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**2003 KY
GENERAL
ASSEMBLY**

The Regular Session of the 2003 General Assembly closed in a flurry of late night votes, last minute budget deals and line-item veto overrides. Senate President David Williams joined Kentucky's newest bishop, Ronald W. Gainer, Bishop of Lexington, in offering prayer in the closing days of the second "short session" of the General Assembly.

The state's deepening revenue crisis and lack of a state budget dominated much of this session. In January, when Members of the General Assembly returned to Frankfort, they faced the challenge of passing a state budget while at the same time addressing several other legislative priorities (781 bills were introduced and only 161 received the Governor's signature).



Ronald W. Gainer, Bishop of Lexington, gives invocation.

CCK's legislative agenda remains a

challenging and diverse witness to the Gospel values. Our Catholic tradition calls us to seek an active role in the wide range of issues affecting justice, human dignity and the human person in society. Our insert details the focus of CCK staff's work during the session and the final outcomes of bills in the 2003 General Assembly. *(Continued on insert)*

I N S I D E

- HIV/AIDS in Africa
- Congresswoman Northup
- Mountaintop Removal

**STATES'
MEDICAID CRISIS**

Medicaid is the one federal program that touches nearly every American at some point in their lives. Our nation is at a unique juncture where homeland security and the personal economic security of many Americans are both at risk – and both are competing for limited resources when tax revenues are down and health care costs are up. According to Fr. Michael Place, President of Catholic Health Association, "Urgent assistance must be provided to the states in a manner that will not fundamentally change the Medicaid program."

On May 28, President Bush signed into law the Jobs Growth and Tax Act of 2003. Included in the Act was the hotly debated temporary fiscal relief for state's Medicaid programs in crisis. Senator Chuck Grassley, Chair of the Senate Finance Committee, is widely credited with the \$20 billion dollars of one-time fiscal relief to states.

Kentucky's two key leaders in the debate were Senator Jim Bunning, now serving on the powerful Finance Committee, and Governor Paul Patton. As Chair of the National Governor's Association (NGA), Patton was one of ten state Governors

ARCHBISHOP DISCUSSES FOREIGN AID IN AFRICA

Archbishop Thomas C. Kelly, O.P., met in Louisville with Debt, AIDS, Trade and Africans (DATA) spokesperson Bono (lead singer for U2) to discuss foreign aid funding in Africa.

DATA is a new organization which aims to raise awareness about the crises swamping Africa: unpayable DEBTS, uncontrolled spread of AIDS, and unfair TRADE rules which keep AFRICANS poor. DATA is advocating that governments of the world's wealthy nations - the United States, Europe, Canada and Japan - respond quickly and generously to African emergency.

According to the U.N.'s AIDS agency, about 42 million people are infected with HIV, the AIDS virus, including 29.4 million in sub-Saharan Africa. About 25 million people have died from AIDS and an estimated 25 million African children will be orphaned by 2010.

The U.S. Bishops issued a Pastoral Statement, *A Call to Solidarity with Africa*, in March 2002. According to the statement, "The urgency of our attention to the Church and the peoples of Africa is prompted by two conflicting convictions: hope and concern. We write in hope, recognizing the history, strength, spirituality, courage, and capacity of the Church and peoples of Africa. We write

with deep concern, witnessing the proliferation of armed conflict, deterioration in health care and education infrastructures, the weakening of social



Archbishop Kelly meets with DATA spokesperson, U2's Bono.

and community structures, and an increasing spread of disease and other threats to the lives of our African brothers and sisters."

"The urgency of our attention to the Church and the peoples of Africa is prompted by two conflicting convictions: hope and concern..."

More information is available online @:
www.usccb.org, www.catholicrelief.org, and
www.datadata.org.

A CALL FOR CLEMENCY

Kevin Stanford was convicted of murdering Ms. Baerbel Poore in January, 1981 and sentenced to death in September, 1982. He was 17 years of age at the time he committed his crime and was tried as an adult. The U.S. Supreme Court has rejected Stanford's final

appeal and Attorney General Chandler has issued a death warrant. Governor Patton continues to consider commuting Stanford's death sentence.

Governor Patton has the opportunity to reaffirm what is best in our humanity in the face of inhumane behavior. Please contact the Governor and urge him to commute Kevin Stanford's death sentence.



Kevin Stanford at Kentucky State Penitentiary, Eddyville, KY.

TO CONTACT GOVERNOR PATTON:

700 Capitol Avenue, Ph. 502-564-2611
Suite 100 Fax: 502-564-2517
Frankfort KY 40601 governor@mail.state.ky.us

STATES' MEDICAID CRISIS (Continued from page 1) appointed to a special NGA taskforce on Medicaid financing.

Congressmen Ed Whitfield (KY-1) and Ernie Fletcher (KY-6) have recently been named to the Congressional Taskforce on Medicaid.

