DECEMBER 2010

Kentucky Chamber

news

HOW CORRECTIONS COSTS THREATEN EDUCATION

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Kentucky Chamber
Uniting Business. Advancing Kentucky.

HOW CORRECTIONS COSTS THREATEN KENTUCKY EDUCATION

Reducing prison costs could mean more funding for education, workforce development

> *"Because public education is the business community's top priority for state investments, we were alarmed that money was being siphoned off from education and channeled into the growing cost of corrections. We knew we needed to address this issue."*
>
> *Dave Adkisson, Kentucky Chamber President & CEO*

AFTER REPORTING in its 2009 Leaky Bucket report that skyrocketing inmate costs are hurting school funding, the Kentucky Chamber – whose top priority is improving public education – is very encouraged by the work of the Kentucky Penal and Controlled Substance Task Force.

The task force, created by the 2010 General Assembly, has been charged with examining Kentucky's corrections system – including costs – and the state's penal code system with a goal of finding ways to save tax money without being "soft" on crime. The Pew Center on the States, which has worked successfully with other states on similar initiatives, has been assisting the task force in examining Kentucky's system and developing recommendations.

Corrections cost is an unusual area of interest for the business community. As a result, the Pew Center on the States recently asked Kentucky Chamber President and CEO Dave Adkisson about the Chamber's interest in these issues and why they are important to the business community.

"We conducted a major analysis of our state budget and found that the growth in corrections was taking money that would have otherwise been spent on public education. Because public education is the business community's top priority for state investments, we were alarmed that money was being siphoned off from education and channeled into the growing cost of corrections, and we knew we needed to address this issue."

The Leaky Bucket report documented that the state's corrections budget is growing much faster than total state government spending, and the money spent on each inmate is more than double the amount spent on each public school student. It costs $19,000 per year to keep one inmate locked up, while only $9,200 is spent on each elementary or secondary student.

THE KENTUCKY PENAL AND CONTROLLED SUBSTANCE TASK FORCE

During the task force meetings in November, Pew researchers reviewed a draft framework that is expected to serve as the basis for the task force recommendations to the General Assembly during its 2011 session. The policy areas include:

- improving supervision for inmates as they re-enter society;
- reducing the recidivism rate, or the frequency of re-incarceration of inmates who have been released from prison;

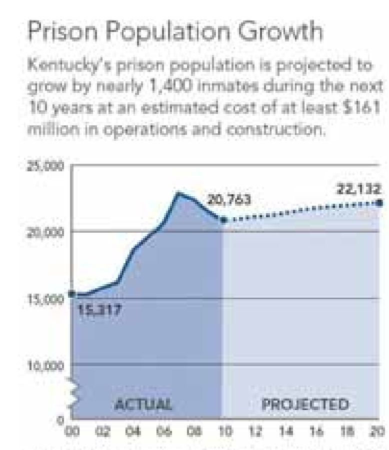

Chart courtesy of Pew Center on the States

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Chamber to present Host and Lyons with Commonwealth Legacy Awards

WITH THE RECENT opening of the KFC YUM! Center in Louisville and the completion of the Alltech FEI World Equestrian Games in Lexington, the Kentucky Chamber of Commerce is proud to extend its appreciation to the two men who made those dreams reality – Jim Host and Dr. Pearse Lyons.

On Feb. 3, the Kentucky Chamber will honor Lyons and Host by presenting them with Commonwealth Legacy Awards during a reception and banquet at the Bluegrass Ballroom of the Lexington Center. Gov. Steve Beshear, along with former Governors John Y. Brown Jr. and Ernie Fletcher will join the Chamber in presenting the awards.

"2010 saw the completion of two major projects that will have profound and long-lasting implications for Kentucky," said Kentucky Chamber President and CEO Dave Adkisson. "The leadership of Pearse Lyons and Jim Host was unprecedented and created an important legacy for the state."

Lyons is the founder and president of Alltech, the title sponsor of the Alltech FEI World Equestrian Games. He is universally regarded as the primary catalyst for the success of the games. Host, founder of Host Communications, was the driving force in making the KFC YUM! Center a reality.

The Kentucky Chamber Commonwealth Legacy Award – the highest award presented by the Chamber – was created to celebrate individuals, companies or organizations which have demonstrated outstanding leadership and made a profound impact on the Commonwealth of Kentucky.

