

Will WA governor vote be tossed aside?

January 1, 2005

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Top Story

It took three counts, but Democrat Christine Gregoire appears set to officially become WASHINGTON's governor. But angry Republicans are crying foul, and the whole election might soon end up in court.

SNCJ Spotlight

Washington governor's race likely headed to court

The twisting, turning Washington gubernatorial race — “Florida West” to some people — could finally be winding down to a conclusion as Gov.-elect Christine Gregoire (D) is slated to be sworn in this week after a final hand recount showed her with 129 more votes than Republican Dino Rossi. But with enraged Republicans crying foul and likely to turn to the courts in an effort to force a state-

wide revote, it might also be simply revving up for the next phase in what has become one of the closest and most highly contentious major elections in U.S. history.

The GOP's main sticking point is a significant discrepancy between county vote tallies and the number of people officially credited with voting in the elections. The presence of as many as 8,500 of these "mystery voters" across five counties has state Republican Party Chairman Chris Vance using the "F" word, saying, "People ask me what fraud would look like? It would look like this."

But elections managers for the five counties — King, Snohomish, Pierce, Clark and Kitsap — say Republicans are vastly overstating the number of votes in question. Dean Logan, elections director for King County, where the vote tally exceeded the number of listed voters by more than 3,500, calls it "sort of the issue du jour," and said "there has been no evidence of voter fraud." Although he certified the election and found no fraud, Secretary of State Sam Reed did say the issue could be used to contest the election, although he also notes that, "You would have to make a point to a judge that it actually made a difference."

But while outright fraud may be hard to prove, there seems to be credible evidence of mistakes in the handling of numerous provisional and absentee ballots, including placing hundreds of ballots that should have been set aside for verification directly and irretrievably into vote-counting machines. The discrepancies inspired one group of Rossi supporters to begin a campaign for a revote, getting at least 10,000 people to sign an Internet petition asking for a new election. Former Gov. Dan Evans, a Republican who held office from 1965 to 1977, offered his support as well, writing an essay for the group's Web site that proposed a special election be held in February that would settle the matter once and for all.

Legal action is not the only course open to angry Republicans, but it is likely the only option with any chance for success. By state law, they can object to the

The Week in Session

Regular Session:

AK, AR, AZ, CA, CO, CT, DC, DE, GA, IA, ID, IL, IN, KS, KY, MA, MD, ME, MI, MN, MO, MS, MT, ND, NE, NH, NY, OH, OR, RI, SC, SD, TN, TX, US, VA, VT, WV, WY

Recess: CT

Special Session: CA "a", MD "a", PA

Currently Prefiling (Drafts for 2005):

AK, AL, AR, AZ, CO, FL, GA, IA, KS, NV, OK, SC, SD, TN, TX, UT, VA, WA, WY

Adjourned:

AK, AL, AZ, CA, CO, CT, DC, DE, FL, GA, HI, IA, ID, IN, KS, KY, LA, MA, MD "2003 session", MD, ME, MI, MN, MO, MS, NC, NE, NH, NM, NY, OH, OK, PA, RI, SC, SD, TN, US, UT, VA, VT, WA, WI, WV, WY

Special Session Adjourned:

AK "a", AL "a", AR "b", CA "a", CA "b", CA "c", CA "d", CA "e", CT "a", CT "b", CT "c", CT "d", DE "a", FL "a", GA "a", IA "b", IL "a-q", KY "a", LA "a", ME "a", ME "b", MS "a", MS "b", MS "c", NC "c", NV "a", NY "a", OH "a", OK "a", OR "a", TX "d", UT "a", UT "b", UT "c", VA "a", VA "b", WA "a", WA "b", WA "c", WI "d", WI "e", WI "f", WI "g", WV "a", WV "b", WV "c", WY "a"

Projected to Adjourn:

DE "c", IL "z", NJ

Letters indicate special/extraordinary sessions

Source: State Net, 1/7/05

Legislature's ratification of the election results prior to Gregoire's swearing in, but with Democrats in solid control of both chambers it is highly unlikely any motion to defer the ratification will get very far. Evans said that is reason enough for Rossi and the GOP to forgo the Legislative angle and pursue the matter in the courts, which they are expected to do this week. (At least two citizens have already filed legal challenges that call for either a revote or to ratify a Rossi victory.) Evans indicated his opinion could change pending how King County handles its 3,500-vote difference, saying "If they can explain that there are no significant errors, in spite of the fact of a close election, it's time to say 'Okay, we'll accept it.'"

