

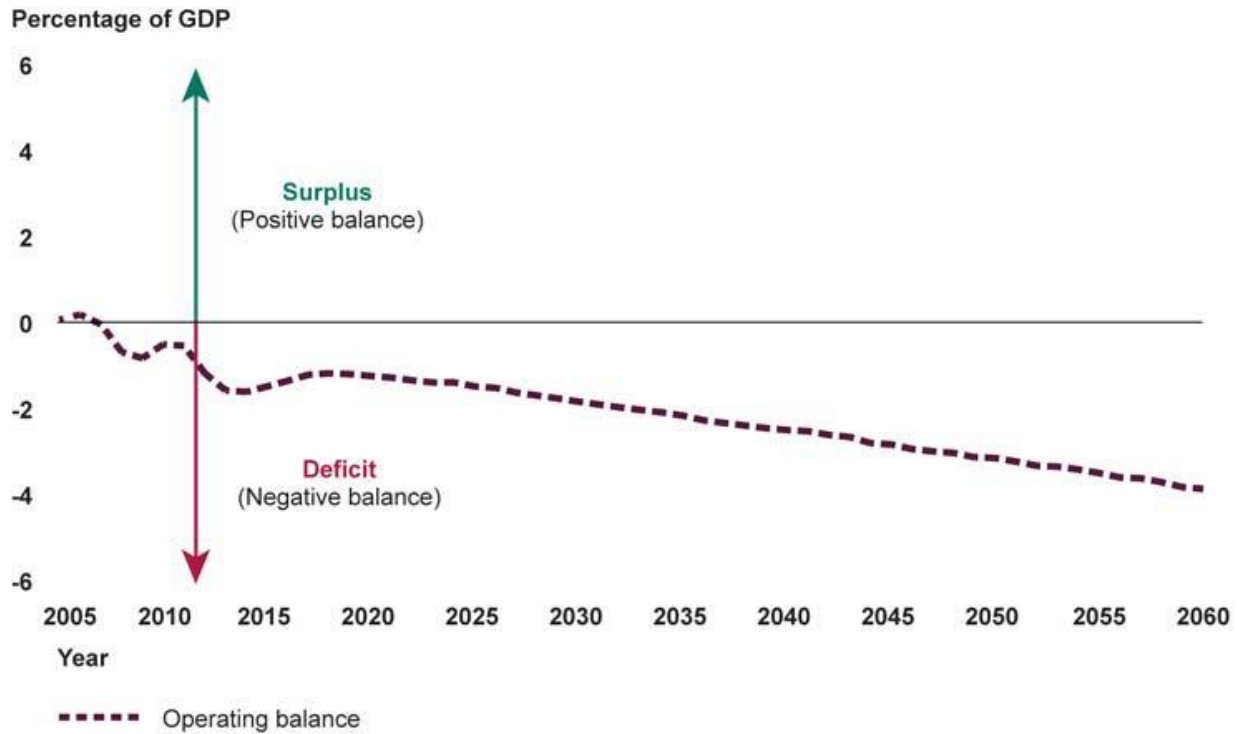
George Mason University

State & Local Government Leadership Center

May 3, 2013

Getting Ready to Rumble. When Congress returns next week, with its inability to address the sequester or schedule negotiations between the House and Senate over a budget resolution, the shoes will fall on the House Appropriations Committee, which, under the House version of the budget resolution, will have to begin allocating funds among its subcommittees that assume an additional 12% cut in nondefense spending beginning on October 1st—or \$91 billion less than the President’s FY2014 budget request. Those cuts would be significantly steeper than the sequester; they add significant uncertainties for state and local leaders as they seek to finalize state and local FY2014 budgets.

