

March 22, 2004

Force fed?



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Now on the State Net Web site

2003 State Session Recaps showcasing legislative statistics for each state.

Top Story

No Child Left Behind was supposed to be the harbinger of a new era in public education. But now many states say escalating costs and intrusive regulations have them wanting out.

SNCJ Spotlight

States weighing leaving No Child law behind

When President Bush's No Child Left Behind proposal (NCLB) became law in 2001, it was hailed by many as the most sweeping education reform since the Brown v. Board of Education Supreme Court decision in 1954 forced schools nationwide to desegregate. But two years later, a handful of states are taking steps to either opt out or change their level of participation in

NCLB amid growing discontent with what they see as very costly federal intrusion into their education policies.

At the heart of the issue are money and the federal government's ability to tell states what to do. The NCLB law requires all states receiving NCLB funding to conduct annual testing of students in third through eighth grade, demands constant improvement on those exams and imposes stricter standards on teachers. Schools that fail to perform as required could face the replacement of their entire staff or, in a worst case scenario, be closed down. Those schools could later be re-opened as charter schools.

But reaching those exacting standards can be fiscally crippling, particularly for poor or predominantly rural states. A just-released report on unfunded federal mandates from the National Conference of State Legislatures (NCSL) says that states will fall more than \$9 billion short in NCLB funding in 2004, and state officials are anticipating another \$10 billion shortfall for the program in 2005. This has led many to openly consider dropping NCLB as a means of addition by subtraction.

To date eight states have introduced bills that would either pull them out of NCLB entirely or forbid them from spending any additional state funds to implement NCLB requirements. Others have adopted resolutions asking Congress for additional funding and waivers for certain NCLB statutes. Among the states with pending legislation are ARIZONA, MAINE, MINNESOTA, NEW MEXICO, UTAH and VIRGINIA.

House Bill 2696 in ARIZONA is one of those that would prohibit any participation in NCLB, as is HB 337 in VIRGINIA, HB 513 in NEW MEXICO, HB 127 in WYOMING and HB 43 in UTAH. Senate Bill 648 in MAINE and State Resolution 33 in WISCONSIN would prohibit spending any state funds

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Budget & taxes

BLANCO'S TAX PLAN PASSES: Thanks to some last-minute political maneuvering and careful stewardship, LOUISIANA Gov. Kathleen Blanco (D) finally saw passage of her economic stimulus package by the Legislature. The trio of bills that make up the tax package became bogged down in the House a couple of weeks ago because of opposition to various provisions of the bills, beginning with the very first that law-

makers considered, HB 1, which extends the state's current business utility sales tax. Blanco had wanted to make the 18-year old tax permanent in order to lower the state's bond rating as well as end the political shenanigans that occurred every two years when the tax was up for renewal. But the House balked and Blanco was forced to make a compromise that extends the tax for five years instead of making it permanent. With the change, HB 1 was able to squeak through the House, just barely mustering the two-thirds vote required. The other two bills that are part of the governor's stimulus plan, HB 2, a rollback of the franchise tax on corporate borrowing over seven years, and HB 3, a phase out of the state sales tax on manufacturing equipment over the same 7-year period, were also amended in the House to allow the phase out of the taxes to occur more rapidly if revenue exceeds projections. Blanco then faced the challenge of fending off amendments in the Senate. While Senate floor leaders succeeded in protecting HB 1, which passed easily, HB 2 and HB 3 came under greater scrutiny. The two measures eventually passed, although not without additional tribulation and compromise. Passage of the tax package was a major victory for Blanco, and earned her considerable praise from lawmakers on both sides of the isle. Rep. Pete Schneider (R), for example, commented, "She handled herself very well," and House Speaker Joe Salter (D) said, "I'd give her an A." (NEW ORLEANS TIMES-PICAYUNE)

