

Fishing
 for answers



December 27, 2004

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Top Story

Federal homeland security grants to states are slated to drop sharply in 2005, leaving a host of state and federal lawmakers from CALIFORNIA to MAINE perplexed, angry and calling for answers.

SNCJ Spotlight

States win, lose big in 2005 homeland security funding

The federal government is taking a different approach to homeland security funding in 2005, leaving several states fighting mad over sometimes dramatic and often puzzling downgrades they say will leave them more vulnerable to a future terrorist attack.

Homeland security allocations to states will decline sharply in 2005 — roughly \$2.5 billion in FY 2005 compared to \$3.1 billion in FY 2004.

Federal officials also applied a new formula this year in devising grants under the Urban Area Security Initiative (UASI), additional monies given to states with obvious high-risk targets, such as large urban areas or other significant infrastructure like ports or major rail centers. While each state will continue to receive 0.75 percent of the general State Homeland Security Grant Program funds, UASI grants for 2005 were calculated with a formula that takes into account state and local reports of potential terrorist activity. That process change also led to seven cities, including New Haven, CONNECTICUT; Memphis, TENNESSEE; and Fresno, CALIFORNIA, being dropped from the UASI list. Honolulu, HAWAII; Arlington and Fort Worth TEXAS; Jacksonville, FLORIDA; and Omaha, NEBRASKA are among the cities added to the UASI list for 2005.

Although the formula change had a major affect on state per capita funding, it did not change the overall per capita leader, WYOMING. The Equality State seemed anything but equal to many in 2004, when, although it drew the nation's smallest homeland security grant total (\$18.8 million), its sparse population made it the country's leading per capita funding recipient at almost \$40 per person. While that figure takes a big hit in 2005, according to a December report from the Congressional Research Service the state will still receive \$27.80 per capita, easily the most in the nation. Other meagerly populated states will also continue to fare well in 2005, as ALASKA (\$24.83), NORTH DAKOTA and VERMONT (both at \$23.83) will receive more than \$20 per capita in 2005 (see *Across state lines* on page 5) for a complete run down of each state's 2005 total and per capita funding).

The nation's two most populous states will also continue to collect the bulk of the federal outlay, with NEW YORK leading the way at \$298.3 million, followed by CALIFORNIA at \$283 million. Texas, Florida, and ILLINOIS will also see big dollars, with all slated to receive over \$100 million each. New York is also the only state that will receive more money per capita next year, moving from \$10.13 per person in 2004 to \$15.54 in 2005.

The funding cuts did not sit well with many state leaders, most of whom say they were given no warning of the impending rollbacks nor any reasons for why their states were targeted. Connecticut Gov. M. Jodi Rell (R) and NEW JERSEY Gov. Richard Codey (D) were among the first to voice their displeasure with the cuts. Rell was incensed over the slashing of the more than \$10 million in funding for New Haven, particularly in light of cities like Omaha and Jacksonville gaining \$5.1 and \$6.9 million respectively. The governor lobbied outgoing Homeland Security Secretary Tom Ridge with a letter asking him to either restore the funding or to grant the state additional funds under the 2005 Port Security Grant Program. Rell called Connecticut's ports "a gateway to all of New England." Rell

also vowed to seek help in her fight, specifically naming fellow Republican governors Mitt Romney of MASSACHUSETTS and George Pataki of New York as potential allies.

Codey was in a similar frame of mind after learning the Garden State would have to absorb a \$28 million funding cut. The majority of that comes in the form of a 60 percent reduction in the UASI grant to Jersey City, a total of \$17 million. Codey called the cuts a “sucker punch” and promised that he and the state’s congressional leaders would also lobby Ridge — or his replacement — to restore the funds. New Jersey Sen. John Corzine (D) blasted the Bush administration for the reductions, insinuating they were political in nature. In a joint press conference with Codey and Sen. Frank Lautenberg, Corzine expressed incredulity that New York City received a funding hike of around \$207 million while Jersey City, just on the other side of the Holland Tunnel, a main artery between the two states, will now get only a bit less than \$7 million in 2005.

