

*Election 2014*

## Chamber PAC endorses business-friendly candidates

**THE KENTUCKY CHAMBER PAC**, the independent political action committee of the Kentucky Chamber, has announced its endorsed candidates for election to the Kentucky General Assembly. The Chamber's primary focus is to advance policies that improve Kentucky's business climate to create and expand prosperity. Chamber PAC-endorsed candidates have demonstrated a commitment to free enterprise and support for policies that expand opportunities for job growth and investments.

The Kentucky Chamber PAC evaluated candidates based on answers to the Kentucky Chamber candidate survey, additional surveys and interviews conducted by the Chamber and other business friendly groups, past voting records and additional information from the Chamber's network of businesses advocates throughout the Commonwealth.

"The candidates have been endorsed based on their commitment to pro-jobs policies," said Chamber PAC Chairman Steve Loyal. "These candidates understand that fostering an attractive business environment through sound tax, regulatory and tort policies, as well as a focus on educational excellence, is critical to strengthening Kentucky's economy and making our Commonwealth more competitive."



### PAC IDENTIFIES CRITICAL RACES

The Kentucky Chamber PAC-endorsed candidates indicated in green below have also been identified as key candidates in critical races. The Kentucky Chamber PAC has identified these individuals as being the clear pro-business candidate in a tight election and encourages business leaders from around the state to consider making a contribution – whatever the amount – to help elect these champions for business.

The Kentucky Chamber PAC strongly urges business support for the following Candidates. Please consider making a contribution to the following pro-business candidates who are facing tough re-elections. Visit [kychamber.com/contribute](http://kychamber.com/contribute) to find out how to contribute to these candidates' campaigns.

### ENDORSED BY THE KENTUCKY CHAMBER PAC

 <b>Senate District 2</b> Danny Carroll Paducah	 <b>House District 12</b> Jim Gooch* Princeton	 <b>House District 23</b> Jeffery Jobs* Glasgow	 <b>House District 36</b> Jerry Miller Louisville	 <b>House District 66</b> Addia Wuchner Burlington
 <b>Senate District 34</b> Jared Carpenter Berea	 <b>House District 13</b> Alan Braden Owensboro	 <b>House District 26</b> Russell Webber Shepherdsville	 <b>House District 48</b> Bob DeWeese Louisville	 <b>House District 73</b> Donna Mayfield Winchester
 <b>Senate District 36</b> Julie Raque Adams Louisville	 <b>House District 14</b> Tommy Thompson Owensboro	 <b>House District 27</b> Jeff Greer Brandenburg	 <b>House District 50</b> David Floyd Bardstown	 <b>House District 77</b> George Brown Lexington
 <b>House District 2</b> Richard Heath Mayfield	 <b>House District 18</b> Tim Moore Elizabethtown	 <b>House District 29</b> Kevin Bratcher Louisville	 <b>House District 53</b> James Tipton Taylorsville	 <b>House District 79</b> Susan Westrom Lexington
 <b>House District 3</b> Randy Bridges Paducah	 <b>House District 19</b> Michael Meredith Brownsville	 <b>House District 32</b> Phil Moffett Louisville	 <b>House District 59</b> David Osborne Prospect	 <b>House District 84</b> Fitz Steele Hazard
 <b>House District 7</b> Suzanne Miles* Owensboro	 <b>House District 20</b> Jody Richards Bowling Green	 <b>House District 35</b> Carl Nett Louisville	 <b>House District 62</b> Ryan Quarles* Georgetown	 <b>House District 88</b> Robert Benvenuti Lexington

\* Visit [kychamber.com/contribute](http://kychamber.com/contribute) to find out how to donate to these campaigns in critical races.



James Tipton, a candidate for House District 53 Representative, was one of many candidates interviewed on Business PAC Day at the Kentucky Chamber. Photos from the reception that concluded Business PAC Day appear on page 7.

