

January 21, 2008

Underage Drinking



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● The next issue of
 Capitol Journal will be
 ● available on February 4th.
 ●

Top Story

Spurred by the threat of losing federal highway funds, states have long made 21 their legal drinking age. But while that policy still has more supporters than detractors, a national effort is brewing to change it to 18.

SNCJ Spotlight

The buzz over the drinking age

Most of us grow up anticipating certain age-related milestones, like being able to drive at 16 or vote at 18. In many states, 18 also used to be the age when you could legally buy and consume alcohol. That privilege, however, has gone the way of the dinosaur. Spurred by the threat of losing 10 percent of their federal highway funds, states began bumping their legal drinking age to 21 in the late 1980s, a limit all states now impose. But

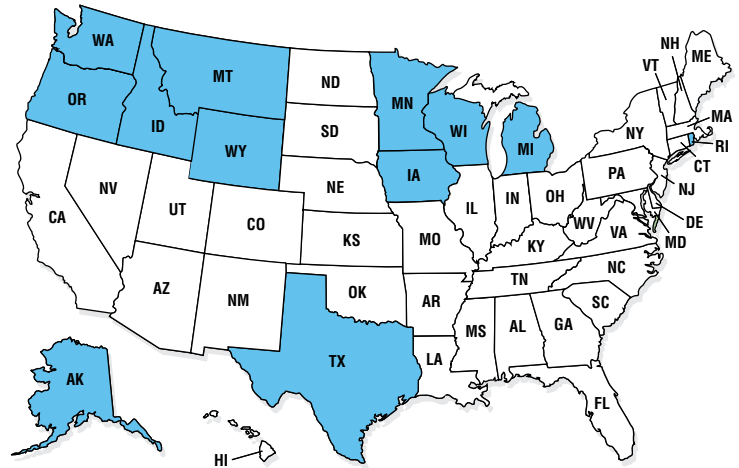
Prompted by MADD and others, President Reagan in 1984 signed the National Minimum Drinking Age Act, a bill requiring “all states to raise their minimum drinking age to 21 within two years or lose a portion of their Federal-aid highway funds.” By 1988, 49 states had complied; LOUISIANA became the 50th in 1995.

But lower drinking age advocates point to numerous studies that show setting the bar at 21 has done little to stem underage boozing. According to a 2005 National Survey on Drug Use and Health, in fact, only one young person in 10 will wait until after their 21st birthday to have their first drink. While the number fluctuates year to year, over 16 percent of total alcohol consumption in the United States is by underage drinkers.

Others also question how effective the law is in preventing traffic fatalities. In 2005, the *American Journal of Public Health* tested the hypothesis that lowering the drinking age leads to increased traffic crash injuries and fatalities among teens. Using data from New Zealand, which dropped its legal drinking age from 20 to 18 in 1999, they compared the numbers of alcohol-involved accident reports from the four years previous to the law change to the four years after. They found the crash rate after lowering the drinking age was 12 percent higher for adult men age 18 to 19 and 14 percent higher for 15-17 year olds. For women, the numbers were 51 percent and 24 percent, respectively.

But Ross Boswell, Chairman of the New Zealand Medical Association, is skeptical of those figures and remains unconvinced. He points to contrary statistics put out by the New Zealand Ministry of Transport, which show that fatal crashes went down 5 percent in the 15-19 age group three years after the law change. In the May 2006 edition of the *New Zealand Medical Journal*, he wrote, “While it is possible that raising the legal purchase age to 20 might have some effect in preventing injury and

Bird's eye view



To catch a drunk driver

WASHINGTON Gov. Christine Gregoire (D) recently urged state lawmakers to allow police to conduct roadside sobriety checkpoints. If that happens, the Evergreen State would become the 39th to approve checkpoints in order to deter motorists from alcohol-impaired driving. But while organizations like the International Association of Chiefs of Police (IACP) and Mothers Against Drunk Driving (MADD) support state checkpoint programs, 12 states have so far resisted them, often contending they violate their state constitutions. Groups like the American Civil Liberties Union (ACLU) also argue that sobriety checkpoints are a violation of the U.S. Constitution's Fourth Amendment, which protects citizens against unreasonable police searches and seizures.