“The state of Wyoming is leading the nation in per capita homeland security funding at \$27.80 a person,” Corzine said. “New Jersey — where 700 residents lost their lives on 9/11, where at least two of the hijackers got their papers, from where the anthrax attacks against Congress were launched — will receive only \$7.80 per capita for homeland security funding. New Jersey boasts the most dangerous two-mile stretch in the nation, yet we receive \$20 less per capita than Wyoming? It is as astonishing as it is unacceptable.”

Bird’s eye view



Are states ready for bioterror threat?

Three years after 9/11, most states are still struggling to meet and maintain basic levels of readiness for a major public health emergency, including a bioterror attack. So says a new report from Trust for America’s Health (TFAH), a Washington D.C.-based non-profit, non-partisan health advocacy group. The survey results are based on 10 specific indicators, including state-local coordination, quarantine authority, laboratory workforce and testing capability. States were ranked on a 0-10 scale, depending on how many indicators they achieved. According to TFAH, only FLORIDA and NORTH CAROLINA earned as many as nine indicators, with most states (20) registering only six. Two — ALASKA and MASSACHUSETTS — garnered only three indicators, the least of any state. The accompanying map shows the score for each state. To view the full report, please visit the TFAH Web site at <http://healthyamericans.org/>.



Source: Trust for America’s Health



But DHS officials deny the cuts are a direct result of politics, saying they are rather the result of a more mature evaluation process that does not just consider population and infrastructure as the primary factors for handing out security dollars. In an interview with Congressional Quarterly earlier this month, DHS State and Local Government Coordinator Josh Filler said the agency is now taking into account several new criteria, including reports made by local officials on possible terrorist activity in their areas and active investigations into terrorism and immigration issues in those locales. Filler said the agency is also considering mutual aid agreements between cities in assessing funding needs. DHS officials also refute state claims that there was no prior warning of the impending funding formula changes, noting that most of the new standards were available months ago on the agency Web site.

What federal officials have not explained to states' satisfaction is how those criteria are evaluated, how they equate to funding allocations and whether those allocations now represent enhanced terror risks to the specific cities and regions that receive them. Filler, for example, told Congressional Quarterly that although New York City's UASI grant practically quadrupled, it should not be viewed as an indication of increased terrorist threats against the city.

Security experts say poor communication has long been a problem in how the feds deal with states on homeland security issues, a situation that has led some states to take a more proactive role in fighting terrorism on the home front. ARIZONA, for instance, is among a handful of states to develop regional advisory councils made up of state and local leaders who will define each region's homeland security needs and determine where and how the state spends its federal security grant dollars. The goal is to speed up the process of getting those funds into the hands of public safety agencies responsible for fighting terrorism.

Massachusetts' Romney also wants states to take on a greater role in preventing terrorism, specifically by gathering their own intelligence rather than relying solely on federal investigations to root out terror threats. Romney, the head of a national homeland security workgroup made up of state and local officials and business executives from around the country, recently made his pitch to Ridge and the Homeland Security Advisory Council, suggesting that every state should be actively working with both local agencies and private businesses to report on suspicious activities that could foreshadow a terrorist attack. Romney noted that several states, including New York, COLORADO and California, are already working on "fusion centers" that collect and synthesize such information. He claimed such centers are necessary because the intelligence states get from the federal government is "oftentimes confusing" and contradictory, and is usually classified as top secret, which prevents state officials from sharing it with local officials who do not have the proper security clearance. Romney suggested that additional



federal grants would be needed to fund such centers in every state.

That could be a problem, given how Washington reduced state funding for 2005. Romney’s plan, which he himself compared to tactics used in some countries during the Cold War, would also likely spark a furious debate over civil liberties. Regardless, Romney has vowed to push for a Bay State fusion center in the near future.