The Kentucky Chamber Commonwealth Legacy Award Dinner, presented by AT&T, is open to the public. To register, visit kychamber.com.

Jim Host, who served as the chairman of the Louisville Arena Authority will be presented with the Kentucky Chamber Commonwealth Legacy Award on Feb. 3.

Dr. Pearse Lyons is the founder and president of Alltech, the title sponsor of the Alltech FEI World Equestrian Games. He is universally regarded as the primary catalyst for the success of the games.

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Business urges court to foster a stable tax environment

THE KENTUCKY CHAMBER recently filed a friend of the court brief in Ford Motor Credit v. Department of Treasury. In an effort to mitigate budget shortfalls, many states have enacted laws retroactively subjecting taxpayers to additional taxes or depriving taxpayers of a right to pursue refund claims of overpaid taxes. The Kentucky Chamber filed its amicus brief, along with the U.S. Chamber and the Michigan Chamber, to help foster a stable and predictable tax environment for businesses.

The brief, filed by Mark Sommer and Jennifer Barber of Greenebaum Doll & McDonald, argues that the retroactive law in this case deprives a business of its Constitutional due process rights and creates uncertainty for businesses already struggling in the current economy.

Previously, the Chamber filed a similar brief in Miller v. Johnson Controls, but the case was not reviewed by the Court. "It is critical that we defend against retroactive tax legislation," said Bryan Sunderland, vice president of public affairs for the Kentucky Chamber. "These laws are targeted attempts to balance state budgets on the backs of employers. The last thing job creators need is to be burdened by unexpected government-imposed costs."

Adkisson discusses Chamber's 2011 Legislative Agenda during statewide visits

Just as the Kentucky Chamber's *2011 Legislative Agenda* was delivered to members across the state, President and CEO Dave Adkisson began a series of legislative briefings to discuss what lies ahead for businesses during the 2011 General Assembly. During November and December, Adkisson visited members in cities such as Louisville, Lexington, Somerset, Owensboro, Erlanger and Bowling Green. To download the *2011 Legislative Agenda*, visit www.kychamber.com. *(ABOVE)* Adkisson speaks with Rep. Will Coursey and Sen. Ken Winters after a briefing in Murray. (*LEFT*) Rep. Tommy Tompson listens as Adkisson discusses the Chamber's top priorities for the 2010 General Assembly.

Chamber president leading U.S. Chamber committee on education

IN HIS NEW ROLE as chairman of the U.S. Chamber of Commerce's Education, Employment and Training Committee (EETC), Kentucky Chamber President and CEO Dave Adkisson led his first meeting in Washington, D.C. in early November. The meeting focused on the education goals of the Obama administration.

"There is much alignment between the administration's goals and the goals of the U.S. Chamber for the country's education system," said Assistant Secretary of the U.S. Department of Education Carmel Martin.

She listed the Obama administration's three main areas of work as professionalizing the teaching profession, encouraging systematic reform at the state level through programs such as Race to the Top, and promoting programs to increase college completion. Martin also reinforced the administration's support for reauthorization of the Elementary and Secondary Education Act, also known as No Child Left Behind Act, with the inclusion of their blueprint for education recommended changes.

The EETC directs U.S. Chamber policy relating to all issues that affect education and workforce development policy, including workforce development preparation, pre-k through 12th grade education reform, postsecondary education, career and technical education, incumbent worker training, and lifelong learning, among others.

Adkisson urges legislators to hold strong on education law

IN RESPONSE to a recent article in the Louisville Courier-Journal titled "Jefferson County teachers call for 'stability' in troubled schools," Dave Adkisson, Kentucky Chamber president and CEO, asked legislators to hold strong on HB 176, a law intended to help poorly performing schools. The law is triggered after the state's lowest performing schools are announced each year and provides schools with federal and state guidance — financial and professional — to help turn the school around.

"On the heels of the Kentucky Education Department's announcement of the 10 lowest performing schools and a flurry of reactions to the list, it is important that communities and schools place students at the center of improvement plans, just as the law intends," stated the letter. Opponents of the law would like the legislature to repeal or weaken the law because of concerns that some of the provisions — the option to replace a principal and some teachers of a low performing school — would cause instability. Adkisson's letter rebuked this claim. "When the promise to parents and communities is that their schools will educate every child, the quality of the education should be paramount, not the movement of adults in the building. It is imperative that the adults in the school buildings are the best fit for fulfilling this promise to children, parents and the community they will join as adults. Business considers itself part of this large community. We depend on public schools to produce qualified and capable people to become our workforce."