DAKOTA) a letter urging him to introduce legislation to repeal or amend the federal law. In KENTUCKY, Republican Rep. David Floyd has pre-filed legislation that would allow 18-year-old military personnel to legally drink.

In an e-mail, Congressman Tom Petri (R-WISCONSIN) expressed his belief that such issues are best left to the states, asking “Why not let WISCONSIN or some other state run a pilot program in which the drinking age would automatically go back up if drunk driving deaths increased? I bet my state could make it work.”

Perhaps. But folks like SOUTH DAKOTA’s Pesall are not interested in waiting for that longshot to come in. Pesall needs over 16,000 signatures to put a measure on the Coyote State ballot next April, a tall order but something he is confident he can make happen. “The populist tradition in SOUTH DAKOTA is alive and well,” he says.

— *By Allen Young*

Allen Young is a freelance reporter based in Northern California.

Budget & taxes

MORE SIGNS OF ECONOMIC SLOWDOWN: State tax revenues declined for the first time in four years, according to a new report by the Nelson Rockefeller Institute of Government.

Adjusted for inflation and legislated tax changes, revenues were down 0.6 percent in the July-September quarter of 2007 compared to the same quarter of the year before. The last time such a year-to-year decline occurred was in the July-September quarter of 2003.

The “State Revenue Report” said the states with the largest drops were FLORIDA (6.7 percent), NORTH CAROLINA (6.1), RHODE ISLAND (4.2), NEVADA (4.1), NEW HAMPSHIRE (1.3) and OHIO (0.8).

“While economists differ on whether the nation is entering a recession, there is certainly a slowdown occurring, and state tax revenue may not recover to strong growth rates for the next few quarters,” the report concluded. (STATELINE.ORG, ROCKINST.ORG)

FEDERAL PANEL RECOMMENDS MAJOR GAS TAX HIKE: A commission chartered two years ago by the U.S. Congress released recommendations last Tuesday for how to overhaul the federal transportation funding system, which included increasing the 18.4-cents-per-gallon federal tax on gasoline by as much as 40 cents.

With less than 40 percent of the \$225 billion per year required over the next 50 years to meet the nation’s transportation infrastructure demands currently being

spent, the 12-member panel, established by the 2005 federal transportation law, also urged Congress to impose a federal tax on passenger rail services and states to increase their use of tolling — including on federal Interstates where it is now restricted — and public-private partnerships to build and maintain their roads, bridges and railways. The commission also recommended streamlining the U.S. Department of Transportation and initiating a long-term study of ways to replace the gas tax.

Transportation Secretary Mary Peters was one of three commission members who criticized some of the group’s recommendations. She found fault with the proposed gas-tax hike in particular.

“Raising gas taxes won’t improve traffic congestion, it will only perpetuate our ineffective reliance on fossil-based fuels to fund infrastructure and send more of Americans’ hard-earned money to Washington to be squandered on earmarks and special interest programs,” she said in a written statement. (STATELINE.ORG)

CORZINE PITCHES BONDS TO SELL

TOLLS: As part of his effort to shore up NEW JERSEY’s unsteady finances by sharply raising highway tolls (see “CORZINE PITCHES STEEP TOLL ROAD HIKE” in Jan. 14 issue of *SNCJ*), Gov. Jon Corzine intends to create an independent corporation with the authority to issue up to \$38 billion in bonds. His reasoning is simple: “People

who buy bonds don’t trust governors and state legislators to stick to their word.” And the origins of his frank opinion are twofold: his 25 years as a successful bond trader

at Goldman Sachs and NEW JERSEY’s history of lapsing on fiscal commitments, which helped put the state in its current straights, \$32 billion in debt. The governor said that

without some safeguard against such action in the future, the state would never be able to raise the amount of money needed (NEW YORK TIMES).