“Whether I’m going to get funding from the federal government or not, this is a priority and I’m going after this,” he said. (NEW HAVEN REGISTER, NEW YORK TIMES, CONGRESSIONAL QUARTERLY, ARIZONA REPUBLIC, STATELINE.ORG, CONNECTICUT GOVERNOR’S OFFICE, DEPT. OF HOMELAND SECURITY, NATIONAL CONFERENCE OF STATE LEGISLATURES, CONGRESSIONAL RESEARCH SERVICE, STAR-LEDGER [NEWARK], OFFICE OF U.S. SEN. JOHN CORZINE)

— By RICH EHISEN

Across state lines

States will make due with less homeland security \$ in 2005

Federal funding for homeland security is down slightly for fiscal year 2005, and many states are not happy about it (See *SNCJ Spotlight* in this issue). In 2004, each state received 0.75 percent of the funds handed out by the Department of Homeland Security (DHS) through its three primary grant avenues — the State Homeland Security Program, the Law Enforcement Terrorism Prevention Program and the Citizen Corp Grant Program. While that percentage has not changed for 2005, funding formulas for determining other state allocations, such as the Urban Area Security Initiative (UASI), additional funds given out to some states to help protect specific high-risk areas, have significantly changed.

According to analysis from the Congressional Research Service, WYOMING remains the leader in per capita funding at \$27.80 per person, while VIRGINIA receives only \$5.23 per capita, the lowest in the nation. Not surprisingly, NEW YORK (\$298.3 million) and CALIFORNIA (\$283 million), the nations’s two most populous states, top the list in total grant money for 2005. The accompanying chart shows each state’s total 2005 homeland security funding and rank overall and in per-capita security funding. The full DHS report can be viewed at, <http://www.dhs.gov/dhspublic/display?content=4185>; the Congressional Research Service Report can be found at http://homeland.cq.com/hs/flatfiles/temporaryItems/20041214_cr_s.pdf.

— By RICH EHISEN

Homeland Security Grant Recipients 2005

State	\$ Total Grant	Rank	Per Capita	Rank
Alabama	28,152,631	29	6.24	46
Alaska	14,879,381	47	24.83	2
Arizona	41,704,818	18	7.58	33
Arkansas	21,561,040	37	8.00	28
California	282,622,077	2	8.05	27
Colorado	36,798,900	23	8.18	24
Connecticut	24,080,428	31	6.86	39
Delaware	14,938,784	46	18.63	6
Dist. Of Columbia	96,144,110	6	NA	NA
Florida	101,284,742	5	6.07	47
Georgia	54,918,163	12	6.37	42
Hawaii	23,130,249	33	19.25	5
Idaho	16,805,270	41	12.92	13
Illinois	102,592,707	4	8.13	25
Indiana	38,995,714	19	6.31	45
Iowa	22,290,764	34	7.66	31
Kansas	21,784,091	36	8.07	26
Kentucky	31,418,947	26	7.68	29
Louisiana	42,669,788	16	9.47	20
Maine	16,608,549	43	12.77	15
Maryland	42,249,934	17	7.67	30
Massachusetts	62,436,056	10	9.77	19
Michigan	64,074,873	9	6.35	43
Minnesota	35,311,099	23	7.08	36
Mississippi	22,081,006	35	7.62	32
Missouri	46,951,640	13	8.26	23
Montana	15,317,765	45	16.89	8
Nebraska	23,655,542	32	13.88	11
Nevada	28,386,325	28	12.95	12
New Hampshire	16,775,590	42	12.85	14
New Jersey	60,811,154	11	7.08	37
New Mexico	18,499,124	39	9.79	18
New York	298,350,633	1	15.54	9
North Carolina	46,608,831	14	5.61	49
North Dakota	14,376,200	49	23.83	4
Ohio	77,823,233	8	6.83	40
Oklahoma	29,973,615	27	8.51	22
Oregon	34,819,649	24	10.06	17
Pennsylvania	87,671,312	7	7.13	35
Rhode Island	16,073,769	44	14.55	10
South Carolina	26,283,735	30	6.41	41
South Dakota	14,809,166	48	18.50	7
Tennessee	32,605,325	25	5.64	48
Texas	138,569,621	3	6.35	44
Utah	20,308,166	38	8.78	21
Vermont	14,326,139	50	23.83	4
Virginia	38,184,581	20	5.23	50
Washington	45,329,577	15	7.44	34
W Virginia	18,269,086	40	10.17	16
Wisconsin	37,251,048	21	6.91	38
Wyoming	13,933,869	51	27.80	1

Source: Dept. of Homeland Security; Congressional Research Service

Budget & taxes

CALIFORNIA IN CREDIT CARD TROUBLE: CALIFORNIA has charged up billions of dollars in debt over the past several years, and financial experts say the payments on all of that borrowing will soon be so high that they could hinder the state's economic recovery.