State & Local Fiscal Outlook. Such further reductions in state and local appropriations, moreover, would be slated to fall at a time when the Government Accountability Office, in its just-released “State & Local Governments’ Fiscal Outlook,” noted that absent any policy changes, state and local governments will face an increasing gap between receipts and expenditures in future years. Using data from the Bureau of Economic Analysis’s National Income and Product Accounts, the GAO report projected the level of receipts and expenditures for state and local governments through 2060, based on current and historical spending, that, in the long-term, total tax revenues for state and local governments as a percentage of gross domestic product are estimated to remain below the 2007 historical high through 2060 due to the projected modest growth in receipts. In addition, the GAO reported that “[A]s most outlays from the American Recovery and Reinvestment Act of 2009 have already occurred, the state and local government sector will continue to adjust to a reduced level of federal assistance from that provided by the Recovery Act.” the report said. In order for state and local governments to close the fiscal gap, they would have to cut expenditures by 14.2% each year for the next 50 years, according to the GAO. The report, of course, does not factor in the likely steep cuts the House will begin to consider next week, which could only make the task for state and local leaders more challenging: “Since most state and local governments *are required to balance their operating budgets*, the declining fiscal conditions shown in our simulations continue to suggest that the [state and local government] sector would need to make substantial policy changes to avoid growing fiscal imbalances in the future.” The GAO reports that the key driver of fiscal challenges for the state and local government sector in the long term continues to be the projected growth in health related costs: health-related costs for state and local governments will be about 3.8% of gross domestic product in 2013 and 7.2% of GDP in 2060. The GAO also found that declines in state and local pension asset values stemming from the 2007 to 2009 economic recession could also affect the state and local government sector’s long-term fiscal position. (Pension asset values increased by almost 22% to \$2.8 trillion at the end of 2011 from \$2.3 trillion at the end of 2008. However, as of 2011, values have not recovered to match or exceed the 2007 value of \$3.2 trillion.) For local leaders, the GAO noted that while its model projects that property tax receipts will gradually increase from 2.86% of GDP in 2013 to 3% around 2060, state and local property tax revenues will not reach their 2009 peak level of 3.09% of GDP until sometime after 2060.



Source: GAO simulations, updated April 2013.

Marketplace Fairness for State & Local Leaders. The Senate returns next week with a key vote on the Marketplace Fairness Act, [S. 743](#), which would empower states to collect taxes on purchases made online by consumers in their states. The Senate will vote on final passage of the bill, which would clear the way sought by state and local leaders for nearly three decades for passage in the Senate; a more difficult path awaits in the House. The bill would exempt small businesses that earn less than \$1 million annually from out-of-state sales and requires states to provide retailers with software to calculate sales taxes based on a buyer’s zip code. Current projections indicate states and local governments would realize more than \$20 billion in sales and use tax revenue if the online sales tax loophole were closed. Reps. Steve Womack (R-Ark.), Jackie Speier (D-Cal.), Peter Welch (D-Vt.) and John Conyers Jr. (D-Mich.) have introduced companion legislation in the House. The legislation would let states require online and catalogue sellers to collect use taxes on the products they sell; it would not give states the power to tax access to the Web, the cloud, or even securities transactions, as some fear-mongers have claimed: §3 explicitly bars states from using the law to try to impose new levies on products or services that are not now taxed, and the legislation exempts firms with less than \$1 million in sales from collecting sales taxes. It requires states to provide sellers with the information they need to determine rates in multiple jurisdictions. It even requires states to give sellers free software to calculate the tax. Remarkably, Congress has failed to solve this problem for nearly a half-century. The Supreme Court first recognized tax complexity problems for interstate sellers in 1967. In 1992, in a case called *Quill v. North Dakota*, the High Court practically begged Congress to sort out the mess. In 1999, Congress responded by doing what it often does when it doesn’t want to tackle a problem. It created a commission.



The Bust. The SEC this week suit Victorville, Ca., its assistant city manager, the Southern California Logistics Airport Authority (SCLAA), underwriter Kinsell, Newcomb & DeDios and others, charging them with defrauding investors by inflating valuations of property in connection with a 2008 bond offering—alleging the assistant city manager and former director of economic development, as well as others, were responsible for false and misleading statements made in the airport authority’s bond offering. The airport authority


was using tax-increment bonds secured solely by increases in assessed property tax values for a variety of projects, including four new aircraft hangars. The SEC claim notes that five years ago, in order to refinance part of its debt used to construct aircraft hangars, the SCLAA refinanced part of the debt by issuing additional bonds—using or partially using an assessment of \$65 million for the airplane hangars, even though they knew the county assessor had valued the hangars at about \$27 million—or, as Mr. Canellos of the SEC enforcement division wryly noted: “Financing redevelopment projects by selling municipal bonds based on inflated valuations violates the public trust as well as the antifraud provisions of the federal securities laws...Public officials have the same obligation as corporate officials to tell the truth to their investors.” The SEC’s investigation also found evidence of misappropriation of more than \$2.7 million in bond proceeds that were supposed to be used to build the hangars for the airport authority. The SEC’s complaint alleges the airport authority, and the others committed securities fraud and violated the MSRB’s Rules G-17 on fair dealing, G-27 on supervision, and G-32 on primary offering disclosures. The city responded, in a press release: “It is unfortunate SEC staff did not fully consider all of the evidence in their possession before choosing to file the complaint...This investigation has cost the city in excess of one million dollars to date. Unless new facts and evidence, previously unknown to the city and SCLAA, are included in their filing, we believe we will be able to completely and successfully defend the actions.” The SEC is seeking the return of unspecified amounts of ill-gotten gains with prejudgment interest, financial penalties, and permanent injunctions against all of the defendants, as well as the return of ill-gotten gains from relief defendant KND Holdings, the parent company of KND.