MI CITIES GET AWAY WITH MILLIONS: According to a recent audit, local governments throughout MICHIGAN owe the state \$120 million in back taxes. And with the Wolverine State currently facing a \$1.3 billion budget shortfall, state officials are telling the cash-strapped communities to pay up. State auditors found that the vast majority of a sampling of local governments they examined had been neglecting to turn over property taxes due the state, some for more than a decade. The auditors placed much of the blame for the glaring oversight on the state Department of Treasury, saying the agency failed to adequately monitor the local governments' tax returns. Treasury officials said they simply don't have the resources to look over the tax

The Week in Session

States in Regular Session:

AK, AL, AZ, CA, CO, CT, FL, GA, HI, IA, ID, IL, KS, KY, MA, MD, MN, MO, MS, NE, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, US, VA, VT, WI

States in Special Session:

AZ "c", LA "a", ME "b", WI "d"

States in Recess:

AR "b", CA "d", CA "e", SD

Currently Prefiling:

LA, MT(Drafts for 2005)

States Adjourned:

AZ "b", CA "a", CA "b", CA "c", CT "a", CT "b", DE "a", FL "e", MD "2003 session", ME, NC "a", NC "b", NJ "2002 session", NM, NM "a", UT "c", UT, WA, WA "a", WA "b", WA "c", WY

Letters indicate special/extraordinary sessions

Source: State Net, 4/15/04



return of every one of the state's 1,200 local jurisdictions. Auditors also pointed a finger at the lingering confusion over Proposal A, which shifted responsibility for distributing property tax revenues from local governments to the state. Municipal officials claim they had made a good faith effort to comply with that law but their filings had never been questioned. While many now concede they owe the state money, they don't know where that money will come from, given the budget troubles they've been dealing with. A number have begun negotiating their bills with the state, but some observers say it's unlikely the state will receive more than a fraction of the \$120 million it is owed. (DETROIT NEWS)

BUSH LAYS OUT \$1.1B WINDFALL PLAN: Just days after state economists reported that FLORIDA will bring in \$1.1 billion more in tax revenue than previously forecast, Gov. Jeb Bush (R) announced a plan for how to spend that money. Bush wants to use half of the money — \$592.4 million — for classroom construction and for the purchase of environmentally sensitive land. The governor had previously proposed borrowing money for those purposes; using the windfall money instead would help the state get a handle on its soaring debt, now at \$20.4 billion. Bush wants to devote \$294 million of the new money to Medicaid to help shore up the \$315 million shortfall in the program the state faces this year. And the governor proposed using \$138 million of the windfall to fund a program that would allow corporations to speed up depreciation write offs for post-9/11 capital expenditures. The proposal brings Bush's total tax-cut package for the year to \$277 million; the governor has already recommended a \$91 million cut in the state's intangibles tax and a \$48 million sales-tax holiday on back-to-school purchases in his \$55.4 billion budget. The Republican-controlled Legislature is expected to approve the windfall spending plan. (ORLANDO SENTINEL, ST. PETERSBURG TIMES)

BUDGETS IN BRIEF: COLORADO Gov. Bill Owens (R) has proposed placing two constitutional amendments adopted through voter initiatives on hold for two years to help revitalize the state's budget. Owens wants to temporarily halt the revenue-surplus-triggered taxpayer refunds mandated by the Taxpayer's Bill of Rights (TABOR), passed in 1992, and the annual increase in funding for public schools required by Amendment 23, adopted in 2000. The governor's proposals would require both a two-thirds vote by the Legislature and approval by voters (DENVER POST) • MINNESOTA Gov. Tim Pawlenty (R) outlined a proposal to build two publicly funded \$500 million stadiums for the Vikings and the Twins. Although Pawlenty repeatedly voted against stadium proposals as a legislator, he said he doesn't want to lose the teams —



which have threatened to leave the state — on his watch (ST. PAUL PIONEER PRESS, MINNEAPOLIS STAR TRIBUNE). • Two CONNECTICUT lawmakers have proposed legislation that would allow municipalities with major retail shopping centers to receive a portion of the \$3 billion in sales taxes collected by the state each year. The bill’s co-sponsors contend municipalities that provide a concentration of retail services enjoyed by residents of other towns deserve to be compensated (HARTFORD COURANT).