President Bush is proposing a block grant style package to states that offers limited immediate relief, but places spending caps and reduces overall federal assistance. In part, the proposal creates new options to limit enrollments, increases cost sharing or reduces benefits. The NGA taskforce is considering its recommendations and is expected to release them to Congress in early June.

House and Senate budget negotiators reconciled differences on the Tax Act before leaving for the Memorial Day holiday. Under the legislation, Kentucky will net \$276 million dollars for relief over the next 15 months.

Affordable health care insurance remains the larger unaddressed issue, but was not part of this debate. One estimate places the uninsured

at 42 million. In our Catholic tradition, access to health care is a fundamental human right, not merely a commodity available to those with the necessary economic resources. CCK has lobbied Governor Patton and members of Congress in support of the federal fiscal relief (Kentucky's Medicaid deficit is estimated at \$169 million). Kentucky's bishops will continue to seek the preservation of the Medicaid entitlement as a safety net for low-income fam-

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ilies, children, the elderly and disabled. It is critically important to ensure that they have access to the health care they so vitally need.

More information is available online @:

- www.chausa.org,
- www.catholiccharitiesusa.org,
- www.coveringtheuninsured.org.

CCK STAFF MEET WITH CONGRESSWOMAN ANNE NORTHUP

CCK staff recently met with U.S. Representative Anne Northup to discuss a number of issues before the 108th Congress. CCK is seeking Representative Northup's assistance with introducing legislation that would authorize nonpublic schools to receive FBI criminal background investigations for new employees and teachers. Presently, non-public schools lack authorization to directly receive national criminal background checks for new hires.

Representative Northup is currently serving in her fourth term representing Kentucky's 3rd District. She is a member of the Appropriations Committee

and sits on the Labor, HHS, and Education; Transportation, Treasury; and VA, HUD, Independent Agencies subcommittees. Before her election to Congress, she represented the 32nd



Legislative District in Kentucky's House of Representatives for five consecutive terms from 1987-1996. She is a graduate of St. Mary's College at Notre Dame. She and her family are members of Holy Spirit parish in Louisville, Kentucky.

Fourteen months

after the 2002 General Assembly, the state's FY 2003-04 budget received final approval. Kentucky's state revenues are in decline and expenses are increasing. The outdated and regressive tax code is unable to meet the state's revenue needs, and one economist in Frankfort has compared it to a "leaky bucket." Governor Patton allowed the budget to become law (HB 269) without his signature. In his press release, he stated that, "the budget is structurally out of balance by approximately \$370 million, using one-time money to fund ongoing programs." The Patton Administration now estimates an \$81 million dollar General Fund shortfall for FY 2003.

Revenue reform is an issue that Kentucky can ill afford to ignore. In-depth studies by a Blue Ribbon Panel, a hired consultant, and the Legislative Research Commission are on the shelf today and can provide the guidance necessary to address this crisis. CCK has long supported a comprehensive overhauling of Kentucky's tax code to address its inherent inequities to low-income Kentuckians and the code's inability to meet the state's increasing revenue needs.

During budget negotiations CCK staff lobbied for the restoration of funding for the state's educational and vocational programs for persons incarcerated in adult correctional institutions. Originally allocated at \$4.2 million in Corrections Cabinet budget for FY 2002-03, the total allocation in the FY 2003-04 budget was reduced to \$3.2 million.

Kentucky's Affordable Housing Trust Fund received a one-time line item allocation of \$3 million dollars. CCK supports making this a recurring allocation and increasing the state's commitment to provide housing for the disabled, elderly and low-income families.

Transportation funds for nonpublic school students saw no increase (or decrease) and remained constant at 2.5 million in FY 2003-04. Counties providing this funding are reimbursed by the state, but the request from counties continues to

exceed the allocation.

Respect Life

CCK staff began the 2003 Session with optimism that a new priority would be given to the lives of the unborn and juvenile offenders. In 1983 Kentucky's Supreme Court ruled (*Hollis v. Commonwealth*) that an unborn child is not recog-

Kentucky's "born alive" rule fails to protect the interest of the unborn child, the parents and the state in cases of negligent or intentional homicide.

nized until the child takes an independent breath. Kentucky's "born alive" rule fails to protect the interest of the child, the parents and the state in cases of negligent or intentional homicide. In 1989 the U.S. Supreme Court ruled (*Stanford v. Kentucky*) that juvenile offenders were eligible for a death sentence in capital murder cases from age 16 and up. Both rulings fail to respect basic human dignity and have left Kentucky's children without the proper protections under law.

CCK lobbied in support of Senator Dick Roeding's bill SB 41, which passed the Senate but failed to receive passage in the House. Rep. Stan Lee's bill, HB 29 ("The Caleb-Haley Act"), also failed to be given a vote in the House Judiciary Committee.