Even if the election results are allowed to stand, Gregoire will face significant new challenges in leading a highly polarized electorate in which literally half the voters did not support her. She will also likely have to deal with pressure from the Democratic Party's substantial liberal faction, both in-state and nationally. The \$730,000 it took to pay for the hand recount came almost entirely from the Party's left wing, including \$250,000 each from the MoveOn Political Action Committee, the Democratic National Committee and defeated presidential candidate John Kerry. State Democratic Party Chairman Paul Berendt acknowledged the liberal impact, saying, "We couldn't have done it without liberals from throughout the country."

That support will definitely not translate into a free pass for Gregoire's governorship. Ray Minchew, executive director of Democracy for Washington, the state's version of Howard Dean's ultra-liberal Democracy for America group, says progressives were never excited about her candidacy in the first place, viewing her as the quintessential political animal that too often "ducked the questions" about such liberal benchmark causes as gay marriage and tax reform. But while liberal voters spent the early campaign bemoaning her centrist ways, they were also pleasantly impressed with Gregoire's determination to fight to the last vote, something they say national candidates like Kerry and Al Gore failed to do when they had the chance. Now that she has a stranglehold on the governor's office, progressives fully expect her to remember their help in achieving what those candidates could not and to act accordingly.

Bill Moyer, founder of The Backbone Campaign, a state activist group that has been pushing the Washington Democratic Party leftward, left no doubt what he wants from a Gregoire administration, saying "Gregoire should not expect a honeymoon. If she's smart she'll be consulting with, not alienating, those who defended her right to be governor." Minchew agrees, saying Gregoire "needs to remember that progressives came through for her in her hour of need, and they will want to be acknowledged in her administration and policy guidance." (SEATTLE POST-INTELLIGENCER, SEATTLE TIMES, ASSOCIATED PRESS)

— *Compiled by RICH EHISEN*

Fatalities in crashes involving young drivers, 2003

State	Young drivers	Passengers of young drivers	Occupants of other vehicles	Others	Total Killed
Alabama	92	65	40	15	212
Alaska	11	1	5	1	18
Arizona	69	54	54	9	186
Arkansas	58	30	27	9	124
California	227	256	189	88	810
Colorado	65	42	30	10	147
Connecticut	28	20	6	2	56
Delaware	17	11	5	3	36
Dist. of Columbia	4	1	2	4	11
Florida	249	118	150	80	597
Georgia	140	82	73	24	319
Hawaii	9	8	13	2	32
Idaho	29	17	9	0	55
Illinois	123	109	83	23	338
Indiana	84	61	54	7	206
Iowa	42	28	26	4	100
Kansas	51	38	22	2	113
Kentucky	79	34	39	8	160
Louisiana	88	43	37	16	184
Maine	13	12	11	2	38
Maryland	50	38	28	11	127
Massachusetts	43	27	15	10	95
Michigan	106	57	76	25	264
Minnesota	67	38	37	9	151
Mississippi	71	40	38	8	157
Missouri	130	73	63	15	281
Montana	31	13	5	3	52
Nebraska	31	23	13	1	68
Nevada	27	26	12	10	75
New Hampshire	14	6	2	2	24
New Jersey	43	31	32	17	123
New Mexico	33	43	11	8	95
New York	107	64	52	34	257
North Carolina	136	92	74	16	318
North Dakota	13	7	7	2	29
Ohio	125	80	78	12	295
Oklahoma	50	39	35	6	130
Oregon	40	37	22	3	102
Pennsylvania	157	93	63	23	336
Rhode Island	11	8	5	2	26
South Carolina	82	45	36	8	171
South Dakota	14	17	5	1	37
Tennessee	108	55	42	11	216
Texas	332	219	203	51	805
Utah	37	16	15	7	75
Vermont	11	5	1	1	18
Virginia	81	43	38	12	174
Washington	53	41	26	15	135
W Virginia	32	24	12	3	71
Wisconsin	84	45	56	9	194
Wyoming	10	9	2	2	23