“People who buy bonds don’t trust governors and state legislators to stick to their word.”

Upcoming elections

01/17/2008 - 02/07/2008

01/22/2008

New Hampshire Special Election

House Rockingham County District 01 (Candia, Deerfield, Northwood, Nottingham)

01/29/2008

Alabama Special Election

House District 12

Florida Special Primary

House District 32

02/05/2008

California Special Election

Assembly District 55

Kentucky Special Election

House Districts 6 and 95

Senate District 30

Massachusetts Special Primary

House 8th Essex District; 32nd Middlesex District; 7th Bristol District; 23rd Middlesex District

Missouri Special Election

House Districts 158, 65, 16

New Hampshire Special Primary

House Hillsborough Co District 07 (Goffstown, Weare); Rockingham Co District 15 (Hampton)

South Carolina Primary (if necessary)

House District 92

let Capitol Journal



BUDGETS IN BRIEF: The **IDAHO** House Revenue and Tax Committee voted 10-8 to kill an effort to require Internet and catalog companies to collect sales taxes on out-of-state purchases. The plan cleared the committee last year — in part because one of its opponents, Rep. Jim Clark (R), suffered a stroke and missed the vote — but died on the House floor. Evidently, Clark was healthy this year (**IDAHO STATESMAN**). • **MASSACHUSETTS** Gov. Deval Patrick (D) will propose increasing the monthly premiums of about 37,000 of the state’s public employees by 10 percent to shrink the \$1.3 billion hole in the state budget when he unveils his spending plan this week. The governor is also expected to propose reducing the state’s corporate tax rate from 9.5 percent to 8.3 percent to draw support from the business community and jumpstart his stalled plan to close corporate tax loopholes (**BOSTON GLOBE**). • **MINNESOTA** Gov. Tim Pawlenty (R) proposed spending \$225 million to replace 600 bridges across the state as part of a \$1 billion public works program. While the governor called the plan “a historic commitment to local bridges,” Sen. Keith Langseth (DFL) said it was merely an attempt by the governor to “cover up” his failure to prevent the Interstate 35W bridge disaster from happening in the first place and his subsequent vetoes of two gas tax measures that would have pumped funding into transportation projects (**ST. PAUL PIONEER PRESS**). • **NEW YORK** Gov. Eliot Spitzer (D) proposed spending \$1 billion to bolster flagging upstate local economies last week. The governor insisted the revitalization effort could not be postponed, despite the projected \$4.5 billion budget deficit for 2008-09, and suggested that it might even lead to the same sort of economic renaissance that occurred after the state bailout of New York City in the mid-1970s (**NEWSDAY**). • Fitch Ratings placed **CALIFORNIA**’s bond rating of “A+” — already one of the lowest in the nation — on “negative watch” last week, believing the state’s budget shortfall may end up being even larger than the \$14.5 billion projected by the Schwarzenegger administration (**SAN DIEGO UNION-TRIBUNE**). • **MARYLAND** Gov. Martin O’Malley (D) vowed last week to freeze tuition at most of the state’s public colleges for the third year in a row, despite pressure from legislative leaders to enact a tuition increase (**BALTIMORE SUN**).

— *Compiled by KOREY CLARK*

Politics & leadership

DISORDER IN WV SUPREME COURT: Last week, a motion was filed in WEST VIRGINIA seeking the disqualification of Supreme Court Chief Justice Elliott E. Maynard from a case he ruled on in November involving the appeal of a \$50 million jury verdict against major U.S. coal producer Massey Energy.



The motion included photos of Justice Maynard vacationing in the French Riviera with Massey CEO Don L. Blankenship and two female companions in the summer of 2006 — a little more than a year before Maynard voted with the majority 3-2 to overturn the judgment against Massey.

