

Al Cross Guest columnist

Legislature does things without a lot of scrutiny

They cut taxes, big time. They agreed on the state's basic policy document, the budget for the next two years, and much more. And they did it a lot of it with little or no public scrutiny.

That's how the Kentucky General Assembly operates these days, in an era when Republicans rule unchallenged – and few journalists are on hand to witness the proceedings and ask the questions that can be the most important: How did this legislation get passed? And why?

This column was started Tuesday night on the Senate floor, when your correspondent was the only journalist in the chamber, other than KET's camera crew. You could watch it online, but you couldn't walk around the floor and ask those questions like I could. In the House, reporters aren't even allowed on the floor anymore. Such questions are more important than ever, given the speed and secrecy of Kentucky legislating these days. Bills pass out of committee and a chamber within hours. The 30 Republican senators have a daily caucus in which the legislation is debated and effectively decided, privately. The 75 House Republicans do that occasionally. A bill can have support of a chamber majority, but unless it gets a majority of the majority caucus, it's not going to the floor. Current examples: sports betting and medical marijuana.

Democrats once had super-duper majorities, but they were more diverse philosophically, and there were enough potential conservative Democratic bolters on many issues to give hope to the Republican minorities. Today, party-line votes are more common, and Democrats have little leverage. The only major bill with close floor votes this year was the one to fund charter schools, because many rural legislators see it as a threat to public education.

The compromise 208-page bill to cut the income tax to 4% from 5%, and phase it out completely if revenues allow, hit the Senate floor Tuesday about two and a half hours after leaving committee. Democratic Leader Morgan McGarvey of Louisville said during the floor debate that it still wasn't available on the legislative website.

'It deserves input and scrutiny from every member of the body from every part of the state,' he said, adding later that with tax bills, 'every word in every line of every page matter, and we are rushing this to passage.'

Sen. Robin Webb, D-Grayson, in her 24th year as a legislator, said she was 'pretty comfortable with some of the work that's been done, but this is not the way to do it.' She also voted no.

Later, she told me that the pandemic gave the legislature 'the perfect reason not to have the stakeholder input' that the process needs. 'We don't have much of a committee process anymore,' she said, adding that the shortage of journalists reduces 'accountability and transparency... People get very comfortable in their solitude.'

Senate President Robert Stivers, obligingly answering questions as usual during a recess, argued that the process is no different than it was when Democrats ruled, and that the Senate is in some ways more transparent than it was under his predecessor, David Williams. But after more than 40 years of covering the General Assembly, I can say with a high level of confidence that it is different, and it's not better.

That being said, Democratic Gov. Andy Beshear has shown that he can practice the dark arts on a par with legislators, in a shabby episode in which both sides played politics with poor Kentuckians' food benefits. Republicans passed a resolution to end the pandemic state of emergency about a month earlier than the April 14 date they had set in January, and politics appeared to be the clearest motive. The resolution's sponsor was Sen. Donald Douglas of Nicholasville, who won a special election in December; he is in a primary with Andrew Cooperrider of Lexington, who was a prominent foe of Beshear's pandemic restrictions and is not the sort of outspoken fire-breather Republicans want in their caucus. He has said the measure was designed to hurt him.

Beshear vetoed the resolution, saying it would end the \$100 extra monthly benefit that the emergency allowed 544,000 Kentuckians on the Supplemental Nutrition Assistance Program, formerly food stamps. (The regular SNAP benefit is \$243.) In overriding the veto, Senate Republicans said federal law allowed Beshear to apply for an extra month after the end of the emergency. Asked if he had looked into that, Beshear didn't respond directly and merely repeated his charge that the legislature was playing politics. A few days later, he quietly applied for the extra

month of benefits.

We can expect politics to be played in the Capitol. But with poor people's food?

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