

January 21, 2013

## Gun Debate



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### Budget & taxes

5

VA gov pitches radical transportation funding plan

### Politics & leadership

7

Red states getting redder, blue states getting bluer

### Governors

10

Brewer endorses Medicaid expansion

### Bird's eye view

2

### Hot issues

13

### Once around the statehouse lightly

15

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

### Top Story

*A rash of horrific mass shootings has lawmakers at all levels of government primed to take action to help prevent it from happening again. But those actions are heading in vastly different directions.*

## SNCJ Spotlight

### Lawmakers taking vastly different approaches to preventing gun violence

In the aftermath of the mass shooting at Sandy Hook Elementary in Newtown, Connecticut, on Dec. 14 lawmakers at all levels of government pledged actions to help prevent such a horrific act from happening again. But in the five weeks since Sandy Hook, those actions have veered in vastly different directions.



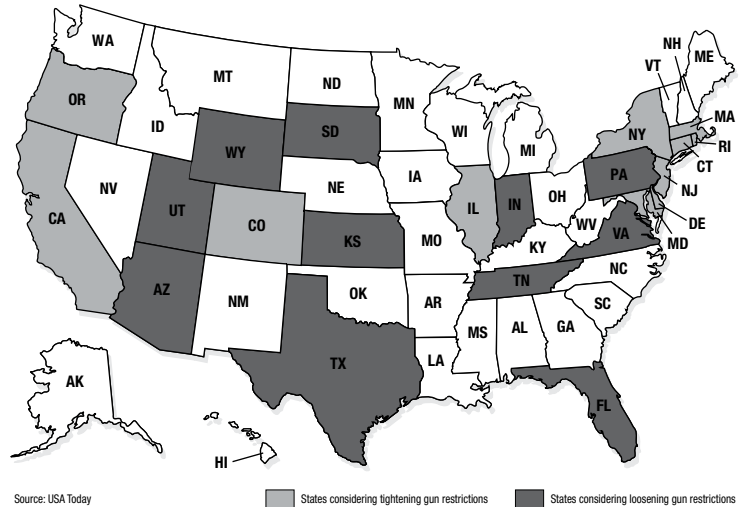
By Rich Ehsen

The issue is emotional — and complex. On one side are gun-control advocates who seek to restrict access to certain kinds of weapons and ammunition. On the other are gun-control opponents who say such restrictions would violate the 2<sup>nd</sup> Amendment and do little to save lives. But there are shadings between the two sides. Some opponents of gun control say that present laws are adequate and just need to be enforced; others have called for training teachers and others in self-defense and allowing them to carry concealed weapons. Still others, following the lead of the National Rifle Association, want armed guards at schools.

Gun-control advocates have different views. Some emphasize barring military-style assault weapons, which are not always easy to define, and restricting high-capacity ammunition clips, generally those which carry more than 10 rounds. Others emphasize extending background checks for all gun buyers. Presently, gun buyers who purchase their weapons at gun shows — an estimated 40 percent of the total — do not have to submit to background checks.

Last week, New York Gov. Andrew Cuomo (D) scored the first major victory for advocates of greater gun restrictions in a state that already has some of the nation's strictest gun control laws. At Cuomo's behest, Empire State lawmakers approved the Secure Ammunition and Firearms Enforcement Act (NY SAFE), sweeping legislation that gives the state what Sen. Jose Peralta (D) called "the toughest assault weapons ban in the country." The law, which Gov. Cuomo signed barely an hour after lawmakers approved it, imposes an immediate ban on semi-automatic rifles, shotguns and pistols that have any kind of "military-style feature" and limits ammunition magazines to seven rounds (down from 10). Older weapons that have previously been allowed will be grandfathered in, but only if the owners register them with the state. Gun owners can alternately sell those weapons within one year as long the sale occurs outside of New York. All gun sales — even among private parties — must now include a background

## Bird's eye view



### Most states not planning gun-control measures

A month after the elementary school shooting in Newtown, Connecticut, only 11 states are planning to consider new restrictions on firearms this year, according to a survey of governors and legislators by USA Today and Gannett news operations. The states are mainly confined to the Northeast and West coast, where some of the nation's strongest gun-control laws are already on the books; Colorado, where 12 people were killed in a mass shooting last year, and Illinois are the two exceptions. Lawmakers in several states where support for gun rights is strong are focusing on school safety or mental-health programs instead of gun restrictions, while six states are considering loosening existing gun controls.



check on the purchaser, and the law contains provisions meant to keep mentally ill people from obtaining guns at all. Finally, the measure includes an automatic life-without-parole element for anyone who shoots and kills an emergency first responder.

