

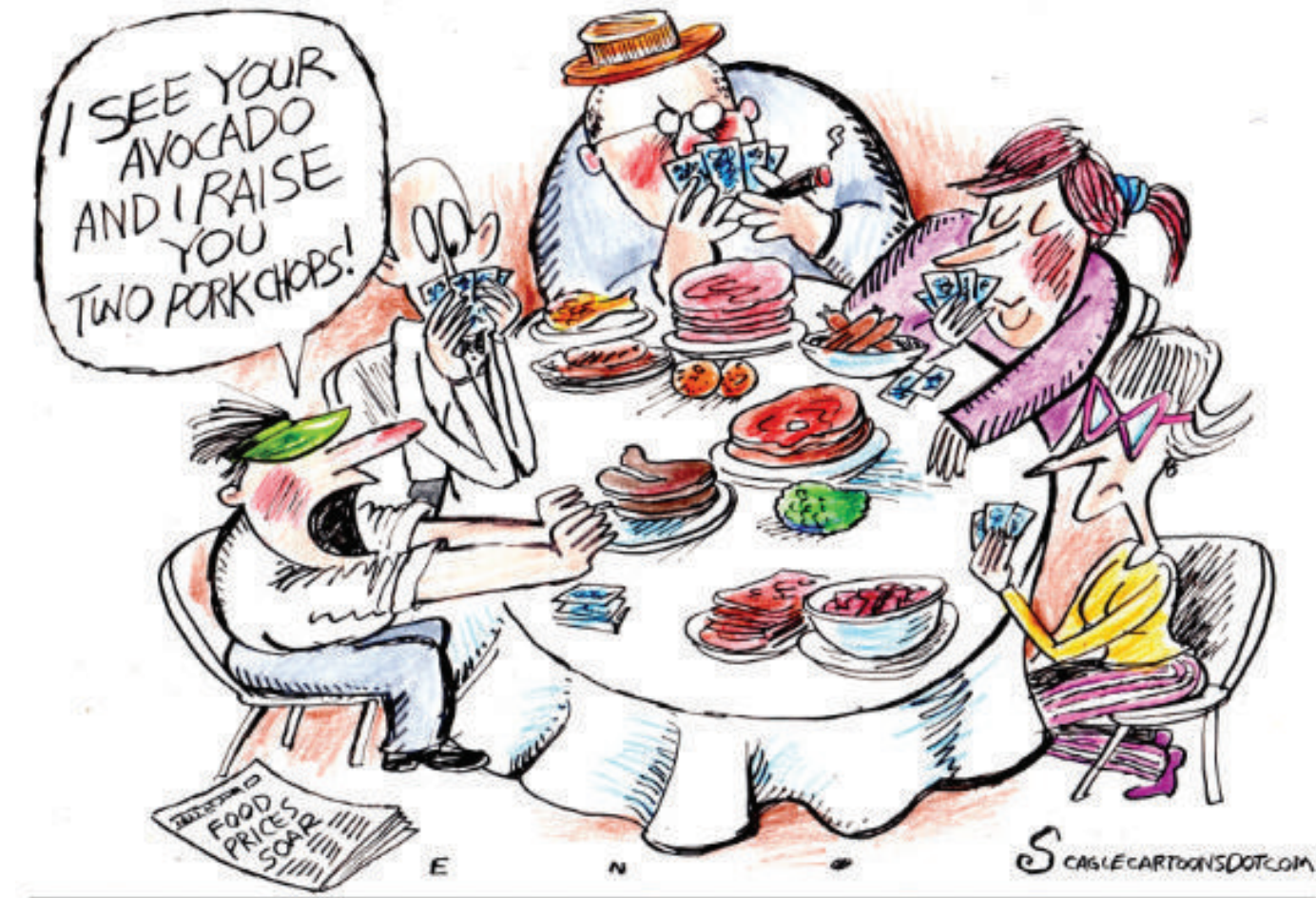
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The Times Journal

OPINION

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HIGH STEAKS POKER



Not All Gridlock Thwarts Legislative Achievement

By Jim Waters



When Democratic Gov. Andy Beshear steps out of his office on the first floor of the Capitol and looks up to the second floor during a legislative session, he’s at least twice as likely to see a Republican as someone from his own party since the GOP holds an overwhelming legislative supermajority – 74 of the 100 Kentucky House seats and 30 of 38 state Senate positions – and all other statewide offices, too.

It’s gridlock, but of a different kind than dominated the Capitol before the historical 2016 election in which the GOP took control of the House for the first time in a century.

It’s the kind of tension the founders envisioned as a way of maintaining government’s balance of power.

The founders were particularly eager to guard against the kind of executive overreach Beshear displayed during the pandemic.

“The accumulation of all powers, legislative,

executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny,” wrote James Madison in the Federalist Papers.

The founders did all they could to ensure that even if the pendulum swung too far one way, mechanisms were in place to reset the balance.

Thus, the executive can veto, but the legislature can override with enough votes.

By overriding all but a handful of the 56 bills Beshear vetoed during the past two General Assembly sessions – including 25 this year – legislative leaders are effectively asserting their constitutional duty as the people’s representatives.