## Candidates interviewed by business PACs

**ON SEPT. 8**, the Chamber hosted a Business PAC Day reception for all candidates vying for election to the Kentucky General Assembly. Twenty business, industry and health PACs served as hosts to the candidates.

"Kentucky's employers are represented by a number of organizations in Frankfort," said Kentucky Chamber PAC chairman Steve Loyal. "We felt it was important to reach out to the candidates and make them aware of a number of critical issues facing all employers and learn how they plan to improve the state's business climate."

In addition to the reception, the PACs and their representatives interviewed a number of candidates earlier in the day in open seats and competitive races.

"Personally discussing issues with 20 business organizations sends a signal to candidates that our issues matter," remarked Loyal. "We were impressed with the high quality of the discussion on issues. I expect, based on the responses, a number of candidates will gain additional support from the business community."

## Wil James, Jr., begins chairmanship of Kentucky Chamber

**ON OCT. 1**, Wil James, Jr., president of Toyota Motor Manufacturing, Kentucky, Inc., began his term as chairman of the Kentucky Chamber of Commerce's Board of Directors. James succeeds 2014 Chairwoman Elizabeth McCoy, president and CEO of Planters Bank in Hopkinsville. Kevin Canafax, vice president of midwest public affairs for Fidelity Investments in Covington, has been named chair-elect for 2015.

In July 2010, James became the seventh president of Toyota Motor Manufacturing, Kentucky, Inc. He leads Toyota's largest automotive manufacturing plant in North America, while also championing quality initiatives for Toyota's 14 North American manufacturing operations. James is the first African-American to serve as president of Toyota's Kentucky plant, located in Georgetown, which manufactures the Camry, America's best-selling car, and was recently named the new home of the first U.S.-produced Lexus.

James holds a Bachelor of Science degree in Mechanical Engineering Technology from Old Dominion University and in 2013 was awarded an honorary doctorate in engineering from the University of Kentucky.

A full listing of executive committee and board members appears on page 4.



2015 Kentucky Chamber Chairman Wil James, Jr., has served as the president of Toyota Motor Manufacturing, Kentucky since 2010.

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## Academic Standards Challenge: An opportunity for constructive suggestions, not political rhetoric

**KENTUCKIANS** have an opportunity to make specific recommendations on ways to improve the state's academic standards via an on-line challenge the Kentucky Department of Education has launched.

This exercise, being called the Kentucky Core Standards Academic Challenge, is important for several reasons. It will help Kentuckians learn more about what our students are expected to learn and be able to do in English/language arts and math, and it will solicit feedback as part of the department's regular review process.

Perhaps even more important, it will allow the discussion about Kentucky's rigorous standards to go beyond the negative political rhetoric that is seemingly aimed at raising concerns among Kentuckians without providing specific suggestions of ways to change or improve these teaching guidelines.

Education officials have made it clear that this challenge is not a referendum on the standards and that only comments tied to a specific standard will be considered. That is a good thing and will require critics to move from generating rhetorical heat about the standards to shedding light on options to strengthen them.

Kentucky was the first state to adopt the new standards, sometimes called the Common Core State Standards, and is ahead of the nation on testing student performance and identifying schools where significant improvement is needed. Our schools and teachers are working hard to deliver the best instruction for our students.

They recognize, as Kentucky's employers do, the critical link between quality schools and a well-prepared workforce and informed citizenry. Building that quality means student learning must reach and maintain an ever-higher level.

That is why the Kentucky Chamber and other business organizations have been active supporters of the standards. That is also why we are monitoring the comments of candidates for office in Kentucky – especially those running for governor – to encourage their clear understanding of and support for the standards.

As with any area of significant public policy – and little is more significant than what guides our education system – there is a danger of misinformation being mistaken for an accurate reflection of reality.

