

October 3, 2011

## NCLB Reform



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The next issue of Capitol Journal will be available on October 10th.

### Top Story

**President Barack Obama gave states long desired flexibility in meeting No Child Left Behind requirements. But the president also made it clear that freedom comes with a price.**

## SNCJ Spotlight

### No Child Left Behind waivers offer states promise and peril

States have long complained that the federal No Child Left Behind [NCLB] education law was too “top-down” and rigid for them to meet its strict criteria. Last week, President Barack Obama provided modest relief, announcing he would allow states to seek waivers from the law’s most stringent provisions. But while a host of educators and lawmakers from both parties hailed the proposals, the president also made it clear those waivers would come at a price.

“This does not mean that states will be able to lower their standards or escape accountability,” the president said in his presentation at the White House last Friday. “If states want more flexibility, they’re going to have to set higher standards, more honest standards that prove they’re serious about meeting them.”

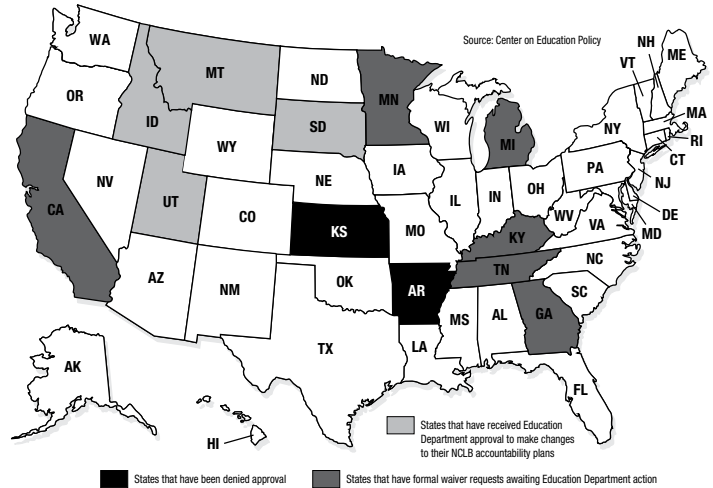
The impetus for the change was growing concern among states over an NCLB requirement that all U.S. fourth-graders be proficient in math and reading by January 2014, a deadline the vast majority of states are poised to miss. According to the U.S. Department of Education, 80 percent of the nation’s 100,000 public schools are unlikely to meet those standards in the prescribed timeframe, putting them in danger of being deemed “failing.” Schools with that designation would face severe sanctions, including closure, wholesale staff firings or mandatory conversion to a charter program.

That concern was only one of many state lawmakers and education officials have had with the law since its inception in 2002. While many endorse the law’s mandate for making school’s accountable for ensuring that all students — particularly in low income areas — are given the best education possible, even its supporters have blanched over its heavy emphasis on using test scores as the chief evaluation tool. Critics contend that this requirement forces teachers to “teach to the test” instead of engaging students in broad learning efforts. The critics contend that the overall impact of NCLB has lowered educational standards.

States are particularly disturbed by the law’s overarching federal role in setting education standards.

“Any kind of ‘top-down’ directive is hard for states to accept,” says former California Assemblyman Roger Niello, a Republican who termed out in 2010. “It’s tough for policies devised at 40,000 feet to apply logically to what’s happening at ground level.”

## Bird’s eye view



### No Child Left Behind waiver watch

Since President Obama directed Secretary of Education Arne Duncan last month to “move forward with plans to provide flexibility to states” seeking relief from provisions of the No Child Left Behind Act, 12 states have submitted formal requests to make changes to their accountability plans, according to the Center on Education Policy. Four of those requests have been approved. Two have been denied. And another six are awaiting a response from the Education Department.





States have also routinely chafed at what they see as insufficient federal funding to pay for the results the law mandates. In February 2010, a National Conference of State Legislatures report, “Education at a Crossroads: A New Direction for Federal and State Education Policy,” accused federal education leaders of “overemphasizing compliance with federal process requirements and underemphasizing results,” resulting in a federal influence that had become “grossly disproportionate to its contribution to the K-12 endeavor.”

