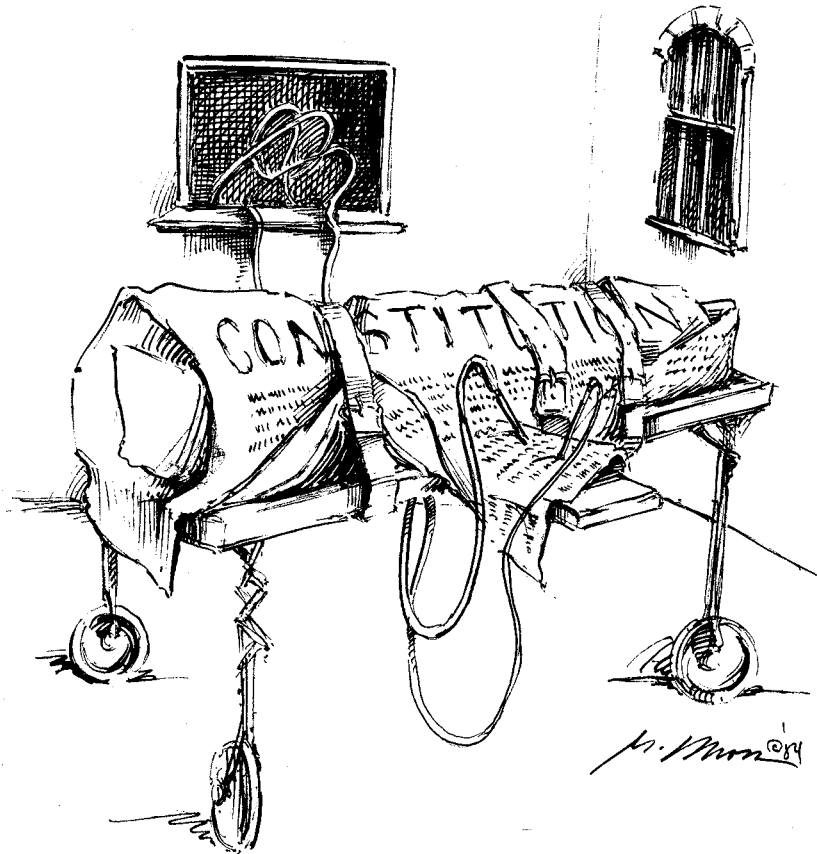


December 6, 2004

## Extreme makeover?



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### Top Story

*Governors learn right away that a state's chief executive job is a grueling 24/7 proposition. So, with most state lawmakers generally elsewhere these days, governors have been making all the headlines.*

## SNCJ Spotlight

*Schwarzenegger, Granholm inspire call to amend Consitution*

**W**hen state legislatures wrap up for the year, harried lawmakers can often take a breather from the hectic pace of being in session and slide under the radar for a while. Not so for governors, who are always on the job. Now with those pesky, scene-stealing lawmakers (mostly) out of the way for a few months, governors across the country are making political hay while they can by

pushing high-profile projects and setting agendas for the upcoming year.

It should surprise nobody that CALIFORNIA Gov. Arnold Schwarzenegger (R) is busy making headlines, although right now it is not so much for anything he has done as for what he might do. Although Schwarzenegger himself is not directly involved, he is definitely at the heart of a growing movement to amend the U.S. Constitution to allow foreign born naturalized citizens — such as he and Canadian-born MICHIGAN Gov. Jennifer Granholm (D) — to become president. One California organization based in the Silicon Valley has even started a Web site, [amendforarnold.org](http://amendforarnold.org), promoting such an amendment. The group has also produced a 30-second television ad to build support for the idea. Although the site is careful to include Granholm in their pitch — the site’s banner reads “Amend for Arnold *and Jen* — the balance of the site’s photos, donation information and merchandise are all exclusively of and for “The Governor.”