**“Education officials recognize, as Kentucky’s employers do, the critical link between quality schools and a well-prepared workforce and informed citizenry.”**

Dave Adkisson  
Kentucky Chamber President & CEO

We have seen some of that in relation to the standards. For example, and despite rhetoric to the contrary:

- The standards do not limit what students can learn. In fact, they establish only the minimum requirements. Schools may and do go well beyond those minimums in their teaching. The standards establish the floor, not the ceiling.
- They do not dictate what teachers must do in the classroom. Decisions on curriculum and what and how Kentucky students are taught are made at the local level by Kentucky schools and teachers. The standards do not diminish local control.
- They were not created and implemented by the federal government. They were developed by a coalition of states organized by the National Governors Association and the Council of Chief State School Officers; neither are federal agencies.

As our schools continue to make progress in preparing students to succeed as adults, the Core Standards Academic Challenge offers a great opportunity for Kentuckians to make thoughtful, helpful suggestions on ways to make them even better.

The challenge will remain open until April 30, 2015. When it ends, the comments will be posted online, and those on specific standards will be evaluated by a team of Kentucky educators who specialize in content areas at all school levels. That team will recommend any changes to the Kentucky Board of Education for its consideration; that is most likely to happen in the fall of 2015.

We encourage everyone to learn more about the process at: <http://kentucky.statestandards.org>. For folks who care about what our kids are learning, this is a great opportunity to be heard!



## Adkisson touts student and teacher achievement

**RECENT DATA** released by the Kentucky Department of Education shows improvements in student performance, college/career-readiness and the number of high school graduates.

“The business community of Kentucky is pleased with the positive results our students and teachers are demonstrating with the latest round of test scores,” Kentucky Chamber President and CEO Dave Adkisson recently told the Collaborative for Student Success. “We stand behind our educators as they strive for higher student achievement. A few years ago, we predicted that tougher standards and more rigorous tests would initially lead to lower scores. But with another round of test scores released, we can see improvement that everyone has been hoping for and working toward.”

Overall student performance showed improvement from 2013 with the percentage of proficient and distinguished students increasing in most subjects at every grade level. Students in groups that have historically had achievement gaps also are performing at higher levels across multiple content areas and grade levels.

Additionally in 2014, the college/career readiness rate jumped to 62.3% – up from 54.1% last year and 47.2% in 2012. The four-year graduation rate is up as well – from 86.1% in 2012-13 to 87.4% in the 2013-14 school year.

“Our biggest challenge now is to stay the course,” said Adkisson. “Kentucky's tougher academic standards are leading to students being better prepared for going on to college and pursuing a career.”



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Joanne Wallen, Club Manager, Lexington Tennis Club

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# A win for taxpayers

## Court orders release of documents by Kentucky Department of Revenue

**THE DEBATE** over what state tax transparency means has never been a hotter topic than now, in an era where state governments rely so heavily on tax collections to balance their budgets – and in Kentucky, where the Commonwealth faces \$34 billion in unfunded pension liabilities.

The overarching goal of any tax system must be to collect the correct amount of taxes, not more nor less. The more transparent a tax system,



*Jennifer Barber is an attorney for Frost Brown Todd. She is a member of the Kentucky Chamber's Tax Working Group and Litigation Committee.*

the more likely a taxpayer will pay, and the state will collect, the right amount of tax. And in a system where taxpayers are treated uniformly and

fairly, being transparent allows businesses and citizens to understand clearly the rules as they are being implanted by the Department of Revenue (Revenue).

In a recent case, *Mark F. Sommer and Tax Analysts v. Finance and Administration Cabinet*, Civil Action No. 13-CI-29 (Franklin Cir. Ct., Div. I), the Franklin Circuit Court moved Kentucky in the right direction by ordering Revenue to disclose its final agency decisions – decisions which shed light on how Kentucky's tax laws are interpreted and enforced by Revenue.

State and local tax attorney, Mark F. Sommer, and leading national tax publication, *Tax Analysts* (Appellants), sought certain final administrative decisions with confidential taxpayer information redacted from Revenue via Open Records request.

Revenue identified approximately 700 requested documents within its custody and control, but denied the request on the basis that taxpayer confidentiality prevents disclosure and that redaction would be too burdensome.