Source: U.S. Department of Transportation, National Highway Traffic Safety Administration

Budget & taxes

BATTLE OVER FUNDING FOR FAITH-BASED GROUPS SHIFTS TO STATES: Thanks largely to President George Bush, “faith-based” organizations received more than \$1 billion in federal assistance for social services programs in 2003. But the Bush administration says that’s not enough, and it wants to make sure states dole out more of the \$40 billion in social services funding they get each year from the federal government to such groups. In the past, religious groups were required to set up independent, secular organizations in order to receive government money. Bush initially tried to get Congress to change that law, but when it refused, the administration instituted the change through its rules process. Civil libertarians say that the change has eroded the separation between church and state, and that the government is basically subsidizing worship. But Jim Towey, director of the White House Office of Faith-Based and Community Initiatives, insists the administration has been very clear that “government money is not to fund religious activities.” Opponents remain unconvinced, however, and say they are looking for an opportunity to challenge the entire faith-based initiative in court. Meanwhile, Bush has met with governors and the White House has hosted several conferences to encourage states to take up the cause. And their efforts appear to be working. According to Towey, 21 governors, including a number of Democrats, have established their own office of faith-based initiatives. (WASHINGTON POST, ASSOCIATED PRESS, POST AND COURIER [CHARLESTON])

COURT RULES ON SCHOOL FUNDING IN KS: Last Monday, the KANSAS Supreme ruled that the state must spend more on its public schools to meet the requirements of its Constitution. How much more, and exactly how to go about it, the high court left up to the Legislature — at least for the time being. “We do not dictate the precise way in which the Legislature must fulfill its constitutional duty,” the justices wrote in their unanimous, unsigned opinion. But they went on to state, “It is clear increased funding will be required.” The justices also urged lawmakers to make sure that funding is distributed equitably, based on actual costs and not “political and other factors not relevant to education.” Republican legislative leaders said it wasn’t yet clear whether the court decision would necessitate a tax increase, but one key Democrat contended, “I don’t know how you get around it.” The justices gave lawmakers until April 12 to come up with a solution. But they made it clear they would settle the issue themselves if it came to that. “The Legislature, by its action or lack thereof in the

2005 session, will dictate what form our final remedy, if necessary, will take,” they said. (KANSAS CITY STAR)

OFFBEAT STATE TAXES: Individuals who want to get a tattoo or a nose ring in ARKANSAS have to pay a tax for the privilege. So do those who wish to ice skate in MASSACHUSETTS. Or flush their toilet in MARYLAND. Those are just a few examples of the odd taxes states have come up with in recent years to help bolster their revenues. The quirky levies are the result of a couple of new economic realities that states face. One is that the U.S. economy has shifted from manufacturing to providing services and state tax systems have failed to keep pace with that transition. In fact, only three states — HAWAII, NEW MEXICO and SOUTH DAKOTA — tax more than half of the services on a list of more than 160 drawn up by the Federation of Tax Administrators. Most states actually tax less than a third of the services. The other modern reality is that these are tax-averse times; it’s much easier for states to impose a service tax that is likely to impact a confined group of people than to, say, raise the income tax. Which largely explains why 20 states have a “jock tax” that targets professional athletes and entertainers when they come to play. (STATELINE.ORG)

BUDGETS IN BRIEF: OREGON is going after buyers and sellers of untaxed cigarettes over the Internet in an effort to recoup the estimated \$20 million in revenue it is losing each year. The state shut down a tax-free cigarette Web site last summer and it is now sending bills to buyers for unpaid cigarette taxes (CORVALLIS GAZETTE-TIMES). • In related news, **NEW YORK** Attorney General Eliot Spitzer has ordered credit-card companies to block orders from tax-free online tobacco dealers. Two Web dealers — Cigs4free.com and 00Taxfree.com/Indiansmokeshops.com — were forced to suspend sales to Empire State residents (NEW YORK POST). • **INDIANA** Gov.-elect Mitch Daniels (R) is considering selling the 157-mile Indiana Toll Road, which spans the entire state, from **ILLINOIS** to **OHIO**, to private interests in order to fund highway construction projects. Daniels got the idea from Chicago Mayor Richard Daley (D), who just leased the Chicago Skyway to a Spanish and Australian consortium for 99 years for \$1.8 billion in cash (CHICAGO SUN-TIMES). • A **MAINE** lawmaker has proposed merging the state’s 16 counties into eight to ease the property tax burden on state residents. While some insiders say the plan is “politically unfeasible,” its author, first-term legislator Rep. Barbara Merrill