Fortunately, this type of political congestion hasn’t kept Frankfort from being productive.

According to the Legislative Research Commission, there were 1,638 bills and resolutions filed this year by the two chambers; 140 bills alone were debated, voted on and sent to Beshear’s desk just during the two-day marathon of activity at the end of March right before the

veto recess began.

House Bill 9 was among the legislation vetoed by Beshear during that recess, which lawmakers promptly overrode when it returned for the session’s final two days.

While much was made of the bill’s mandate requiring at least one charter school in both Jefferson County and Northern Kentucky, approval of a funding mechanism and a path for charters to begin anywhere in the state makes it likely we could see charters in other places, including midsize cities near Kentucky’s border with school-choice-rich states.

I told reporter Mike Pickett of WEHT-TV, the Evansville, Indiana, ABC affiliate, following passage of HB 9, that it’s not hard to envision a high-performing charter in Owensboro considering Evansville’s Signature School – opened 20 years ago as Indiana’s first charter high school and consistently rated one of America’s best – is little more than a half-hour away.

Indiana’s opened 119 other charter high schools since Signature began and the Hoosier State is committed to making its charter schools the best; what if Jefferson County – also on the border with the same state – did the same?

During the debate over HB 9, selfish opponents lashed out with promises to take legal action to prevent charters from opening.

Thus, we must also be concerned about what else happens on the Capitol’s second floor where the Kentucky Supreme Court hears its cases and might ultimately decide what kind of – and how much – choice parents across the commonwealth have in educating their children.

If the courts respond as the founders intended, they’ll protect the already-established rights of families to educate their children how and where they see fit.

But do courts really have a dog in this fight?

The people’s representatives have spoken.

Failing to honor their decisions would be an imposition of policy rather than an arbitration of issues of constitutionality and legality.

And I know the founders didn’t intend for that to happen.

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#KYGA22 wrap-up

Senate Bill codifies key BIPPS education priorities

Another important education reform passed this session makes needed changes to the governance of our schools. The Kentucky Education Reform Act (KERA) passed in 1990 stripped school boards and superintendents of authority over important district-wide decisions such as principal hiring, spending decisions and choosing curriculum. Instead, KERA formed in-school councils called School Based Decision-Making Councils (SBDMs), creating new public entities that have no accountability to taxpayers. BIPPS has worked with Sen. John Schickel, R-Union, for several years as he has championed this legislation. The important changes he put forward will ensure that the people of the commonwealth can hold superintendents and school boards responsible for how Kentucky’s education tax dollars are spent.

Also part of SB1 is a huge boost to teaching American history in Kentucky public schools. Originally a stand-alone bill filed by Senate Education Chairman Max Wise, R-Campbellsville, and titled the “Teaching American Principles Act,” its addition to SB1 addresses our concerns with the most recently adopted social studies standards for their lack of inclusion of countless important historical figures such as Dr. Martin Luther King and Abraham Lincoln. Preserving History, a 2020 BIPPS Policy Point, points out that the deficient standards are particularly problematic because Kentucky law requires student state-wide testing to only include what is in the standards. This legislation now strengthens social studies standards by more thoroughly outlining topics to be included in history teaching.

BIPPS research leads to bipartisan literacy bill

Thanks to BIPPS education analyst Richard Innes, Kentucky is making major changes to how Kentucky teachers teach reading in the classroom. Senate Bill 9, which has been signed by the governor, improves how educators teach reading and and helps to better identify struggling students for intervention.

Bill protects free speech from government retribution

A bill to help protect Kentuckians’ freedom of speech by shielding them from retribution by government agencies passed the General Assembly on the last day of the 2022 legislative session with bipartisan support. According to co-sponsor Rep. Nina Kulkarni, D-Louisville, the bill allows judges to “dismiss certain civil lawsuits that are used to intimidate, censor or silence those who speak out on a matter of public interest or concern by burdening them with the cost of a legal defense against what is ultimately a meritless lawsuit.”

After two years of working with a nonpartisan coalition including the Kentucky chapter of Americans for Prosperity, BIPPS joined several other organizations in signing a letter supporting similar legislation during the 2021 legislative session.

Because it was passed in the final hours of session, the legislature will not be able to override a veto should Gov. Beshear decide to issue one. However, the bill had widespread support from both parties, passing the House unanimously and passing the Senate with a 30-2 vote.

Relief from bloated vehicle taxes

Lawmakers saved taxpayers from having to pay inflated motor vehicle taxes by passing a bill requiring the Kentucky Department of Revenue to determine car values using last year’s values rather than the inflated ones caused by car-part shortages. It also requires motor vehicle taxes to be assessed at the average trade-in value and not clean trade-in value.

Ignoring Kentucky law, former Gov. Steve Beshear’s administration began using the clean trade-in value which fails to take into account an automobile’s actual condition. Along with continuing this practice, Gov. Andy Beshear sent a letter late last year notifying county officials that 2022 vehicle valuations would go up about 40%.

LETTERS TO THE EDITOR

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