While it is easy for cynics to dismiss Web sites and cable TV ads as the brainchild of star struck “Arnold watchers” with too much time and money on their hands, it is less simple to disregard Beltway heavyweights like California Rep. Dana Rohrabacher (R) and UTAH Sen. Orrin Hatch (R), who introduced amendment measures into their respective chambers this year. Neither made it to the floor for discussion before the end of the Congressional session, but each could be reintroduced next year. Rohrabacher was nonplused by the failure, saying during an interview on NBC’s “Today” show that, “If (Schwarzenegger) can help our country, he shouldn’t be cut off simply because he was born somewhere else.”

Granholm has so far deferred speculation on the amendment front, stating repeatedly that while she supports changing the Constitution to allow naturalized citizens to run, she is not interested in seeking the presidency. Whether she would stick to that stance if given the chance to run is anyone’s guess. Schwarzenegger has also deflected the question...sort of. He recently told CNN talk show host Larry King that while he supports changing the rule, he was “not thinking about running for president.” That seems to contradict what he told CBS’s “60 Minutes” just weeks earlier; when asked if he would like to be president, Schwarzenegger said “Yes, absolutely. Why not?”

If California First Lady Maria Shriver has any say, it could be a moot point. In an interview in *Vanity Fair* released last week, Shriver also agreed that the amendment is overdue, but in regard to her 57-year-old husband’s chances,

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

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

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







**GOVS SEEK TRUCE IN JOB WARS:** Democratic Governors from DEL-AWARE, NEW JERSEY and PENNSYLVANIA held a summit last week to discuss plans to bring the three states together in a regional effort to attract jobs. The truce was set up by the Greater Philadelphia Chamber of Commerce’s CEO Council for Growth, which wants the governors to agree to stop trying to poach each other’s leading companies. Chamber leader Mark Schweicker said governments are frustrated with the way corporations in all three states have been playing one state against another to obtain bigger incentive packages to stay or go. “The idea is to fight other regions, not each other. We want the governors to embrace that outlook,” Schweicker said. Acting New Jersey Gov. Richard Codey seemed to take the spirit of the meeting to heart, proposing the three states join together in a joint embryonic stem cell research initiative that would allow them to compete with California’s new voter-approved \$3 billion stem cell program. Pennsylvania Gov. Ed Rendell enthusiastically endorsed the idea, although it would require a change in Keystone State law, which currently bans state investment in stem cell research. Delaware Gov. Ruth Ann Minner did not comment. (STAR LEDGER [NEWARK], PHILADELPHIA INQUIRER)

**BLANCO REACHES OUT TO NEIGHBORS:** LOUISIANA Gov. Kathleen Blanco (D) sent letters to four fellow governors last week asking for their commitment to seek a greater amount of federal oil and gas money from offshore drilling. Blanco has been repeatedly denied in her attempts to gain additional federal dollars for the drilling, which she hopes to use to fund repairs on the Pelican State’s withering coastline. State officials hope Blanco’s letter, which went to TEXAS Gov. Rick Perry (R), ALABAMA Gov. Bob Riley (R), MISSISSIPPI Gov. Haley Barbour (R) and ALASKA Gov. Frank Murkowski (R), will spur those states to jointly propose legislation in Congress that will lead to greater royalties for all of them. (ANCHORAGE DALY NEWS)

**BUSH BRINGS DEATH FIGHT TO HIGH COURT:** FLORIDA Gov. Jeb Bush (R) filed an appeal with the U.S. Supreme Court in an attempt to keep a severely brain-damaged woman alive in spite of her husband’s desire that she be allowed to die. The Sunshine State Supreme Court ruled against Bush in September, saying he overstepped his authority last year when he pushed a law through the Legislature that allowed him to have Terry Schiavo’s feeding tube reinserted. (LOS ANGELES TIMES)