At a post-signing news conference, Cuomo lauded the measure, calling it “a gun control measure....that actually exercises common sense.”

“I am proud to be part of this government, not just because New York has the first bill, but because New York has the best bill,” he told reporters.

Gun advocates were far less enthralled. In a statement, the National Rifle Association called the measure “Draconian” and accused Cuomo and lawmakers of orchestrating “a secretive end-run around the legislative and democratic process and passed sweeping anti-gun measures with no committee hearings and no public input.”

Assemblyman Steve Katz (R) also railed against the measure, accusing the governor of unduly pressuring lawmakers to pass it in order to serve his own future political aspirations. Katz told reporters the bill was “solely due to the governor’s misguided, egotistic notion that this will advance his presidential aspirations.”

Their dismay grew worse a few days later when President Obama released his own gun control proposal, a broad \$500 million package of proposed legislation and executive directives that comprise the largest federal gun control effort in almost two decades.

Some of the president’s legislative proposals mirrored the New York law, including a call for mandatory background checks on all gun sales and a limit on ammo magazines, though his proposal would allow magazines with up to 10 rounds. He also called on Congress to renew a federal ban on assault weapons that expired in 2004, to increase penalties against “straw buyers” that pass background checks in order to buy guns for another person and bar the possession of armor piercing bullets by anyone other than police and military personnel.

Anticipating that his proposals will struggle getting through a highly fractured, hyper-partisan Congress, President Obama also issued 23 executive orders focused on improving federal and state data sharing for background checks and maximizing enforcement of laws already on the books. At least four of his orders also directly address mental health, including one to clarify for state health officials the exact scope of mental health services their Medicaid plans must cover. The president also ordered that a letter be sent to health care providers nationwide reminding them that federal law does not bar them from reporting threats of violence to law enforcement authorities, nor does the Affordable Care Act prevent them from asking their patients about guns they might have in their homes.

## Upcoming stories

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

- **Pharmacy regulation**
- **Fracking**
- **Medicaid**

Another directive would provide \$150 million to school districts and law enforcement agencies to hire psychologists, social workers, counselors and school resource officers (police officers assigned to elementary, middle and high schools).

But many state lawmakers have already issued their own proposals to increase safety in schools. Some of those, such as Tennessee HB 6, Oklahoma HB 1062 and Missouri HB 70, would allow teachers with valid carry permits to bring their weapons into their classrooms. South Carolina, South Dakota, Minnesota, Florida, Alabama and Arizona are among states where lawmakers have proposed or have said they plan to introduce similar bills.

Those plans have so far drawn a mixed reaction from teachers and parents. In the days after Sandy Hook, for instance, gun training courses for teachers in Ohio, Utah and Texas drew hundreds of participants. Many national and state teacher unions and many parent teacher groups, meanwhile, oppose such measures.

Georgia Rep. Paul Battles (R) is also not in favor of arming classroom teachers. Battles has introduced HB 35, which would allow the Peach State's 179 public school systems the choice of designating one or more administrators in each school to carry a gun on campus, on school buses and at school-sanctioned events. In an interview

with *SN CJ*, he said that person would have to undergo standard police training, be certified "in the exact same manner as a police officer" and be recertified each year.

Battles, who says his wife was a teacher and administrator for 30 years, never really considered arming teachers as a first option.

"In a situation with a gunman coming into a school, a teacher's responsibility is to get their

kids to safety, not to confront a shooter," he says.

Battles noted that under his bill schools would not be required to have armed personnel if they chose not to. He says he specifically wanted schools to be able to designate someone already on their payroll to avoid the costs of hiring a new employee. While the funding the president has offered will help, Battles says, it is far from a permanent solution for schools who want to have on-site security.

"That figure, \$150 million, sounds like a lot of money, but when you spread it around to every school system in the country, it isn't very much at all," he says.

Many other state proposals are in the works as well, with most generally falling along party lines. Democratic governors in Maryland, Massachusetts, Delaware, Illinois, Colorado and Connecticut have voiced intentions to seek tighter gun controls in their states. California Assemblymember Nancy Skinner (D), for instance, has introduced a bill (AB 48) that would regulate ammunition in the same manner as guns. Lawmakers in Arizona and Oregon are among several expected to seek a ban on high capacity ammunition clips, while New Jersey Assemblymember Angelica

**"In a situation with a gunman coming into a school, a teacher's responsibility is to get their kids to safety, not to confront a shooter."**

Jimenez (D) has introduced legislation (AB 3676) that would require gun buyers to show the results of a mental health examination before they could purchase a weapon. Police would also have to inspect the buyer's home to ensure that children and others would not have access to the gun.

