



2009 Scorecard Vote Explanation  
Page 1 of 10

**KEY:**

**Bill No.** – First listed sponsor  
Chamber VoteID (Club recommended vote)  
Weight and explanation

**HB 13** – J. DeCesare

House (Cosp.)

+5 Putting state expenditures online is just common sense.

**HB 14** – J. DeCesare

House (Cosp.)

+5 Allowing a 24-hour window to review legislation before voting on it is just common sense.

**HB 53** – T. Edmonds

House #61 (N)

House #393 (N)

5 Requiring the titling of ATVs is effectively a new property tax on Kentuckians. This legislation is just part of the old "If it moves, tax it" mentality.

Senate 3/11 (N)

10 The Senate score is doubled to equal the two House votes.

**HB 82** – B. Yonts

House #83 (N)

3 This legislation would drastically reduce a school system's ability to discipline and remove employees who are not directly involved in the classroom.

**HB 102** – D. Pasley

House #317 (N)

Senate 3/13 (N)

5 Creates a new state bureaucracy with the taxing authority to levy tolls and issue bonds for transportation projects. Current tolling authorities exist in the commonwealth, could be used for this purpose and are not retired by this legislation. Also there is no requirement for use of existing Kentucky taxes (gas taxes) before tolls are used.

Even if one believes that tolls are a fairer way to apportion fees for use of the road system, that is no excuse for piling Kentuckians with multiple tax and spending schemes. This bill followed others that hiked taxes and piled debt above levels that were already at record highs. Apparently debt and tax hikes were not sufficient for those addicted to spending in Frankfort, and they need to create an entire new system of taxation on top of those measures.



2009 Scorecard Vote Explanation  
Page 2 of 10

**HB 104** – D. Pasley

House (No Cosp.)

- 5 The so-called “stream saver” is essentially a “you can’t move dirt” bill that singles out mining for a practice that is also common in road construction and home building. Cosponsoring this bill is indicating opposition to an industry that is not only important to many of Kentucky’s more impoverished areas, but also Kentucky’s biggest attraction to new investment: the low cost of electricity in the commonwealth.

**HB 117** – M. Cherry

House #68 (N)

Senate 3/12 (N)

- 5 ES08 HB 1 was a small step forward in dealing with the overwhelming pension liability facing the state. Of the main reforms, one was a commitment to responsible funding of pension plans. What was a small step forward in the first place is now slowly unraveling.

Instead of addressing the future liability by creating a new plan for future employees that would more greatly resemble retirement benefits in the private sector, the General Assembly chose to require adequate payments to support the plan as it is. The 2009 budget fix (HB 143) borrows significant sums from the retirement system. Now HB 117 would delay payments into the system. How much will the next bill take from the system?

**HB 143** – G. Stumbo

House #54 (N)

Senate 2/13 (N)

- 5 The proposed budget fix made some spending reductions, but relied on tax increases, spending reserves and borrowing from the state pension plan. Instead of making the necessary cuts caused by years of overspending, the general assembly chose to ask for more from the taxpayer.



2009 Scorecard Vote Explanation  
Page 3 of 10

**HB 144** – G. Stumbo

House #53 (N)

Senate 2/13 (N)

10 The companion legislation to HB 143 compounded tough economic times for Kentuckians by raising taxes and imposing brand-new taxes like a sales tax on alcohol purchases. Frankfort averaged a 5.1% increase in General Fund spending each year over the five years prior to 2009, and that's including 2009's decrease. These tax hikes only compounded the economic hardship felt throughout Kentucky and will continue to negatively impact economic growth.

Alcoholic beverages are one of the most heavily taxed products in Kentucky. More than half - 53 percent - of the retail cost of a typical bottle goes to taxes of some sort. Kentucky already ranks HIGHEST in comparative spirit taxes to most neighboring states. The idea of raising those taxes even higher will cost jobs in businesses related to our signature bourbon, tourism, hospitality and agricultural industries.

**HB 223** – J. Wayne

House (No cosp.)

-5 The bill is an increase in taxes for the “rich” in Kentucky. The cosponsors are a list of legislators who are insatiable in their appetite for your hard-earned money.

**HB 229** – T. Thompson

House #349 (N)

Senate 3/13 (N)

5 There are a number of different elements of the bill, many that improve economic freedom, but all a tacit admission that Kentucky’s tax code is broken. Whatever the merits of the other elements of the legislation, the ridiculousness of one new program trumps them all -- the bill creates a \$15 million taxpayer-funded subsidy of Hollywood film production. In a year when the General Assembly hiked taxes over \$360 million, they’re giving \$15 million of that to companies like Disney and Sony to film movies.

**HB 236** – H. Moberly

House #62 (N)

Senate 3/12 (N)

7 This bill creates a new tax on a technology that doesn’t even exist in Kentucky yet. Television over the internet, or “Internet Protocol Television” only exists in pilot projects across the U.S. Thanks to this bill, taxing it before it gets here, there will be no incentive to bring the technology to Kentucky.