“The attached photographs clearly evidence the appearance of impropriety,” stated the motion, which went on to say that the pictures raise “the specter of corruption or worse.”

The motion was filed by PENNSYLVANIA-based attorney Bruce Stanley, who represents Harman Development Corporation, a mining company that a WEST VIRGINIA jury decided in 2002 had been driven out of business by fraud committed by Massey Energy.

Stanley requested that Justice Maynard withdraw his vote from the Nov. 21 decision and urged the other justices to take “all necessary steps to remove the impact of the specter of bias, impropriety, and the deprivation of any semblance of fairness” if Maynard refused to disqualify himself.

A spokesman for Justice Maynard said that the justice and Blankenship had been vacationing separately in the area and had met “occasionally for meals — lunches and dinners.” He added that both men are “from Mingo County, and they’ve known each other for years.”

That explanation wasn’t much comfort to Hugh M. Caperton, the owner and president of Harman Development.

“To see them laughing when my fate is in the hands of Justice Maynard, it made me angry and sick,” he said.

What made the matter even more galling for Caperton was the timing of the photographs.

“That’s when all the miners take their families to Myrtle Beach and Pigeon Forge, if they can, if they can afford to,” he said, referring to vacation spots on SOUTH CAROLINA’s Atlantic coast and TENNESSEE’s Little Pigeon River, respectively.

“They go camping at the river while the chief justice and Don Blankenship are smiling and frolicking on the French Riviera.”

Caperton also tried and failed to persuade Justice Brent Benjamin — one of the

other two who voted in favor of Massey — to recuse himself from the case because Blankenship had contributed more than \$3 million to his 2004 election campaign.

“It’s really difficult for me to feel there is any justice in the Supreme Court of WEST VIRGINIA,” Caperton said.

Stanley, his lawyer, said he viewed the case as “an opportunity for the court to get its house in order.” (NEW YORK TIMES, PITTSBURGH POST-GAZETTE, ASSOCIATED PRESS)

“It’s really difficult for me to feel there is any justice in the Supreme Court of WEST VIRGINIA.”



US SUPREME COURT UPHOLDS NY JUDICIAL NOMINATING SYSTEM: The U.S. Supreme Court has unanimously rejected a challenge to NEW YORK’s system for selecting nominees to its trial court.

Under that system — which is unique to the Empire State — party members in each Assembly district vote in September of every election year for delegates to judicial nominating conventions held a week or two later in the state’s 12 judicial districts.

A group of voters, failed judicial candidates and Common Cause filed a lawsuit challenging the system in 2004, and two years later a federal appeals court ordered the state to replace it with a direct primary election, arguing that the convention system denied candidates without the backing of party leadership a legitimate chance of making it onto the ballot.

But none of the nine justices could find cause in the relevant case law to question the constitutionality of the judicial convention system.

“None of our cases establishes an individual’s constitutional right to have a ‘fair shot’ at winning the party’s nomination,” Justin Antonin Scalia wrote in his 12-page opinion. He added: “Party conventions, with their attendant ‘smoke-filled rooms’ and domination by party leaders, have long been an accepted manner of selecting party candidates.”

Although there was consensus among the justices about the constitutionality of the convention system, not all of them were exactly enamored with it.

“I think it appropriate to emphasize the distinction between constitutionality and wise policy,” Justice John Paul Stevens wrote in a brief opinion that was signed by Justice David H. Souter. The opinion went on to quote Justice Thurgood Marshall, who said: “The Constitution does not prohibit legislatures from enacting stupid laws.”

“The Constitution does not prohibit legislatures from enacting stupid laws.”