In contrast, Virginia Gov. Robert McDonnell (R) has voiced support for arming Old Dominion teachers, while Louisiana's Gov. Bobby Jindal (R) has proposed placing mentally ill Pelican State residents into a federal database to be used in gun purchase background checks. Gov. Jindal, however, criticized President Obama's plan, accusing the president of "undermining the Second Amendment." Most other GOP governors have said they will not support new laws that seek to restrict guns or ammunition.

There are some exceptions. Michigan Gov. Rick Snyder (R) has vetoed legislation (SB 59), which would have allowed concealed carry permit holders to bring weapons into Wolverine State schools. Florida Gov. Rick Scott (R), whose daughter is a teacher, also recently told the *Miami Herald* he was open to examining the Sunshine State's gun laws. He did not elaborate further.

Reinstating the federal ban on assault weapons that expired in 2004 is likely to be an uphill battle in Congress, which is already facing epic battles over the nation's debt ceiling and mandatory spending cuts and will soon be called upon to deal with the Obama administration's pending immigration reform bill, certain to be controversial. But the administration has hinted that it will break the president's gun-control proposals into smaller, more digestible bills. Polls show overwhelming public support, even among opponents of other gun-control measures, for requiring all gun purchasers to undergo a background check.

Even so, says Laura Cutilletta of the Law Center to Prevent Gun Violence in San Francisco, states are likely to be at the epicenter of gun legislation happens this year. She is a strong supporter of the president's call to renew the federal assault weapons ban, but is not optimistic it will happen. That, she says, leaves the onus on states.

"It's typical that states have to step in and pass their own gun laws because it is just so hard at the federal level," she says. "States are not just sitting back and waiting. They are proactively introducing their own bills. We're hoping we get a federal [assault weapons] bill, but if not states really have no choice but to take action themselves."

## Upcoming elections

(1/17/2013 - 2/7/2013)

01/22/2013

### **Iowa Special Election**

House District 52

### **Kentucky Special Election**

House District 52

01/26/2013

### **Texas Special Election**

Senate District 6

01/29/2013

### **Alabama Special Primary**

Senate District 35

02/05/2013

### **Georgia Special Election**

House District 71

02/05/2013

### **Georgia Special Runoff**

House District 21

Senate District 11

### **Mississippi Special Election**

Senate District 28

— By RICH EHISEN

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# Budget & taxes

**V**A GOV PITCHES RADICAL TRANSPORTATION FUNDING PLAN: Virginia Gov. Bob McDonnell (R) proposed a radical plan this month to address his state's transportation funding shortage: replacing the state's gas tax, a shrinking revenue stream, with an increase in the sales tax, a revenue stream that is immune to improving fuel economies, alternative energy vehicles and inflation.

The proposal, which would raise Virginia's sales tax from 5 percent to 5.8 percent and make it the only state in the Union without its own gas tax, wasn't particularly well received by the transportation world.

"It's a little bit off-the-wall," said Greg Cohen, president of the American Highway Users Alliance. "The best thing about it is, it does raise money."

According to projections, the plan would raise \$3.1 billion over five years.

Ron Utt, a transportation writer formerly with the conservative Heritage Foundation, pointed out that under the plan, out-of-state drivers passing through Virginia wouldn't have to pay the state to use its roads, while elderly residents who don't drive would.

"Unless they stop and buy a new suit or some lawn furniture or something like that, they will henceforth escape the responsibility of paying for the roads that they use," he said.

Environmentalists, meanwhile, said the plan would remove an important incentive for people to drive less and purchase fuel-efficient vehicles.

"When you go to a sales tax, you completely ignore the impact that consumers of gasoline have on the environment and also the transportation system," said Glen Besa, director of the Virginia Chapter of the Sierra Club. (HAMPTON ROADS.COM)

**CA DEFICIT-FREE BUT NOT DEBT-FREE:** California Gov. Jerry Brown (D) declared this month that for the first time since the start of the recession, the Golden State doesn't face a budget deficit. But the state's fiscal troubles are far from over. It still faces billions of dollars in debt it has racked up in recent years.

When Brown unveiled his 2013-14 budget proposal a couple of weeks ago, he presented a timeline for knocking down that "wall of debt" and repaying the \$28 billion the state owes to government programs it raided or denied funding during the recession and the bonds it sold to balance the budget.

But some budget experts, state agencies and think tanks say the state's wall of debt is far higher than \$28 billion. The governor's repayment plan, they say, fails to fully address what the state owes to Wall Street and current and future public retirees.

"If we just ignore these longer-term pressures, we're going to be back in the soup soon," said Mike Genest, budget director for former Gov. Arnold Schwarzenegger.