Doubling Up on Federal Debtbusting. The House returns this week and is expected to take up HR 807, the so-called Full Faith and Credit Act—a Congressional version of Chapter 9 municipal bankruptcy. The legislation prescribes a special rule for insufficiency of funds to make public debt payments and would require the U.S. Treasury Secretary, if expecting there were to be insufficient funds available to dispose of public debt obligations on the next calendar day on which they are due, to extend the maturities of any other obligations and refuse to issue warrants (for any money drawn on the Treasury) to the extent necessary to provide funds the Secretary deems prudent to dispose of public debt obligations within the next 30 days. It would require the Secretary, if receipts exceed those required to meet such public debt obligations, to prioritize the disposal of all other obligations either acquired for the government or delivered by an executive agency, and the issuance of warrants, in the order the Secretary considers advisable and in the public interest. U.S. Treasury Secretary Jack Lew notes: “You cannot prioritize obligations of the federal government today without resulting in a default...There are obligations that go with being the United States of America...prioritizing pretends that you can pick and choose among the commitments and avoid defaulting...You will be in default if you don’t extend the debt limit.” Under the legislation, the Treasury Department would be permitted to continue issuing debt above its borrowing limit only in order to pay bondholders, as well as Social Security benefits. With the debt actually ebbing some so far this year, it appears the U.S. will not hit the debt ceiling—and potential default—until next Fall. For state and local leaders, failure by Congress to increase the debt ceiling could have significant, adverse credit consequences. In August, 2011, over 1000 state and local downgradings were made in the wake of the inability of Congress to act in an orderly way to prevent a U.S. bankruptcy. Currently, the nation’s \$16.7 trillion borrowing limit is suspended until May 19th, after which the debt limit will be automatically raised to cover new borrowing done since the beginning of the year, but also triggering the Treasury to begin to take “extraordinary measures,” such as suspending State and Local securities (SLGs) in order to buy time and avoid default while Congress debates over what looms to be another showdown over federal bankruptcy and U.S. default. Ways and Means Committee Chairman Dave Camp (R-Mi.) successfully proposed a substitute to HR 807, which he claimed ‘would clearly and credibly remove the threat of default, no matter what Washington does or fails to do...My amendment does not raise the debt limit. Instead, it requires the Department of Treasury to roll over existing debt by issuing debt outside the limit solely for the purpose of paying principal and interest on our current debt. Importantly, this legislation defines ‘interest’ in a way that requires Treasury to make the interest payments necessary to ensure that Social Security benefits can be paid in full and on time.” *Very much like sequestration, this*

proposal, were it to become law, would leave to the Administration the choices of who and what to pay—including payments due to state and local governments—and would almost surely trigger massive downgrades for states and local governments.

State & Local Finance

Federal Sequestration. Moody's this week issued a report on its examination of local governments and school districts that rely on federal employment, procurement, Medicare reimbursement and education grants that would be most affected by sequestration, finding that while the cuts will "strain the U.S. economy to some extent...relatively few local governments will experience significant financial pressures" except those in "areas with substantial dependence on defense spending or health care....": "In those regions, local governments that rely on revenue from income taxes and sales taxes may face budget pressures as layoffs, furloughs, and hiring freezes by area employers weaken economic activity...Additionally, a small number of school districts that rely heavily on federal funding may face material budgetary challenges." The report did not examine the indirect impacts on state and local finances, such as the ongoing disruption in air travel in the U.S., but did note that about \$42 billion of the \$85 billion of spending reductions for this fiscal year are to be extracted by October 1st through a 7.8% cut in discretionary defense spending, in addition to the domestic discretionary cuts—all of which are to continue with deeper cuts in each of the ensuing nine years. Moody's also found that about \$11 billion or 13% of the \$85 billion of sequestration cuts for the fiscal year will come from a 2% reduction in Medicare reimbursements to hospitals and other health care providers. Such health care cuts, the report notes, could have significant consequences for a city like Rochester, Minn., which has one of the biggest health care-driven economies — with health care employment 39.2% of all county employment — because the Mayo Clinic is the largest employer in the area with more than 30,000 employees. The 2% reduction in Medicare reimbursements is projected to lower the clinic's annual revenues by about \$47 million. It would certainly be expected to exacerbate the situation in Jefferson County, Alabama, where the hospital—with a high level of Medicare patients—has already been an issue of litigation in the U.S. Bankruptcy Court between Birmingham and Jefferson County. Moody's also determined that nearly \$26 billion or 30% of the \$85 billion of cuts for the fiscal year will be made through a 5% reduction in discretionary non-defense spending, including several Department of Education programs, such as Title I funding for high poverty school districts and Individuals with Disabilities Education Act grants for special education. Finally, Moody's warned that some local governments will be effected by funding cuts from FEMA: about \$928 million in disaster relief funding is to be sequestered, as well as \$113 million in emergency preparedness grants for state and local governments. Note: OMB is required to issue a sequestration report to determine whether final discretionary appropriations abide by the discretionary spending limits included in the Budget Control Act of 2011 (BCA). The latest report finds that no sequestration is required in FY 2013, because the final spending package (P.L. 113-6) preemptively required a rescission that would eliminate any discrepancy based on OMB's calculations. According to the report, an additional across-the-board rescission of 0.032% will be required for discretionary security programs and 0.2% for discretionary non-security programs. The full report is available at: http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/sequestration/sequestration_f inal_april2013.pdf