CCK supported passage of Rep. Robin Webb's HB 180 and Senator Gerald Neal's SB 15 which sought to eliminate the death sentence for juveniles. Both bills failed to receive a hearing in the Judiciary Committees. Rep. Tom Burch's bill to abolish the death penalty, HB 472, also failed to be heard in the House Judiciary Committee. In collaboration with the Kentucky Coalition to Abolish the Death Penalty, CCK co-sponsored a February rally in the Capitol. An estimated 300 persons attended the rally in support of banning the death sentence for children.

Representative Joe Fischer introduced two bills to address the issue of human cloning. HB 152 would have prohibited the destructive testing of human embryos. Fischer's other bill, HB 153, sought to

Revenue reform is an issue that Kentucky can ill afford to ignore.

define and ban the cloning of human beings. Neither bill received final approval.

Rep. Larry Clark's cloning bill, HB 265, passed the House Chamber on a 59-40 floor vote. CCK opposed passage of HB 265 because it attempted to differentiate between so called "reproductive cloning" and "therapeutic cloning." In his analysis



Senator Gerald Neal speaks to the Senate.

of the bill, Reverend Tony Smith, who serves on CCK's Pro-life Committee, stated, "All cloning is reproductive, and there is no valid ethical, scientific, or medical grounds to endorse human cloning, which devalues and commercializes human life."

CCK opposed passage of Rep. Mary Lou Marzian's bill, HB 257, which sought to require mandatory contraceptive drugs or devices in all employer-provided health care plans.

Social Concerns

CCK staff collaborated with legal assistance advocates and successfully lobbied in support of increased funding for legal aid services. Introduced by Rep. Charles Geveden, HB 163 ("Access to Justice Act"), increases the filing fee for civil lawsuits in Circuit court from \$10 to \$20 dollars and in District Court from \$5 to \$10 dollars. The increased filing fees will provide additional funding for access to justice programs providing free or reduced legal assistance to indigent civil litigants.

Kentucky Health Investment in Kids campaign (KHIK) estimates that Kentucky could net

\$265 million in new revenue if it increased its tobacco excise tax by .75 cents. KHIK polling data demonstrated that 60% of registered voters polled support a .75 cents tobacco excise tax increase. KY's tobacco excise tax is the 2nd lowest in the nation at .3¢ per pack. The national average for state tobacco excise taxes is 58.8¢ per pack.

Despite overwhelming public support, the General Assembly failed to pass a tobacco tax increase. CCK supported passage of Rep. John Draud's HB 205, and will continue to do so in the 2004 Session.

Working in coalition with AARP of KY and other consumer advocates, CCK supported passage of Rep. Greg Stumbo's bill, HB 240. The bill created new home mortgage protections and only applied to first, second and open-ended mortgages, prohibited financing of points and fees on high cost loans, as well as mandated pre-closing counseling. A less restrictive bill, HB 287, supported by lending institutions and Kentucky Bankers Association, passed and offers some limited but improved consumers protection.

Clergy

CCK testified against two bills which presented serious unconstitutional First Amendment issues for the Church. Senate

Bill 51, introduced by Senator R.J. Palmer, and HB 58, introduced by Rep. Susan Westrom, sought to require Catholic clergy to violate the seal of the confessional and report any instances of child abuse or neglect. Acting in a counseling setting, outside of the confessional, clergy already have a legal obligation to report abuse or neglect. Neither bill received committee approval, but Senate Judiciary Chair Senator Robert Stivers stated his intent to continue reviewing the issue during the legislative interim.

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More information on the General Assembly is available @:
www.lrc.state.ky.us

MOUNTAIN TOP REMOVAL

Led by Fr. John S. Rausch, Chair of CCK's Social Concerns

Committee, the second gathering for *Prayer on the Mountain* was held in May near the mining town of McRoberts, KY. Organizers and CCK staff prayed and planted wildflowers as a symbol of healing and rebirth for the mountains.

The event was an ecumenical effort to raise public awareness of the destructive strip mining practice referred to as "mountain top removal." The mining technique, a variant of surface mining, involves

using high explosives and heavy equipment to "shoot and shove," removing hundreds of feet from the tops of mountains to reach the thin seams of

coal beneath. Hundreds of millions of tons of waste are created and are then discarded into nearby valleys and streams.

At issue is the Clean Water Act of 1972 enacted to protect the nation's waters. The thirty-year-old Act is intended to "... restore and maintain the chemical, physical, and biological integrity of the Nation's waters."

The human concern is in part due to the uncontrolled runoff from the stripped mountain, creating new flooding problems in towns like McRoberts



Organizers planted wildflowers as a symbol of healing.

located in Letcher County, KY. Residents also report damage to homes from the constant blasting. According to Fr. Rausch, "We offer prayer for the healing of the land and the people

tortured by the violence of mountain top removal." The educational effort is a community of faiths response to the biblical call to address the spiritual duty to serve as stewards of God's creation.

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Read Kentucky's Bishops' statement on Mountain Top Removal online @ www.ckky.org



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Work the Web



www.ckky.org