The state treasurer's office has estimated that to pay back the money the state borrowed from Wall Street each resident would have to chip in \$2,559. By contrast, Texas' per-resident debt burden is just \$588.

Closing the state's unfunded pension gap would cost each Californian even more, \$3,635 apiece, according to the State Budget Crisis Task Force, a New York-based bipartisan think tank. And covering the cost of retiree healthcare might add another couple of thousand dollars to that bill.

Consequently, although Genest thinks the state's fiscal health has certainly improved from the darkest days of the recession, he said, "We can't jump for joy." (LOS ANGELES TIMES)

**BUDGETS IN BRIEF:** The administration of **CALIFORNIA** Gov. Jerry Brown (D) lowered its estimate of how much revenue the state would receive from Facebook's IPO in the three years ending in June 2014 by nearly a third, from \$1.9 billion to \$1.3 billion. The company's share price has fallen 21 percent from its initial price of \$38 per share (WALL STREET JOURNAL). • **PENNSYLVANIA** governments may have collected \$303 million less in gas well impact fees in 2012 than they were entitled to because state regulators undercounted the number of wells subject to the fees by 15,000 to 25,000. The miscount was reportedly due to database errors and the failure to include unconventional wells (MCALL.COM). • In his State of the Commonwealth speech last week, **MASSACHUSETTS** Gov. Deval Patrick (D) proposed hiking the state income tax and slashing the sales tax to provide funding for a major expansion of the state's transportation system (BOSTON GLOBE, STATE NET). • The Miami Dolphins have drafted legislation (HB 165 and SB 306) that would give **FLORIDA** sports teams \$3 million in state money each year to improve older stadiums, as long as the team covers at least half the cost of major renovations (MIAMI HERALD, SOUTH FLORIDA BUSINESS JOURNAL, STATE NET).

— *Compiled by KOREY CLARK*

# Politics & leadership

**RED STATES GETTING REDDER, BLUE STATES BLUER:** The states' elected representatives in Washington have become so ideologically entrenched that every effort at national policymaking is a trial. The states themselves appear to be aligning along those same political poles, but political observers disagree on whether or not that's a bad thing.

Signs of a pole-ward shift were evident in last year's state legislative elections. As a result of those contests, 2013 began with one party controlling both chambers of the

legislature in 43 states and both the legislature and governorship in 37 states, according to the National Conference of State Legislatures. In addition, veto-proof majorities were handed to one party or the other in seven states, bringing the net number to 25, the most in at least a decade.

“Usually, a partisan tide helps the same party across the country, but what we saw in this past election was the opposite of that — some states getting bluer and some states getting redder,” said Thad Kousser, an associate professor of political science at the University of California, San Diego. As result, he said, “we’ll see increasing policy divergence across the states.”

That certainly seemed to be the case following the school shootings in Newtown, Connecticut. Lawmakers in red states like Missouri and Tennessee immediately called for arming school personnel, while those in blue states like California spoke of tightening restrictions on guns and ammunition.

“It’s magnified in the moment, but I expect red states will vote to expand gun rights and the blue states will seek to enact gun control legislation,” said Scott Melzer, an associate professor of sociology at Albion College in Michigan.

The same pattern has emerged with other recent issues, such as federal health reform.

“There are fewer of those crosscutting issues where you’re enemies one day and friends the next,” said Bill Bishop, editor of *The Daily Yonder*, which reports on rural issues. “It will further reinforce the movement of people to get in their tribes.”

Bishop wrote of Americans’ growing inclination to live among people who think like they do politically in his book, *The Big Sort*. In it he says that in 1976 just over a quarter of all Americans lived in counties where a presidential candidate won by a landslide — a margin of at least 20 percent — but now, over half of Americans reside in such counties.

Whit Ayres, a Republican consultant, doesn’t have a problem with that trend. He said the political culture in a state like Alabama is very different from that of a state like Oregon and it’s “perfectly reasonable” for public policy to reflect that difference.

And with Washington in partisan gridlock, says Lara Brown, a political scientist at Villanova University, it might not be such a bad thing for states to address issues as they choose.

“All our people’s diversity of beliefs may end up better expressed and realized,” she said.

## 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: 1,841**

**Number of Intros last week: 8,571**

**Number of Enacted/Adopted last week: 311**

**Number of 2013 Prefiles to date: 14036**

**Number of 2013 Intros to date: 19,975**

**Number of 2013 Session Enacted/Adopted overall to date: 1,241**

**Number of bills currently in State Net Database: 115,494**

— Compiled By FELICIA CARRILLO  
(measures current as of 1/17/2013)  
Source: State Net database



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But Elizabeth Theiss-Morse, chair of the political science department at the University of Nebraska, suggests that constant disagreement at the state level about how to handle issues may just make it harder to forge compromise at the national level.