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

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

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

(D), believes that with the current public demand for property tax reform, the time may be right for such a sweeping change (BANGOR DAILY NEWS). • **TEXAS** Sen. Florence Shapiro (R), chairwoman of the Senate Education Committee, intends to propose replacing local property taxes with a state property tax to guarantee equal funding for all Lone Star State schools. Because a state property tax is currently prohibited by the state's Constitution, the change would require a two-thirds vote in both houses and ratification by voters (DALLAS MORNING NEWS).

— *Compiled by KOREY CLARK*

Politics & Leadership

HOT ISSUES FOR 2005: All 50 state legislatures will meet in regular session this year. Which means — judging from the predictions of most statehouse-watchers — that more states will simply have an opportunity to struggle with the major issues that vexed lawmakers last year, along with a few new ones.

The 800-pound gorilla for states this year will be Medicaid. The state and federally-funded health care program for the poor and disabled has been growing at four times the rate of every other state expenditure, and 16 states — including ARIZONA, MISSISSIPPI, NEW HAMPSHIRE, NORTH DAKOTA and TEXAS — are already running out of money to pay for the program this fiscal year.

Education funding will be another pressing issue again this session. Several states, most notably, KANSAS, NEW YORK and NEW JERSEY, will have to address court-mandated increases for public schools. (See this week's Budget and Taxes section for the latest on Kansas' situation.) States will also once again grapple with how to cover the costs of complying with the requirements of the federal No Child Left Behind Act.

Many of the legislatures that considered whether to import prescription drugs from Canada last year may pick up this session right where they left off. Twenty-three states debated the issue, and a handful — ILLINOIS, KANSAS, MISSOURI and WISCONSIN — teamed up to create a program that allows their residents to purchase lower-cost drugs from Canada and the United Kingdom, despite opposition from the federal government.

Rising property taxes will also be a major issue in several states, such as IOWA, FLORIDA, MAINE and New Jersey. In addition, many states will again push for Congressional approval to collect sales taxes on Internet purchases, which would bring them billions more in revenue.

Medical malpractice reform is yet another issue that is likely to dominate state legislatures this year. Nearly a dozen states passed laws last year seeking to reign in costly medical malpractice insurance premiums; MARYLAND ended 2004 with a special session on malpractice reform (see “Gov. Scrooge” Playing Politics?” in this section); and voters in CALIFORNIA, COLORADO, FLORIDA and NEVADA approved ballot measures addressing the issue.

One of the more significant new issues this year will be the states’ response to California’s \$3 billion stem cell initiative. States such as CONNECTICUT, Illinois, Maryland, MASSACHUSETTS, New Jersey, New York, and Wisconsin could act to try to prevent a drain on their own biotechnology and research industries.

Finally, for two states, legislative elections will be a major concern. New Jersey and VIRGINIA didn’t hold elections this past November, so lawmakers there will face the voters this year. Virginia will be particularly interesting to watch to see if there is any fallout from last session’s budget standoff and record tax increase. (STATELINE.ORG)

CLOUD OVER CA SESSION: There was an ominous presence at the CALIFORNIA state Capitol when legislators convened their 2005 regular session last week...and it wasn’t the “Governator,” the Golden State’s action-star governor, Arnold Schwarzenegger (R). It was actually the FBI, in Sacramento investigating two state officials: Secretary of State Kevin Shelley (D) and Senate leader Don Perata (D). Few details about the FBI’s activities were available, other than that they are conducting two separate inquiries, one into Perata’s political activities in his home district of Oakland and the other of Shelley’s procurement of government funding for a nonprofit group when he was an assemblyman representing San Francisco.