Teeter-tottering  **State Revenues.** The Rockefeller Institute this week reported that, overall, state tax revenues increased by 5.2% in the fourth quarter of 2012, but the Institute warned these rosy numbers "should not be seen as cause for celebration." According to the authors, in the last two months of 2012, taxpayers took actions to minimize federal tax liability in an effort to, prospectively, ameliorate the effects of the "fiscal cliff." Evidence of this, the researchers noted, occurred with the payment of 2012 fourth quarter estimated taxes on income not subject to withholding tax. In the 38 states from which the

Rockefeller Institute has data for estimated tax payments, the median payment for the fourth payment rose 25.2% from the year-ago period, up sharply from the 6.7% median growth for the first three payments. This, they indicated, supports the conclusions of the Rockefeller Institute's previous quarterly State Revenue Report, which pointed to the likelihood of slightly depressed state income tax revenue in the 2013-14 state fiscal years resulting from many filers shifting income to the 2012 tax year. Taken on the whole, the report appears to indicate that sluggish growth continues to occur on a year-to-year basis. Further, the Institute warns that the sharp acceleration in estimated tax payments in the final quarter of 2012 and other behavioral shifts will make it harder for state officials to reliably forecast income revenue in the coming quarters—or, as the report states: “While the Great Recession ended more than three years ago, the damage caused by the Great Recession on state tax revenues is significant and it will take years before the states fully recover.” Of potentially equal concern, the report pointed to tepid increases in virtually every category of tax collection in states:

- Personal income tax collections increased by 10.8% (this is the 12th consecutive quarter that revenues rose);
- Sales tax collections rose by 2.7% (this is also the 12th consecutive quarter that sales and use tax revenues have risen).
- Corporate income taxes (which vary enormously around the country) rose by 1.2%.
- Revenue from motor fuel taxes, tobacco taxes, alcoholic beverage taxes, motor vehicle licenses, and all other state taxes all either grew by less than 2.5% or actually declined;
- Thirty-six states reported higher tax revenue collections than in the same quarter of 2007, at the start of the recession.

For local governments, Rockefeller pointed to continued weakness in local tax collections. For the quarter ending last December, the 2.3% growth in the four-quarter moving average of inflation-adjusted local tax collections is relatively weak compared to historical averages, and slightly weaker than in the previous quarter. As a result, the Institute suggests, local governments could face continuing fiscal challenges if this weakness continues.

A Different Kind of State & Local Recovery. Wells Fargo, this week, noted that as Congress returns next week towards its most critical budget-making month of the year, the timing will matter to state and local leaders—most of whom are in the final throes of adopting their annual, balanced budgets: “We declare this as we face up-coming budget battles in Washington, state and local government budget-making season, the federal debt ceiling debate (which may not hit until end of summer) and, most recently, federal reserve rumblings about pulling back on quantitative easing, giving rise to fears of inflation. Frightening terms such as ‘Armageddon’ and ‘wipe-out’ were used a week ago by SEC Commissioner Daniel Gallagher to describe potential losses in value for tax-exempt investors from rising interest rates. Concern over deteriorating credit quality among municipal issuers got lumped into the discussion as well. The excitement proved irresistible to certain members of the press, and CNBC ran the story, likening municipal securities to credit cards and running a dated clip of an analyst who had forecast billions of dollars of municipal defaults that never materialized.” *To the extent there is a mania about default or bankruptcy, it is probably helpful to keep in mind that the federal government is facing default and bankruptcy as early as September or October, and, just in the past 25 years alone, there were over \$2.22 trillion in corporate bankruptcies --- and that’s just for U.S. corporations filing for \$10 billion or more (If you care to peruse the data at www.bankruptcydata.com, you can come up with a more accurate total. There are a lot more with bankruptcies of \$1 billion and more).*