“What we increasingly see in politics and government is that it’s a zero-sum game — that one side wins and the other side loses,” she said. “It’s this view that if the other side gets anything, then we’ve lost.” (NATIONAL PUBLIC RADIO, ASSOCIATED PRESS, STATE NET, GOVERNING, NATIONAL CONFERENCE OF STATE LEGISLATURES)

**WHITE HOUSE SNUBS SECESSIONISTS:** The 125,746 Texans who signed an online petition calling on the Obama administration to “peacefully grant the state of Texas the right to withdraw from the United States of America and create its own new government” received an official response from the White House earlier this month: No.

“Free and open debate is what makes this country work,” director of the White House Office of Public Engagement Jon Carson wrote to the signatories of the Texas petition and those of similar petitions filed for seven other states. “But as much as we value a healthy debate, we don’t let that debate tear us apart.”

Carson went on to say the founding fathers enshrined in the Constitution “the right to change our national government through the power of the ballot — a right that generations of Americans have fought to secure for all. But they did not provide a right to walk away from it.”

Texas House Speaker Joe Straus III (R) doesn’t seem inclined to pursue the matter, at least this year.

“Our economy is so vast and diverse that if Texas were its own country — and no, don’t worry, that isn’t something we’re going to do this session — but if we were, we’d be the 14th-largest economy in the world,” he said in an opening-day speech to his fellow lawmakers.

But supporters of Texas’ secessionist movement, which has actually been simmering for decades but came to a full boil following the re-election of President Obama, did at least get an audience with the state’s lieutenant governor, David Dewhurst (R).

“We had a lengthy discussion about the U.S. Constitution, the Texas Constitution and the future of Texas,” said Daniel Miller, president of the Texas Nationalist Movement. “He was cordial and engaging on the issues with which we are concerned.”

Secession petitioners in Texas, as well as South Carolina, North Carolina, Alabama, Tennessee, Georgia, Florida and Louisiana, may also find some consolation in the fact that the official remarks from the White House were directed not only at them but also at the 29,650 petitioners calling on the Obama administration to “deport everyone that signed a petition to withdraw their state from the United States of America.” (NEW YORK TIMES)

## CO AND WA NEIGHBORS WORRIED

**ABOUT LEGALIZED POT:** President Obama said last month that his administration had “bigger fish to fry” than chasing down marijuana smokers in Colorado and Washington, where voters legalized recreational use of the drug in November. That wasn’t comforting news to law enforcement officials in neighboring states.

“Everyone is aware of the possibility that you could have an increase [in cross-border traffic], especially for some of our counties on the border of Colorado,” said Lt. Josh Kellerman, a spokesman for the Kansas Highway Patrol.

Tom Gorman, director of the Denver-based drug-policy group Rocky Mountain High Intensity Drug Trafficking Area, predicts that marijuana trafficking out of Colorado and Washington will definitely increase.

“The retail marijuana stores will be in business to make as much of a profit as possible,” he said. “That means selling as much marijuana as they can to the largest number of people as they can.”

But Beau Kilmer, co-director of the RAND Drug Policy Research Center, said the amount of cross-border trafficking out of the two states will largely depend on the regulations those states impose on marijuana producers.

“The decisions they make about how many producers to allow and what type of production to allow will really shape what the market will look like and shape this whole discussion of diversion” over borders, he said. “Are they going to allow four producers, or 400?”

He said the response of neighboring states will also help determine the cross-border flow of the drug.

“Does Wyoming on Friday and Saturday nights increase Highway Patrol on the border?” Kilmer asked. (USA TODAY)

**POLITICS IN BRIEF:** George Prescott Bush has filed paperwork to run for **TEXAS** land commissioner — traditionally, a steppingstone to higher office — next year. The 36-year-old Fort Worth attorney is the son of former **FLORIDA** Gov. Jeb Bush, nephew of former President George W. Bush and grandson of former President George H.W. Bush (ASSOCIATED PRESS, SAN ANTONIO EXPRESS-NEWS). • The **TENNESSEE** House has imposed a 15-bill cap on the number of bills members can file each year. Deputy Speaker Steve McDaniel (R) said the rule would help speed up the state’s legislative process and save the taxpayers money (CHATTANOOGA TIMES FREE PRESS).