Initially authorized for only five years, NCLB has been waiting on Congressional reauthorization since 2007. Many critics of the law and even some of its supporters hoped that states would be given a freer hand. Although a bipartisan Congressional committee has theoretically mulled such a makeover, it has failed to produce a solution. With both parties maneuvering for advantage in a gridlocked Congress, few expect an update of NCLB to come before the 2012 presidential election. This lack of progress prompted President Obama to indicate in August that he was prepared on his own to allow states more flexibility.

Obama, however, failed to provide details of what this new flexibility would entail. In an August 23<sup>rd</sup> letter to the president, California State Superintendent of Public Instruction Tom Torlakson urged him to quickly reveal the specifics, saying, “Now four years overdue for Congressional reauthorization, flexibility from the flawed NCLB policy is urgent and necessary. Relief is needed immediately before

more schools suffer for another school year under inappropriate labels and ineffective interventions.”

Exactly one month later, the president announced the changes to NCLB, which he defended conceptually

while acknowledging that it had failed to live up to its promise. “The goals behind No Child Left Behind were admirable ... but experience has taught us that in its implementation, [it] had some serious flaws that are hurting our children,” the president said in a speech from the White House. “Congress has not been able to fix these flaws so far ... So I will.”

That fix offers states waivers that return to them control over their accountability and improvement standards. But the president and U.S. Education Secretary Arne Duncan also laid out three specific criteria states must meet to get this freedom,

## 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: 177**

**Number of Intros last week: 558**

**Number of Enacted/Adopted last week: 396**

**Number of 2011 Prefiles to date: 37,102**

**Number of 2011 Intros to date: 133,961**

**Number of 2011 Session Enacted/Adopted overall to date: 45,712**

**Number of Measures currently in State Net Database: 153,135**

— Compiled By OWEN JARNIGAN  
(measures current as of 9/28/2011)  
Source: State Net database

**“Congress has not been able to fix these flaws so far ... So I will.”**



including adopting rigorous standards that ensure students are “college- and career-ready” when leaving high school. States must also develop strategies for improving the lowest-performing schools, with those in the bottom 5 percent still facing the same potential repercussions as under the current NCLB law. School districts would also have to develop strategies for improving another 10 percent of low-performing schools. Finally, states must create tough basic standards for evaluating teachers and principals. Those standards must include some kind of gauge of student progress, and must also offer teachers and administrators feedback to help them improve.

Duncan, who last month called NCLB “an impediment that’s getting in the way as a disincentive for the great work states are doing,” said waivers would alleviate many of the negative issues NCLB’s critics have with the law. Reviews elsewhere were more mixed.

National Education Association president Dennis Van Roekel came down firmly in support of the measure, calling it a “welcome step forward” that would benefit local communities.

“Educators want commonsense measures of student progress, freedom to implement local ideas, respect for their judgment and the right to be a part of critical decisions,” Van Roekel said in a statement. “This plan delivers.”

National PTA President, Betsy Landers echoed Roekel, saying the proposal “promotes true partnership and collaborative decision-making in education reform; encouraging states and districts to engage with all stakeholders, including parents, in developing state plans and turning around failing schools.”

Others were equally adamant in their disappointment. In a statement, California Teachers Association president Dean E. Vogel, an NEA affiliate with 325,000 members, panned the waiver proposal, which he said merely “swaps one federal, top-down mandate for another.” Vogel also accused the plan of holding “states and local schools hostage to the same unproven reforms of the Race to the Top competition,” President Obama’s own signature education reform effort.

Partisan politics also came into play, as some Congressional Republicans labeled the new program a power grab. Rep. John Kline (R-Minnesota), Chairman of the House Education and Workforce Committee, which is working on its own NCLB overhaul, accused the president of “exercising an authority and power he doesn’t have.” Kline also said it was “very feasible” that his committee will have its long-awaited proposal ready later this year.

