Recap of the Legislative Week

The legislature is suspending activities today and Monday in response to the corona virus. What’s more, things were already visibly different at the Capitol and in the Annex. Hall traffic thinned out. You saw a lot of elbow bumps, and not many handshakes. Every other chair is gone from committee rooms, to enforce “social distancing” that could help prevent the spread of coronavirus during meetings. The cafeteria, with no chairs at all, is strictly takeout. But the business of the 2020 General Assembly goes on. As Brad Pitt says in the apocalyptic thriller World War Z, “Movement is life.”

One measure that moved this week was Senate Bill 174 - my proposal allowing national board certification to qualify a teacher for Rank II status. It passed unanimously. What made that especially satisfying was that the idea was brought to me by Sarah Yost, a teacher in my district. Under current statutes, initial certification for the National Board for Professional Teaching Standards can only be utilized to achieve Rank I. The new approach will incent and inspire teachers to obtain national board certification earlier in their careers.

We also passed SB 178, which says that medically-related advertising by plaintiff’s attorneys must warn viewers that it is dangerous to stop taking a prescribed medication without first consulting a doctor. There are some provisions of the bill that make sense, but many are unnecessary and some infringe on constitutionally protected speech. Among other things, the
Kentucky Bar Association already has regulatory authority to penalize lawyers for false and deceptive advertising. The bill barely passed 21-13, and I voted no.

Although legislating continued, this was the week coronavirus became real for us. Until now it’s been business as usual - constant meetings, school group visits, slow but steady legislative progress. Then last Friday we had our first confirmed case of the illness in Kentucky. Since then we’ve had university and JCPS closures announced, bans on travel from Europe imposed, actors and athletes confirmed as positive, fans banned from sporting events, the NBA, MLB and MLS season suspended and various tournaments cancelled or delayed. Even Christmas in Kentucky, commonly known as March Madness, will not have its shining moment in 2020.

The coronavirus outbreak is not the Apocalypse, but it dominated discussion among government leaders. Our governor is doing a tremendous job, calmly managing Kentucky’s response. He is leading the way with transparent updates, coordinating with health experts and working across the aisle with state and federal legislative leaders. (I try not to be overly critical in this space, but what a difference 5,000 votes makes. I’ve worked with both governors and it’s hard to imagine the previous administration marshaling such a unified and disciplined response.)

We legislators haven’t had as many visitors since the crisis developed, which I regret. Every session, the Capitol campus attracts people from every age group, every walk of life, and every corner of the Commonwealth. We welcome these visits. It’s part of what makes this place so special. But we must heed the advice of our public health experts and do our part to flatten the curve. That’s why I’ve switched many of my meetings to phone sessions and called for the Capitol Annex to limit access to legislators and essential staff, including the media.

This is not ideal, but neither is the further spread of global pandemic. My cell phone number is 502.432.1979 if you want to text, call, or video conference with me while the session continues. Legislative work must continue. As the great and wise Yoda said in *The Empire Strikes Back*, “Do or Do not. There is no try.”

“Section 42 of the Kentucky constitution says “nor shall a session of the General Assembly occurring in even numbered years continue beyond sixty legislative days, nor shall it extend beyond April 15.” There is no exception for the coronavirus. We can’t call ourselves back into session, and we can’t pass a continuing resolution, like they do in Washington, to keep our current budget in place. We have to pass a biennial budget, and we have to do it before midnight on April 15th. (They used to stop the chamber clocks and continue voting, but the courts ruled we can’t do that anymore)

There’s a lot of other legislation to consider this week. As Dick Duroc advises in *Swamp Thing*, “The way out is through.”

Here are more bills we approved:

**SB 106** is a proposed constitutional amendment that repeals an outdated portion of the Constitution of Kentucky, which states that any laws in effect in Virginia before June 1792 are in effect in Kentucky. This relates to the period when Kentucky broke from Virginia to become the 15th state. If approved in the House, SB 106 would still need to be ratified by voters in the fall. It passed 32-2.

**HB 153** establishes the Kentucky Mental Health First Aid Training Program in the Cabinet for Health and Family Services. It passed unanimously.

**HB 59** designates the third week of September, as "Farmer Suicide Prevention Day." It passed the Senate unanimously.
HB 150 provides that a statement or restatement of the law in any legal treatise, or other explanatory text, does not constitute the law or policy in Kentucky. It prohibits a Kentucky court from treating the text as controlling authority; however a court may use it as an informative or persuasive source. The bill passed 28-6.

HB 256 specifies that a felony offense outside Kentucky leading to the conception and delivery of a child eliminates custody and visitation rights for the offender. The measure passed unanimously.

We’ll get through the coronavirus thing, despite all the disruptions.

In Steven Spielberg’s ineffably beautiful Empire of the Sun, amidst the chaos and desperation of World War II imprisonment, a cynical wheeler-dealer named Basie asks his young fellow internee, “Jim, didn’t I teach you anything? Jim answers, “Yes. You taught me that people will do anything...for a potato.” And yes, there have been some runs on toilet paper and hand sanitizer this week. But there’s been no real panic or widespread hoarding. Most folks have quietly hunkered down.

At the central moment in Grapes of Wrath, Ma Joad puts it well: “...we keep coming. We're the people that live. They can't wipe us out; they can't lick us. We'll go on forever, Pa, 'cause we're the people.”

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Pictured with Ann Bomar Lacy in the Senate this week, recognizing her for her 30 years of service at the Highland Presbyterian Nursery and Weekday School. Also pictured with Ann’s daughter, Kate Lacy Crosby, and son-in-law, Jason Crosby, who opened the legislative day with a prayer.