— *COMPILED BY KOREY CLARK*

Governors

GOVNS OBJECT TO NUCLEAR WASTE: It is rare to see politicians drop their partisan stance on anything, but it happened last week when eight Western governors — four Democrats and four Republicans — joined together to ask the Nuclear Regulatory Commission (NRC) to reconsider its decision to ease packaging standards for plutonium-contaminated waste headed for burial in NEW MEXICO. Governors from CALIFORNIA, OREGON, ARIZONA, NEVADA, UTAH, WASHINGTON and WYOMING joined New Mexico Gov. Bill Richardson (D) in saying that the NRC had ignored critical technical information when it decided to begin using single-walled steel containers for radioactive rubble sent to the Waste Isolation Pilot Plant near Carlsbad. The current system uses two-layer steel containers, which the governors say inspires public confidence in the shipping program. The NRC’s rationale is that the thicker packaging is not in line with international standards and is more expensive. (SANTA FE NEW MEXICAN)

DOYLE WRAPS CONTENTIOUS FRESHMAN YEAR: The WISCONSIN Legislature has wrapped up the 2003-04 session, and probably not a minute too soon for Gov. Jim Doyle (D), the Badger State’s first Democratic governor in almost two decades. Doyle spent most of his first year in office brawling with a GOP-controlled Legislature that had a full agenda of its own, including flagship proposals to allow it to have final say on tribal gaming issues and to overturn the state’s ban on concealed weapons. Doyle vetoed both of those ideas as well as GOP plans to severely limit property taxes and to require people to show state-issued photo identification to vote. Republicans howled, saying Doyle was intractable and unwilling to work with lawmakers on key issues. Observers say



the difficulties were enhanced by the fact Assembly Speaker John Gard and Senate Majority Leader Mary Panzer — both Republicans — were also new to their positions. Both sides did agree there were some positives, specifically a long-sought package of tax incentives aimed at improving the state’s business climate and the lowering of the state standard for drunken driving to .08% of blood alcohol content. Doyle acknowledged the tense nature of the session, but noted that, “beyond all the fights, we got a lot accomplished.” (MILWAUKEE JOURNAL-SENTINEL, APPLETON POST-CRESCENT)

FLETCHER’S FIRST 100 DAYS GETS MIXED REVIEWS: KENTUCKY Gov. Ernie Fletcher (R) has also been treading new ground. Fletcher is the first Republican governor in the Bluegrass State since 1967, and his supporters say he is a harbinger of reform in how the state does business, and a significantly positive change from the scandal-plagued administration of former Gov. Paul Patton (D). But detractors claim Fletcher has infused the current Legislative session with undue partisanship and driven a healthy wedge between himself and the state’s Democratic leaders. Even some Senate Republicans have expressed doubts, grouching that the governor had not sought out their input in the budget process. Democrats, meanwhile, also complain Fletcher would work only with certain House Democrats, none of whom are among the Party’s leadership. Education leaders have also been unhappy, saying Fletcher’s budget did not provide enough money for K-12 or higher education. Fletcher mollified them to some degree by designating another \$50 million in education funds. The governor says his immediate plan for the rest of the year is to focus on his plans for economic development. (KENTUCKY POST [COVINGTON])

GOVERNORS IN BRIEF: ILLINOIS Gov. Rod Blagojevich (D) announced he will appoint a special investigator to scrutinize a controversial decision by the Prairie State’s Gaming Board to place a casino in the Rosemont area. The site was rejected in 2001 for alleged links between casino owners and organized crime (CHICAGO SUN TIMES). • OKLAHOMA Gov. Brad Henry (D) called on lawmakers Wednesday to pass within two weeks a bill banning over-the-counter sales of cold tablets containing pseudoephedrine, the agent used to make methamphetamine. The Sooner State would be the first in the nation to impose such a ban (DALLAS MORNING NEWS).