California’s Torlakson also expressed displeasure with the plan, issuing a statement that it could potentially cost the Golden State — which federal education officials estimate has over 4,500 potentially failing schools — billions of dollars to implement. Those costs would include developing an infrastructure for conducting

## Upcoming stories

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

- **Online sales tax**
- **Health care**
- **The economy**



formal teacher evaluations, which the state currently does not do. States could also potentially be on the hook for paying for upgrading underperforming schools, an almost impossible challenge given the state’s lingering economic woes.

In an interview, Torlakson spokesperson Paul Hefner said his office is still pouring over the waiver requirements to see how they will ultimately impact the state.

“The jury is definitely still out on how this will work,” he said. “There is a long list of [potential costs], depending on how much is required for a waiver.”

**“It’s stand and deliver time for states.”**

According to the Center on Education Policy, at least a dozen states have already sought to make changes to their accountability programs (see *Bird’s eye view*). Shortly after the president’s announcement, at least three others — Oregon, Connecticut and New Mexico — indicated they will do so as soon as possible. It is expected that most other states will eventually follow suit.

But while many observers might see the waivers as a panacea for their problems with NCLB, Amy Wilkins, Vice President for Government Affairs at Education Trust, a Washington D.C. education advocacy group, cautions that states will actually now be under even greater pressure to improve their school systems.

“States have been saying for almost a decade now that ‘if it weren’t for this part or that part of NCLB, we could do a lot better job,’” Wilkins said in an interview. “‘We could serve our students better, we could get higher levels of achievement and we could turn these schools around much better and much faster.’ In a way, these waivers take up that challenge. The federal government is saying, ‘Okay, if you think you can do it better, here’s your chance.’”

“It’s stand and deliver time for states,” Wilkins adds. “If they really do know best, it’s time for them to show it.”

— By RICH EHISEN

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## Budget & taxes

**G**RANHOLM’S ECONOMIC WARNING FOR NATION: Years before the start of the Great Recession, Michigan was struggling with its own economic downturn, precipitated by the decline of the U.S. auto industry. The state’s economy doesn’t look quite as bad now, if only because the fiscal health of the rest of the nation has deteriorated so much.

But Jennifer Granholm, who served as Michigan’s governor for much of the last decade, has some words of warning for other states and Washington as they try to

pull out of the lingering economic slump, which happens to be the subject of her new book, “A Governor’s Story: The Fight for Jobs and America’s Economic Future.”

“Everything that is hitting the country hit Michigan first,” she said in an interview. She said she responded to the crisis by cutting spending, cutting government jobs and cutting taxes, the same approach other states are now taking, particularly those where Republicans swept to power after the 2010 elections.

“We tried all of those prescriptions, too,” said Granholm, a Democrat whose final term ended this year. “We did everything that people would want us to do, and yet it didn’t work.”

Her conclusion is that “Laissez faire, passivity, tax cuts, hands off does not work. And, really, that’s the lesson from this laboratory of democracy which is Michigan.” The only thing that did seem to help, she said, was federal government action, specifically the bailout of the state’s auto industry and the stimulus program, which fostered companies like those now making lithium-ion batteries for electric cars.

Granholm’s critics, however, who include some of the Republicans who now control both chambers of the Michigan Legislature and the governor’s office, say that she didn’t pare back taxes or spending far enough and that if she’d really reduced the burden of big government, the state might be in much better shape today.

Still, Granholm’s overarching question for the nation is whether anything can be done to prevent the sort of prolonged recession Michigan has endured. And her answer: “I think there are ways to stop it but it can only happen with a partnership with the federal government, because individual states simply do not have the tools to compete against China or the globe.” (NEW YORK TIMES)

**WA CRACKS DOWN ON ER VISITS:** Last month, the state of Washington announced it was limiting Medicaid patients to three emergency room visits a year for 700 conditions it deemed non-emergencies. While there’s been little controversy over some of those conditions, such as sunburns and blisters, others, including shortness of breath, hypoglycemic coma and nonspecific congestive chest pain, have drawn fire from hospitals and doctors’ groups.

