

LEGISLATIVE UPDATE

Friday, February 17, 2006

by State Representative David W. Osborne

State House acts on wide variety of measures

Every time I enter the House Chamber, I am reminded how extraordinary our State Capitol Building is, with its architectural detail and the incredible legacy of public service. It is an honor to serve you there and work to fulfill the obligation of this legacy. More than half of the 2006 session is behind us, but much work lies ahead, including consideration of the session's largest bill - the budget - and dozens other pieces of legislation being debated in committee.

Budget subcommittees continue to discuss funding proposals. Those proposals will also be heard by the House Appropriations and Revenue Committee and may be included in the budget bill that is expected to come before the House within the next two weeks.

As of early Friday, over 600 House bills had been filed this session and more than 125 bills had passed the House. In the Senate, 199 bills had been filed and more than 50 bills had passed that chamber. Two bills have passed both houses, one of which has already become law.

Among the bills passed by the House, this week, is HB 508, legislation I was proud to co-sponsor because it prevents the government from taking private property for private development. House Bill 508 lists specific conditions for the use of eminent domain - the government condemnation of private property for public use. Only government ownership or use, elimination of run-down areas, public infrastructure use or other uses authorized by state law would constitute "public use" under the provisions of HB 508. The bill comes on the heels of a Supreme Court ruling that found local governments had the authority to take private property for private economic development projects that may not benefit the public.

On Thursday, the House took up the controversial primary seatbelt bill, HB 86. Under current law, police can issue a seat belt ticket only if they have already stopped a driver for another offense. House Bill 86 would allow law enforcement officers to issue seatbelt tickets as a primary violation. We did amend the bill, on the House Floor, to exempt automobiles more than 20 years old to take into consideration vehicles used in farming and older vehicles that low income Kentuckians may be able to afford.

After nearly two hours of debate, it appeared HB 86 had passed by a vote of 49-48. However, the bill had an emergency clause, language requiring that legislation passed by

both the House and Senate take effect immediately after being signed into law by the Governor. Bills with an emergency clause require a constitutional majority - at least 51 votes of the 100 House members so HB 86 actually failed by two votes. House leadership may recall the bill this week.

While the bill has a number of supporters, including the governor, I could not support the measure. After careful consideration of all sides, I voted no. I do not believe that the law is practically enforceable. In questioning those who would actually have to enforce the law, a number expressed reservation about the bill and the ability to police and enforce it. While it had been reported that the federal government was dangling a financial "carrot," those funds were never guaranteed. I personally feel that we have to make decisions based what is best for our state now - not based the possibilities of money that may or may not come from the federal government.

Two important healthcare measures came to the forefront, this week. The House passed HB 200, legislation that would create a Kentucky Patient Prescription Drug Assistance Program that would help individuals get free or discounted prescriptions from drug companies by linking them with agencies that could help them find and complete needed information. Additionally, members of the Health and Welfare Committee sent a bill to the full House that would require the University of Kentucky and the University of Louisville to join together in an effort to provide a statewide cancer tissue registry for cancer tissue donation to research projects. Both universities have nationally recognized cancer foundations that research both treatment and prevention of this deadly disease. House Bill 525, allows both public and private funds to support the registry. The research supported by the registry - which would not under any terms include stem cell research - has the potential to save countless Kentucky lives.

In the meantime, I will continue to update you on the work of the 2006 General Assembly. as always, I can be reached here at home, or through the toll-free message line in Frankfort at 1-800-372-7181. Those with hearing impairments may leave messages for me by calling the TTY message Line at 1-800-896-0305. If you have internet access you can e-mail me at david.osborne@lrc.ky.gov or keep track through the Kentucky Legislature's Home Page:<http://www.lrc.ky.gov>.