— *Compiled by RICH EHISEN*

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Across state lines

Microloans help poor become entrepreneurs

States have a vested interest in moving their citizens off the welfare rolls, but how best to do it is a question not easily answered. One way that has worked exceedingly well, according to a recent report from the Washington D.C.-based Aspen Institute, is to provide low-income people with the opportunity to start their own businesses through a process called microlending.

Microcredit programs have been around since the late 1980s, starting with about 10 in various states. That figure grew to over 200 by 1992, and today more than 600 are spread out across 48 states. These programs provide small loans — most under \$25,000 — as well as business education, training and other support services. Most of these programs are run by private non-profits, but many state and federal government agencies are also now involved. CALIFORNIA leads the nation in microcredit plans with 68, while NEW YORK offers 52. Only WASHINGTON and RHODE ISLAND do not offer any microcredit programs.

The focus of most plans is the “working poor,” those people who are employed but who are still at or below 150% of the poverty line (\$27,500 for a family of four). The Aspen Institute’s five-year study revealed 53% of microentrepreneurs who participated in such programs moved out of poverty, and household income increased by an average of 61%. The number of participants receiving food stamps fell by half, and reliance on any government assistance fell by over 60%. Most also have been able to stick it out, with a four-year survival rate of 57%, a full 10% higher than the national average for small businesses. Programs generally do not restrict what type of businesses are eligible, and thus the type of businesses feature everything from day care to taxi service.

The chart following shows how many programs are offered in each state.

— By RICH EHISEN

States' Programs for Low Income Entrepreneurs

State	Number of programs	Programs per 1,000 people
Alabama	5	1.1
Alaska	5	7.8
Arizona	5	0.9
Arkansas	5	1.8
California	68	1.9
Colorado	13	2.9
Connecticut	12	3.5
Delaware	3	3.7
Florida	21	1.3
Georgia	22	2.6
Hawaii	5	4.0
Idaho	3	2.2
Illinois	20	1.6
Indiana	7	1.1
Iowa	5	1.7
Kansas	5	1.8
Kentucky	7	1.7
Louisiana	7	1.6
Maine	20	15.5
Maryland	11	2.0
Massachusetts	34	5.3
Michigan	16	1.6
Minnesota	21	4.2
Mississippi	6	2.1
Missouri	11	1.9
Montana	6	6.6
Nebraska	18	10.4
Nevada	1	0.5
New Hampshire	3	2.4
New Jersey	17	2.0
New Mexico	5	2.7
New York	52	2.7
North Carolina	14	1.7
North Dakota	2	3.2
Ohio	25	2.2
Oklahoma	5	1.4
Oregon	12	3.4
Pennsylvania	32	2.6
Rhode Island	NA	NA
South Carolina	6	1.5
South Dakota	2	2.6
Tennessee	12	2.1
Texas	15	0.7
Utah	1	0.4
Vermont	11	17.9
Virginia	26	3.6
Washington	NA	NA
W Virginia	8	4.4
Wisconsin	10	1.8
Wyoming	1	2.0

Source: National Conference of State Legislatures, Field 2002 Directory, Aspen Institute, U.S. Census