Justices Anthony M. Kennedy and Stephen G. Breyer offered somewhat more constructive criticism: “If NEW YORK statutes for nominating and electing judges do not produce both the perception and the reality of a system committed to the highest ideals of the law, they ought to be changed and to be changed now.” (NEW YORK TIMES)

POLITICS IN BRIEF: As expected, **NEW JERSEY** Gov. Jon Corzine (D) signed the measure approved by the Legislature earlier this month pledging the state’s 15 electoral votes to the presidential candidate who wins the national popular vote, if enough other states to constitute a majority of the electoral college (278 of the 538 total) do the same. **MARYLAND**, with 10 electoral votes, is the only other state that has passed the national popular vote compact into law (ASSOCIATED PRESS, STAR-LEDGER [NEWARK]). • The **KENTUCKY** Senate unanimously passed its first bill of the year, a measure that would do away with runoff elections in



governors' races. Under current Bluegrass State law, a runoff election must be held if a Republican or Democratic gubernatorial candidate fails to obtain 40 percent of the vote in the primary, which nearly happened last May, due to the crowded field in both parties (COURIER-JOURNAL [LOUISVILLE]). • **OHIO** Senate Democrats voted unanimously last week to replace Minority Leader Teresa Fedor with Sen. Ray Miller. The caucus reportedly wanted a change going into the 2008 election (TOLEDO BLADE).

— *Compiled by KOREY CLARK*

Governors

O'MALLEY REJECTS TWO-TIERED ID: Saying his state will comply with the federal Real ID Act, MARYLAND Gov. Martin O'Malley (D) rejected a proposal to issue separate driver's licenses to undocumented immigrants and legal residents. The decision marks a sharp reversal from the state's long-standing policy allowing illegal immigrants to obtain driver's licenses. It came just days after O'Malley's transportation secretary had briefed Old Line State lawmakers on a proposed two-tier system that would have continued that policy. Instead, the governor ordered his administration to scrap that proposal and begin steps to ensure the state would be Real ID compliant by 2010.

The reversal infuriated immigration advocates, who accused O'Malley of political pandering. But the governor said he changed his mind on the licenses because he did not want to "allow MARYLAND to become an island virtually alone on the East Coast" by not requiring proof of legal residence for licenses. (WASHINGTON POST)

SCHWARZENEGGER ENDORSES TERM LIMIT CHANGES:

CALIFORNIA Gov. Arnold Schwarzenegger (R) announced his endorsement of a controversial ballot measure that would alter the state's term-limit law to allow many current lawmakers to run for re-election this fall. Opponents of the measure immediately accused Schwarzenegger, who has long been a proponent of the law, of switching gears as a quid pro quo to Democratic leaders in both legislative chambers who have supported his call for major healthcare reform. Those leaders — Assembly Speaker Fabian Nuñez and Senate Pro Tem Don Perata — would both be termed out under the current statute. Schwarzenegger, who had proclaimed for months that he would only support the term limits measure if Democratic leaders also placed on the ballot a measure that would remove lawmakers' power to draw their own district lines, strongly denied that there is a connection between the two issues. The governor



instead insisted that he has had a change of heart on term limits, which he now says force lawmakers to “become more concerned with campaign cash, endorsements and independent expenditures than public policy.” (LOS ANGELES TIMES)

EXECUTIVE ORDERS: OKLAHOMA Gov. Brad Henry (D) issues EO 2008-01, which enacts a hiring freeze across all agencies of the Sooner State government (STATE NET). • LOUISIANA Gov. Bobby Jindal (R) issues EO BJ 08-01, which orders all cabinet members to fully comply with state financial disclosure laws and to participate in annual ethics training. The order also requires any appointed official who violates state ethics laws to resign his or her post (STATE NET). Still in LOUISIANA, Jindal also issues BJ 08-03, which enacts a statewide government hiring freeze (STATE NET). • ARIZONA Gov. Janet Napolitano (D) issues EO 2008-10, which requires state government agencies to appoint Agency Information Security Officers to oversee data security. Those officers would be charged with protecting workers’ and citizens’ personal information and deploying encryption technology for all information resources deemed confidential (STATE NET).