2009 Scorecard Vote Explanation  
Page 4 of 10

**HB 293** – L. Clark

House #320 (N)

- 3 This legislation creates a new \$100 minimum fee for inspections by the Fire Marshal or deputized agencies, a fee increase estimated to net the state an additional \$1.9 million in revenues. Just another small tax on the population of Kentucky.

**HB 333** – B. Yonts

House #117 (N)

- 5 An annual debate, the legislature continues to push back the adoption of modern medical guidelines because they are less lucrative in workers' compensation claims. The original legislation would require the re-adoption of the American Medical Association's 5<sup>th</sup> edition of "Guides to the Evaluation of Permanent Impairment" instead of the current 6<sup>th</sup> edition.

Senate 3/13, House #430 (N)

- 1 The Senate amendment would push back the adoption of the 6<sup>th</sup> edition until July 2010, suggesting that issue would be considered in the 2010 session. At least it assumes the current guideline will be adopted.

**HB 346** – H. Moberly

House #244 (N)

- 5 This legislation would attempt to limit teacher preparation hours, requiring school-based decision making councils to have policies in place that actually limit the time teachers are allowed to plan.

**HB 347** – H. Moberly

House #173 (N)

- 6 This bill defines all sorts of digital property and places a new sales tax on it. Strangely, the Department of Revenue argued against itself, saying that Kentucky already had the authority to tax these transactions, but that if the bill to tax these transactions didn't pass, the state could lose \$11 million in voluntary payments by vendors.

The upshot is that every small business and freelance creative on the web will now be burdened selling in Kentucky. This tax includes music downloads, buying stock photos and art, and purchasing newspaper archives to name a few things.

Senate 3/12 (N)

- 10 The Senate amendment removed computer maintenance contracts from the new tax.

House #419 (N)

- 4 The first House vote is weighed slightly more because of the Senate amendment.



2009 Scorecard Vote Explanation  
Page 5 of 10

**HB 374** – R. Rand

House #292 (N)

Senate 3/13 (N)

10 This legislation hikes Kentucky's gas tax by \$0.04.

**HB 386** – B. DeWeese

House #302 (N)

4 Regardless of the merits of loan forgiveness to dental or medical graduates, this creates a new \$2.5 million spending program when the state faces a \$1 billion shortfall.

**HB 392** – S. Overly

House #240 (N)

5 The bill creates additional penalties for employers who "misclassify" employees. The rules of classification are not uniform from county to county or site to site. Employers are already required to make amends when mistakes are found. Creating additional civil penalties for getting a ridiculously complex system wrong is unfair.

**HB 411** – M. Cherry

House #260 (Y)

Senate 3/13 (Y)

10 HB 411 eliminates Kentucky Vehicle Enforcement and merges its operations and functions into the Kentucky State Police. They really are duplicative agencies, ever since the KVE was ruled to have the authority of officers of the peace. When is the last time you remember an agency being eliminated in more than name?

**HB 433** – R. Rand

House #357 (N)

Senate 3/13 (N)

5 HB 433 is a magic spending bill that "funds" a few favored projects out of a "reserve fund" that has a deficit of \$196 million before this bill is passed. This legislation is irresponsible budgeting at its worst.



2009 Scorecard Vote Explanation  
Page 6 of 10

**HB 455** – R. Nelson

House (Cosp.)

- 5 The workers compensation system exists to be an orderly way for injured workers to be compensated for injury and to provide businesses with clear obligations to care for injured workers. It is a mediation system designed to reduce the delay, uncertainty and costs of going to court. In exchange for the relinquishment of the original civil court claim, workers are relieved of the burden to prove the fault of the employer. HB 455 would open the workers compensation system up to litigation before any administrative hearing. While the author no doubt thinks the bill leaves the old system in tact, there will no longer be any reason to be forthcoming or agreeable in workers compensation claims, because any agreement can be challenged in court anyway. The system designed to reduce litigation will no longer serve a purpose.

**HB 472** – L. Clark

House #290 (N)

3

House #428 (N)

2

Senate 3/13 (N)

- 5 This legislation expands the Kentucky Horse Racing Authority to the tune of \$1.7 million, and doesn't pay for this expansion in any substantial way. Whether or not this expansion is warranted, a new \$1.7 million spending program does not help address the state's \$1 billion shortfall.

**HB 485** – T. McKee

House #271 (N)

Senate 3/11 (N)

- 2 Doubles the fee on pesticide registration and eliminates the spending caps designed to keep operation of the registration system efficient.

**HB 536** – S. Overly

House #293(N)

Senate 3/13 (N)

- 2 The road appropriations bill adds an additional \$400 million in bonded debt.



2009 Scorecard Vote Explanation  
Page 7 of 10

**SB 1 – K. Winters**

Senate 2/10 (Y)

House #375 (Y)

House #431 (Y)

Senate 3/13 (Y)

- 4 The CATS testing and accountability system for education in Kentucky had never been consistently useful. Scores have been inflated, once purposely. It didn't really serve as a standard.

This legislation boldly ended to the CATS testing system, to replace it with an existing testing system that would allow individually meaningful scores for students. The elimination of CATS is combined with a demand to review the curriculum, especially for math, to make sure that the fundamentals are being taught "deeply" and our education system is not spreading itself thin with a broad but shallow survey.