— *Compiled by RICH EHISEN*



### Generosity Index 2004

State	Having Rank	Giving Rank	Rank Relation	Generosity Index
Mississippi	50	5	45	1
Arkansas	47	6	41	2
Oklahoma	43	8	35	3
Louisiana	42	10	32	4
Alabama	38	7	31	5
Tennessee	34	3	31	6
South Dakota	44	14	30	7
Utah	31	2	29	8
South Carolina	40	12	28	9
Idaho	41	20	21	10
Wyoming	21	1	20	11
Texas	23	4	19	12
West Virginia	48	31	17	13
Nebraska	35	19	16	14
North Dakota	46	30	16	15
North Carolina	27	15	12	16
Kansas	25	18	7	17
Florida	20	13	7	18
Georgia	17	11	6	19
Kentucky	39	33	6	20
Montana	49	43	6	21
Missouri	29	24	5	22
New Mexico	45	40	5	23
Alaska	24	21	3	24
Indiana	28	29	-1	25
New York	5	9	-4	26
Iowa	36	44	-8	27
Ohio	32	42	-10	28
California	6	17	-11	29
Maryland	4	16	-12	30
Illinois	10	22	-12	31
Maine	37	50	-13	32
Delaware	13	27	-14	33
Washington	11	25	-14	34
Vermont	33	47	-14	35
Oregon	26	41	-15	36
Hawaii	30	45	-15	37
Virginia	7	23	-16	38
Arizona	22	38	-16	39
Nevada	14	32	-18	40
Pennsylvania	18	36	-18	41
Michigan	16	35	-19	42
Colorado	8	28	-20	43
Connecticut	1	26	-25	44
Minnesota	12	37	-25	45
Wisconsin	19	46	-27	46
New Jersey	2	34	-32	47
Rhode Island	15	49	-34	48
Massachusetts	3	39	-36	49
New Hampshire	9	48	-39	50

Source: Catalogue for Philanthropy

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# Budget & taxes

**B** **USINESS TAX INCENTIVES FACE COURT CHALLENGE:** Tax breaks have long been used by state and local governments to lure big businesses inside their borders in order to create jobs. But a recent federal court ruling is threatening to put an end to that practice. The decision came in connection with a lawsuit brought by a group that included consumer advocate Ralph Nader alleging that a \$280 million state and local tax break granted to DaimlerChrysler AG in 1998 to prevent the auto manufacturer from closing its plant in Toledo, OHIO was illegal “corporate welfare.” Nader’s group lost their initial court battle but the U.S. Appeals Court for the 6th Circuit in Cincinnati ruled in September that the tax plan violated the U.S. Constitution because it altered the free flow of interstate commerce. The decision prompted an immediate appeal by DaimlerChrysler, business groups and government agencies in Ohio as well as MICHIGAN, KENTUCKY and TENNESSEE, the other states under the jurisdiction of the 6th Circuit. National business and labor organizations, including the United Auto Workers union and U.S. Chamber of Commerce, have also begun to mobilize, fearing the ruling could prompt similar decisions in other states. “This is a fundamental challenge to the constitutionality of state-provided tax credits,” said Quentin Riegel, vice president of litigation for the National Association of Manufacturers. “It has tremendous implications for states that want to attract jobs to their communities.” There are currently about 40 states that have utilized incentives like those granted to DaimlerChrysler to attract major employers. The state chambers of commerce in Ohio, Kentucky and Tennessee warn that if the appeals court ruling stands, it “will likely encourage businesses to move operations offshore, where labor costs and lack of regulation produce substantially lower costs.” (WALL STREET JOURNAL)

**AMERICA EXPERIENCING FIRST RESPONDER SHORTAGE:**

America’s ability to respond effectively to another terrorist attack is being compromised by local governments’ financial troubles, warn city officials. They say budget constraints have thinned the ranks of the nation’s first responders — police officers and firefighters. According to the National Fire Protection Association (NFPA), which sets codes and standards for firefighters, at least two-thirds of the country’s fire departments are understaffed. Budget problems have forced closures of stations in some cities, including New York, slowed response times, and reduced crews to ineffective numbers. Police departments haven’t fared



(ORLANDO SENTINEL). • **PENNSYLVANIA** Gov. Ed Rendell (D) vetoed a measure reforming the state’s new slot machine law, most notably eliminating a provision allowing elected officials to own up to 1 percent of a casino or other gaming-related operation. Rendell said that while he supported eliminating the “1 percent loophole,” he opposed some of the measure’s other proposed changes, such as allowing politicians’ family members to hold an interest in a gaming company (PITTSBURGH POST-GAZETTE).