Pensionary Challenges. Nicole Gelinas, writing for Public Sector, Inc., about remarks by Richard Ravitch at a *Bond Buyer* conference, noted Mr. Ravitch’s writing that the Great Recession was “longer and more destructive than any other post-war recession. The severity meant that many state rainy-day funds, which had been replenished after the 2001 recession and are designed to help states weather downturns, were insufficient to protect against the slump. Second, state and local governments were

reluctant to sufficiently raise taxes to cover the decline in revenue....And third, the steep decline in housing prices meant that property tax revenues collapsed, though this took a while because assessments often lag changes in market value....Like the decline in state and local consumption and investment, this fall in property tax revenue was unprecedented. In prior recoveries, inflation-adjusted property tax revenue typically grew by 10% three years after the recession had ended. But in 2009, property tax revenue was down by 1%.” Mayhap of more moment, he said: “It’s troublesome to think there’s a moral distinction between obligations” such as municipal bonds and pension commitments...[In] “our value system,” which respects contracts, he went on to say, these are “equal kinds of obligations:” There should be no difference between a state or municipal promise to pay off its bond and a state or municipal promise to pay retirement benefits to a person who has worked for that municipality or state for decades. With retirees living much longer than in any previous generation and municipalities still not recovered from the Great Recession—and facing further federal disinvestment—Mr. Ravitch noted the exceptional challenge for counties, cities, and states: how to pay for retirement benefits for their workers as well as provide essential public services and invest in infrastructure—something her termed “a significant social challenge, a unique challenge,” noting that there is “no rational, fair, publicly acceptable process...asking how much involves additional revenue, how much involves haircuts?” In Central Falls, bond holders and essential services prevailed at the expense of retirees; in the Golden State, San Bernardino and Stockton are treading in different directions. In what will truly be a case of federalism, there could well be challenges at both the California and U.S. Supreme Court. Mr. Ravitch put it well: “[T]here is no question that we are building a fundamental infrastructure deficit, whether you call it a ‘crowding out’ or a ‘service insolvency.’”

Innovation



Figure 1: Tennessee Gov. Bill Haslam

“Tennessee led the South in new manufacturing jobs created last year, and we’re fourth or fifth in the country, which for a state our size isn’t bad.

“A couple of other things in terms of [what is] new: maybe on the very new end of things, taking that automotive expertise and background, carbon-fiber technology is one of the things that is going to be where the automotive industry is pushing. It all makes sense. If you’re a bicycle rider and you have a carbon-fiber bike, the amount that people will pay extra to save that two pounds so that they can get up that hill quicker is amazing. But obviously, once you start talking about cars, now you’re talking about fuel efficiency and that lower weight with added strength makes a big deal. So the technology already works, the question is: Can they make it work in a \$25,000 family sedan? And due to some work at Oak Ridge National Lab in partnership with some of our automotive manufacturers, we think we can be on the leading edge of that carbon-fiber-technology manufacturing.

“In a business, the most important thing that you do is you decide how you’re going to allocate capital. We can do the same thing in state government. So we’re looking and saying: What is the market telling us they need? Well, they’re telling us they need more engineers, more welders and more truck drivers, among other things. I’ll pick those three out. So are we putting the physical capacity in place to train enough?”

“If you go to any of those plants, there’s a real pride in that product. Whether it’s a chemical in upper Northeast Tennessee with Eastman Chemical that’s going to go into carpet fibers around the world or it’s Jack Daniels or it’s a new, lighter walking boot that people use, we think there’s a certain pride associated with that.”

Demographics

Degassification

Nationwide, the number of gas stations has dropped from about 170,000 in 2002 to 156,065 in 2012, according to National Petroleum News. Virginia lost about 1,000 stations over the last decade — a drop from 4,981 to 3,939. Last year, Maryland had 1,990 stations, almost 400 fewer than a decade earlier. As the nation seems to be more and more urban or metropolitizing; it is increasingly difficult for gas providers to compete for more scarce urban locations—even as technology means that drivers are getting far more miles to the gallon—and needing to purchase that much less gas...

Quotes of the Week

“Fortunately, a broad coalition of sellers, states, and municipalities from across the country, as well as a strong bipartisan majority in the U.S. Senate and Governors in both parties, recognize that the time has come to pass this bipartisan compromise legislation that would level the playing field and restore fairness to the marketplace.” ~ John Donahue, chief executive, The Marketplace Fairness Coalition, a group of businesses from around the country, in response to what he described as “inaccurate comments” by eBay as it fights the Marketplace Fairness Act.

