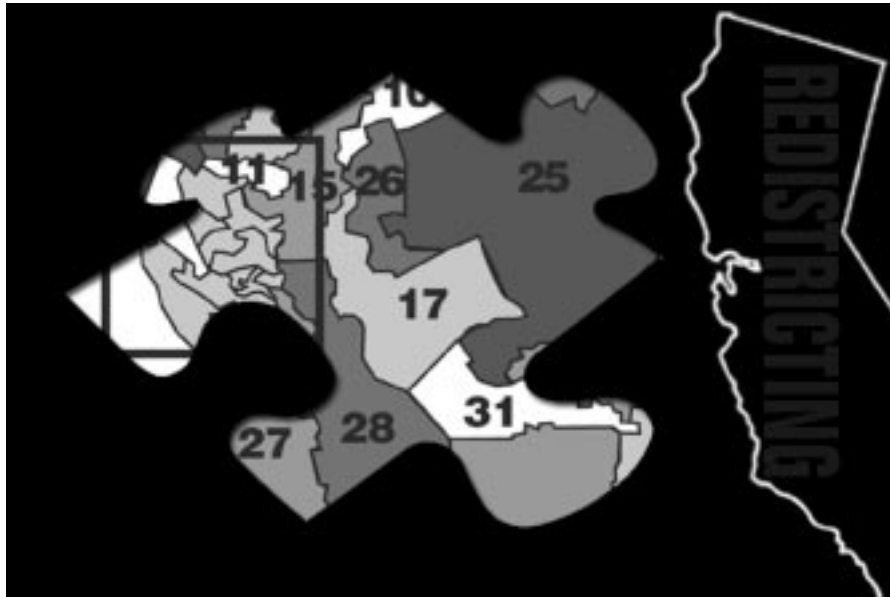


October 31, 2005

Staying within the lines



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Top Story

Voters in OHIO and CALIFORNIA go to the polls next week to determine who will draw electoral district lines. But some people say these elections are more about the states' Republican governors than political gerrymandering.

SNCJ Spotlight

Govs loom large as CA, OH seek redistricting changes

Next week, voters in OHIO and CALIFORNIA will head to the polls to decide whether to make their states the latest to take the power to draw electoral districts out of the hands of lawmakers and place it instead with independent panels. While supporters of both measures frame them as referendums on “gerrymandering” and partisan politics, many observers believe the measures will actually sink or swim not on their merits, but rather on how voters feel about each state’s beleaguered governor.

The Ohio measure, Issue 4, was drafted after last November's presidential election. State Republicans were feeling good then, as Ohio proved to be the pivotal bloc that swung the election to George W. Bush. The party also had strong majorities in both legislative chambers and a popular governor who is the great-grandson of a former U.S. president. But that was then, this is now. The GOP has since been dogged by a scandal that forced Gov. Bob Taft to plead guilty to state ethics violations, leading to Taft paying a fine and issuing a formal apology to Buckeye State citizens. The real penalty, however, has come in the court of public opinion, where a recent survey showed Taft's approval rating has plummeted to an abysmal 15 percent.

That backlash has also fueled support for Issue 4, which would establish an independent, five-person commission with a legal mandate to draw competitive Congressional and state legislative districts. Analysts there say that could lead to as many as 10 newly competitive Congressional districts, many of them currently manned by incumbent Republicans. It could also significantly threaten a dozen of the "safe" districts the GOP currently controls in the Buckeye State Legislature.

That possibility has led supporters to frame Issue 4 as, in the words of Stephen Brooks, Associate Director of the Bliss Institute of Applied Politics at the University of Akron, "a way to stop the abuse of power" in state government. Issue 4's proponents have made Taft the poster child for that perceived abuse, spending as much advertising time on criticizing him as in discussing the actual measure.

Meanwhile, in California, Gov. Arnold Schwarzenegger (R) has also made changing redistricting a major part of his "Year of Reform," noting often that none of the 153 contested seats in the 2004 California general election changed party hands. He has thrown his weight behind Proposition 77, which would place the task of drawing district maps into the hands of a three-person panel of retired judges. Voters would then have to ratify those maps, which would make the Golden State unique among those with district commissions. A recent study

The Week in Session

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

States in Veto Session: IL

States in Special Session: PA "a"

States in Recess: CA, NH, NY, NJ

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

States Projected to Adjourn: CT "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, 10/28/05

from the conservative-leaning Rose Institute at Claremont McKenna College projects that Prop 77 would produce 10 highly competitive congressional districts and 15 competitive legislative seats, a sharp difference from the current standards of only five competitive legislative districts and no competitive Congressional House districts.