— *Compiled by KOREY CLARK*

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# Politics & Leadership

**CALIFORNIA’S PROP 72 FAILS PASSES FAILS:** A ballot proposition in CALIFORNIA mandating that businesses with 50 or more employees provide health insurance coverage was defeated by a narrow margin on Nov. 2. Or so it seemed. The final county vote tallies received by the secretary of state’s office last Tuesday and posted on its official Web site showed the measure — Proposition 72 — passing with 50.5 percent of the vote. But that result was removed from the site a short time later due to suspicion that the surprise turnaround was simply the result of a reporting error. That, in fact, turned out to be the case. In the process of transmitting its results, San Diego County inadvertently transposed the vote totals for Prop. 72 and another ballot measure — Prop. 60A — that passed by a wide margin. The additional votes were enough to make it appear Prop. 72 had achieved a shocking come-from-behind victory. The corrected figures ultimately showed that the measure was defeated by about 200,000 votes statewide. The comments of Caren Daniels-Meade, a spokeswoman for Secretary of State Kevin Shelley (D), weren’t particularly reassuring, however: “This has happened before in almost every election, in some race in some level,” adding that Prop 72 wasn’t even one of the closest races the secretary of state’s office had been monitoring. The secretary of state has until Dec. 11 to certify the results. (LOS ANGELES TIMES, SAN DIEGO UNION-TRIBUNE)

**RECOUNT NO HELP IN MT:** Last week, election officials in MONTANA’s Lake County conducted a hand recount of votes in an extremely close legislative race that will determine partisan control of the Treasure State House of Representatives. The effort not only failed to produce a winner, but actually sparked a controversy that will likely force the contest into the courts. The initial vote count in

the race for House District 12, certified only two weeks ago, gave Constitution Party candidate Rick Jore a 1,559-1,557 victory over Democrat Jeanne Windham. After last Monday's recount, Jore still held the lead, but his margin had been reduced to a single vote. The discovery of a one-vote discrepancy in the hand count from one precinct, however, necessitated a recount of the recount in that precinct. And the final result: a dead heat, 1,559 votes for Jore and 1,559 for Windham. The outcome of the election now appears to hinge on a dispute over five ballots that went to Jore in the recount. The ballots actually had marks for both Jore and another Republican candidate, Jack Cross, who finished third. But the county election recount board — composed of two Republican commissioners and a Democratic clerk — awarded the votes to Jore because the marks for Cross had been crossed out on the ballots, which the board said clearly indicated the voters' intent. Windham, however, contests that interpretation, pointing out that Cross had run radio ads leading up to the election asking voters to "mark a cross for Jack Cross," and says she'll ask the state Supreme Court to settle the issue. If Windham is successful, the House would be split evenly between Democrats and Republicans. But if Jore prevails, Republicans will control the chamber with a 50-49 majority. (GREAT FALLS TRIBUNE, ASSOCIATED PRESS, BILLINGS GAZETTE, THE MISSOULIAN)

**POLITICS IN BRIEF: ALABAMA** election officials began a statewide recount last week for Amendment 2, a measure to remove segregationist language from the state's constitution, which was narrowly rejected by voters on Nov. 2. Official results should be available this week (ASSOCIATED PRESS, LOS ANGELES TIMES, BIRMINGHAM NEWS). • The **NEVADA** Senate began impeachment proceedings against Controller Kathy Augustine on charges of using state employees on her 2002 re-election campaign. The trial is expected to last 7 to 10 days (LAS VEGAS REVIEW-JOURNAL). • Last Monday, **NEW HAMPSHIRE** Rep. Gene Chandler (R) withdrew his bid for re-election as House speaker. The move came just hours after the legislative Ethics Committee unanimously voted to charge Chandler with failing to report \$64,000 in campaign donations. Chandler will be succeeded by former House Speaker Douglas Scamman Jr., who will take back the gavel after a 14-year hiatus (THE TELEGRAPH [NASHUA], ASSOCIATED PRESS, BOSTON GLOBE). • The U.S. Supreme Court upheld a federal appeals court ruling affirming the constitutionality of **NEW YORK's** new Congressional and legislative district maps. The high court decision stems from a lawsuit brought against Gov. George E. Pataki (R) and the Legislature back in January of 2002 (NEW YORK TIMES). • The U.S. Supreme Court also declined to consider a ruling by the 10th U.S. Circuit Court of Appeals strik-