“Do [patients] know the difference necessarily between heartburn, heart attack, a blood clot in my lungs and a sore rib?” asked Dr. Stephen Anderson, president of the Washington chapter of the American College of Emergency Physicians. “These people shouldn’t be sitting at home trying to self-diagnose.

Washington’s Health Care Authority is seeking to save an estimated \$72 million in federal and state Medicaid spending by cracking down on emergency room misuse. In fiscal year 2010, ERs in the state treated patients who had made more than three visits for conditions listed on the non-emergencies list over 46,000 times. One person actually made 125 ER visits.

“What we’re talking about here is people that go to the emergency room 10, 20, 30 times,” said Dr. Jeff Thompson, Chief Medical Officer for the state’s Medicaid

program. “I do not have to do an [electrocardiogram] every time...because I know that this is a subjective, ill-defined chest pain.”

Thompson said thousands of real emergencies will continue to be covered, and even for non-emergency conditions; exceptions will be made in many cases, such as when individuals have abnormal vital signs or serious risk factors.

But some doctors fear Washington’s action could encourage private insurers to stop covering treatment for any number of emergency room visits.

“This is potentially catastrophic nationally,” said Dr. Nathaniel Schlicher, associate director of the emergency department at St. Joseph Medical Center in Tacoma.

Thompson said it will be up to private insurers to decide whether to follow Washington’s lead, but Medicaid is different because Medicaid patients pay no deductible or copay and, therefore, have no financial incentive to avoid the ER. (NEWS TRIBUNE [TACOMA])

**MANY STATES “CUT” TAXES:** For the first time in a decade states reported to the National Conference of State Legislatures that they cut taxes more than they raised them. But NCSL’s 2011 “State Tax Update” indicated many of those cuts were actually temporary tax increases that were allowed to expire.

Sales taxes saw the biggest decline, projected to exceed \$5.2 billion. Most of that drop is due to the expiration of temporary sales tax increases in California and North Carolina. Corporate income taxes and miscellaneous taxes also dropped significantly, but many of those reductions resulted from the expiration of temporary tax increases as well.

States raised taxes in most other categories, and excluding the temporary tax expirations, state taxes actually went up \$9 billion overall, although much of that net increase is the result of Illinois’ \$6.5 billion personal income tax hike. Along with income taxes, assessments on health care providers saw the biggest net gains (NATIONAL CONFERENCE OF STATE LEGISLATURES).

**CONGRESS EXTENDS TRANSPORTATION FUNDING:** Continuing the tradition that began after the last major rewrite of federal transportation law in 2009, Congress approved a six-month extension of federal transportation funding last month, temporarily averting a shutdown of infrastructure projects across the nation.

## The week in session

**States in Regular Session: MA, MI, NH, OH, PA, PR, RI, US**

**States in Recess: CT, DC, NC, NY, WI**

**States in Special Session: MO “a”, UT “c”, WI “a”, WI “c”**

**Special Sessions in Recess: DE “b”, VA “a”**

**States Currently Prefiling or Drafting for 2012: AL, FL, KA, KY, TN**

**States Adjourned in 2011: AK, AL, AR, AZ, CA, CO, CT, DE, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MN, MO, MS, MT, ND, NE, NM, NV, OK, OR, PR, SC, SD, TN, TX, UT, VA, VT, WA, WV, WY**

**State Special Sessions Adjourned in 2011: AK “a”, AK “b”, AL “a”, AZ “a”, AZ “b”, AZ “c”, CA “a”, CT “a”, DE “a”, GA “a”, KY “a”, LA “a”, ME “a”, MN “a”, MS “a”, NM “a”, TX “a”, UT “a”, UT “b”, WA “a”, WI “b”, WV “a”, WV “b”**

Letters indicate special/extraordinary sessions

— Compiled By OWEN JARNIGAN  
(session information current as of 9/29/2011)  
Source: State Net database



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# Politics & leadership

**DOUBLE STANDARD ON PENSION REFORM:** Legislators in many states have been busy this year slashing benefits for public employees. But they've been considerably less diligent about targeting their own pension perks

Since January 2005, South Carolina Sen. David Thomas (R) has been collecting a pension even though he is still in office. That's because of the law passed in 2002 allowing legislators to receive taxpayer-funded pensions instead of salaries after 30 years of service. And thanks to another provision allowing lawmakers to include their expenses in the salary calculations for their pensions, Thomas stands to collect roughly triple his former \$10,400 salary for the rest of his life.