But Schwarzenegger has also endured a sharp decline in his once enormous popularity, with his current approval rating hovering in the low 40s. While it once seemed that he could virtually will people to support his proposals, a year of ceaseless battles with labor unions and Democratic lawmakers has tarnished his image and raised questions as to whether he still has the cache to convince voters to follow his lead, particularly on an issue many see as a highly partisan attempt to whittle away at the Democratic power base in the state Legislature.

Such is the concern among Prop 77 supporters that Steve Poizner, the campaign's chairman, says the group has recently begun to separate itself from the governor, framing the measure instead as a referendum on the legislature.

"We're putting together a strong case that it's not about the governor, it's about reform," he says. That, as might be expected, has Schwarzenegger's opponents practically giddy.

"Schwarzenegger in the beginning looked like he could sell ice to Eskimos," says California Democratic Party spokesperson Bob Mullholland of the governor's recent declining poll numbers. "Now, he's making people so angry, he can't sell two-by-fours to carpenters."

It remains to be seen if he can sell voters on changing redistricting either in California or Ohio. Schwarzenegger recently gave Issue 4 his endorsement, drawing the ire of its predominantly Republican opposition. The governor has also drawn his share of heat from the national GOP and the White House, neither of which is happy about the possible loss of Republican-held seats in Congress.

But Schwarzenegger has remained typically nonplussed by his critics. He defended his endorsement of the Ohio measure in a public quasi-debate with Prop 77 opponents last week, saying he knew the Buckeye State GOP was "mad as hell" at him, but that "what was good for the goose is good for the gander. We are doing redistricting here in California. I think [they] should also do it there because [district lines] were also drawn by politicians."

The controversy over lawmakers drawing their own district lines — in essence choosing their voters rather than having voters choose them — is nothing new, nor are efforts to reform the system. Part of the problem is that federal law requires districts to be contiguous, roughly equal in population and to not dilute the political strength of minority populations. That is not exactly a specific directive, leaving states to figure it out for themselves how to achieve those goals. While most

states still allow lawmakers to draw the lines, a dozen states have commissions with first and final authority over redistricting, and at least 12 more considered such systems this year (see “Redistricting Reform Revolution” under Politics and Leadership in the Oct. 3, 2005 *State Net Capitol Journal*).

But not everyone is sold on the concept that having independent commissions automatically makes for a better system.

“In terms of the number of lawsuits being filed that challenge the lines that are drawn, there really is no difference between commission states and legislative states,” says Tim Hodson, executive director for the Center for California Studies in Sacramento. “There is also no strong evidence that commission plans are significantly more competitive or representative. Some are, but many aren’t.”

Hodson also questions Prop 77’s voter-approval element, asking “If the judges on the panel draw the lines correctly in the first place, why does the issue have to go back to the voters? I think that just opens the door for the side that feels slighted to create mischief.”

Tim Storey, who tracks election issues for the National Conference of State Legislatures, also notes that commissions vary greatly in their makeup and design, further clouding the overall view of their effectiveness.

“There is no easy answer to this situation,” he says. “There are 12 different states with redistricting commissions, and they have 12 different ways of going about their job. Many of them are also very partisan.”

Storey says he also finds it curious that California’s Proposition 77 would create the nation’s smallest redistricting commission (along with ARKANSAS) in its most populous state.

“Based on a population of 36 million, that means each of these judges would in essence be responsible for deciding districts for 12 million people,” he says.

Dr. Michael McDonald, an assistant professor of government and politics at George Mason University in VIRGINIA who has worked on redistricting efforts in several states, supports having independent commissions draw boundaries, but agrees they provide no certainty of producing the results reformers are looking for.

“The success of a commission really depends on the

Quote...

“There’s only one Terminator. I can’t think of an OHIOAN with the superstar quality of Arnold Schwarzenegger.”