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Politics & Leadership

WARNER RUSHES INTO BUDGET FRAY: Over the past few weeks, VIRGINIA lawmakers have repeatedly called on Gov. Mark R. Warner (D) to step in and help break the state's bitter budget deadlock. But the way Warner finally went about doing that last week probably wasn't what they had in mind. Fed up with lawmakers' inability to pass a budget even after extending the session three days beyond its scheduled adjournment date, Warner ordered the General Assembly into special session. The announcement came in a surprise news release — issued while House delegates were still making speeches on the floor — in which the governor suggested lawmakers were putting their end-of-session vacations before the people's business. Incensed by the governor's remarks, the House degenerated into bedlam, with Republican delegates banging their desktops and chanting, "No vacation!" The staunchly anti-tax Republicans who control the House have been in a virtual state of war the last few weeks with the Republican majority in the Senate, who have been pushing nearly \$4 billion in tax hikes. And House Speaker William J. Howell (R) said Warner's action only served to further unify his caucus. When lawmakers convened for the special session last Wednesday, the Senate offered a compromise proposal that slashed \$1.6 billion in taxes for transportation projects out of its earlier \$3.9 billion budget plan. But House Republicans refused to budge, saying the Senate's plan still contained tax increases. With Senate Republicans saying they won't trim any more because it would mean sacrificing education, there may be little room for further compromise. If lawmakers fail to pass a new budget by June 30 when the current budget expires, the state will face a government shutdown. Warner is convinced that won't happen, telling reporters last week, "I don't believe that any mind is so closed in the legislature that they won't ultimately do their duty and act responsibly." (WASHINGTON POST, RICHMOND TIMES-DISPATCH, VIRGINIAN-PILOT [NORFOLK])

Quote ...

"He's sitting up there like Nero while Rome burns, and he's acting like he has no role to play. The governor is the person who has the ability to bring us together."

—**VIRGINIA House Majority Leader H. Morgan Griffith (R) on Gov. Mark Warner's (D) failure to get involved in a heated budget battle in the Legislature.**



GA COURT ISSUES MAPS: Legislative district maps drawn by a federal court in GEORGIA could end up costing many lawmakers their seats — and Democrats their control of the House. The interim maps released by the court last week place 10 senators and 66 House members in districts represented by another current Senator or House member, meaning half of them will be out of a job come November. Included among those pitted against fellow incumbents are Sen. Pres. Pro Tem Eric Johnson (R) and House Majority Leader Jimmy Skipper (D), along with numerous committee chairs. As if that weren't enough to shake up lawmakers, some say that while the court-drawn maps wouldn't do much to alter the Republicans' control over the Senate, the court's House plan doesn't give the Democrats enough "safe" seats to enable them to maintain their majority in that chamber. The court drew up the maps after the General Assembly failed to come up with replacements for maps it approved in 2001 which were declared unconstitutional last month. The same day the court issued its maps, the House finally passed its own plan, the Senate having approved its map weeks ago. But it is unlikely the Legislature's plans will be used instead of the court-drawn maps in the upcoming election because they must be approved by the U.S. Department of Justice — a process that could take months — while the court's maps do not. (ATLANTA JOURNAL-CONSTITUTION, MACON TELEGRAPH)

... unquote

"This is an obscene public relations attempt to undermine the work this body has done...I'm sorry governor, but the gloves is off."

—**VIRGINIA delegate Leo. C Wardrup (R) after Warner called a special session and claimed delegates preferred post-session vacations to staying around to finish the budget.**
(RICHMOND TIMES-DISPATCH)

GOP BENDS RULES IN MD: Republican members of MARYLAND's House of Delegates caused a stir last week when they forced votes on a couple of hot-button issues through the use of rule-bending tactics. Part of an ongoing campaign to stymie the Democrats who control both houses of the General Assembly, the GOP delegates achieved this latest feat by attempting to tack amendments onto a pair of fairly innocuous bills. The first was a bill to allow judges to charge higher fees for performing marriage ceremonies, which Del. Gail H. Bates (R) proposed amending to specify that the state only recognizes marriages between a man and a woman. The other bill concerned commercial driver's licenses and the transportation of hazardous materials, for which Del. Herb McMillan (R) offered an amendment to prohibit the issuance of driver's licenses to illegal immigrants. Both of the proposed amendments were almost identical to bills that had previously been rejected by the House Judiciary Committee, prompting the Demo-