GOVERNORS IN BRIEF: Congressional Democrats have chosen KANSAS Gov. Kathleen Sebelius (D) to give the Party’s response to President Bush’s State of the Union address on Jan. 28. A Sebelius spokesperson said the governor was not aware she was even under consideration for the job until House Speaker Nancy Pelosi (D-CA) called to tell her (WICHITA EAGLE). • GEORGIA Gov. Sonny Perdue (R) said last week that he wants to add state liaisons at roughly one in four Peach State schools to get parents more involved with their children’s education. Perdue said the parental “recruiters” would be placed at 551 schools with above average truancy rates. Perdue asked lawmakers for \$14.5 million to pay for the program (MACON TELEGRAPH). • MASSACHUSETTS Gov. Deval Patrick (D) has been chosen by Democratic leaders as a co-chairperson of the Platform Committee for this year’s Democratic National Convention. The Committee is charged with charting the course for the national party on issues and policy (BOSTON GLOBE). • NEW MEXICO Gov. Bill Richardson (D) named universal healthcare as his top legislative

In the hopper

At any given time, State Net tracks tens of thousands of bills in all 50 states, the US Congress and the District of Columbia. Here’s a snapshot of what’s in the legislative works:

Number of prefiles last week: 1814

Number of Intros last week: 7726

Number of 2007 Session bills enacted/adopted last week: 99

Number of 2008 Session bills enacted/adopted last week: 253

Number of prefiles to date: 10,462

Number of Intros to date: 18,658

Number of 2007 Session bills enacted/adopted overall to date: 42,350

Number of 2008 Session bills enacted/adopted overall to date: 495

— Compiled By JAMES ROSS
(measures current as of 12/20/2007)
Source: State Net database



priority for 2008. Richardson appealed to lawmakers to support his current proposal, which would phase in health care coverage for the nearly 20 percent of New Mexicans who lack insurance. Only **TEXAS** has a higher rate of uninsured citizens (ALBUQUERQUE TRIBUNE).

— *Compiled by RICH EHISEN*

Hot issues

B **USINESS:** The **WISCONSIN** Senate approves legislation that would raise the state minimum wage from \$6.50 to \$7.25 per hour. The wage would also increase annually based on inflation. The measure moves to the Assembly (JANESVILLE GAZETTE). • MySpace, the nation’s largest social networking Web site, reaches an agreement with the attorneys general of 49 states to enact new safety measures intended to protect users against online sexual predators. MySpace agreed to create and lead a task force to find ways to verify ages and identities online and to separate children’s profiles from those of adults. The company will report back to the AGs on a quarterly basis. **TEXAS** is the only state not to sign on to the agreement (NEW YORK TIMES). • The **GEORGIA** House approves HB 130, legislation that would allow Peach State consumers to freeze their credit reports for a fee. The bill would also mandate that a file be unfrozen within 15 minutes of a consumer’s request to do so — which would be a first in the country — and it would cap fines of credit bureaus at \$10,000. It moves to the full House (ATLANTA JOURNAL CONSTITUTION). • **NEW JERSEY** Gov. Jon Corzine (D) vetoes legislation that would have allowed family members to seek payment for emotional damages in wrongful death suits. Under current Garden State law, damages are based only a person’s economic worth and earning potential (STAR-LEDGER [NEWARK]). • **FLORIDA** insurance officials ban Allstate Insurance Corp. — the nation’s largest publicly traded home and auto insurer — from writing new auto insurance policies in the Sunshine State until the company complies with subpoenas sent by state regulators in October. The state wants documents relating to Allstate’s home-policy underwriting and claims-paying practices (ST. PETERSBURG TIMES). • A **PENNSYLVANIA** Senate committee approves legislation that creates a state mine-safety board that can make regulations without waiting for legislative approval. The bill would also require mine operators, rather than employees, to take responsibility for accidents. It moves to the full Senate (PHILADELPHIA INQUIRER).