— **Steve Fought, spokesperson for Issue 4, an OHIO redistricting measure endorsed by the CALIFORNIA governor.**

... unquote

“I don’t think Ohioans give a Jean Claude Van Damme about what an Arnold Schwarzenegger or a Sylvester Stallone think.”

— **OHIO Rep. Kevin DeWine (R), spokesperson for Ohio First, the group opposing Issue 4. (TOLEDO BLADE)**

rules you set up and the state doing the redistricting,” he says.

That success is also dependant on the same partisan wrangling seen in non-commission states. Case in point is ARIZONA, where in the late 1990s an independent commission was given the power to create “fair and competitive” districts. But when that commission drew some districts with large Latino populations — ostensibly to give a historically underrepresented group a stronger political voice — some Democratic and Latino groups complained that the real intention was to water down their strength in other districts. Both the Department of Justice and the courts torpedoed the plan.

There are other bugaboos as well, most notably the human trait to cluster in like-minded groups. Schwarzenegger’s enthusiasm notwithstanding, most redistricting experts doubt that anyone really expects liberal havens like San Francisco to suddenly vote a straight Republican ticket.

“When you get right down to it, a large element of the non-competitiveness we’re seeing in America is social sorting,” says Bruce Cain, a redistricting expert from the University of California, Berkeley. “People are moving into areas with people like themselves, in terms of race or income. You’d have to explicitly undo that homogeneity to create more competitiveness.”

According to the polls, both Proposition 77 and Issue 4 are facing tough battles on Nov. 8, with voters about evenly split on both. Regardless of what happens, Cain doubts the controversy over how the lines are drawn will be over in either state.

“The problem is that people have different expectations about the outcomes,” he says. “You can change the process, but you can’t take away the controversy.” (NEW YORK TIMES, GOVERNING, SACRAMENTO BEE, LOS ANGELES TIMES, SAN DIEGO UNION TRIBUNE, TOLEDO BLADE, THE ROSE INSTITUTE)

— *Compiled by RICH EHISEN*

Budget & taxes

BARBOUR MAKES CONSERVATIVE AID APPEAL: MISSISSIPPI Gov. Haley Barbour (R) paid a visit to the nation’s capital last week seeking support from Congress and the president for his hurricane recovery plan. One thing the plan has going for it is that it’s considerably less ambitious than the one LOUISIANA Gov. Kathleen Blanco (D) pitched for her state a few weeks ago, a point Barbour himself made at a news conference before he headed off to Washington. “I want to put a stop to the idea that we’re talking about \$200 billion in



relief for the devastation of Hurricane Katrina,” he said. “There’s simply no case to be made for that high an amount from the federal government.” Barbour said his state only needs about \$38 billion in federal aid. What’s more, he said about half of that sum could come from the Magnolia State’s share of the \$62 billion Congress has already set aside for Katrina relief. But Barbour also took the opportunity to take the federal government to task. One of the main objectives of his plan is to help up to 50,000 residents who did not have flood insurance — because it wasn’t required — rebuild their homes. As justification for that proposal, Barbour offered, “The federal government determined what the flood zone is” and that residents “who lived outside that zone relied on the federal government to their detriment.” (CLARION-LEDGER [JACKSON], SUN HERALD [BILOXI])

“VIEW TAX” REVOLT IN NEW HAMPSHIRE: Last year, the assessed value of NEW HAMPSHIRE resident David Bischoff’s home, a one-room cabin with no electricity, running water or phone service located in the small, rural town of Orford, rose sevenfold, from \$22,900 to \$162,900. The sole reason for that dramatic increase, according to the town property revaluation records, was Bischoff’s view, a sweeping panorama of the surrounding hills. The near certainty that Bischoff would also see a corresponding spike in his \$500 annual property taxes led him to join other Orford residents last month in voting to reject the property revaluation, placing the town at the forefront of a growing protest movement against the so-called “view tax.” Some state officials maintain that tax assessments have always taken into account factors that enhance a property’s market value, such as a waterfront location or a nice view. But State Agriculture Commissioner Steve Taylor conceded that a flood of vacation-home buyers and retirees into rural communities like Orford is inflating valuations. “There are too many dollars chasing too few views and they’re running the values way up,” he said. Some residents fear the “view tax” is threatening the states rural character by forcing farmers to sell to developers and pricing residents out of homes their families have owned for generations. Others have more immediate concerns. John Chandler, for instance, a retired engineer and former state legislator who lives in the town of Hill, doesn’t feel he should have to pay more for his distant view of the White Mountains because he has no control over it, pointing out that it’s obscured by air pollution a lot of the time. On top of that, Chandler is legally blind. (ASSOCIATED PRESS, BOSTON GLOBE)



