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The Times Journal

# OPINION

February 3, 2022



## Senator Max Wise's Legislative Update Week 3

By Senator Max Wise

The Kentucky General Assembly reconvened in Frankfort this week for the second portion of the 2021 Regular Session, having now completed 11 out of the required 30-days. Legislative business at the Capitol resumed full speed ahead, as both the House and Senate spent the week meeting in committees, voting bills out of the chamber, and overriding vetoes recently cast by the governor.

During the recess period, the governor vetoed six priority bills. They included Senate Bills (SB) 1 and 2, and House Bills (HB) 1, 2, 3, and 5. The policy measures disapproved by the governor consist of language to implement a 30-day expiration of executive orders concerning restrictions placed on schools, businesses, and nonprofits – unless extended by the approval of the General Assembly. The same would go for executive orders that regulate political, religious, and social gatherings or impose mandatory isolation or quarantine requirements.

All of the gubernatorial vetoes listed above were overridden this week by the legislative majority and have effectively become law. As elected officials representing Kentuckians throughout the Commonwealth, we are eager to be involved in these consequential decisions moving forward.

You can find more details on each of these bills in my previous legislative updates or online at [www.legislature.ky.gov](http://www.legislature.ky.gov).

It comes as no surprise that the governor has already filed litigation challenging some of the veto overrides. However, I am grateful to say that Senate Bill 9, the Born Alive Infant Protection Act, became enacted law without the governor's signature.

While we were in recess, budget conference committees, including members from both the House and Senate, began meeting to deliberate an agreed-upon budget bill. Luckily, the state's Consensus Forecasting Group predicted in December that Kentucky would see a small increase in revenue at roughly \$53 million in the next year, with economists expecting the state's budget will not be as hurt by the COVID-19 pandemic as initially thought. These discussions will remain a vital part of the session as these conference committees hammer out details of the state's annual budget plan.

The Senate passed several bills to the House this week, including:

Senate Bill 8—Senate priority legislation that provides exemptions to mandatory immunization requirements during an epidemic based on religious grounds or conscientiously held beliefs. If enacted into law, it would require the Cabinet for Health and Family Services to develop and make available on its website a standardized form relating to exemptions from immunization requirements.

Senate Bill 11—provides recourse for property owners to pursue legal action for intentional damages done to rental property. The bill would classify the deliberate or wanton destruction, defacement, and damage to residential rental property as criminal mischief. It also strives to provide landlords with notifications on background checks if a prospective applicant has previously been charged with causing substantial and intentional damage to rental property.

Senate Bill 21—allows originating hospitals to voluntarily transport mental health patients to a different hospital or facility upon staff authorization and a patient's signed written agreement. It would prevent an adult or child patient who has voluntarily been transported from being released during the transport to a receiving facility.

Senate Bill 38—requires the Cabinet for Health and Family Services to implement regulations requiring health facilities to use a smoke evacuation system during any surgical procedure that is likely to produce surgical smoke. It defines "surgical smoke" to mean the by-product resulting from tissue contact by an energy generating device.

Senate Bill 61—establishes training standards for the staff of personal services agencies and home health agencies that serve patients with Alzheimer's disease and other forms of dementia. If enacted into law, the bill would improve the care provided to these patients.

If you have any questions or comments about these issues or any other public policy issue, please call me toll-free at 1-800-372-7181 or email me [Max.Wise@LRC.ky.gov](mailto:Max.Wise@LRC.ky.gov).

## Budget Belies Big Spenders' Misleading Claims, Provides Funding For Teacher Raises

By Jim Waters



While there are some problem areas in this budget – including throwing good money after bad by dumping another \$105 million into the Kentucky Wired debacle – because Petrie and the House leadership hit the ground running at the beginning of this year's General Assembly session, there's now sufficient opportunity for both lawmakers and their constituents outside the Frankfort bubble to weigh in on such concerns.

Who knows?

There might even be ample time remaining in this session to both pass a budget and create the kind of reforms to Kentucky's tax policy that really fuel growth in our commonwealth and which haven't been seen in Frankfort for decades.

But I digress.

Not only has the budget process improved, but there's much in the current spending plan to praise, including its commitment to maintaining beefed-up rainy day reserves while eliminating the bad – and costly – habit from the past of hijacking road-fund dollars from gas and vehicle usage taxes to prop up general government spending.

Still, this isn't an austere budget by any means.

It contains record amounts of spending, including substantial pension contributions, historical levels of education funding and generous raises to state workers and troopers.

In fact, the House approved so much spending – more than \$51 billion counting federal and state road fund dollars – that the special interests who consistently fuss about how the GOP majority supposedly doesn't care about public services or the workers who provide them find themselves in a quandary.

They're also revealing inflexible allegiance to an ideological narrative

that no matter how much government spends, it's never enough.

So, count on the special interests and their policy lackeys to veer away from reality toward half-truths and even outright deceptive statements.

For example, during the Kentucky Youth Advocates' recent virtual forum on the budget, Jason Bailey, executive director of the Kentucky Center for Economic Policy, repeated a slippery claim he's made elsewhere that HB 1 doesn't fund raises for teachers.

However, Bailey's statement is misleading since the budget provides local school districts with record amounts of funding, making raises for teachers possible.

The House intentionally chose this local-control approach for decisions about teachers' raises and bonuses rather than having Frankfort force a one-size-fits-all policy on all 171 school districts.

Bailey apparently doesn't trust local school leaders to make the right decisions for their districts.

Rep. Scott Lewis, R-Harford, a former Ohio County Public Schools superintendent, supports the approach, telling the Owensboro Messenger-Inquirer "we didn't want to mandate the amount (of raises) because each district is different" and some districts might already have given raises.

Sounds like the best policy to me – even if it doesn't fit big-government, big-spending special interests' predictable narratives.

Jim Waters is president and CEO of the Bluegrass Institute for Public Policy Solutions, Kentucky's free-market think tank. Read previous columns at [www.bipps.org](http://www.bipps.org). He can be reached at [jwaters@freedomkentucky.com](mailto:jwaters@freedomkentucky.com) and @bipps on Twitter.

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