Ethics & Public Trust

The [District of Columbia Board of Ethics and Government Accountability](#) has released its [2013 Annual Ethical Guidelines Assessment and Recommendation Report](#) (PDF). Some of the highlights from the report are:

- The board recommends that federal laws re: ethics be added to the city’s code of conduct;

- *The Board’s first recommendation is to give it the authority to enforce the federal ethics laws that apply to D.C. officials and employees...to which Robert Weschler of [City Ethics](#) notes: “This is good, but the federal laws are written in such complex language and with such complex sentence structures that officials cannot understand them....the ethics board wants to preserve the federal language in order to have federal interpretations and case law apply. It’s good to have precedents, but not if it means one is stuck with the unreadable laws they interpret. I recommended consolidation of ethics laws, but not with preference given to the horribly written federal laws....Another problem with the federal laws is that, I believe, they apply only to employees. Therefore, they most likely do not anticipate conflict situations that elected officials commonly face, and the advisory opinions and decisions based on these laws may very well not apply very well to elected officials.”*

- BEGA wants authority to investigate allegations of enforce penalties for ethical standards violations;
- Recommendation to add nepotism prohibition in code of conduct;

○ *To which, Mr. Weschler notes: "With respect to nepotism, the ethics board makes a poor recommendation that a provision be added prohibiting the appearance of a nepotism-related conflict of interest, following this New York language: "An officer or employee of a state agency ... should not by his conduct give reasonable basis for the impression...An appearance standard is good for providing advice, but it does not provide sufficient guidance to be fairly enforced."*

No matter what—especially as we are watching ethical questions involving the Governor and Attorney General of Virginia—an annual exercise to review one’s ethics code, guidelines, and accountability to taxpayers is an important endeavor—especially to public trust.



Little Legalities

Bankruptcy, Constitutional, Preemption, Procedural & Other Key Decisions or Cases



In a Tunnel. Portsmouth, Virginia Circuit Court Judge James A. Cales Jr. this week ruled that the state’s \$2.1 billion public-private partnership deal for the Downtown-Midtown Tunnel project is unconstitutional, holding that the General Assembly exceeded its authority in giving the Virginia Department of Transportation “unfettered power” to set toll rates under the 1995 Public-Private Transportation Act. The decision, which could hurt the Commonwealth’s credit rating, poses a question about the state’s ability to use public-private partnerships to build major transportation projects. The McDonnell administration will seek a stay from either Judge Cales or the Virginia Supreme Court, allowing work on the project to continue. Elizabeth River Crossings has spent \$348 million on the project so far, as of March 31. The plaintiffs, nearly 40 residents and businesses in all, were from across South Hampton Roads, but the center of the opposition was in Portsmouth. Its City Council was the only one that took an official stance against the project, deciding this winter to reverse its reluctance to get involved financially and approve a \$50,000 public contribution to the plaintiffs’ legal bill.

No Dice. The U.S. Supreme Court early this week denied the state of Alabama’s request to hear a case on its controversial immigration law, effectively upholding a lower court’s ruling prevent enforcement of much of the law. The appeal effort by Alabama came in the wake of last August’s decision by the 11th Circuit Court of Appeals, which [upheld a preliminary injunction](#) against most of Alabama’s immigration law, saying that federal law preempted the state’s attempts to regulate illegal immigration. In Alabama’s [petition to the court](#), the state focused on one section of the law, which addresses the harboring, transporting, or encouraging of individuals to unlawfully enter the country. The state argued that the Supreme Court’s immigration law ruling in *Arizona v. United States* last year did not address this area of law and sought action by the Supreme Court to overturn the circuit court’s finding that federal law preempts state legislation on the issue—noting in its appeal that eight states, in addition to Alabama and Arizona, have laws that touch on one or more of those activities.

Fundamental Rights. In a case where Virginia’s Freedom of Information Act was challenged as violating the Privileges and Immunities Clause, because the challengers claimed it denies them the right to access public information on equal terms with Commonwealth citizens, a unanimous U.S. Supreme