Political insiders say the Bureau’s presence is a major distraction for lawmakers at a time when they have a lot of tough work to do, including addressing a projected \$8.1 billion budget deficit. Republican campaign consultant Wayne C. Johnson called the investigations “a cloud that hangs over everything.” This isn’t the first experience California legislators have had with the feds, however. In the late 1980s, 14 lawmakers were caught in an FBI sting operation involving payoffs to pass legislation creating a phony shrimp processing plant, which became known as “Shrimpgate.”

Of the two officials at the center of the Bureau’s current investigations, Shelley appears to be in the more precarious position. Not only was he the subject of a report issued last month by the Bureau of State Audits that alleged he used millions of dollars in federal voter education funds to advance his own political career — which will be the focus of a legislative hearing this week — he is also said to have very few friends in Sacramento, even among fellow Democrats. Perata, on the other

hand, has many friends and supporters, including moderate Republicans who value his willingness to compromise, which could help his cause. Some longtime Capitol watchers, though, say the inquiries aren't likely to amount to much, pointing out that repeated investigations of former Assembly Speaker Willie Brown didn't prevent him from serving for three decades. (LOS ANGELES TIMES)

GOV "SCROOGE" PLAYING POLITICS? MARYLAND Gov. Robert L. Ehrlich Jr. (R) wasn't too popular with state legislators when he said "bah hum-bug!" to their Christmas vacation plans and hauled them into a special session last month to reform the state's medical malpractice insurance system before doctors had to pay their 2005 premiums on Jan. 1. The governor didn't do anything to improve that situation when he announced last week that he would veto the reform plan lawmakers came up with. Ehrlich said he objected to the plan because it does not include strict enough caps on jury awards and imposes a 2 percent tax on HMO premiums. "The net result of this exercise is a tax bill," he told reporters.

Lawmakers were outraged by the governor's veto pledge. "He called us into town at a very inconvenient time, to solve a genuine problem, and he is not willing to give an inch," said House Democratic Leader Kumar P. Barve. Senate President Thomas V Mike Miller (D) attributed Ehrlich's actions to his background as a U.S. congressman. "The governor trained for eight years under Newt Gingrich. It was a confrontational style. They were battling with the Clinton administration continuously." Others say Ehrlich is just trying to position himself with voters as an opponent of taxes, in contrast to the Democrats who control the Legislature. "If he comes away with anything positive from this, it's that he has drawn an important political distinction between himself and the Legislature on the issue of taxes," said University of Maryland political science professor James Gimpel. "He understands that one of the only ways Republicans get elected in Maryland is by pointing to the other party as being fiscally irresponsible," Gimpel said. (BALTIMORE SUN, WASHINGTON POST)

POLITICS IN BRIEF: Republicans pulled a fast one in the MONTANA House last week, voting in their own choice for the top leadership post over the preference of the Democrats, who technically hold a majority in the evenly-split chamber because the state's new governor, Brian Schweitzer, is a Democrat. The chamber's 50 Republicans teamed up with three Democrats to elect Rep. Gary Matthews (D) as speaker instead of the Democrats' pick, Rep. Dave Wanzonried (D). The episode is likely a sign of how this year's session is going to go, say observers (MISSOULIAN). • **OKLAHOMA** Supreme Court Justice Marian P. Opala has filed a federal lawsuit against his fellow justices alleging that they dis-



criminated against him. According to Opala, the justices instituted a rule change allowing chief justice Joseph M. Watt to succeed himself, thereby preventing Opala from assuming the post he was entitled to under the court’s rotation process. Opala, who is 83, claims his age was “a significant factor in the discriminatory treatment” (DAILY ARDMOREITE [ARDMORE]).

- **PENNSYLVANIA** Gov. Ed Rendell (D) says he will call a special session next week to deal with public transit funding, unless legislative leaders agree to meet with him this week to try to resolve the issue. Lawmakers are currently not scheduled to return to Harrisburg from their holiday break until Jan. 25 (PITTSBURGH POST-GAZETTE).
- Three **TEXAS** state legislative candidates who are challenging their Nov. 2 election defeats will get hearings before a special House committee the week of Jan. 24. The hearings, which will be open to the public, will be held at the state Capitol (ASSOCIATED PRESS, HOUSTON CHRONICLE).