Thomas' decision to trade his salary for a pension wasn't a difficult one.

"You get paid more," he said.

South Carolina isn't the only state where lawmakers have it good when it comes to retirement benefits, however. Missouri legislators, who meet for about five months a year, earn just slightly more than the average state worker. But their pensions average 30 percent more than a typical state worker's.

"It's mind-blowing hypocrisy," said Missouri Rep. Stephen Webber (D).

"The whole two-tiered system really encapsulates how we've operated here in Missouri and in the rest of the country," he says. "Lawmakers treat themselves differently."

According to an investigation by *USA TODAY*, over 4,100 legislators in 33 states benefit from preferential retirement laws that boost their pensions by up to \$100,000 a year. Some of the laws allow "double dipping" for legislators but prohibit other workers from collecting state pensions while holding jobs in state or local government. Others allow lawmakers to base their legislative pensions on salaries they receive at more lucrative state jobs.

For instance, former Illinois House member Gary Hannig, a Democrat, collects a \$123,057 legislative pension, although his legislative salary when he left office in 2009 was \$86,902, because his pension is based on the \$150,228 salary he received as state Transportation Secretary after he left the Legislature.

"It's legal corruption," says Bill Zettler of Chicago-based Taxpayers United of America.

Still other laws generate big benefits from the minutiae of legislative service.

Kentucky legislators, for example, are allowed to add their annual allowance for stationery — up to \$750 for members of the House and \$1,500 for members of the Senate — to the salary on which their pensions are based. Connecticut lawmakers, meanwhile, can include their mileage reimbursements, which add as much as \$15,500 a year to their salary computations.





But changes have been harder to come by in other states. Pennsylvania Rep. Dwight Evans (D), sponsor of last year's law raising the retirement age for state workers, said he struggled to win support for any retirement cuts.

"I was fortunate enough to be able to get the changes we did," he said.

Florida Sen. Mike Fasano (R) took aim at his state's pension payout for elected officials, currently 3 percent of salary multiplied by term of service, nearly double the 1.6 percent rate for other government workers.

"That is wrong — absolutely wrong," he said. "You lead by example."

But the bill Fasano introduced this year to lower the elected officials' rate to 2 percent (SB 290) died in committee without a vote.

Kentucky Sen. Dennis Parrett (D), likewise, tried to kill a 2005 law allowing lawmakers to base their legislative pensions on salaries they receive from other full-time state jobs instead of their diminutive legislative salaries. But his effort (SB 89) met with a similar fate.

"My bill didn't have a prayer," he said. "It didn't even get a hearing." (USA TODAY)

**IL UNION LEADERS REAP \$56 MILLION PENSION WINDFALL:**

Twenty years ago, ILLINOIS lawmakers tweaked a few sentences in the state's pension code. As a result, 23 retired union officials now stand to gain about \$56 million from two troubled Chicago pension funds.

City employees who take leaves of absence to work full time for unions have been able since the 1950s to remain in the city's pension funds and count the time they spend at their union jobs toward their pensions. But a 1991 law allowed such workers to base their pensions on their union salaries instead of their former city paychecks.

One of those workers was Liberato "Al" Naimoli, who a quarter of a century ago left a city job where he earned \$15,000 a year. He now makes \$300,000 a year as president of the Cement Workers Union Local 76, plus the \$13,000 a month he collects from the city laborers' pension fund, which is expected to pay him \$4 million over his lifetime.

The only lawmaker on the committee that approved the 1991 pension law change who is still in office is Senate President John Cullerton (D), who issued a prepared statement acknowledging the measure didn't seem like a very good idea now.