ing down an Albuquerque, **NEW MEXICO** law imposing caps on political campaign spending. In its decision, the appeals court had cited a 1976 Supreme Court ruling that declared such caps were a violation of free speech rights (ASSOCIATED PRESS, SANTE FE NEW MEXICAN).

— *Compiled by KOREY CLARK*

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## Hot issues

**B** **USINESS:** The **OHIO** House overwhelmingly approves a measure that would establish criminal and civil penalties for spammers. The bill targets people who knowingly use a computer to send five or more spam e-mails, and who try to hide their identity in the process. That violation could become a felony if the volume exceeds 250 messages a day or 2,500 a month. The bill now heads to Gov. Bob Taft (R) (DAYTON DAILY NEWS). • **MICHIGAN** Gov. Jennifer Granholm (D) signs legislation that will allow retailers to sell liquor above what has been a state-set price. The bill does not affect bars and restaurants, which do not have their liquor prices capped (SOUTH BEND TRIBUNE). • **WISCONSIN** Gov. Jim Doyle (D) announces the formation of a statewide effort to bolster entrepreneurship in the Badger State. State commerce officials pledged \$1 million to fund the effort, which will be called the Wisconsin Entrepreneur’s Network (BUSINESS JOURNAL [MILWAUKEE]).

**CRIME & PUNISHMENT:** Law enforcement officials in **NORTH DAKOTA** begin setting up a notification program for “vulnerable” adults, similar to the Amber Alert system established for children. The system, which will include photos, physical descriptions and personal information, was inspired by the kidnaping and sexual assault of a mentally disabled woman (THE FORUM [FARGO]). • The **COLORADO** Dept. of Corrections agrees to loosen restrictions on inmate reading material. The change comes as part of a settlement of a suit brought by the American Civil Liberties Union on behalf of multiple book publishers and prisoners who claimed the state was practicing illegal censorship. The DOC still bans the general population from receiving hate literature and sex offenders from acquiring pornography (DENVER POST). • **PENNSYLVANIA** Gov. Ed Rendell (D) signs SB 92, which broadens the state Megan’s Law to allow information on more than 7,000 registered sex offenders to be placed on a Keystone State Web site. The current site contains information on only 57 offenders. Under the bill, the new site must be completed within six months (PITTSBURGH POST-GAZETTE).



The bill now heads to the full House for consideration before returning to the Senate, which passed the original version last year (CLEVELAND PLAIN DEALER).

**SOCIAL POLICY:** The U.S. Supreme Court refuses to hear a challenge to a **MASSACHUSETTS** law that allows same-sex marriage. Plaintiffs were asking the court to overturn the Bay State law on the grounds that the state's Supreme Judicial Court had overstepped its authority under the U.S. Constitution and usurped the power of the state Legislature. The court declined the case without comment (BOSTON GLOBE). • In contrast, the **LOUISIANA** Supreme Court begins considering whether to uphold the Sept. 18 decision by Pelican State voters to add a ban on same-sex marriage to the state constitution. Plaintiffs contend that a lower court was incorrect in voiding the vote results on the grounds the measure had more than a single purpose (TIMES PICAYUNE [NEW ORLEANS]). • **MICHIGAN** Gov. Jennifer Granholm (D) decides against including benefits for the partners of gay and lesbian state employees. The state had planned to offer the benefits under contracts scheduled to go into effect next week, but Granholm changed direction after voters in November approved a state constitutional amendment that bans same-sex marriage (DETROIT FREE PRESS). • A **CONNECTICUT** court says it is not abuse if parents spank their kids, even if they use a belt and leave bruises. The court recognized a parent's right to "use reasonable physical force" to discipline their child (HARTFORD COURANT).

