from coalbed methane wells from flowing through established waterways on their property. The court ruled that the state retains control over all waterways regardless of whether they cross private land (BILLINGS GAZETTE). • Still in **WYOMING**, a federal judge upholds National Park Service rules that limit snowmobile use in that state's Yellowstone and Grand Teton national parks. The Cowboy State's lodging industry wanted to overturn the current regulations, which limit snowmobile activity to 720 per day at Yellowstone and 140 combined at Grand Teton and on the John D. Rockefeller Jr. Memorial Parkway (IDAHO STATESMAN).

HEALTH & SCIENCE: Acting **NEW JERSEY** Gov. Richard Codey (D) announces that the Garden State will fund a statewide public bank to store umbilical cord and placental blood designed to be used by both stem cell researchers and transplant patients. Codey also signed an executive order establishing two pilot programs to help new parents donate placental and umbilical cord blood. The insti-

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 2005 prefiles last week: 676

Number of 2005 Intros last week: 703

Number of bills enacted/adopted last week: 93

Number of 2005 prefiles to date: 36,117

Number of 2005 Intros to date: 160,225

Number of enacted/adopted overall in 2005: 39,035

— Compiled By JAMES ROSS
(Measures current as of 10/20/05)
Source: State Net

tute is expected to cost around \$150 million (NEW YORK TIMES). • **WISCONSIN** Gov. Jim Doyle (D) vetoes legislation that would have allowed pharmacists to refuse to fill prescriptions they feel violate their personal or religious beliefs. Doyle also vetoed a similar bill last year (CAPITAL TIMES [MADISON]). • **FLORIDA** receives federal permission to move thousands of Medicaid patients into a pilot managed care program that could eventually be expanded to cover the 2.2 million Sunshine State residents currently receiving health care coverage from the government. Gov. Jeb Bush (R) plans to call a special session in December to consider the plan, which must be approved by lawmakers (ST. PETERSBURG TIMES).

SOCIAL POLICY: The U.S. Supreme Court refuses a request from **MISSOURI** Gov. Matt Blunt (R) to prohibit a Show Me State prisoner from obtaining an abortion. A lower court had previously ordered the state to provide transportation for the woman, but Blunt argued that taxpayers should not have to pay for the costs associated with the transport. Blunt has vowed to appeal, although the abortion was ultimately performed three days after the decision (JEFFERSON CITY NEWS TRIBUNE, KANSAS CITY STAR). • The **ARIZONA** Supreme Court adopts new rules that allow couples who have agreed to divorce to forgo ever appearing in court. The new regulations also allow couples to hire attorneys for only certain parts of the process. They take effect in January 2006 (ARIZONA DAILY STAR [TUCSON]).

POTPOURRI: The **PENNSYLVANIA** Senate unanimously endorses a measure that would ban Internet hunting — which allows paying customers to use a computer mouse to remotely sight, point and fire a rifle at deer or other game roaming at a real fenced-in preserve — in the Keystone State. The bill moves to Gov. Ed Rendell (D), who is expected to sign it. Eleven other states have banned the practice this year (PATRIOT-NEWS [HARRISBURG]).

— *Compiled by RICH EHISEN*



WINDFALL: In some states, serving in the legislature is a part time gig. And so it is for Democrat Larry Molloy, a member of the VERMONT House. Molloy has to work two jobs to make ends meeting, supporting himself as a barber and store clerk. That latter job, notes *The Boston Globe*, put Molloy in the right place at the right time to buy a Powerball lottery ticket from the store where he works. His ticket came home last week, providing the legislator with a tidy \$200,000 supplement to his legislative salary.

THE WORLD'S SHORTEST JOY RIDE: Jess Vilsack didn't have far to go to retrieve his stolen car. The son of IOWA Gov. Tom Vilsack was between apartments and so was staying at the governor's mansion last week when someone commandeered his car. As The Associated Press explains, the Toyota Corolla was found right across the street — although not in the best condition. Seems the thief drove off the mansion grounds, sped straight ahead and slammed into a building. Since the perp made a run for it, no suspects have been identified.

NO GOOD DEED DEPARTMENT: As the governor's crime adviser, Bob Schwartz was instrumental in creating a new law that cracks down on dog owners in NEW MEXICO. According to the *Free New Mexican*, Schwartz' law allows owners of dangerous dogs to be charged with a felony if that dog severely injures a person or animal. Apparently, that law didn't go down well around the Schwartz household. Seems Schwartz' own dog attacked him, biting him viciously enough to require hospitalization. No word on whether charges are pending.

— *By A.G. BLOCK*



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