cratic leadership to criticize the GOP for trying to get around traditional House rules. The Republicans countered they had not violated any written rule, and one GOP delegate suggested that the rules seemed to change when it suited Dems. The delegate reminded the House about a rule change in the Senate a few weeks ago which lowered the number of votes needed to end a filibuster. The rule change had been made by Sen. Pres. Thomas V. “Mike” Miller (D) after Republicans had begun to have some success with the delaying tactic. Although both of the GOP’s proposed amendments were soundly defeated in the House, the Republicans succeeded in getting the Democrats on the record on two issues they believe will figure prominently in future elections. The Republicans say they intend to use the tactic to force votes on other issues as well, such as Medicaid coverage of abortions. (BALTIMORE SUN)

POLITICS IN BRIEF: MASSACHUSETTS House leaders proposed a new legislative district map for Boston which they claim increases the number of districts in which black voters are a majority, in accordance with a federal court order. But the plaintiffs who filed the lawsuit over the previous map say the new proposal fails to address the issue of the diminished clout of minority voters in the city (BOSTON GLOBE). • Under a GOP-backed proposal that cleared the ARIZONA Senate last week, residents would be required to show identification before they could vote. The bill, SB 1375, was passed over the protests of Democrats, who say the measure would discourage minorities and the elderly who don’t carry identification from voting. While the bill is expected to pass the House, it may not be signed by Gov. Janet Napolitano (D), given that she vetoed a similar proposal last year (ARIZONA REPUBLIC). • A panel of judges in NEW YORK dismissed a case last week alleging that a legislative district plan drawn by the state Senate in 2002 was racially discriminatory. Sen. Dean G. Skelos (R), a co-chairman of the Legislature’s joint redistricting commission, said the judges ruling left very little room for an appeal (NEW YORK TIMES).

— *Compiled by KOREY CLARK*

Hot Issues

ABORTION: The SOUTH DAKOTA Senate fails by one vote to override a “style and form” veto from Gov. Mike Rounds on HB 1191, a bill that would have virtually banned abortions in the Cowboy State. He had rejected the bill in its original form because he felt it had a technical error that would doom it in the face of promised legal challenges.

Rounds wanted the bill to serve as a national test case to challenge the 1973 Roe v. Wade Supreme Court decision that made abortion legal, but the failure to get his changes approved killed it for the session (ARGUS LEADER, MINNEAPOLIS TRIBUNE). • The **MISSISSIPPI** House overwhelmingly approves a trio of bills affecting abortion, including one that expands state murder laws to cover the intentional killing of an unborn fetus. A second bill would allow health care providers to opt out of helping with abortions if they object on moral grounds, while the third would require physicians to report to state health officials when they treat physical or psychiatric problems caused by abortions. All three move to the Senate (ASSOCIATED PRESS, SUN-HERALD [BILOXI]). • The **FLORIDA** House passes HJR 1, a resolution that would allow Sunshine State voters to decide if underage girls should be required to get parental approval before obtaining an abortion. It moves to the Senate (ORLANDO SENTINEL).



BUSINESS: The **FLORIDA** House feasts on legislation that would prohibit lawsuits against restaurants from being sued by plaintiffs seeking damages for their weight gain. The bill, which passed 112-1, moves to the Senate (PALM BEACH POST). • **NEW JERSEY** Gov. James E. McGreevey (D) signs legislation designed to grant Garden State municipalities more power in determining local development. The so-called “smart-growth” measure will allow towns to funnel growth to areas that have the existing infrastructure to support it (PHILADELPHIA INQUIRER). • The **KENTUCKY** Senate gives its approval to SB 215, legislation that would ban the regulation of broadband Internet service in the Bluegrass State. It moves to the House (COURIER-JOURNAL {LOUISVILLE}) • **IOWA** lawmakers pass a bill that would prohibit insurance companies from renewing or writing policies based on an applicant’s credit score. Senate File 2257 was approved 49-0 on its way to the Hawkeye State House (DES MOINES REGISTER). • An **ARIZONA** Senate committee narrowly OKs HB 2570, a measure that would push “last call” in Grand Canyon State bars back an hour, from 1 a.m. to 2 a.m. It moves to the full Senate (ARIZONA REPUBLIC).