Politics & Leadership

S TATES TAKE ON 527s: Nonprofit political groups known as 527s gained national prominence last year, as a result of the efforts of Swift Boat Veterans for Truth and MoveOn.org to sway the 2004 presidential election. But campaign finance watchdogs are now focusing attention on 527s they say are attempting to illegally influence state races. A report by the nonpartisan Center for Public Integrity indicates that the Republican State Leadership Committee (RSLC), one of the nation's largest 527s, was fined \$20,000 by the LOUISIANA State Board of Ethics for failing to disclose the source of funds for advertisements in the state's 2003 race for attorney general. The RSLC was also fined \$10,000 by the NORTH CAROLINA State Board of Elections for violating that state's \$4,000 limit on party contributions, with a \$100,000 donation to the state GOP. And PENNSYLVANIA regulators are looking into a \$480,000 RSLC contribution in the Keystone State's 2004 attorney general's race. But it isn't just Republican-backed 527s that have been getting dinged by regulators. In MINNESOTA, election officials slapped a group called the 21st Century Democrats with a record \$400,000 fine for failing to file proper campaign disclosure forms. Leah Rush, director of state projects for the Center for Public Integrity, said, "People are registering these groups to be outside the [state campaign finance] system." The groups, which are named after a section of the federal tax code, actually came into existence after the passage of the federal McCain-Feingold Act three years ago, which barred political parties and PACs from raising "soft money," cash supposedly used for "voter education" and "issue advocacy" rather than to directly advocate for the election or defeat of a particular candidate. According to Brian McDonald, a spokesman for Pennsylvania's Department of State, the problem is that "Essentially, all the laws that govern 527s are at the federal level." Apparently, state regulators are figuring out how to work around that problem. But federal agencies are also stepping in. The Internal Revenue Service, for example, is planning to investigate all 527s to determine whether they are improperly registered as nonprofit organizations. (STATELINE.ORG)

POLITICAL AD RATES SOAR IN GOLDEN STATE: In the final weeks leading up to CALIFORNIA's Nov. 8 special election, a single 30-second advertising spot during the popular TV drama "Desperate Housewives" in the Los Angeles market has been selling for as much as \$110,000. No political campaign

has actually paid for such a slot. But political consultant Bill Carrick — who is working on a campaign to defeat Proposition 77, dealing with redistricting — says he doesn't recall six-figures ever being asked for a political ad in the state. Furthermore, campaigns have shelled out \$15,000 for slots during "Monday Night Football," more than double what the campaign for then-gubernatorial candidate Arnold Schwarzenegger paid during the 2003 recall election — and triple what one state Senate candidate paid last year. "It's one of these perfect storms," said Carrick. "There's a new [television] season. There's a new [local] ratings process in some markets where stations are charging more because they say they have a more accurate reflection of ratings. And there are long-term campaigns being run by the pharmaceutical industry and the [union-backed] alliance." On top of that, ballot initiative campaigns are not protected by federal rules requiring broadcasters to sell ad time to political candidates at the "lowest unit charge" prior to an election. Basically, the ballot campaigns have found themselves battling with national retailers for ad time at whatever price the market will bear. In some cases, the campaigns are even being charged a premium if their ad necessitates "bumping" a regular advertiser. "I think this will be the most expensive election cycle in California history," said Garry South, a political adviser for former Gov. Gray Davis, who was widely known for his fundraising prowess. "It's just supply and demand. There are too many dollars chasing too few availabilities." And Bruno Cohen, president and general manager of multiple stations in Sacramento, said ad rates were likely to climb even higher in the final weeks before the election. "It's really like the airline business," he said. "If you want to fly on a particular flight, you really get a good rate early. But if you have to fly last minute, you'll pay top rate." (SACRAMENTO BEE)

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)