**Upcoming elections**

9/29/2011 - 10/20/2011

10/04/2011

**West Virginia Special Election**  
Constitutional Officers: Governor

10/11/2011

**Alabama Special Primary Runoff**  
House District 45

**Oklahoma Special Election**  
Senate District 43

**Wisconsin Special Primary**  
Assembly District 95

10/18/2011

**Georgia Special Runoff**  
House District 43

**Massachusetts Special Election**  
House District 3rd Berkshire

**Minnesota Special Election**  
Senate Districts 46 and 61



winning his seat, said he has “absolutely not” ruled out switching his party affiliation back to Democrat before this month’s 2012 election deadline. That party flip would eliminate the GOP’s 32-30 Senate majority — its only foothold in New York state government — and likely throw the chamber into chaos. But a standoff might be avoided if Grisanti agreed to remain in the Republican Caucus for the remainder of his term.  
(NEW YORK POST)

## In case you missed it

Republicans’ big wins in last fall’s elections have given them the upper hand in state legislatures across the country, power they have used to steer their states’ into a hard right turn.

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

[http://www.statenet.com/capitol\\_journal/09-19-2011/html#sncj](http://www.statenet.com/capitol_journal/09-19-2011/html#sncj)

**POLITICS IN BRIEF: FLORIDA** officials were expected last week to announce they will hold the state’s presidential primary on January 31st, well ahead of the March 6th start date the Republican National Committee has stipulated for states other than “first four” primary states **IOWA, NEVADA, NEW HAMPSHIRE** and **SOUTH CAROLINA**. Those states, which had been planning to hold their nominating contests in February or later, and others will likely shift their dates forward as well (WALL STREET JOURNAL). • **NEW YORK**’s second-largest public employees union has rejected a package of wage and benefit concessions negotiated by Gov. Andrew M. Cuomo (D) to balance the state budget. Despite layoff notices the administration immediately began sending out to the 3,496 employees Cuomo has vowed to let go, leaders of the Public Employees Federation said they had no intention of asking their members to reconsider the contract they rejected unless the governor agreed to return to the bargaining table (NEW YORK TIMES). • The 26 states challenging the federal health care reform law have appealed the favorable ruling they received from a federal appeals court in August to the U.S. Supreme Court. The states argue the Atlanta-based court didn’t go far enough in invalidating only the portion of the law requiring people to get insurance or pay a penalty, stating in their Supreme Court filing that there is “compelling evidence that Congress intended the mandate to function as the act’s essential lynchpin and would never have passed the act without it” (BLOOMBERG BUSINESSWEEK). • The U.S. Department of Justice said last month that it has no objections to **TEXAS**’ redistricting map for the state Senate, but those for the state House and Congress don’t comply with the Voting Rights Act because they fail to maintain or increase minorities’ ability to elect candidates of their choice. The Justice Department doesn’t have the final word on the subject, however, because Texas Attorney General Greg Abbott has opted to submit the maps — created by the state’s Republican-led Legislature — to a federal court in Washington for approval instead of the DOJ (HOUSTON CHRONICLE). • **WISCONSIN** Gov. Scott Walker (R) called the Legislature back to Madison last week for a special session on jobs. The session is expected to run until early November and deal with roughly two dozen measures, many proposed by Democrats (POST-CRESCENT [APPLETON]). • **LOUISIANA**

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Attorney General Buddy Caldwell, who switched parties to become a Republican earlier this year, effectively won re-election last month after his only opponent, former Rep. Anh “Joseph” Cao (R) bowed out of the race. Cao had reportedly failed to show any signs of mounting a serious challenge to the one-term incumbent (TIMES-PICAYUNE [NEW ORLEANS]). Thanks to the appointment of IOWA state Sen. Swati Dandekar (D) to the Iowa Utilities Board by Gov. Terry Branstad (R), Republicans will have a good chance next month to eliminate Democrats’ one-seat edge in the 50-seat Senate. The November 8th special election to fill Dandekar’s seat is in a district that has more Republican registered voters than Democrats (DES MOINES REGISTER).

