

**Kentucky Legislative Report**  
**Week 2**  
**Tuesday, February 1 – Friday, February 4, 2011**

**A shorter 'short' session?**

Following a three-week hiatus, the KY General Assembly returned to Frankfort on Tuesday to continue with this short, odd-year session. By the time this session concludes, however, referring to it as a '30-day' session, may be a bit of a misnomer. Senate President David Williams submitted a letter to House Speaker Greg Stumbo early in the week explaining that the people's work could be finished in six fewer days than allotted. Stumbo agreed in principle that accomplishing the limited agenda for this session is entirely possible. However, legislators and lobbyists are not changing their spring travel plans just yet, as Stumbo declared that shaving days off the calendar will not happen until much closer to Sine Die.

**Governor Beshear gives State of the Commonwealth address**

On Tuesday, Governor Steve Beshear delivered the annual State of the Commonwealth address to a joint session of the Kentucky Legislature. Beshear, who is up for reelection this year, will most likely face Republican Senate President David Williams. Touting his Administration's actions to mitigate the effects of the recession, Beshear took credit for balancing Kentucky's budget over the past three years, while at the same time distancing himself from Federal government spending and the expanding deficit.

The central theme of the speech was job retention and job creation. The most rousing moment of the night (and the only standing ovation) was the Governor's repeated shout (twice over the applause) that he would stand up and fight Washington bureaucrats' attacks on coal. With regards to legislation, the speech was consistent with Beshear's previously announced goals for this session, which is primarily to sign a bill raising the state's dropout age to 18 years.

**Agenda for Kentucky stalls in House**

The Republican-controlled Senate utilized the first week of the session back in January to advance an aggressive policy platform chock full of addressing controversial issues that are red meat to many Kentucky voters. As expected, the Democrat-controlled House did not share the Senate's enthusiasm for those measures. With Senate President David Williams facing a three-way Republican primary in May, and a potential showdown with incumbent Governor Beshear in November, it is highly unlikely that House Democrats grant him such substantial victories on social issues such as immigration and state's rights issues.

**Hot fight over cold medicines**

Of all the issues percolating in 2011, the only one that has bubbled to the surface thus far is the fight over limiting the availability of common allergy medicines containing pseudoephedrine (PSE) to prescription only. Currently, these medications are available over the counter, but purchases are logged



by the retailer at the point of sale and tracked via a statewide registry. The lines between the different coalitions had been drawn for some time, but despite the presence of myriad law enforcement agencies, drug control groups, pharmaceutical companies and consumer advocates, the sight of a U.S. Congressman and the wife of another Congressman (both in the Kentucky delegation!) testifying on different sides of the debate elevated the discussion to an almost circus-like atmosphere. Although the script only bill barely passed out of an impromptu committee meeting late Thursday, it has yet to come to vote in the full Senate.

### **What to expect next week**

Next week, expect to see a full slate of committee hearings in both chambers and the subsequent movement of minor bills between them. Two pieces of major legislation are scheduled to pass through the House during that time: the budget 'fix it' bill and the dropout bill. These are the Governor's major policy initiatives this session. There was no secret coming into 2011 that this legislature needed to patch a minor hole in the biennial budget, so the House has penned a bill limited to solely addressing a shortfall in the Medicaid budget and postsecondary funding.