## The week in session

**States in Regular Session:** AK, AR, AZ, CA, CO, CT, DC, DE, GA, HI, IA, ID, IL, IN, KS, MA, MD, ME, MI, MN, MO, MS, MT, ND, NE, NH, NJ, NM, NY, OH, PA, PR, RI, SC, SD, TX, US, VA, VT, WA, WI, WY

**States in Recess:** FL, NC, NJ, OK, OR, KY, WV

**Upcoming Regular Sessions:** AL, LA, NV, OK, UT

**States Currently Prefiling or Drafting for 2013:** AL, NV, OK, UT

**State Special Sessions Adjourned in 2013:** CT “c”, DC, DE, DE “a”, DE “b”, DE “c”, DE “a”, IL, IL “a”, MA, MI, NJ “a”, NY, NY “a”, OH, OR “a”, PA, PR, PR “b”, PR “c”, PR “d”, PR “e”, RI, US, VA “a”, WI “b”

Letters indicate special/extraordinary sessions

— Compiled By FELICIA CARRILLO  
(session information current as of 11/17/2013)  
Source: State Net database

— Compiled by KOREY CLARK

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# Governors

**BREWER ENDORSES MEDICAID EXPANSION:** Arizona Gov. Jan Brewer (R) announced she will push to expand the state's Medicaid program to take advantage of subsidies available under the federal Affordable Care Act. The announcement marked a significant turnaround for Gov. Brewer, who has been a devout opponent of the law since its inception.

Brewer acknowledged her long-time opposition to the law, noting she had participated in a federal lawsuit seeking to overturn it. But she said that with the Supreme Court's decision to uphold the law, coupled with Democrats retaining control of the White House and Senate, it was time to accept the law and move forward.

The Supreme Court upheld the law last year, but it overturned a tenet of the bill that required states to expand their Medicaid rolls to anyone at 138 percent of the federal poverty level. Justices instead made the expansion voluntary. Since then, most GOP-led states have declined to go along with the expansion. But Brewer said not accepting the federal funding that comes along with the expansion — 100 percent for three years before gradually dropping to 90 percent by 2020 — was not in the state's best interests.

"Saying 'no' to this plan would not save these federal dollars from being spent or direct them to deficit reduction," she said during her annual State of the State address. "No, Arizona's tax dollars would simply be passed to another state."

The governor's office said the state stands to receive \$1.6 billion in additional Medicaid funds, enough to maintain current coverage for 50,000 childless adults as well as an additional 240,000 new enrollees.

Not going along with the expansion would also help the state pay for costs already being incurred by poor residents who seek care without insurance.

"With this move, we will secure a federal revenue stream to cover the costs of the uninsured who already show up in our doctor's offices and emergency rooms," she said.

The governor must now convince her fellow Republicans in the Legislature to go along with her. She is the third GOP governor in recent weeks — after New Mexico Gov. Susana Martinez and Nevada Gov. Brian Sandoval — to announce they would go along with the Medicaid expansion. (LOS ANGELES TIMES, ARIZONA REPUBLIC, EAST VALLEY TRIBUNE [MESA], STATELINE.ORG)

**O'MALLEY CALLS FOR END TO DEATH PENALTY:** Saying capital punishment is "expensive and does not work," Maryland Gov. Martin O'Malley (D) announced he will sponsor legislation this year to abolish the death penalty in the Old Line State. He made it clear he believes he has enough support in the legislature to get the bill approved there.

“I believe there is the will in the Senate. I believe there is the will in the House,” he said.

The measure should also benefit from a promise by Senate President Thomas V. Mike Miller Jr. (D) to allow the bill to be heard on the full Senate floor this year. Previous repeal efforts have died in the Judicial Proceedings Committee before they could go before the full chamber. Miller said he still personally supports the death penalty, but believes the repeal will pass. He cautioned, however, that a voter referendum challenging the repeal is likely to appear on the 2014 ballot.

Gov. O’Malley said that prospect also does not concern him.

“I don’t fear the judgment of the people of Maryland,” he said.

He contends that capital punishment eats up precious resources that could be better utilized in other areas of crime prevention. He also noted that the bulk of the world’s executions take place in five countries: North Korea, Iran, China, Yemen and the United States. In that regard, he said, ending capital punishment is a moral imperative.

“In whose company do we choose to walk forward?” O’Malley asked.

(WASHINGTON POST, BALTIMORE SUN)

## In case you missed it

States emerged outwardly unscathed from the New Year’s Day congressional fix that stopped the economy from tumbling off the fiscal cliff, but numerous questions remain.