— Compiled by KOREY CLARK

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# Governors

**SCHWEITZER SEEKS HEALTH REFORM WAIVER:** Montana Gov. Brian Schweitzer (D) said last week he will ask the federal government to grant the Treasure State a waiver from the tenets of the Affordable Care Act that allows it to create its own universal health care system. Schweitzer has been a vocal opponent of the federal law, saying it doesn’t do enough to control costs. He also wants the state to have more flexibility than the law allows.

Schweitzer pitched the basics of his idea in a meeting with U.S. Department of Health & Human Services Regional Director Marguerite Salazar last Wednesday. The governor said he would base his plan on one used across the Canadian border in Saskatchewan, a system centered around the use of a series of community health clinics he says spends roughly half the \$8,000 per patient his state spends annually. He said such a system would utilize the health personnel already working in the state.

“We will use the physicians and nurses that currently exist in Montana,” he said. “People will still be able to go to the doctors that they’ve been going to. They will still get the same health care that they are getting right now, probably a little better, because we are going to have more of these community health care systems available to them.”

Schweitzer said his proposed system would also more easily care for residents that receive government-subsidized health care, about half of the state’s residents.

“This universal health care system would be provided to all the federal patients, all the Medicaid patients, and all of the state employees,” he said.

Although Schweitzer is often at odds with the state GOP, that has not been the case with the federal health care reform law, which the governor has long opposed. Republicans, however, took a wait and see approach to the governor’s proposal.





training with the state. He also issues EO 10, which creates a seven-member working group to study the issue of unionization of state-subsidized day-care providers and personal-care attendants (HARTFORD COURANT).

— *Compiled by RICH EHISEN*

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## Hot issues

**B**USINESS: CALIFORNIA Gov. Jerry Brown (D) vetoes SB 847, which would have barred medical marijuana dispensaries from operating within 600 feet of residential properties. Brown said such restrictions are a matter for local governments to decide (LOS ANGELES TIMES). • Also in CALIFORNIA, Brown signs AB 623, which allows Golden State wine merchants without stores to obtain a special state license to sell to customers over the Internet or by telephone or direct mail (LOS ANGELES TIMES). • Still in CALIFORNIA, Gov. Brown also signs SB 32, which will allow bars to serve “infused” alcohol, alcohol steeped with fruit, vegetables or herbs (SACRAMENTO BEE). • Staying in CALIFORNIA, Gov. Brown also signs AB 155, which allows online retailers to avoid collecting sales tax while they lobby Congress to develop a national tax policy for Internet sales. A federal law must be in place by July 31, 2012 or Amazon.com and other online sellers must begin collecting the levy on their products (SACRAMENTO BEE). • NEW YORK Gov. Andrew Cuomo (D) vetoes SB 5317, which would have required warnings about potential tooth decay from sugary drinks to be printed on sippy cup and baby bottle packaging (ALBANY TIMES-UNION). • Still in NEW YORK, Gov. Cuomo signs SB 2987, which will allow non-licensed professionals to hold a minority share of ownership in Empire State engineering and architecture firms (WALL STREET JOURNAL). • Also in NEW YORK, Gov. Cuomo vetoes AB 160, which would have allowed retailers licensed to sell wine for consumption on the premises to sell certain low-alcohol beverages that contain 24 percent or less alcohol and that are produced from agricultural products (NEW YORK GOVERNORS’S OFFICE). • Back in CALIFORNIA, Gov. Brown signs AB 241, which extends a state moratorium on the expansion of legal card rooms and other gaming enterprises to January 1<sup>st</sup>, 2020 (CALIFORNIA GOVERNOR’S OFFICE, STATE NET). • Staying in CALIFORNIA, Gov. Brown signs AB 900, which allows for an expedited regulatory review for projects designated by the Governor as “leadership projects.” The governor also signs SB 292, which would name a possible NFL stadium in Los Angeles as such a project (CALIFORNIA GOVERNOR’S OFFICE).