— *Compiled by KOREY CLARK*



Governors

FORMER AL GOV SIEGELMAN INDICTED: Federal officials last week indicted former ALABAMA Gov. Don Siegelman (D), his first chief of staff, Paul Hamrick, and the ousted former chair of Health South on 30 counts of bribery, racketeering and other crimes. Siegelman is currently seeking to regain his old job after narrowly losing his re-election bid to current Gov. Bob Riley (R) in 2002. Siegelman served as governor from January 1999 to January 2003, and was also previously the Heart of Dixie's lieutenant governor. The indictment claims that the accused men "established a criminal enterprise in which official actions were exchanged for bribes." Siegelman quickly responded to the accusations, releasing a statement that claimed the case is politically motivated, saying "a few obsessed government officials have spent millions of taxpayers' dollars in a pathetic attempt to control the election for governor because they don't trust the people of Alabama enough to let them make that decision on their own." He also called the charges "absurd" and promised he would be "proven totally innocent." All three men entered not guilty pleas in a federal court the day after the indictment. (MOBILE REGISTER)

CONGRESS SAYS BLANCO BEARS BURDEN FOR BODIES: A Republican-led Congressional House committee said last week that the bodies of numerous people killed by Hurricane Katrina went uncollected for more than a week in the New Orleans area because the federal government was waiting for LOUISIANA Gov. Kathleen Blanco to decide what to do with them. The accusations came as the committee released 38 pages of e-mails between the Federal Emergency Management Agency (FEMA) and the Pentagon, memos they say indicate that Pelican State morgues were not ready to receive bodies until Sept. 7, two days after an initial memo complaining about Blanco's inaction and nine days after Katrina hit the Gulf Coast. The release came as Blanco was in the process of asking federal officials to pay the vast majority of the \$2.3 billion in damage to state facilities wrought by hurricanes Katrina and Rita, including at least \$125 million to restore the state-owned Louisiana Superdome in New Orleans. (ABC NEWS, WASHINGTON POST)

GOVERNORS IN BRIEF: FLORIDA Gov. Jeb Bush (R) announced his support for a federal measure that would allow oil drilling in the eastern Gulf of Mexico. The area, 125 miles off the Sunshine State coast, has been banned from drilling since 2001, when Bush and others led a fight to keep the rigs out



(ORLANDO SUN-SENTINEL). • **KANSAS** Gov. Kathleen Sebelius (D) called for a new law that would bar anyone younger than 16 from getting married in the Sunflower State. Sebelius' call resulted from an incident earlier this year in which a pregnant 14-year-old **NEBRASKA** girl came across state lines to marry her 22-year-old Kansas boyfriend. The man was later charged with sexual assault in Nebraska. Sebelius said sexual abusers of children often hide their crime by marrying the victim. It is currently illegal in Kansas to have sex with anyone under 16, but it does not apply if the parties involved are married (LAWRENCE JOURNAL-WORLD). • **COLORADO** Gov. Bill Owens (R) said he supports a high-tech, non-fatal fence along the 2,000-mile U.S.-Mexico border similar to what Israel is building on the West Bank. Owens called such a fence a "humane" way to deal with the nation's ongoing immigration issues in that region (ROCKY MOUNTAIN NEWS [DENVER]).

— *Compiled by RICH EHISEN*

Hot issues

B **USINESS:** The **CONNECTICUT** Senate unanimously endorses legislation that would require Constitution State commercial vehicle owners to provide the state with proof of insurance every six months. Failure to carry insurance would constitute a Class D felony punishable by up to five years in jail and a \$5,000 fine. The bill motors off to the House (HARTFORD COURANT). • **ILLINOIS**-based McDonald's Corp., the world's largest restaurant company, announces that next year it will begin providing nutritional information on the packaging for most of its menu. The company has been the target of lawsuits from consumers that claimed the food served there made them obese (ASSOCIATED PRESS). • The **OHIO** House votes 95-0 in favor of a bill that puts a one-year moratorium on governments using eminent domain laws to take unblighted property for private development. The measure heads to Gov. Bob Taft (R), who is expected to sign it into law (DAYTON DAILY NEWS).