To read the full text of Adkisson's letter to the editor, visit the Kentucky Chamber blog at kychamberblog.com.

WORKFORCE DEVELOPMENT STARTS EARLY

RESEARCH SHOWS that building the skills needed for success in life and work must start at an early age. Most brain development occurs by the age of 3. And it is possible to predict, by age 5, those children who will go on to complete high school and college and those who will not. The sooner children start on the right path, with quality preschool and support, the greater the returns to them and to society.

(ABOVE) Kentucky artist Chris Segre-Lewis hangs his landscape painting at Kentucky Chamber headquarters in Frankfort.
(LEFT) Scenes from Kentucky, painted by Dan McGrath, now hang in the AT&T Teleconference Center.

Chamber headquarters receives more Kentucky-themed art

THOUGH THE DOORS of the newly renovated Kentucky Chamber headquarters officially opened in April, the Chamber is still working to deck the halls, thanks to a generous donation by the Brown-Forman Corporation. Over the past few months, the Chamber has received paintings from Kentucky artists Dan McGrath and Chris Segre-Lewis.

Art and artists were chosen by a selection committee comprised of Rusty Cheuvront, assistant vice president for global community relations at Brown-Forman and Kentucky Chamber board member; Anne Braun, director of design at Brown-Forman, and Lori Meadows, executive director of the Kentucky Arts Council.

Kentucky Chamber

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FROM THE FRONT

Chamber monitoring work of task force

- improving the parole board's deferment process; and
- requiring a certificate of need before counties can build new jails.

Of the many interesting points that are emerging, one is particularly noteworthy: spending more on prisons doesn't mean we're safer. As noted in an issue brief from the Public Safety Performance Project (citing data from the state department of corrections and the FBI):

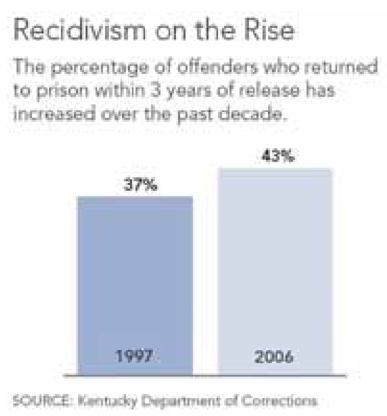

Chart courtesy of Pew Center on the States

"Greater spending on prisons has not translated into a better return for public safety. The state's recidivism rate has actually increased slightly in the past several years, from 37 percent for offenders released in 1997 to 43 percent for those released in 2006. In addition, while the state's crime rate has declined 6 percent over the past 10 years, that drop is only one-third the size of the 19 percent drop nationwide, ranking Kentucky 45th among all states in the percentage change in its crime rate during that period."

The task force, co-chaired by Sen. Tom Jensen, R-London, and Rep. John Tilley, D-Hopkinsville, has the support of the General Assembly leadership, the governor and the chief justice of the Kentucky Supreme Court, who serves as a task force member.

The Kentucky Chamber will continue monitoring the task force work – especially the details of the recommendations – in its ongoing advocacy of plugging the leaks in the bucket of state spending.

"The work of the task force is a welcome example of bipartisan and multi-branch cooperation, and the business community should be pleased with this work," Adkisson said.

"Finding ways to curtail corrections spending while protecting public safety is an important goal for Kentucky because less money spent on corrections could mean more money spent on education. This will, in turn, improve Kentucky's workforce."

Lobbyists visit leaders in Washington, D.C.

IN ADDITION to being the leading voice of business in Frankfort, the Kentucky Chamber also pays close attention to policies in Washington, D.C. that will impact the ability of employers to grow and create jobs. As the lame-duck session of Congress got underway, the Chamber's top two lobbyists were there meeting with members of Congress to share Kentucky employers' concerns and build relationships.

Topics of discussion included the repayment of interest due on money Kentucky borrowed from the federal government for the Unemployment Insurance Trust Fund. The Chamber supported Kentucky lawmakers in taking bold steps to reform its unemployment insurance system to restore fiscal balance to the trust fund over time.