CRIME & PUNISHMENT: A **GEORGIA** House panel approves a proposal to make it a felony to raise dogs for fighting, or to host or bet on such fights. It moves



to the full House (MACON TELEGRAPH). • **NEW JERSEY** Gov. Jon Corzine (D) signs legislation that allows local municipalities to use traffic cameras to catch drivers that run stop lights. Offenders will receive a citation in the mail (PHILADELPHIA INQUIRER). • **NEW YORK** lawmakers endorse legislation requiring that most inmates with serious mental illnesses be placed in treatment units rather than be kept in solitary confinement. The measure moves to Gov. Eliot Spitzer (D) for review (ALBANY TIMES UNION).

Upcoming stories

Here are some of the topics you will see covered in upcoming issues of the State Net Capitol Journal:

- **National energy corridors**
- **Retail health clinics**
- **Pharmaceutical gifts to doctors**

EDUCATION: A **KENTUCKY** House committee endorses HB 111, which would allow Bluegrass State universities to issue their own construction bonds as long as they don't use state appropriations to pay them off. Any bonds would still need pre-approval from state lawmakers. The proposal graduates to the full House (COURIER-JOURNAL [LOUISVILLE]). • A **KENTUCKY** House panel approves HB 91, which would require Bluegrass State school districts to develop anti-bullying policies. The measure goes to the full House (LEXINGTON HERALD-LEADER).

ENVIRONMENT: Federal officials say they are inclined to approve the nation's first proposed offshore wind-energy project, which would be located about five miles off the **MASSACHUSETTS** coast. The announcement came after the release of a 2,000-page environmental impact report that indicated the wind farm off Cape Cod would have little lasting impact on wildlife, navigation, and tourism. Final approval is expected later this year or early 2009 (BOSTON GLOBE). • **NEW JERSEY** Gov. Jon Corzine (D) signs legislation that creates a state recycling program for electronics products. Manufacturers will pay an annual \$5,000 fee to fund the program (PHILADELPHIA INQUIRER). • President Bush issues a directive that would exempt the Navy from adhering to a federal court's order to create a 12-nautical-mile, no-sonar zone along the **CALIFORNIA** coast and to post trained lookouts to watch for marine mammals before and during exercises. The directive does not override the court's injunction halting the training. The matter does, however, return to the court for further review (ASSOCIATED PRESS).

HEALTH & SCIENCE: Health officials in **SOUTH CAROLINA** postpone distribution of new magnetic-swipe identification cards for Medicaid recipients after some doctors complained that the system's cost could force them to turn away some patients. The new cards can be swiped through a machine to verify patients' Medicaid eligibility, but doctors have complained that they cannot afford to buy the machines, which cost \$300 to \$600 each, or pay the 30-cent fee incurred each time a card is swiped. Officials say they will delay the cards while they explore other options (CHARLESTON DAILY MAIL).



IMMIGRATION: The federal Immigration and Customs Enforcement agency says it will deport more than 200,000 immigrants this year who are serving time in prisons and jails across the country. The effort is meant to help federal and state prisons reduce the costs of housing those prisoners (NEW YORK TIMES).

SOCIAL POLICY: A MICHIGAN Senate panel endorses a bill that would ban late-term or partial-birth abortions in the Wolverine State. The measure moves to the full Senate (LANSING STATE JOURNAL). • **A GEORGIA** Senate panel endorses a measure that would allow gun owners to leave a firearm in their locked car at work, but only if they have a concealed weapon permit, and only if the property owner agrees. It now shoots off to the full Senate (ATLANTA JOURNAL-CONSTITUTION). • The **TENNESSEE** Senate approves a bill that would allow gun owners with concealed weapons permits to carry their firearms into nightclubs, bars and restaurants that sell alcohol. It fires off now to the House (CHATTANOOGA TIMES FREE PRESS).