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

[http://www.statenet.com/capitol\\_journal/01-14-2013/html/#sncj\\_spotlight](http://www.statenet.com/capitol_journal/01-14-2013/html/#sncj_spotlight)

### **CORBETT ANNOUNCES LOTTERY PRIVATIZATION DEAL:**

Pennsylvania Gov. Tom Corbett (R) announced his administration has reached a deal with a private British firm to take over the Keystone State lottery for the next 20 years. The governor has not signed a contract with the company, Camelot Global Services PA, LLC, but the administration has issued a non-binding “notice of award.” The announcement drew an immediate backlash from Democrats, who questioned why the administration had considered only one proposal from a single bidder. They also questioned a \$30 million fee for consultants on the deal, and how expanding Internet access to the lottery and adding keno games will impact the state’s brick-and-mortar casinos, which provide state residents with property tax relief. The Corbett administration defended the deal, saying it would deliver \$34 billion in revenue to fund state programs that benefit senior citizens. Republicans also have strong majorities in both chambers, making it unlikely Democrats can stop the deal. Rep. Mike Sturla, however, said the deal is sure to spawn litigation. (PHILADELPHIA INQUIRER, PATRIOT-NEWS [HARRISBURG])

**GOVERNORS INN BRIEF: MARYLAND** Gov. Martin O’Malley (D) issues EO 01.01.2012.29, which “allows state agencies that propose capital projects for new state structures or the reconstruction or rehabilitation of substantially damaged state structures for inclusion in the state capital budget (STATE NET). • **TENNESSEE** Gov. Bill Haslam (R) said he will issue a plan for a limited school

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voucher program in the Volunteer State. He said the proposal will focus on the state's lowest performing schools (CHATTANOOGA TIMES FREE PRESS). • **MASSACHUSETTS** Gov. Deval Patrick (D) unveils a wide-ranging education proposal that would, among several things, provide universal access to early education from birth through age 5, fully fund K-12 education and allow for extended school days in high-need schools. Lawmakers will have to approve the plan, which is estimated to cost around \$550 million in its first year and increase to over \$1 billion annually within four years (BLOOMBERG BUSINESSWEEK). • **MISSOURI** Gov. Jay Nixon (D) said he will propose lengthening the Show Me State K-12 school year by six days when he delivers his budget proposal later this month (NEWS TRIBUNE [JEFFERSON CITY]). • **MISSISSIPPI** Gov. Phil Bryant (D) said he would support legislation to ban a woman from having an abortion once a fetal heartbeat has been detected (HATTIESBURG AMERICAN).

— Compiled by RICH EHISEN

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## Hot issues

**B**USINESS: The **NEW JERSEY** Senate approves SB 2425, which would allow local government to call for all union workers when hiring contractors to rebuild highways, bridges, pumping stations and water and sewage treatment plants destroyed by Hurricane Sandy. Those infrastructure projects have been exempted from the state's project labor agreement law since its passage in 2002 (STAR-LEDGER [NEWARK]). • **MICHIGAN** Gov. Rick Snyder (R) declines to sign HB 5546, which would have allowed Wolverine State horse tracks to install machines allowing customers to place bets based on already-run horse races from around the nation. Gov. Snyder said the measure was most likely unconstitutional (MLIVE.COM). • The U.S. Supreme Court rules that floating homes and businesses which are attached to the shore and do not travel are governed by local laws applying to homes, not by federal admiralty law regulating ships and boats. The ruling in *Lozman vs. City of Riviera Beach*, **FLORIDA**, overturns lower court decisions that had dubbed such dwellings to be vessels, and upholds laws in **CALIFORNIA**, **WASHINGTON** and other states that do not classify floating homes as boats (LOS ANGELES TIMES).

**CRIME & PUNISHMENT:** **MICHIGAN** Gov. Rick Snyder (R) signs SB 645, which bars prisoners from keeping pictures or drawings of their victims, or any item that belonged to those persons (MLIVE.COM).

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**EDUCATION:** The **MISSISSIPPI** Senate approves SB 2189, which would create a special board to approve and oversee the expansion of charter schools in the Magnolia State. The measure would also impose a variety of requirements and regulations for existing charter schools and bar private or parochial schools from converting to charters. It moves now to the House (STATE NET, HATTIESBURG AMERICAN). • **MICHIGAN** Gov. Rick Snyder (R) signs SB 1051, which prohibits school board members from voting on financial transactions in which they or their family members have a financial conflict of interest (MICHIGAN GOVERNOR’S OFFICE). • Also in **MICHIGAN**, Gov. Snyder signs SB 1112, which allows Wolverine State schools to create programs to educate children, staff and parents about the warning signs of sexual abuse. The measure also will create a task force to make recommendations for schools and make them aware of available resources. Gov. Snyder also signs SB 1114, which allows schools to opt out of the program (MLIVE.COM). • **NEW JERSEY** Gov. Chris Christie (R) signs AB 1083, which requires state education officials to provide high school students with information about student loans, including examples of monthly and annual loan payments, definitions of available loan types and rates and the penalties for defaulting (NORTHJERSEY.COM).