Court this week rejected the challenge, because, the court unanimously found the right to access public information is not a “fundamental” privilege or immunity of citizenship: “Virginia’s Freedom of Information Act, which grants Virginia citizens access to all public records, but grants no such right to non-Virginians, does not violate the Privileges and Immunities Clause, which protects only those privileges and immunities that are ‘fundamental.’” The court also found the Commonwealth’s Act does not violate the dormant Commerce Clause: it neither prohibits access to an interstate market nor imposes burdensome regulation on that market; and in any event, a state does not violate the Clause when, having created a market through a state program, it “limits benefits generated by [that] state program to those who fund the state treasury and whom the State was created to serve.” Noting that Virginia’s FOIA clearly does not deprive noncitizens of “reasonable and adequate” access to Commonwealth courts, the court wrote that the Commonwealth’s court rules provide noncitizens access to non-privileged documents needed in litigation, and Virginia law gives citizens and noncitizens alike access to judicial records and to records pertaining directly to them. Further, Justice Alito, writing for the court, said Virginia’s FOIA does not violate the dormant Commerce Clause, writing that the “common thread” among the Court’s dormant Commerce Clause cases is that “the State interfered with the natural functioning of the interstate market either through prohibition or thorough burdensome regulation.” *Hughes v. Alexandria Scrap Corp.*, 426 U. S. 794, 806. Virginia’s FOIA, he noted, by contrast, neither prohibits access to an interstate market, nor imposes burdensome regulation on that market. Moreover, insofar as there is a “market” for public documents in Virginia, it is a market for a product that the Commonwealth has created and of which the Commonwealth is the sole manufacturer. A State does not violate the dormant Commerce Clause when, having created a market through a state program, it “limits benefits generated by [that] state program to those who fund the state treasury and whom the State was created to serve.” *Reeves, Inc. v. Stake*, 447 U. S. 429, 442. Pp. 12–14. *McBurney et al. v. Young, Deputy Commissioner and Director, Virginia Division of Child Support Enforcement, et al.*, U.S. Supreme Court, No. 12–17, April 29, 2013.

Holy Property Rights! The Catholic Archdiocese of Miami last month filed a lawsuit against Miami seeking \$89 million in damages, plus interest, attorneys’ fees, and expenses under the Bert J. Harris Jr. Private Property Rights Protection Act, a Gator law protecting private property rights enacted in 2004 that provides relief or compensation when a new law, rule, regulation, or ordinance of the state or a municipality “unfairly” affects real property. The Catholic Archdiocese claims that four parcels of land that it owns in south Florida suffered diminution of property values when the “Miami 21 Zoning Code” was enacted, claiming the city’s zoning code “has unduly burdened the Archdiocese in such a manner as to substantially reduce the present value of the property and limit the uses for which the Archdiocese could develop the property.” The code was designed to protect surrounding historic properties from the effects of high-rise development. The property in question is currently being used for a church, a shrine, a high school, and an elderly living facility. One property was previously used for an AIDS ministry. Like other cities, Miami has suffered significant financial problems since the economic downturn due largely to the loss of property tax income from reduced values.

Grants

Department of Agriculture

10.912 Conservation Innovative Grant 2013 (Georgia State Office)

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1ljJLv1LhPXQ5Tm7JII-1032213570?oppld=231975&mode=VIEW>; Eligibility: State and local governments, IHEs; Due date: 6/3/13
Matching requirement

Department of Education

84.305 Institute of Sciences (IES): Research Training Program in the Education Sciences

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231315&mode=VIEW>; Eligibility: State and local governments, IHEs; Due date: 9/4/13; 84.305 Institute of Education Sciences (IES): Education Research

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231313&mode=VIEW>; Eligibility: State and local governments, IHEs; Due date: 9/4/13
84.305 Institute of Education Sciences (IES): Partnerships and Collaborations Focused on Problems of Practice or Policy

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231336&mode=VIEW>; Eligibility: State and local governments, IHEs; Due date: 9/4/13

84.305 Institute of Education Sciences (IES): Statistical Research Methodology in Education

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231334&mode=VIEW>; Eligibility: State and local governments, IHEs; Due date: 9/4/13

84.305 Institute of Education Sciences (IES): Education Research and Development Centers

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231333&mode=VIEW>; Eligibility: State and local governments, IHEs; Due date: 9/4/13

Department of Health and Human Services

93.243 Law Enforcement and Behavioral Health Partnerships for Early Diversion

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231355&mode=VIEW>; Eligibility: State and local governments; Due date: 5/31/13

93.846 NIAMS Clinical Trial Outcome Instrument Development Grant Program (U01)

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231335&mode=VIEW>; Eligibility: State and local governments, IHEs; Due date: 2/7/14

93.361 Innovative Measurement Tools for Community Engaged Research Efforts (R21)

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231578&mode=VIEW>; Eligibility: State and local governments, IHEs; Due date: 9/7/16

93.361 Innovative Measurement Tools for Community Engaged Research Efforts (R01)

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231577&mode=VIEW>; Eligibility: State and local governments, IHEs; Due date: 9/7/16

93.136 Youth Violence Training and Technical Assistance

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231634&mode=VIEW>; Eligibility: State and local governments, IHEs; Due date: 7/24/13

93.361 Symptom Management in HIV-Infected Individuals with Comorbid Conditions (R01)

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231574&mode=VIEW>; Eligibility: State and local governments, IHEs; Due date: 9/7/16

93.361 Symptom Management in HIV-Infected Individuals with Comorbid Conditions (R21)

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231575&mode=VIEW>; Eligibility: State and local governments, IHEs; Due date: 9/7/16