POTPOURRI: The **WISCONSIN** Senate approves legislation that would overturn a ban on heated sidewalks, stairs, entrances and pedestrian walkways. The ban was enacted in the 1980s in response to energy shortages the previous decade. It moves to Gov. Jim Doyle (D) for review (USA TODAY). • The **NEBRASKA** Legislature rejects LB 235, a measure that would have allowed Cornhusker State motorcycle riders over age 21 to ride without helmets (LINCOLN JOURNAL STAR).

— *Compiled by RICH EHISEN*

In case you missed it

The winds of change are blowing from Washington D.C. But what, if anything, will the race to put a new president in the White House mean for statehouses and governors? In our Jan. 14 issue, noted Reagan biographer and former White House correspondent Lou Cannon takes a hard look at what this year's presidential race might mean for states.

In case you missed it, the article can be found on our Web site at

http://www.statenet.com/capitol_journal/01-14-2008/html.

Once around the statehouse lightly

NUTZ TO YOU: There has to be a line drawn somewhere. So says VIRGINIA Del. Lionel Spruill, who, as reported by the Associated Press, has introduced HB 1452, a measure to bar Old Dominion drivers from displaying replicas of human genitalia on their vehicles. Spruill says the idea for the measure came from a constituent who complained about a truck bearing a dangling set of plastic testicles from its trailer hitch. Outraged over what he considers a public vulgarity, Spruill quickly whipped up a bill to make such adornments — sold under



brand names like TruckNutz — worthy of a \$250 fine. Although the measure is unlikely to go far, it has already brought joy to at least two sets of observers: headline writers around the world and shops that sell the offending hitch hangers, which are reporting record sales of the plastic privates since Spruill’s bill hit the streets.

SPEAKING OF VULGAR: A word of warning to SOUTH DAKOTA drivers who have those oh-so-cute-and-smart vanity license plates on their cars: their days may be numbered. As the *Sioux Falls Argus Leader* reports, Coyote State officials are strongly leaning toward becoming the first in the nation to ban the rolling word puzzles, ostensibly because they are tired of trying to decipher whether the personalized messages people want to display are offensive. The flap started last year over a plate with the moniker MPEACHW, a reference to impeaching President George W. Bush. State legal wonks eventually ruled that plate to be okay, but frustrated Div. of Motor Vehicles officials now want state lawmakers to let them CRYUNKL on the whole process.

BUT CAN THEY TAX YOUR NUTZ? If you have ever wondered about the taxing authority local CALIFORNIA governments have — and hey, who hasn’t? — the Senate Local Government Committee is the place to go. Clearly bored, a few staffers there recently put together a handy-dandy cheat sheet that shows just how much of said tax collection power each Golden State municipality possesses. As the *Sacramento Bee* notes, some of those powers sound a bit unusual. Govt. Code Sec. 53942, for example, allows counties to hit residents with a \$10 levy for each horse or mule they own. But don’t despair. The tax actually has a worthwhile purpose: to help fund construction and maintenance of riding trails. As one of the staffers who compiled the information declared, however, “Yes, counties can still tax your ass!”

A SLAM DUNK DECISION: When OREGON Sen. Rick Metsger decided his campaign for the Secty. of State job needed a little boost, he knew just where to turn. A former sportscaster who was part of the broadcast team for the Portland Trailblazers’ during their 1977 NBA championship run, Metsger knew that even today, more than 30 years later, nobody is more lionized in the Beaver State than former ‘Blazer Bill Walton, the Hall of Famer who led that team to its only title. As the *Portland Oregonian* reports, phone calls were made and presto, the Big Redhead signed on as Metsger’s honorary campaign manager. The job doesn’t require much — mostly posing for photos and cheering from the sidelines. Which, by the way, sounds a lot like the last few years of the oft-injured Walton’s basketball career.

— By RICH EHISEN



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