**HEALTH & SCIENCE:** **MICHIGAN** Gov. Rick Snyder (R) signs SB 1115, which clarifies that loss of society or companionship constitutes noneconomic damages and is therefore subject to the Wolverine State’s noneconomic damages limit. The measure further specifies how damages are calculated to prevent judicial errors in reducing awards to present value. Gov. Snyder also signs SB 1118, which limits the time period for suing on behalf of a deceased person and bans prejudgment interest on costs and attorney fees incurred during the time before a judgment is issued (STATE NET, INSURANCE JOURNAL).

**SOCIAL POLICY:** **MICHIGAN** Gov. Rick Snyder (R) signs SB 1386, which aligns state law with federal law that prevents families from receiving welfare benefits for more than 60 months (MICHIGAN GOVERNOR’S OFFICE).

**POTPOURRI:** **NEW YORK** Gov. Andrew Cuomo (D) signs the Secure Ammunition and Firearms Enforcement Act, a measure that, among several things, broadens the state’s ban on assault weapons, bars ammunition magazines that carry more than seven rounds and requires background checks for all gun sales except for members of the seller’s immediate family (See *SN CJ Spotlight* in this issue). The measure also requires mental health professionals to report to authorities when they believe a patient is likely to harm themselves or others, and for officers to subsequently confiscate weapons owned by that person. The law went into effect immediately (NEW YORK TIMES).

— Compiled by RICH EHISEN

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# Once around the statehouse lightly

**BATHROOM BROUHAHA:** It didn't take long for things to get crazy in the Colorado Legislature. Things started when hordes of lobbyists and other Capitol denizens showing up for opening day last Wednesday learned that a bevy of their favorite bathrooms now required electronic key cards for access — cards available only to lawmakers and their staffs. As the *Denver Post* reports, this really, uh, ticked a lot of people off. The changes were apparently part of building upgrades lawmakers had approved back in 2009. And, under that plan, the limited access was supposed to also apply to staffers, forcing them to take care of their business down in the basement bathroom where — gasp! — they would have to share space with the building's many public visitors. Alas, it turns out that most of the “insider” bathrooms are still available after all, allowing lobbyists to avoid any such forced mingling.

**THIS IS A PRIZE?** Statehouse reporters come in all shapes and sizes, but they have one thing in common: everyone wants to ask the first question at Capitol pressers, particularly if the speaker happens to be the governor. Such was the case last week when scribes gathered before California Gov. Jerry Brown upon the release of his 2013 budget proposal. Beforehand, bored reporters were furiously burning up social media with speculation over which of them would elbow their way into the first question. As the *Sacramento Bee* reports, the winner was ABC News reporter Nanette Miranda, who garnered the crown by asking Brown a question before he even made his presentation. For her effort, the game Brown gave Miranda a signed copy of his budget summary. While not everyone would cherish such a thing, Miranda quickly tweeted out that it was the “Coolest 1st Question Prize ever!”

**TINFOIL HATS AT THE READY:** Much was made recently over petitions on the White House “We the People” site asking to allow certain states to peacefully secede from the union. Many drew thousands of signatures, led by a Texas petition that garnered over 125,000 names. But as the *New York Times* reports, the White House last week formally rejected that request, along with similar ones from Louisiana and Alabama. Alas, a quick scan of the site reveals plenty of other silly fodder, including a call to push California Gov. Jerry Brown toward legalizing ferret ownership in the Golden State. Of course, it only takes one success to keep the folks coming: another petition asks President Obama to place “Taxation Without Representation” license plates on the presidential limos. As the *Washington Post* reports, the president last week agreed, ordering all of his vehicles to sport the plate for his entire second term. Power to the people!

**A CAPITOL IDEA:** It's still a bit early for things to get nutty around the California Capitol, so lawmakers are using the down time to bask in the reflected glory of someone else's accomplishments. To wit, in recent weeks Senate pro Tem Darrell Steinberg and Assembly Speaker John A. Perez have brought some serious trophies to work with them: the San Francisco Giants' 2012 World Series trophy and the 2012 Stanley Cup garnered by the Los Angeles Kings. Steinberg, a rabid Giants fan, made sure the G-Men brought along their 2010 trophy as well. As of this writing, we don't yet know if the San Francisco 49ers will add another Super Bowl trophy to the Golden State's cache, but odds are pretty good that if they do it will eventually make its way under the Capitol dome.

— *By RICH EHISEN*





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