The Golden State's total bill currently stands at \$51 billion. The state spent about \$2.4 billion on servicing that debt last fiscal year and could spend more than \$5.5 billion this year, according to the SAER Group, a public finance consulting firm based in Sacramento. That is potentially \$3.1 billion that could have paid the salaries of 50,000 school teachers, covered the cost of educating 357,000 students or funded healthcare for 847,000 residents.

Particularly disturbing to economists is that much of California's huge debt was incurred not to finance infrastructure programs that will drive the state's economy but merely to balance the budget without cutting state programs or raising taxes. But even more alarming is that the excessive debt will hamper the state's ability to borrow for programs that are crucial to its economic growth, such as repairing its crumbling highway system, maintaining its higher education system and keeping its hospitals open. "There are enormous infrastructure needs that are really vital to California jobs and how people get to them. It's going to be very difficult to make those investments when you reach this level of state debt," said the SAER Group's Steven Spears.

Some political observers say California's voters are partly responsible for the state's credit troubles, because they actually approved most of the borrowing, which they suggest is part of a larger problem. As Mark Baldassare, director of the Public Policy Institute of California, put it, "Voters are generally engaged and not informed and increasingly are making all the public policy decisions in this state."

But others seem to think there is plenty of blame to go around. "At some point, our kids are going to wonder what the hell we were all on," said Leon Panetta, former director of the federal Office of Management and Budget. (LOS ANGELES TIMES)

CO GOV PITCHES BUDGET FIX: Last week, COLORADO Gov. Bill Owens (R) unveiled his plan to address the state's short-term and long-term budget problems. State economists had reported the same day that although revenues were up, the state would reach its constitutional revenue limit under the Tax-

payer's Bill of Rights (TABOR) and, therefore, lawmakers would have to cut about \$52 million from the current budget this year and \$234 million in 2005-06.

Owens' proposal would relax the limits on the amount of revenue the state can take in under TABOR and seek voter approval for the state to keep \$500 million of the TABOR tax refunds scheduled for next year; cut the state's income tax rate from 4.63 percent to 4.5 percent; and sell off the state's share of the tobacco settlement for a single lump-sum payment of between \$800 million and \$900 million. Noticeably absent from the plan was any mention of Amendment 23, which mandates regular spending increases in K-12 education, and which Owens insisted over the last year had to be addressed along with TABOR.

Still, there was praise for Owens' plan among Democrats, who took control of both chambers of the Legislature for the first time in 44 years with last month's election. "I'm really happy that we're at the table talking about how we need to change TABOR rather than arguing about whether we need to," said Rep. Tom Plant (D), who sits on the Joint Budget Committee. That approval comes as no great surprise to some, however, given the plan's resemblance to a proposal pitched during the summer by Democratic House Speaker-elect Andrew Romanoff.

Owens' plan didn't have every Democrat gushing, though. Senate Majority Leader-elect Ken Gordon, for instance, felt there was room for improvement. "This doesn't really solve the entire problem," he said. Something the Democratic leaders will hammer out when the Legislature convenes next year. (DENVER POST, ROCKY MOUNTAIN NEWS)

HUMBUG SESSION OPENS DOOR FOR VETOES: Tomorrow, MARYLAND's General Assembly will convene in special session for the first time in more than a decade. Gov. Robert L. Ehrlich Jr. (R) — apparently having seen only the first half of Charles Dickens' "A Christmas Carol" — cut lawmakers' Christmas holiday short in order to address the issue of medical malpractice before doc-

The Week in Session

Regular Session: DC, MI, NY

Special Session: MD "a"

Recess: CA, DE "c", IL, MA, ME, NJ

Prefiling (Drafts for 2005):

AL, AR, AZ, CO, CT, FL, GA, IN, KS, KY, MA, MO, MT, ND, NH, NV, OK, SC, TN, TX, UT, VA, WA, WY

Adjourned:

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

Special Session Adjourned:

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

Projected to Adjourn: OH

Letters indicate special/extraordinary sessions
Source: State Net, 12/17/04



tors have to pay their premiums for next year, on Jan. 1. But lawmakers may actually end up out-Scrooging the governor. Senate President Thomas V. Mike Miller (D) said he disagrees with Ehrlich and House Speaker Michael E. Busch (D) on the details of medical malpractice reform and doesn't expect a compromise to be worked out until the first week of the regular session, which starts Jan. 12. However, the session does provide an early opportunity for lawmakers to overturn some of Ehrlich's May vetoes, most notably a proposal to cap state university tuition and increase funding for higher education. Although a three-fifths supermajority in both houses would be needed — which could present a challenge if many lawmakers fail to show up for the session — Miller is confident there will be enough support in his chamber at least to override the tuition bill. (WASHINGTON POST, BALTIMORE SUN)

BUDGETS IN BRIEF: On Jan. 1, the minimum wage will increase in five states: **ILLINOIS** (\$5.15 to \$6.15), **NEW YORK** (\$5.15 to \$6.00), **OREGON** (\$7.05 to \$7.25), **VERMONT** (\$6.75 to \$7.00) and **WASHINGTON** (\$7.15 to \$7.35). Those states join eight others with minimum wage rates that exceed the federal level of \$5.15, set back in 1997. **FLORIDA** and **NEVADA** may be added to that list in the not-too-distant future, as voters in those two states approved measures on Nov. 2 raising their minimum wage to \$6.15 (STATELINE.ORG). • **MISSISSIPPI** Gov. Haley Barbour (R) said he will cut Medicaid next month if the agency is more than 12 percent over budget, as he expects it to be. The Legislature could forestall that action with an appropriation early in the session — which begins Jan. 4 — but no funding source has yet been found (CLARION-LEDGER [JACKSON]). • **HAWAII** Gov. Linda Lingle's (R) 2006-07 budget plan, released last week, calls for a spending increase of 11 percent in the first year and 14.2 percent in the second — mainly for low-income housing and education — without a tax hike, thanks to the state's recovering economy. The bad news in her proposal was that about 80 percent of revenue was being consumed by various fixed costs, including debt service and Medicaid (HONOLULU ADVERTISER, HONOLULU STAR-BULLETIN).

— *Compiled by KOREY CLARK*

Politics & Leadership

5 **27s RAISE STAKES IN STATE RACES:** Nonprofit "527" groups brought not only national dollars but also national political know-how to this year's state elections, according to political finance watchdogs. A

report released last week by the nonpartisan Center for Public Integrity indicated that 527s — named after a section of the federal tax code — spent \$94 million on state races in 2004, more than double the amount spent in 2002.

The biggest spender was the Republican Governors Association, which poured \$33.6 million into this year's 11 gubernatorial races, helping Secretary of State Matt Blunt (R) defeat his Democratic opponent, State Auditor Claire McCaskill, in MISSOURI, and Mitch Daniels (R) defeat acting Democratic Gov. Joe Kernan in INDIANA.

In the legislative arena, the Democratic Legislative Campaign Committee (DLCC) and Republican State Leadership Committee spent \$17 million combined on statehouse races, which is way up over 2002's \$7.5 million. David Magleby, a professor of political science at Brigham Young University, said the groups also introduced advanced polling techniques and political strategies into the state campaigns, methods usually reserved for national races. Democrats attribute much of their success in statehouse contests this year — capturing control of eight legislative chambers — to that infusion of political expertise. It was thanks to the help of the DLCC, COLORADO Senate President Joan Fitz-Gerald (D) told her colleagues at a recent DLCC meeting in Washington, D.C., that the Democrats took over both of the Centennial State's legislative chambers for the first time in over four decades. "The DLCC polling told us where to go and what message to carry," she said.