CIVIL RIGHTS: The **VIRGINIA** Senate backs SB 660, a proposal to ban everyone except law enforcement officials from carrying guns, ammunition or other weapons in airport terminals. It moves to Gov. Mark Warner (D) for consid-

eration (ROANOKE TIMES). • A **MINNESOTA** court rules that Gopher State churches can ban guns on church grounds. Churches had sought the ruling after the state approved legislation last year that allowed residents to carry concealed weapons (ST. PAUL PIONEER PRESS).

CRIME & PUNISHMENT: A KENTUCKY

House committee gives the nod to SB 64, a bill that would establish a statewide system designed to prevent suicides in county jails. The legislation now moves to the full House (LEXINGTON HERALD-LEADER). • **UTAH** Gov. Olenes S. Walker (R) signs legislation that takes away the option of a firing squad for executing condemned prisoners. House Bill 180 was amended to honor the wishes of four current death row inmates who have chosen the firing squad as their means of execution (SALT

LAKE TRIBUNE). • The **IOWA** Senate unanimously sanctions a bill that would grant early parole to prisoners suffering from a debilitating illness. The bill, which would also require prisoners who recover to return to jail, moves to the House for further consideration (SIOUX CITY JOURNAL). • A **FLORIDA** House committee unanimously approves a bill that would send people who violate their probation to prison for a minimum of five years. The full House will now begin debate (ST. PETERSBURG TIMES).

EDUCATION: The **COLORADO** House Education Committee narrowly agrees to recommend passage of HB 1375, a bill that would require Centennial State parents to sign a permission slip if they want their children to participate in a class where sexuality is in the curriculum. It moves to the full House (ROCKY MOUNTAIN NEWS). • **WISCONSIN** Gov. Jim Doyle (D) considers SB 230, a bill that would allow the Badger State's 100,000 educators to demand that another person's blood be tested for HIV if they think that person may have exposed them to the virus. Currently only health care and police officials can demand such a test (MILWAUKEE JOURNAL SENTINEL). • A **FLORIDA** House committee approves HB 281, a bill that would create a new state-funded voucher that parents could use to send their kids to the pre-school of their choice. It moves to the full House (ORLANDO SENTINEL).

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 prefiles/intros this week:** 4,964
- **Number of prefiles/intros overall in 2003:** 259,510
- **Number of bills enacted/adopted this week:** 616
- **Number enacted/adopted overall in 2003:** 47,140

— Compiled By GINA HUMMELL
(2003 data current as of 3/15/04
Source: State Net)

time meeting the costs of No Child Left Behind, but that under current fiscal conditions “the burden is intolerable.”

Not so, says U.S. Secty. Of Education Rod Paige. During a recent speech before the National Conference of State Legislatures, Paige said it is unfair to deem NCLB as an unfunded mandate, noting the President’s 2005 budget features \$57.3 billion for education, with a large portion committed to NCLB.

“At more than \$50 billion of federal assistance (for education), and much of it directed at No Child Left Behind,” Paige said, “there is nothing unfunded here.”

But Paige also said he recognizes many states believe NCLB is “under-funded.” He added that NCLB is simply a “framework,” and that the law only mandates that states provide children with “grade level skills.”

But many state lawmakers don’t see it that way. Many conservatives still see NCLB as Washington dictating to them how to run their schools while liberals claim that if the feds want to run the show, they should also pay for the cost of production.

Paige has dispatched aides to several waivering states in an effort to smooth over the situation, while also loosening testing rules for students who are still learning English. He also last week revised teacher requirements for being considered “highly qualified,” a major benefit for rural districts. Whether the majority of states will find this an acceptable solution to their issues with NCLB is yet to be determined.