CRIME & PUNISHMENT: The **KANSAS** Supreme Court rules that the Sunflower State cannot punish illegal underage sex more severely because it involves homosexuality. The court said harsher penalties based on such acts are unconstitutional (LAWRENCE JOURNAL-WORLD). • The **NEVADA** Supreme Court rules that it is legal to segregate inmates who are HIV-positive from other inmates. The policy had been challenged by an AIDS-infected inmate who

claimed his disease should not keep him from being allowed into the prison population (NEVADA APPEAL [CARSON CITY]). • **NEW JERSEY** parole officials impose a curfew on more than 2,000 convicted sexual offenders that requires them to be off the street by 7 p.m. on Halloween night. Parolees are also not allowed to open their doors to Trick-or-Treaters or attend Halloween parties, even with their own children (STAR LEDGER [NEWARK]). • A **NEW YORK** court rules that police cannot legally conduct searches that destroy or severely damage a vehicle they have pulled over, even if the person driving gives their consent to the inspection (POST-STANDARD [SYRACUSE]).

EDUCATION: The **OHIO** Senate unanimously approves HB 79, which would require local school districts to promptly report allegations of teacher misconduct to state education officials. The measure graduates to the House (DAYTON DAILY NEWS). • The National Academy of Sciences and the National Science Teachers Association announce that unless **KANSAS** educators reconsider the state's proposed new science guidelines, they will not allow Sunflower State educators to use their copyrighted science education materials. The organizations say the new guidelines overemphasize uncertainties about the theory of evolution and place too much credence in supernatural phenomenon. A final state decision on those guidelines is due next month (WASHINGTON POST).

ENVIRONMENT: **SOUTH DAKOTA** wildlife officials say they will move ahead with a plan to poison prairie dogs in one-mile buffer zones on private land that is located next to federal property in an effort to stop prairie dog encroachment. A similar federal plan for public lands is being contested in court by both environmentalists — who say the plan would kill too many prairie dogs — and the state, which says the feds won't kill enough of the critters (RAPID CITY JOURNAL).

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: 227

Number of 2005 Intros last week: 518

Number of bills enacted/adopted last week: 462

Number of 2005 prefiles to date: 36,344

Number of 2005 Intros to date: 160,743

Number of enacted/adopted overall in 2005: 39,497

— Compiled By JAMES ROSS
(Measures current as of 10/27/05)
Source: State Net



KEEPING AN EYE ON BLUE-HAIRED LADIES: State officials in KENTUCKY have declared the Bluegrass State’s charitable bingo games “terrorist free zones.” And they plan to keep them that way, thanks to a \$36,300 grant from the federal Department of Homeland Security. According to the *Lexington Herald-Leader*, some 1,300 Kentucky organizations are licensed to raise money through gambling, and the Office of Charitable Gaming insists that the grant will prevent any of those groups from using their proceeds to fund terrorist activities. “The potential is there,” argued one state official, citing the fact that \$51 million was raised in the state from charity gaming in 2003. The money will be used to buy laptops and access to a key law-enforcement database.

TRAFFIC SIGN OF THE WEEK: Comes courtesy of WISCONSIN’S *Madison.com*, which reports that a sign on a busy street in the state capital reads “No Parking, 5:30 PM to 4:00 PM.” How about 4:00 PM to 5:30 PM? Nope. That’s rush hour. Your car can be towed. How about “No Parking At Any Time?” Too confusing.

YOUR NANNY AT WORK: The *Chicago Sun-Times* reports that a bill now floating through the ILLINOIS Legislature would require all Chicago-area public-school students to wash their hands before eating lunch. Apparently, it is first-of-its-kind legislation. And last-of-its-kind, one would hope.

CURIOSITY CATS: The new political insider’s newspaper circulating around CALIFORNIA’S capital city, *Capitol Weekly* and its Web division “The Roundup,” last week unveiled a new offering — a searchable database for legislative staff salaries. And was it a popular addition to their repertoire? As *Capital Journal* notes, the site recorded 77,412 hits in its first eight hours of operation. Most requested salary — Shannon Velayas, senior assistant at Public Safety Committee, with 7,518. Now, if *Capitol Weekly* could only figure out a way to charge a fee.

— By A.G. BLOCK



Editor: Rich Ehsen — capj@statenet.com
Associate Editor: Korey Clark — capj@statenet.com
Contributing Editor: A.G. Block — capj@statenet.com
Editorial Advisor: Lou Cannon
Correspondents: Richard Cox (CA), Steve Karas (CA),
Bruce McKeeman (CA), Linda Mendenhall (IL),
Lauren King (MA) and Ben Livingood (PA)
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