— Compiled by *KOREY CLARK*

Governors

ROUNDS WANTS SECOND CRACK AT BANNING ABORTION: South Dakota Gov. Mike Rounds is urging lawmakers to pass legislation that would outlaw abortions in the Coyote State. Rounds ultimately wants legislation that would allow him to challenge the 1973 Roe v. Wade Supreme Court decision that made abortion legal in the United States. Last year, the state House of Representatives passed a bill banning abortion, but the measure failed by a single vote in the Senate after lawmakers rejected changes Rounds made in a style and form veto. Rounds vetoed the bill specifically because he felt it would not stand up to legal scrutiny. The governor promised to pass such legislation this year as long as it meets his specifications. (RAPID CITY JOURNAL)

SCHWARZENEGGER OUTLINES YEAR TWO AGENDA: As expected, CALIFORNIA Gov. Arnold Schwarzenegger used his annual State of the State address last week to outline a highly ambitious agenda for his second year in office, one certain to antagonize

Quote...

“I’d like to see Roe v. Wade repealed. I’d like to get legislation in place that could successfully challenge Roe v. Wade and make good law.”

— **SOUTH DAKOTA Gov. Mike Rounds (R) voicing his desire to see the Coyote State Legislature pass a bill that would allow him to challenge the U.S. Supreme Court decision that legalized abortion.**



Gov. Janet Napolitano (D) is urging lawmakers to call a special election this year to weigh in on a proposed state constitutional ban on gay marriage. Supporters of a ban want the issue on the 2006 ballot, which includes elections for governor, every statewide office and one U.S. Senate seat. Critics say Napolitano wants the early election to defray a possible large turnout of conservative voters at a general election (ARIZONA REPUBLIC). • **LOUISIANA** Gov. Kathleen Blanco (D) said her proposal for a new financial deal with the New Orleans Saints and a \$168 million renovation of the Superdome should be roughed out and ready to submit to team owner Tom Benson no later than next week. The deal, which has been in negotiations for months, will seek to eliminate or reduce some of the financial guarantees the state owes the team, asks the Saints to contribute to the Dome overhaul and will rework the lease to keep the National Football League franchise in New Orleans past 2020 (TIMES PICAYUNE [NEW ORLEANS]). • **WISCONSIN** Gov. Jim Doyle (D) and **ILLINOIS** Gov. Rod Blagojevich (D) sent a letter to President Bush last week asking him to discourage Canada from prohibiting Canadian pharmacies from selling their cheaper prescription drugs to Americans. Canadian officials are expected to introduce a plan next month that would restrict the sale of prescription drugs to Americans not living within Canadian borders (CHICAGO SUN-TIMES).

— *Compiled by RICH EHISEN*

Hot issues

B **USINESS: KENTUCKY** Gov. Ernie Fletcher (R) creates two new sports agencies — the Kentucky Sports Authority and the Kentucky Boxing & Wrestling Authority — to help draw sporting events, conventions and a professional sports team to the Bluegrass State. Fletcher simultaneously abolished the Kentucky Athletic Commission, which had drawn criticism for approving a controversial bout involving boxer Mike Tyson last July (COURIER-JOURNAL [LEXINGTON]). • **WISCONSIN** Gov. Jim Doyle (D) announces the creation of the Wisconsin Angel Network, a program intended to pair Badger State entrepreneurs with monied investors. The program is the latest portion of a broader effort to promote economic growth through small-business development (WISCONSIN STATE JOURNAL).

CRIME & PUNISHMENT: The **ARIZONA** Supreme Court agrees to decide whether a Grand Canyon State newspaper can be sued for publishing a letter which suggested that American soldiers in Iraq should respond to attacks by killing Mus-

lims in Tucson mosques. A lower court has already decided to allow a trial in a lawsuit accusing the Tucson Citizen of publishing a letter which was a direct call to violence, speech not protected under the U.S. Constitution (ASSOCIATED PRESS).