**POTPOURRI:** The U.S. Census Bureau releases data for 2003 that shows one-third of men and nearly one-quarter of women between the ages of 30 and 34 have never been married, nearly four times the rates in 1970. Data from the Current Population Survey says the age at which someone typically marries for the first time rose from 20.8 for women and 23.2 for men in 1970 to 25.3 and 27.1, respectively, last year. In 1970, only 6 percent of women 30 to 34 had never been married; the figure was 23 percent in 2003. The rate for never-married men in the same age group rose from 9 percent to 33 percent (ASSOCIATED PRESS).

## *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 this week:	297
● Number of 2004 Intros this week:	212
● Number of bills enacted/adopted this week:	102
● Number of 2005 prefiles to date:	3,388
● Number of 2004 Intros to date:	92,944
● Number of enacted/adopted overall in 2004:	26,399
● Total number of measures in State Net database:	89,279

— Compiled By GINA HUMMELL  
(2003-04 data current as of 11/26/04  
Source: State Net)

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# Once around the statehouse lightly

**T**HEY THREW A PARTY, BUT... The brand new CALIFORNIA Legislature came into being last Tuesday. Sworn Senate membership: 20. Sworn Assembly membership: 0. That translates to half the Senate and none of the Assembly. According to the *San Francisco Chronicle*, members elected this past November won't be sworn into office until today, December 6, nearly a one-week gap, but no one seems terribly concerned. One state official says that, should a dire emergency occur, the governor could call a special session where new members would be sworn in and able to act. So, for one week at least, the Legislature is exactly the way Gov. Arnold Schwarzenegger would like it to be: very small and part time.

**INTO THE •@%&• SUNSET.** One of the more colorful characters in CALIFORNIA political history officially left state government on December 1, his term in the Legislature ended. But Democrat John Burton, the former Senate pro tem, held one last press conference in the state Capitol and, typical of Burton, laced his performance with a blend of pathos and profanity. According to *California Journal*, Burton was true to character, his answers to questions well sprinkled with the "f" word. But Burton also was moved to tears when asked why he spent so much of his career trying to help the poor. The crusty former lawmaker choked up when he explained that his work for the poor was a legacy left to him by his father. Consensus among reporters: Johnny, we'll really miss ya.

**OFF COLOR.** If you thought the ILLINOIS Dept. of Public Health would continue to supply free colored and flavored condoms, think again, reports The Associated Press. Gov. Rod Blagojevich last week ordered the department to stop buying the bright and beautiful and stick to the mundane, plain and ordinary. "It's one thing to promote safe sex," says a spokeswoman for the governor. "It's another to encourage sexual activity."

**DEVIL IN THE DETAILS.** When a new governor takes over, the problems and expenses facing a state involve more than ice sculptures at an inaugural, notes State-line.org. Nine new governors will take office in January. That's nine states that must now change the governor's name on every "Welcome to" road sign. And what, pray tell, is NEW JERSEY to do? Gov. James McGreevey resigned and was replaced by Gov. Richard Codey. Left behind by McGreevey: \$100 worth of band-aid dispensers and cupholders bearing McGreevey's name, not to mention 10,000 Garden State travel bro-



chures featuring McGreevey and his family. What to do, what to do? Other states with similar problems include CONNECTICUT, INDIANA, NEW HAMPSHIRE, WEST VIRGINIA, MISSOURI, MONTANA and UTAH. And then, there is WASHINGTON, where the identity of the new governor still is unknown, pending a recount in the closest election in state history.

**PER DIEM.** Former WEST VIRGINIA lawmaker Jerry Mazzatesta thinks the state owes him three days worth of per diem payments — at \$150 a day. He also has asked for \$115 a day in expenses and \$192 for mileage. The three days in question? According to *The Charleston Gazette*, Mazzatesta wants to be paid for the days he spent cleaning out his Charleston office. Oh, he also spent part of the time pleading “no contest” to a criminal charge of altering and destroying legislative computer records, among other acts designed to cover up a violation of state ethics laws. He was placed on 90 days’ probation and fined \$500.

— *By A.G. BLOCK*

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