The Appellants filed an appeal with the Office of the Attorney General, who affirmed Revenue's denial, citing the harsh consequences that exist for a Revenue official who violates taxpayer confidentiality as its rationale for siding with Revenue's failure to disclose information.

The Appellants appealed the Attorney General's Order to the Franklin Circuit Court arguing that the Open Records Act's presumption of openness is grounded in the notion that inspection of public records reveals whether a public agency is serving the public, and also provides impetus for agencies steadfastly to pursue the public good. As to Revenue's position that redaction would be too burdensome, the Appellants responded with examples from other states where it can, and has been, done. In Kentucky's neighboring state of Indiana, for instance, final rulings are made available to the public in redacted format on the internet via a search engine format. Clearly, a taxpayer's need for transparency in Kentucky or any state that lacks transparency is no different than the need of taxpayers at the federal level or in states such as Indiana where disclosure is provided.

On August 24, 2014, the Court issued an Opinion and Order holding in favor of the Appellants and ordering Revenue to produce the requested documents. In its decision the Court recognized the importance of taxpayer confidentiality laws, but correctly held that a taxpayer's right to privacy is not so absolute as to shield Revenue from its duties under the Open Records Act.

This is a step in the right direction for Kentucky, and all other states that do not disclose final agency decisions. Taxpayers desire certainty – what the law is, how to follow it, an understanding of how those laws will be enforced and a comfort that they will be enforced consistently. There are benefits to both taxpayers and taxing authorities to strive for a more transparent tax system, as transparency will improve both efficiency and voluntary compliance.

*The author serves as Counsel to Appellant, Mark F. Sommer, in this matter.*



Kentucky Chamber President & CEO Dave Adkisson stressed the importance of oversight to the Public Pension Oversight Committee in September.

## Chamber stresses importance of pension oversight

**REFERRING TO THE STATE'S** unfunded pension liability as a dark cloud over Frankfort, Kentucky Chamber President & CEO Dave Adkisson stressed the importance of oversight to the Public Pension Oversight Committee in September. With billions of dollars at stake, Adkisson suggested the committee strongly consider contracting with a professional investment firm to help provide adequate oversight of the investment of public dollars. His comments followed a formal presentation of the investment returns, which indicated the Kentucky Retirement System (KRS) investment returns were lower than other benchmark funds for the last 10 years.

Legislators passed a significant pension reform bill last year that will help with long-term costs. While 2013's Senate Bill 2 was a step toward solvency, legislators must continue to meet their annual pension obligation or risk falling further behind. Not only does this strain concern retirees counting on their pension payments, it also makes it more difficult to fund the state's priorities like education. Legislators funded the required payment for KRS, but were unable to meet the Kentucky Teachers' Retirement System (KTRS) funding request. Both business and individual taxpayers are watching closely to ensure legislators continue their commitment to restoring solvency to the pension systems.

## EPA extends comment deadline for greenhouse gas rule

**THE U.S. ENVIRONMENTAL PROTECTION AGENCY** (EPA) agreed to a 45-day extension for its proposed 111(d) greenhouse gas regulations. These regulations will have a significant negative impact on Kentucky's electricity prices if enacted as proposed. The comment period has been extended until Dec. 1, 2014.

The Kentucky Chamber joined the U.S. Chamber and countless other associations asking for the extension. Sen. Mitch McConnell and Sen. Rand Paul joined a bipartisan majority of U.S. Senators in urging EPA Administrator Gina McCarthy to give more time for their constituents to comment on the proposed rule. The bipartisan letter to EPA noted that "the proposed rule imposes a heavy burden on the states during the rulemaking process ... extension is critical to ensure that state regulatory agencies and other stakeholders have adequate time to fully analyze and comment on the proposal..."

The Kentucky Chamber continues to evaluate the rule and its negative impact on utility rates in the Commonwealth. The Chamber is currently preparing its formal comments, but encourages member companies to weigh in directly with the EPA. Visit [kychamber.com/EPAcomments](http://kychamber.com/EPAcomments) to find out how to submit your comments.