EDUCATION: The **KANSAS** Supreme Court rules that the Sunflower State must spend more money on public schools if it hopes to meet the education requirements of the state constitution. The court did not specify how much additional money the state must spend to pass constitutional muster, but it did give the state until April 12 to address the issue or face a solution of the court's making (KANSAS CITY STAR). • **FLORIDA** Gov. Jeb Bush (R) signs a bill that allows Sunshine State 4-year-olds to attend pre-kindergarten classes. The program is voluntary (ORLANDO SENTINEL).

ENVIRONMENT: Six states — **VIRGINIA, MARYLAND, PENNSYLVANIA, NEW YORK, WEST VIRGINIA,** and **DELAWARE** — and the District of Columbia reach agreement with the federal government on a plan to improve sewage treatment in the Chesapeake Bay watershed. The states have agreed to limit the amount of nitrogen and phosphorus that can be discharged from their collection of more than 350 wastewater treatment facilities. It is estimated the new rules will prevent 17.5 million pounds of nitrogen and 1 million pounds of phosphorus from reaching the bay each year (RICHMOND TIMES DISPATCH). • Federal wildlife authorities grant **IDAHO** and **MONTANA** greater authority to manage federally-protected gray wolves. The states and private landowners will now be granted more leeway in curbing wolf attacks on livestock and other domestic animals. The new rule allows ranchers to kill the predators without written approval if they can prove the wolf is harassing livestock. Wolf kill claims must be backed up by physical evidence, such as wounded cattle or sheep (WASHINGTON POST). • A federal court in **CALIFORNIA** bars off-road vehicles from more than half a million acres of Golden State desert land. The decision stems from a lawsuit filed by an environmental group seeking to protect the imperiled desert tortoise. The ban takes effect immediately (SAN FRANCISCO CHRONICLE).

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:	500
● Number of 2004 Intros this week:	94
● Number of bills enacted/adopted this week:	117
● Number of 2005 prefiles to date:	14,220
● Number of 2004 Intros to date:	93,792
● Number of enacted/adopted overall in 2004:	26,671

— Compiled By GINA HUMMELL
(2003-04 data current as of 12/31/04
Source:State Net

the event. Enter Richard Forester, an official with the Topeka Convention and Visitors Bureau. Forester sent an email to media outlets in advance of the news conferences, revealing the slogan in his message. Unfortunately, he forgot to attach an embargo, and the media promptly stomped all over the state's unveiling.

SCREW UP ... LEGAL DEPT. Republicans in OREGON issued an apology last week to Democratic state Sen. Floyd Prozanski — just as Prozanski was preparing to sue the socks off the Republican Party. As The Associated Press reports, last fall, Prozanski was hammered with a campaign hit piece that proved to be a tad bit inaccurate. Seems Republicans accused the Eugene lawmaker of supporting a tax increase and voting to reduce “kicker rebates” during the 2001 legislative session. One problem. Prozanski wasn't in the Legislature in 2001. Republicans hope their public apology helps forestall the lawsuit and greases bipartisan cooperation during the coming session. Wonder if they would have said “sorry” had Prozanski lost?

SCREW UP ... MUSIC DEPT. Apparently, some residents of WISCONSIN still consider “Dixie” to represent a consummate American evil. According to the Appleton Post-Crescent, a high school band from Madison played the former Confederate anthem as part of an “American Trilogy” during a legislative inaugural ceremony last week — and earned the wrath of several black legislators. Never mind that the band also played “All My Trials” and “Battle Hymn of the Republic,” at least one lawmaker filed a written complaint with the Senate majority leader. An apology was issued.

BUT WE'RE SPECIAL. Several years ago, a CALIFORNIA state senator told a crowded hearing room that lawmakers “aren't like other people.” Seems senators in NORTH DAKOTA sought to reaffirm that notion last week when they grumped about a proposal to close a smoking lounge behind the Senate chamber. According to The Associated Press, three Democratic senators requested that the state Labor Commissioner close the lounge, contending that it is wrong to allow lawmakers to smoke inside the Capitol while other state workers are forced to light up outside — a severe penalty during a North Dakota winter. The Labor Commissioner declined the request, claiming she lacks the authority even though state law gives her the clout to restrict workplace smoking. No fool, this commissioner. She depends on the GOP-dominated Legislature for her budget and Republicans are defending the lounge.