Bryan Sunderland (*LEFT*) and Chad Harpole (*RIGHT*) meet with Congressman Geoff Davis while in Washington, D.C.

These reforms included restructuring of employer taxes, benefit reductions and significant fraud detection.

The American Recovery and Reinvestment Act of 2009 (ARRA) waived interest on that loan through December 2010; however, Kentucky is expected to have an interest payment of $32 million due in September 2011 which will be paid solely by Kentucky's employers. The Chamber lobbied Kentucky's federal delegation that the interest should be forgiven or the federal waiver of interest extended – particularly for states like Kentucky that have acted responsibly. Assessing employers in order to make that payment would have a devastating effect on businesses that are already having a difficult time making ends meet and could stifle future job creation. Failure to pay the interest would result in a loss of the federal unemployment tax credit, an equally devastating alternative.

The federal government's stranglehold on state Medicaid programs and the impact of the Patient Protection and Affordable Care Act (PPACA) on Kentucky's Medicaid budget was also a topic of discussion. The Chamber urged members of Congress to ease the federal Medicaid restrictions on states since Medicaid is primarily managed at the state level. Burdensome federal regulations that hamper states' ability to implement more cost-effective health care programs were recently implemented during a period of economic stagnation, thus limiting options to contain costs and quickly adapt to dire budget conditions.

The Chamber also discussed extending the current tax rates, which as of presstime, appears to be gaining bipartisan support rom members of Congress and the White House. Passage is expected before Congress adjourns for the holidays. The Chamber also informed Federal Officials about the number of federal regulations that are being placed on businesses and states from the Environmental Protection Agency and Department of Labor – including the proposed regulation of coal ash as a Class-C hazardous waste which would drive up electricity rates significantly for Kentucky's employers and employees.

Chamber joins Kentucky Export Initiative alliance

IN EARLY DECEMBER the Kentucky Export Initiative, a Kentucky Chamber-supported initiative designed to increase exporting activity among small and medium-sized businesses, was launched. The program will leverage the existing efforts of Kentucky's international trade organizations, as well as create new opportunities for education and market exploration.

The Kentucky Export Initiative is composed of five alliance members in addition to the Chamber, including the Kentucky Cabinet for Economic Development, Kentucky World Trade Center, U.S. Department of Commerce, Northern Kentucky International Trade Association and the U.S. Chamber's TradeRoots program.

Informational seminars and in-depth training programs will begin in January 2011 to educate qualified small and medium-sized businesses about the impact and process of exporting. Additional information, including details on upcoming events, can be found at kyexports.com.

UPCOMING SEMINARS AND EVENTS

16th Annual Kentucky Chamber Day Lexington	**	January 6, 2011
Remaining Union-Free Under the NLRB Bowling Green	$299/$399	January 19, 2011
Commonwealth Legacy Award Dinner Lexington	**	February 3, 2011
Remaining Union-Free Under the NLRB Louisville	$299/$399	February 10, 2011
Remaining Union-Free Under the NLRB Lexington	$299/$399	February 22, 2011

Price* = Member/Non-Member ** = Rates listed at www.kychamber.com

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14 of 15 PAC-endorsed candidates win during November election

THE KENTUCKY CHAMBER'S Political Action Committee endorsed 15 candidates during the November election. Of those 15, all but one was elected. The PAC Board endorsed candidates who demonstrated an understanding of business issues and a willingness to promote pro-growth policies. To learn more about the Kentucky Chamber PAC, visit www.kychamber.com/pac.