## Councils completing work on 2015 Legislative Agenda



Kentucky Chamber policy councils have been meeting since early summer to form the 2015 Legislative Agenda, which will be completed in early November. Pictured above, a panel of education leaders, including Prichard Committee's Stu Silberman and Kentucky Education Commissioner Terry Holliday, spoke to the Chamber's Education & Workforce Council in September.

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\* Ex-Officio

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The Kentucky Chamber's Key Investors are an exclusive group of top Kentucky executives whose companies provide significant financial support and leadership for Chamber involvement in critical issues affecting Kentucky businesses.

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## Legislative Preview Conference set for Dec. 8

**THE KENTUCKY** Chamber's Annual Legislative Preview Conference, presented by Brown-Forman, has been scheduled for 8:30 a.m. to 4:30 p.m. on Monday, Dec. 8, and will be held at the Griffin Gate Marriott Resort & Spa in Lexington. This is your opportunity to get the latest insights on key 2015 issues. Members of the Kentucky General Assembly, local officials and executive branch leaders will discuss their priorities and take your questions. This year's lineup of hot topics includes a rural hospital audit report from State Auditor Adam Edelen; an industry sectors' panel discussing automotive/manufacturing, telecommunications, coal/energy, construction and small business; and a pensions report.



Learn more and register at [kychamber.com/events/legislative-preview](http://kychamber.com/events/legislative-preview).

## Post-election conference to address the future of energy

November 18-19, Hilton Downtown, Lexington

**THE 4TH ANNUAL** Kentucky Energy Management Conference, presented by Frost Brown Todd, will feature industry and government experts sharing their valuable insights. This discussion, held just days after the Nov. 4 election, will focus on what the results mean for the future of energy in Kentucky and how it will impact your business. Learn how to achieve your short-term goals of budgeting for energy costs today, as well as insights into the future cost and availability of energy sources such as coal, natural gas, wind, solar and nuclear. While these many important energy topics will be covered, discussion of the recent announcement from the Obama Administration that it plans to regulate greenhouse gas emissions from existing power plants will play a prominent role at this year's conference. You simply can't meet today's energy challenge if you don't understand the problem. The 4th Annual Kentucky Energy Management Conference will address your questions and concerns.



Take advantage of sponsor and exhibitor opportunities

To learn more about sponsor and exhibitor opportunities for these upcoming events, please contact Andrea Flanders at [aflanders@kychamber.com](mailto:aflanders@kychamber.com) or 502-848-8723.

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## KENTUCKY CHAMBER NEWS

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# Business PAC Day Reception



Sara Smith (Smith Management Group), candidates Ryan Quarles (Georgetown) and Jim Gooch (Princeton), and Dave Adkisson (Kentucky Chamber).



Candidates Suzanne Miles (Owensboro) and Robert Benvenuti (Lexington)



Greg Brotzge (Kentucky Society of Architects) and candidate Jody Richards (Bowling Green)



Candidate Richard Heath (Mayfield) and Scott Smith (Smith Management Group).



Candidate Donna Mayfield (Winchester) and Ruth Heath.



Sen. Tom Buford and Candidate Bob DeWeese (Louisville)



Candidate Jeff Greer (Brandenburg) and Steve Loyal (Atmos Energy).



Candidate Phil Moffet (Louisville), Fred Orthmeyer (Associated General Contractors of Kentucky PAC), and Wes Brewer (Kentucky Chapter of American College of Emergency Physicians PAC).



Ashley Melendez (Kentucky Chapter of American College of Emergency Physicians PAC) and candidate Tim Moore (Elizabethtown).



Candidate Ryan Quarles (Georgetown), and Bill Bissett (Kentucky Coal Association).



Candidate Carl Nett (Louisville) and Kurt Owings.

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NOVEMBER 2014

# NEWS

## Chamber PAC endorses legislative candidates