— *By RICH EHISEN*

Here are some of the bills in regard to
No Child Left Behind being considered
in Legislatures across the country:

AZ	HB 2696	ME	SB 648
MN	HB 2042	MN	SB 1921
NM	HB 513	NM	HM 36
UT	HB 43	VA	HB 337
WI	SR 33	WY	HB 127

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Once around the statehouse lightly

CONFUSE AND CONFOUND. The two slate mailers looked remarkably alike, reports *California Journal*. Both were printed on white card stock with red and blue ink. Both were letter size and folded in half. Both endorsed the election of the same local officials in Sacramento, CALIFORNIA. The consultant on both mailers was the same — Ted Kaptain of Burbank. But the similarity ended there. One mailer was sent to Democrats by “Democrats for Choice.” The other was sent to Republicans by “Citizens for Good Government.” The Democratic mailer endorsed, naturally enough, Democratic candidates; the GOP mailer endorsed Republicans. The slates also made different recommendations on a controversial initiative — Prop. 56, designed to reduce the threshold for passing a state budget from a two-thirds majority to 55%. The Prop. 56 recommendation also was the only item on either mailer marked with an *. And here is the language meant to explain the *: “Not paid for or authorized ballot measures not marked by an *.” Yes, that’s a double negative, and it’s only purpose is to confuse voters. The Republican-leaning “No on 56” campaign paid to trick Democrats into voting against the initiative even though the Democratic Party had endorsed it. And the Democrat-leaning “Yes on 56” campaign paid to trick Republicans into voting for the measure, which most Republicans opposed. No confusion for Ted Kaptain. He profited from both sides.

DOGGONE. One thing is sure in TENNESSEE: city folk aren’t going to tell country folk what’s good for their dogs. As the *Nashville Tennessean* reports, a bill to require that dogs be secured in the back of pick-up trucks was amended into oblivion in committee. The bill was sponsored by a Knoxville Republican, who was unable to get any rural colleagues to go along with the notion. So what had been a strict new requirement now is a recommendation that dog owners not put their animals at risk.

18 AND COUNTING. If HB 956 passes the MISSOURI Senate next week and is signed by the governor, it will make “*Andropogon gerardii*” the state’s official grass. According to the *St. Louis Post-Dispatch*, big bluestem grass will become the Show Me State’s 18th official symbol. Number 19 is right behind — naming an official state dinosaur, which is pending in the Senate as well. Show me, indeed.



NEVER MIND HEALTH CARE. States may be wrestling with how to fund important priorities these days, such as health care for the aged, blind and disabled. But as *The Charleston Gazette* reports, lawmakers in WEST VIRGINIA have set aside \$750,000 for another notoriously underprivileged class of people: professional golfers. The money will go to underwrite the Pete Dye Classic — a professional golf tournament held in the Mountain State. About \$600,000 will be paid in prize money to golfers, while another \$135,000 was allocated as a bribe ... er, enticement ... for the Golf Channel to televise the four-day event. Officials estimate that the tournament generates about \$5 million in revenue for the state. The money comes from a tourism slush fund paid for by the state lottery. Whatever.

ADVICE COLUMN. Here is a piece of advice to the soon-to-be-loved-to-death. If you are white, live in OHIO, earn more than \$30,000 a year and vote as an independent — don't answer your door for the next eight months. As the *Cleveland Plain Dealer* notes, you are a “swing voter” in a swing state. And if you innocently tell someone that you haven't made up your mind between George Bush and John Kerry, you're likely to be buried in mailers, phone calls and e-mails from now until Election Day. Both parties desperately want — need — your vote. The presidency may hinge upon it. Our advice: move to CALIFORNIA or TEXAS, states firmly in one camp or the other, where no one political will bother you.

— BY A.G. BLOCK



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