Sen. Julie Denton (R) Louisville


Rep. Will Coursey (D) Benton


Rep. Tim Moore (R) Elizabethtown

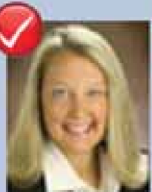

Rep. Rick Rand (D) Bedford


Rep. David Floyd (R) Bardstown


Rep. Melvin Henley (D) Murray

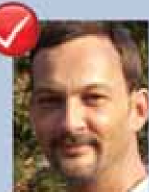

Rep. Tommy Thompson (D) Owensboro

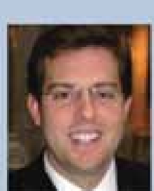

Rep. Terry Mills (D) Lebanon


Julie Adams (R) Louisville


Rep. Ron Crimm (R) Louisville


Rep. Lonnie Napier (R) Lancaster


Wade Hurt (R) Louisville


Nathan Haney (R) Louisville

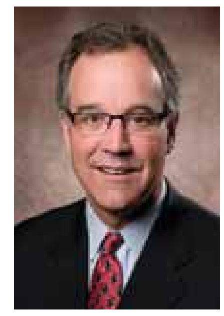

Rep. Stan Lee (R) Lexington


Rep. Sal Santoro (R) Florence

CEO COMMENTARY

Sitting still isn't an option for Kentucky

YES, WE ARE STILL working hard to come out of a recession. And yes, next year's governor's race will cast a political shadow on the upcoming General Assembly. But let's not use a sluggish economy and politics as excuses to sit still. We can – and must – move Kentucky forward.


By Dave Adkisson
President and CEO

Kentucky business people are eager to see progress. They want to grow their businesses and hire more employees. So they have created a growth agenda to offer to the General Assembly in January.

Every summer, the Kentucky Chamber of Commerce convenes policy councils made up of business people from around the state who analyze issues important to the state's business community. These groups include Chamber members who share an interest in helping our state move ahead in the key areas of education, health, global competition, government efficiency and energy. What follows is an overview of the councils' work and where we will focus our lobbying efforts in 2011.

IMPROVE EDUCATION

Continuing the Chamber's emphasis on improving the education attainment of Kentuckians, we will support efforts to:

- raise the compulsory school attendance age to 18;
- require school councils and superintendents to collaborate on hiring school principals;
- invest in early childhood education and development; and
- enhance workforce development.

MODERNIZE GOVERNMENT

The Chamber is encouraged by the work of the Task Force on Penal Code and Controlled Substances Act, created by the 2010 General Assembly, which has the support of the Pew Center on the States. This data-based review of Kentucky's corrections policies and practices is important work that we expect will produce cost-savings recommendations.

We are also hopeful that the Medicaid Cost Containment Task Force will suggest ways to address the unsustainable growth of that program. The Chamber's primary emphasis on government modernization has been to curtail the skyrocketing spending increases in Medicaid, corrections and public employee health benefits to allow greater investments in education.

IMPROVE HEALTH & WELLNESS

During the upcoming session and beyond, the Chamber will monitor the impact of the new federal health care law on Kentucky employers. The full effect of the new law won't be realized until numerous federal regulations are written. As that happens, Kentucky officials will need to act quickly to bring state programs into compliance.

PREPARE FOR GLOBAL COMPETITION

When it comes to the bottom line, a skilled workforce and competitive tax policies must be priorities if Kentucky is succeed in the global marketplace. Also of significant importance, and high on the Chamber's agenda:

- supporting our signature equine and distilling industries;
- revising the state's prevailing wage law;
- increasing the export of Kentucky-made or grown products; and
- developing, maintaining and expanding transportation, telecom and broadband infrastructure .

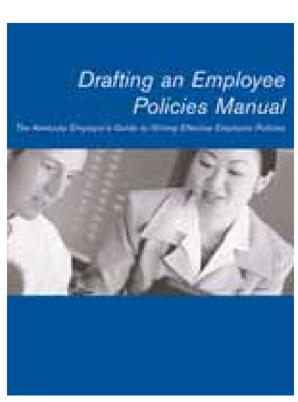
EXPAND OUR ROLE IN ENERGY

Finally, Kentucky has been a recognized energy leader for decades. It has long been the Chamber's position that economic growth, energy independence and environmental protection are compatible and complementary goals. Our support for coal is fundamental. We also support the development of alternative energy sources and capital investments in the state's energy infrastructure.

We recognize that this is a full agenda – particularly for a "short session" year. But standing still simply isn't an option for the Chamber – and it must not be one for Kentucky.

Kentucky Chamber offers guide for drafting employee policies manual

EACH YEAR companies throughout the Commonwealth update, create or make changes to their employee policies manuals. This task can often be overwhelming and, as a result, the Kentucky Chamber partnered with the law firm of Stites & Harbison to create a book that not only provides sample forms on CD, but also explains details on why certain policies should be included and the best ways to present to employees. To purchase your copy of this priceless guide visit us online at kychamber.com/bookstore or call Casey Adams at 502-848-8727.