Education takes up 43% of general fund appropriations, so it is the first place to look to budget responsibly.

**SB 3 – K. Winters**

Senate 2/10 (Y)

- 5 Allows students to graduate early from high school without forfeiting their KEES eligibility.

**SB 4 – D. Kelly**

Senate 2/5 (Y)

- 4 This legislation creates a program of pretrial drug diversion. If addicts can be committed to rehabilitation instead of a jail, it decreases costs to the state and greatly decreases recidivism.

House #363 (N)

- 3 This procedural vote was an attempt to derail the original language by amending a very expensive program into the legislation.

House #364 (Y)

5

Senate 3/12 (Y)

- 4 The bill passed largely in its original form.

**SB 13 – B. Leeper**

Senate 2/12 (Y)

- 5 Changes outdated regulations that are preventing the use of nuclear-generated electricity in Kentucky.



2009 Scorecard Vote Explanation  
Page 8 of 10

**SB 34** – G. Tapp

Senate 2/26 (Y)

8

House #361 (Y)

House #425 (Y)

4 Loosens restrictions on small farm wineries to improve opportunities for Kentucky's agri-tourism vineyards.

**SB 49** – D. Thayer

+5 This bill prohibits a citizen or business from being charged storm water taxes if they are unserved by the sanitary or storm water system. The government should either provide the service to an area or exempt the area from the fees related to the unprovided service.

**SB 72** – D. Thayer

Senate (Cosp.)

+5 While the annual 4% cap on property tax increases has kept property taxes lower in Kentucky than most other states, there are many taxing authorities that do not fall under the cap, and effectively create annual increases larger than 4%. SB 72 would require fiscal courts to approve increases by other taxing authorities, bringing better accountability and helping create an honest cap.

**SB 80** – D. Seum

Senate 2/24 (Y)

3 SB 80 sets forth common-sense provisions related to transparency and accountability in local governments.

**SB 138** – T. Jensen

Senate 2/27 (Y)

3 Allows for leasing of mineral rights on state-owned lands.

**SB 144** – G. Tapp

Senate 3/2 (Y)

3 Creates provisions relating to souvenirs and samples to provide more opportunities for Kentucky's distillers to promote tourism and to promote their products.



2009 Scorecard Vote Explanation  
Page 9 of 10

**SB 145** – D. Thayer

Senate (Cosp.)

+10 In a 2004 Memorandum developed by the Kentucky Department of Education's Facilities Management Division, it was reported that from 1999 to 2004, Kentucky's prevailing wage requirement unnecessarily inflated the cost of school construction by more than \$480 million. The amount of unmet need for schools in the most deplorable condition is around \$500 million. It is conceivable that if SB 145 was currently the law, nearly every child in Kentucky would be attending an adequate school. In addition, these returns can be realized without one additional dollar being invested!

If our leaders in Frankfort were really concerned about growing the economy, we would be having a serious discussion about getting rid of the prevailing wage.

**Special Session Legislation**

**HB 1** – G. Stumbo

House #21 (Y)

3 This vote to adopt HFA2 would have cut unaffordable spending on school construction, making a bad bill just a little better.

House #26 (N)

5 The 2009 Special Session began with the Governor describing the budget as the most important subject, so naturally it is the bill that the House considered last. The budget they put forward increased spending despite the clear need for a spending reduction. It is completely irresponsible to increase spending when a shortfall is projected, regardless of expectations of potential new revenues.

**HB 2** – G. Stumbo

House #15 (N)

8 While the topic of expanded gambling in Kentucky is controversial, this bill should not be. First, the legislation costs taxpayers, spending considerably more than it is projected to create in revenue, adding to Kentucky's spending problems. Second, it requires all licensees to be subject to collective bargaining, giving the new industry less control over its labor costs and therefore one less tool to succeed.



2009 Scorecard Vote Explanation  
Page 10 of 10

**HB 3 – T. Thompson**

House #10 (N)

5 The legislation begins in the House as a collection of multiple tax incentives. Like HB 229 in the regular session, there are a number of different elements of the bill, many that improve economic freedom, but all a tacit admission that Kentucky's tax code is broken. Whatever the merits of the other elements of the legislation, the ridiculousness of the \$15 million taxpayer-funded subsidy of Hollywood film production trumps all.

Senate 6/19 (N)

5 The Senate adds more, including the tolling authority from HB 102

House #30 (N)

Senate 6/24 (N)

5

**HB 4 – D. Pasley**

House #5 (N)

5 In the House, HB 4 begins as the tolling authority bill, HB 102 from the regular session.

Senate 6/19 (N)

Senate 6/24 (N)

4 The Senate changes HB 4 to its budget proposal, funding new a few items of new spending.

House #29 (N)

3

Notes on Scoring:

- Co-sponsorship bonuses and penalties are awarded as additional points and are not part of the base score.
- A House vote of 'Abstained' and a Senate vote of 'Pass' are recorded as not voting because the legislator fails to take a position on the legislation.
- Missed votes (including 'Abstained' and 'Pass') are not considered in the evaluation. Those votes are not counted in the numerator or denominator of the evaluation.