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# Once around the statehouse lightly

**G**ET LOOSE, UTAH: When it comes to places that like to let it all hang out, Utah is, well, not one of them. But some folks would dearly like to change the Beehive State's stuffy persona, and what better way to do that than to strip down to your underwear and run through town to the Capitol? Well, that's exactly what thousands of people did last week in order to protest the state's conservative politics. As the *Salt Lake Tribune* reports, an estimated 12,000 folks met up in town, ditched most of their clothes and took off running to the steps of the Capitol and back. Nate Porter, the event organizer, said he wanted to show the world a more interesting side of Utah. It says here he showed it about 12,000 of them.

**USE MARGARINE, GO TO JAIL:** Lawmakers in Wisconsin have had a hectic year or so, what with all the wailing and teeth gnashing over Gov. Scott Walker's successful efforts to wipe out state worker unions. But an even bigger issue may be churning in Madison. As the *Milwaukee Journal-Sentinel* reports, a dozen lawmakers have banded together to sponsor legislation to repeal a Badger State law that makes it a crime for restaurants, prisons and schools to substitute margarine for butter unless a customer requests it. The bill's main author, Rep. Dale Kooyenga (R), calls the law, which dates back to the 1890s, "silly, antiquated and anti-free market." Sen. Glenn Grothman, a co-sponsor, agrees but says the bill might not go far, noting "Dale Kooyenga has no cows in his district." Which begs the question: Is he saying that cows can vote in Wisconsin?

**PHAT JOKES?** You now you have a national profile when the late night TV comedians start busting your chops. So it goes for New Jersey Gov. Chris Christie, who definitely fits the bill. Last week, on the CBS "Late Show" David Letterman made the gov the butt of one of his infamous "Top 10" lists. Although the theme was billed as how the country would be different if Christie were to be elected president, the jokes definitely centered on the governor's ample girth. All 10, in fact, targeted Christie's weight, including a barb that taxpayers would have to foot the bill for Christie's "second seat on Air Force One." Christie had no comment on the show, but as the *Newark Star-Ledger* reports, he did vent a bit of anger by nixing a \$420,000 tax credit for the producers of the MTV show, "Jersey Shore." Take that, Snooki!

**LAST MEAL MEETS ITS END:** When it comes to capital punishment, nobody does it like Texas. But the Lone Star State recently killed one long held death penalty



tradition — giving the condemned person their choice of a last meal. As the *Houston Chronicle* reports, state corrections officials snuffed that one out after state Sen. John Whitmire griped about the meal selection of a recently executed prisoner. According to prison officials, the condemned man opted for two chicken fried steaks, a triple-meat bacon cheeseburger, fried okra, a pound of barbecue, three fajitas, a meat lover’s pizza, a pint of ice cream and a slab of peanut butter fudge with crushed peanuts. That prompted the complaint and now the condemned will get only the same rations other death row inmates receive. As for the prisoner, one might have thought he was trying to eat himself to death but, alas, he didn’t touch a bite.

**THE TRUTH SHALL SET YOU FREE**, but stretching the truth is far more useful in politics. Wisconsin Gov. Scott Walker, for instance, likes to claim he has created 6,000 new jobs in the Badger State. But as the *Appleton Post-Crescent* reports, 20 percent of those jobs are actually located in Illinois, Iowa, Minnesota and Michigan. Walker is not alone in his creativity. Kentucky Gov. Steve Beshear recently cited his aggressive tax incentive policies for creating 19,000 jobs and saving 7,000 more in the Bluegrass State. But as the *Louisville Courier-Journal* reports, the state doesn’t actually know if this is true because it doesn’t track such things. Oops. Neither claim appears as specious as that of South Carolina Gov. Nikki Haley, who recently said half of all applicants for work at a Palmetto State nuclear plant are unemployable because they can’t pass a drug test. *The State* of Columbia reports that Haley admitted last week that she can’t back up her claim, but still insists she was told that by plant officials. They deny that, by the way.

— By RICH EHISEN



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