Small Business Investment Credit program begins

GOV. STEVE BESHEAR recently announced the launch of the Kentucky Small Business Investment Credit (KSBIC) program, offering tax credits as incentive to prompt job creation in the Commonwealth. The program is part of the Chamber-supported Incentives for a New Kentucky (INK) legislation passed in a 2009 special legislative session.

As of January 1, 2011, most small businesses (defined as companies with 50 or fewer employees) will be eligible for tax credits ranging from $3,500 to $25,000 for the creation and maintenance of one or more new, eligible jobs and the investment of at least $5,000 in qualifying equipment or technology. Businesses may apply one year after meeting the job creation criteria previously mentioned and eligible hires and expenditures dating back to January 1, 2010 will meet program requirements.

Applications will be scored and ranked based on criteria such as the number of jobs created, the amount of technology purchased from businesses physically located in Kentucky, the average base hourly wage for the eligible posititions(s), etc.

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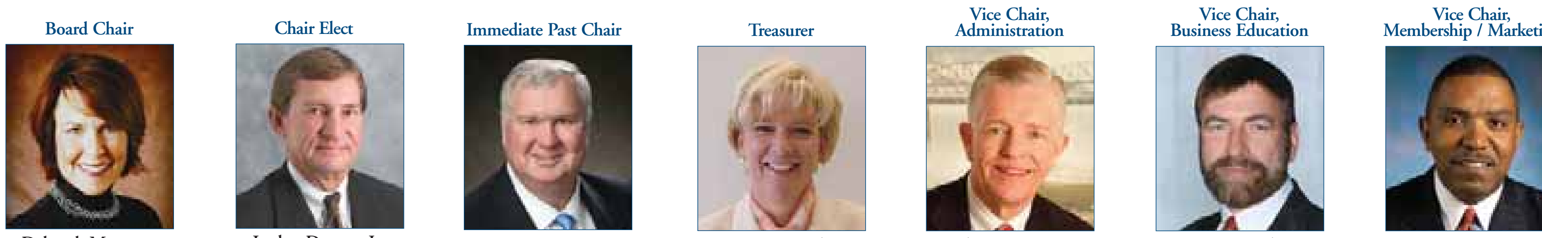

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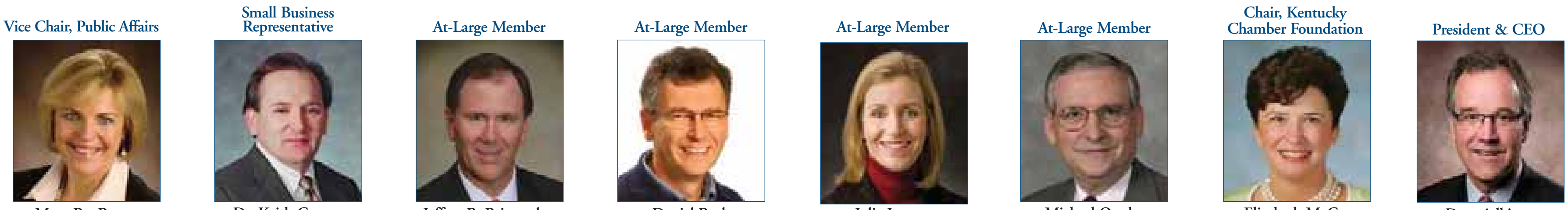

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Lexington

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CEO
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Louisville

Curtis Warfield
CEO
National Patient Account Services
Louisville

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Executive Director
Shelby County Chamber of Commerce
KCCE Board President
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Pike County Chamber of Commerce
Pikeville

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Owensboro

* *Ex-Officio*
** *KCCE President*

Kentucky Chamber
Uniting Business. Advancing Kentucky.

All our members – from Ashland to Paducah – are important in helping the Kentucky Chamber represent Kentucky's business at our state's Capitol. We have a lot of work to do during Kentucky's General Assembly and we could not do what we do without you. We are especially grateful to our members who commit time, financial support and additional resources to ensure that Kentucky is a great place to live and work.

Committed to Advancing Kentucky

The Kentucky Chamber's Key Investors are an exclusive group of top Kentucky executives whose companies provide significant financial support and leadership for Chamber involvement in critical issues affecting Kentucky businesses.

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