Professor Magleby predicts the influence of 527s will continue to grow in the future, encompassing ballot measures and even state legislation. (STATE-LINE.ORG)

CT SENATE LEADER INITIATES FLEDGLING GOV: CONNECTICUT Gov. M. Jodi Rell (R) got her first real taste of partisan politics last week, when Senate President Pro Tem Donald E. Williams Jr. (D) criticized her for not doing enough to purge her administration of the taint of former Gov. John G. Rowland, who resigned last summer over ethics violations. Shortly after assuming office, Rell removed a number of Rowland's prominent appointees as part of a "housecleaning" that earned her praise from both sides of the aisle. But Williams said Rell has allowed many Rowland loyalists to remain on the state payroll and he called on the new governor to "conduct a true housecleaning" by removing all of the state commissioners appointed by Rowland. Republican lawmakers dismissed Williams' comments as partisan politics spurred by a slow news day. But political observers say Williams' attack suggests that Democrats may intend to try to make

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

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

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



ferent machines. The largest contributors were the two biggest companies in the voting machine business: Diebold Election Systems and Sequoia Voting Systems (TIMES UNION [ALBANY]). • Last Monday, the **PENNSYLVANIA** Supreme Court

Upcoming Elections

There are no elections currently scheduled.

ordered Secretary of State Pedro Cortes to hold a special election Feb. 8 to fill a vacancy in the state House of Representatives. The ruling stems from a lawsuit filed by House Speaker John M. Perzel (R) and Majority Leader Sam Smith (R) after Cortes rejected their efforts to schedule an election, claiming neither of the two had the authority to do so because neither had been elected for the new session yet (ASSOCIATED PRESS, PITTSBURGH TRIBUNE-REVIEW). •

ALASKA Rep. Pete Kott (R), who was at the center of a failed attempt last month to seize control of the House, said that he is considering quitting the Legislature. In his first public remarks since the coup attempt, Kott said he thought all along that the effort only had a 50-50 chance of succeeding, and that he might now resign “if there is a better offer on the street” (ANCHORAGE DAILY NEWS). •

The chief investigator in the ethics case against **NEVADA** Controller Kathy Augustine was fired last week after it was learned she had failed to divulge at the time of her hiring that she had a criminal record, including a felony conviction in **CALIFORNIA** for writing bad checks in the early 90s. The investigator, Linda Honey, didn’t fare quite as well for her ethical lapse as Augustine, who, despite being impeached earlier this month for using state resources on her 2002 re-election campaign, managed to keep her job (LAS VEGAS SUN).

— *Compiled by KOREY CLARK*

Hot issues

B **USINESS:** The **WISCONSIN** Supreme Court repeals a Badger State law that made payment of costs and attorney fees in frivolous law suits discretionary with the presiding trial judge. Judges are now restricted to imposing sanctions that are sufficient to deter repetition of the frivolous suit (CAPITAL TIMES [MADISON]). • **CALIFORNIA** officials file suit against brokerage house Edward D. Jones & Co., accusing the company of accepting \$300 million in improper payments to push clients toward certain mutual funds. Edward Jones has already agreed to a \$75 million settlement with **MISSOURI** officials,



and has made similar settlement offers to the Securities and Exchange Commission, the **NEW YORK** Stock Exchange and other regulators (WASHINGTON POST). • Ford Motor Co. refuses to sell police cars to **ARKANSAS** after the Razorback State attorney general begins investigating charges that the company sold authorities Crown Victoria models billed as “police level” interceptors that were actually identical to the version sold to consumers. Ford responded to the investigation by establishing a “no sale” policy for all government accounts in Arkansas (NORTHWEST ARKANSAS TIMES).

CRIME & PUNISHMENT: A **NEW JERSEY** court rejects an attempt to shut down the state-run “Megan’s Law” Web site that lists the names, addresses and photos of convicted Garden State sex offenders. The court did not agree with the contention that the site unconstitutionally subjects offenders to additional punishment in the form of harassment and potential vigilantism (STAR-LEDGER [NEWARK]). • **NEW YORK** Gov. George Pataki (R) decides not to grant clemency to any Empire State inmates this year. It is the first time since 1998 that Pataki has not granted executive clemency to at least one prisoner (NEW YORK TIMES). • The **KANSAS** Supreme Court rules that the Sunflower State death penalty law is unconstitutional because it favors the state over the defendant. The high court stayed its ruling, however, pending an appeal by the state attorney general to the U.S. Supreme Court. The law will stay in effect until that decision is made (KANSAS CITY STAR).