93.865 Preclinical Research on Model Organisms to Predict Treatment Outcomes for Disorders Associated with Intellectual and Developmental Disabilities (R01)

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231713&mode=VIEW>; Eligibility: State and local governments, IHEs; Due date: 5/7/16

93.296 FY13 State Partnership Grant Program to Improve Minority Health

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231716&mode=VIEW>; Eligibility: State governments; Due date: 5/28/13

93.242, 93.865 Outcome Measures for Use in Treatment Trials for Individuals with Intellectual and Developmental Disabilities; (R01)

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231696&mode=VIEW>; Eligibility: State and local governments, IHEs; Due date: 5/7/16

93.103 Food Protection Task Force Conference (R13)

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231013&mode=VIEW>; Eligibility: State and local governments; Due date: multiple, 7/1/13 is earliest

93.853, 93.859 Countermeasures Against Chemical Threats (CounterACT) Cooperative Research Projects (U01)

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231673&mode=VIEW>; Eligibility: State and local governments, IHEs

93.279 Medications Development Centers of Excellence Cooperative Program (U54)

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231914&mode=VIEW>; Eligibility: State and local governments, IHEs; Due date: 8/15/13

93.064 Improving the Impact of Laboratory Practices

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=232014&mode=VIEW>; Eligibility: State and local governments; Due date: 6/12/13

93.359 Nurse Education, Practice, Quality and Retention Veteran's Bachelor of Science Degree in Nursing Program

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=232153&mode=VIEW>; Eligibility: State and local governments, IHEs; Due date: 6/7/13

Department of the Interior

15.931 Youth internship opportunities at North Cascades and San Juan Island, WA

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231454&mode=VIEW>; Eligibility: State and local governments; Due date: 5/3/13

Matching requirement

15.608 Fish and Wildlife Management Assistance

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231573&mode=VIEW>; Eligibility: State and local governments, IHEs; Due date: 5/24/13

Department of Justice

16.710 COPS-Community-Policing-Development

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231174&mode=VIEW>; Eligibility: Unrestricted; Due date: 5/24/13

16.710

COPS-Microgrants-for-Law-Enforcement

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231175&mode=VIEW>; Eligibility: Law enforcement agencies; Due date: 5/24/13

16.320 OVC FY13 Services for Victims of Human Trafficking

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231760&mode=VIEW>; Eligibility: State and local governments; Due date: 6/10/13

Matching requirement

16.582 OVC FY13 Bridging the Gap in Victim-Related Research to Practice

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231756&mode=VIEW>; Eligibility: State and local governments, IHEs; Due date: 6/10/13

16.585, 93.243 BJA FY 13 Joint Adult Drug Court Solicitation to Enhance Services, Coordination, and Treatment

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231733&mode=VIEW>; Eligibility: State and local governments; Due date: 6/13/13

Matching requirement

National Endowment for the Humanities

45.162 Bridging Cultures at Community Colleges;

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JII-1032213570?oppld=231856&mode=VIEW>; Eligibility: State and local governments, IHEs; Due date: 8/27/13

Small Business Administration

59.064 Small Business Hurricane Sandy Disaster Relief;

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JlI-1032213570?oppld=230913&mode=VIEW>; Eligibility: State and local governments; Due date: 6/5/13

Intent to Award

17.805 Incarcerated Veterans Transition Program

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JlI-1032213570?oppld=231433&mode=VIEW>; The United States Department of Labor (USDOL), Veterans' Employment and Training Service (VETS) intends to sole source awards of up to \$3,537,443 to extend 15 current Incarcerated Veterans' Transition Program (IVTP) demonstration project grantees for one year. The intended recipients of the sole source grant agreement will be: Swords to Plowshares CA, Arizona Women's Education & Employment AZ, Aletheia House AL, Philadelphia Vet Multi-Svc & Ed Center PA, United Vets of America, Inc./dba/Soldier On MA, Center for Veterans Issues, Ltd. WI, Impact Services Corporation PA, Aspen Diversified Industries Services, Inc. CO, The Workplace, Inc. CT, Goodwill Industries of Houston TX, Eaglevision Ministries, Inc. MI, Volunteers of America Greater Los Angeles, Inc. CA, United States Veterans Initiative (Phoenix) AZ, United States Veterans Initiative (Las Vegas) NV, Way Station, Inc. MD

15.657 Endangered Species Conservation-Recovery Implementation Funds;

<http://www.grants.gov/search/search.do;jsessionid=TgSSR2BY12fjtrcwNchLfhtFGSCtR6nFL1jJLv1LhPXQ5Tm7JlI-1032213570?oppld=232033&mode=VIEW>; Recipient: Virginia Polytechnic Institute and State University