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The 2009 General Assembly: Two Steps Forward, One Step Back

By Dave Adkisson
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Two steps forward. One step back. Perhaps that's the best way to characterize the impact of the recently concluded legislative session on Kentucky's prospects for progress.

Clearly there was substantial progress made in key areas, but we fell short on some important matters.

First step forward

A particularly noteworthy step forward was the cooperation, in both words and actions, which marked the majority of the General Assembly's work. The open communication among the Senate, the House of Representatives and the Governor's Office resulted in a respectable list of accomplishments, not the least of which was plugging a sizeable hole in the state budget.

It also provided a stark – and welcome – contrast to the contentious and sometimes minimally productive nature of recent sessions. Just a year ago, in fact, our post-session review expressed the frustration of many Kentuckians about the often chaotic 2008 regular session.

Second step forward

The respectable list of accomplishments represents the other step forward as lawmakers enacted measures that will lead to progress in education, health and corrections. And, as is often the case, the defeat of bills considered harmful was actually a positive result for the state's efforts to attract and grow jobs.

The one step back? Some important issues that were left on the table as time ran out. Among them:

- an overdue overhaul of the state's economic incentive programs to put a greater focus on small businesses, Kentucky's existing companies, retooling manufacturing facilities and technology companies – all making Kentucky a better place to do business
- the Kentucky Transportation Infrastructure Authority, necessary to move ahead with several large-scale transportation projects around the state, including the Ohio River bridges in Louisville
- legislation clarifying Kentucky's discrimination laws to allow companies to provide incentives to encourage employees to stop smoking

Here is a closer look at the Kentucky Chamber's bottom-line assessment of the 2009 General Assembly.

Pro Biz

Positives for the state's employers included:

- legislation to encourage better health and discourage smoking by increasing taxes on cigarettes and other tobacco products
- changes to the state's education testing system to create new tests based on international standards and to ensure that students are ready for college and modern jobs; one area of concern is the interruption of school reporting requirements during the three-year period in which the new testing system will be developed
- the defeat of an effort to significantly reduce the threshold for filing lawsuits against employers over work-related injuries

- preservation of funds for road construction and maintenance
- the defeat of a number of costly mandates that would serve to increase health insurance costs for employers and citizens
- a brownfield redevelopment fund

No Biz

On the negative side of the ledger, in addition to the items noted earlier:

- a sales tax on beer, wine and spirits, an unfortunate development for one of our signature industries
- no tax credits for employers who implement employee wellness programs
- failure of a measure to encourage early high school graduation for qualified students
- no changes to the state's prevailing wage laws that increase the cost of public construction projects
- a failure to consider commonsense liability protections for employers
- no action on measures to increase students' physical activity
- no action on reasonable statutes of limitations for bringing lawsuits on wrongful discharge or other employment matters

The anticipation of another budget crisis is already spurring talk of a special legislative session. We have seen proof in recent weeks that bipartisan cooperation produces positive results for both citizens and their elected leaders. Here's hoping that this fresh, new, cooperative approach to addressing Kentucky's continuing challenges will become business as usual in Frankfort.

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