EDUCATION: A group led by, among others, a former **FLORIDA** House Speaker, files a lawsuit charging Gov. Jeb Bush (R) and the Legislature with violating the Sunshine State Constitution after lawmakers, with Bush’s support, authorized \$24 million in annual funding for medical facilities at two state universities. At issue is whether those allocations subvert the authority of the state’s Board of Governors, which voters created in 2002 to oversee the state’s university system (ST. PETERSBURG TIMES).

ENVIRONMENT: Federal officials agree to pay four **CALIFORNIA** water districts more than \$16 million for water the government diverted a decade ago in an effort to protect two rare fish. A federal claims court ruled in 2003 that the government’s efforts constituted a violation of farmers’ Fifth Amendment rights not to have private property — in this case, water rights — taken without compensation (SAN DIEGO UNION-TRIBUNE).



HEALTH: FLORIDA Gov. Jeb Bush (R) signs legislation that makes it easier to enroll a child in the state’s subsidized health-insurance program. Under the new statute, people seeking to enroll their kids will only have to show a copy of a W-2 form, pay stub or recent federal tax-return to prove eligibility (ORLANDO SENTINEL). • **NEVADA** officials rule that petitions seeking the legalization of marijuana and greater restrictions on public smoking failed to secure enough signatures to force the Legislature to act on them. Supporters of the smoking petitions, including the American Cancer Society, vowed to challenge the ruling in court (LAS VEGAS REVIEW-JOURNAL).

SOCIAL POLICY: The **SOUTH CAROLINA** Supreme Court rejects a “wrongful life” lawsuit that claimed a woman was denied the option to abort her severely disabled child because she was not informed of his condition. The decision makes South Carolina the latest of 27 states that do not recognize or limit wrongful life claims. **CALIFORNIA, WASHINGTON** and **NEW JERSEY** are the only states that legally sanction them (POST & COURIER [CHARLESTON]).

Quote...

“This child cannot feel love; this child cannot express love. He has enough brain tissue to keep him alive but not enough to know his mother exists...She would not want her child to live that existence.”

—**Attorney O. Fayrell Furr Jr. in a lawsuit that claimed his client was denied the right to abort her severely brain-damaged child.**

... unquote

“Even a jury collectively imbued with the wisdom of Solomon would be unable to weigh the fact of being born with a defective condition against the fact of not being born at all. It is simply beyond the human experience.”

—**Associate Justice E.C. Burnett of the SOUTH CAROLINA Supreme Court in rejecting the claim. (POST & COURIER [CHARLESTON])**

POTPOURRI: The **NEVADA** Supreme Court rules that the state Ethics Commission does have the authority to judge the adequacy of financial disclosure statements filed by Silver State political candidates. The decision overturns a lower court ruling that said the commission could not force members of the Independent American Party to supply financial information on their disclosure forms (LAS VEGAS SUN).

— *Compiled by RICH EHISEN*

worded properly, federal officials told him. The sheriff then requested a vehicle that could be used to haul the equipment and also keep an eye on potential terrorist targets, such as propane tanks and water towers. He got his Durango, but with so many federal restrictions attached to it that the vehicle can only respond to an attack — not patrol to prevent an attack. So, it's parked. The sheriff has asked North Dakota U.S. Sen. Tim Johnson to intervene.

THE BIG BROAD BRUSH. Get married recently in NEW YORK, NEW JERSEY, OREGON or NEW MEXICO? If so, the Social Security Administration may not recognize the validity of your marriage certificate. That's because, notes The Associated Press, officials in New Paltz, New York; Asbury Park, New Jersey; Multnomah County, Oregon; and Sandoval County, New Mexico, also performed gay marriages in violation of respective state laws. As a result, the SSA won't recognize any marriages performed in those locales — including between heterosexuals. Marriage licenses for gay couples in MASSACHUSETTS are okay because state law allows them. Marriage licenses for heterosexual couples from San Francisco, CALIFORNIA, also are okay (although those for gays are not) because — well — no one is quite sure. Meanwhile, heterosexual couples who recently married in the affected areas are in a snit because they will not be able to collect social security benefits should something happen to one of them. A review of the entire situation is grinding its way through the SSA. An answer will be forthcoming — any decade now.

— *By A.G. BLOCK*



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