

# ADVOCATE

**RESPONSIBLE GOVERNMENT THROUGH RESPONSIBLE CITIZENSHIP**

Special Report on Family Legislation

Winter 2009

## The “Covenant with Kentucky Families” is launched in the Assembly with 5 bills

*Legislators have proposed five key bills that will strengthen the family in a number of ways AND SAVE the state money!*

Lawmakers often focus on a particular realm and pass several pieces of legislation in order to shore up that which they perceive as vulnerable in that area. This happened with the Bush Administration via the issue of foreign terrorists and “The War on Terror.” It is currently happening in the Obama Administration with the focus on the economy and various stimulus bills. Foci like these are appropriate, whether the actual solutions offered in legislation are or not. But one thing that is absolutely sure is that lawmakers have never focused on the family – the cornerstone of our culture. And they should!

That is changing over the next few weeks in our State Capitol with “The General Assembly’s Covenant with Kentucky Families.” In this short 2009 Assembly session, five pieces of legislation and one major issue regarding marriage are to be tackled in a bipartisan way. It is time both for the legislature and the citizenry to engage and do business for the least legislatively protected entity – the family.

The current plan is actually history-making – never before has a state moved forward a particular “bundle” of legislation that is singularly focused on the welfare of its families. It is true that The Covenant contains diverse bills that protect and strengthen the family from different directions, but they all do one thing: they strengthen the family.

### The Covenant



**Sanctity of Life** - Requires abortionist to offer face-to-face consultation and availability of ultrasound for patient. *Page 2*

**Public Decency** - Bars total nudity in sex businesses and prevents patrons from groping/touching performers. *Page 3*

**Family Friendly Testing** - Changes CATS test to family-friendly evaluation, not just school evaluation AND it saves millions. *Page 4*

**Child Welfare in Adoption** - Requires that child not be placed in the home of cohabiting, “live-in lovers.” *Page 5*

**Special Needs Education** - Allows special needs funds to be used by parents when their public school cannot meet the child’s need. *Page 6*

**Marriage Sovereignty Issue** - Protects married couples from an interloper who seduces the wife, then asks for paternity rights. *Page 7*

The fact that The Covenant must be bipartisan is obvious; currently the State Senate is controlled by the Republican Party while the State House is controlled by the Democrat Party. To get legislation accomplished, it must travel through both Chambers, as well as committees, and receive a majority of votes in each. That is the current task – pass five (possibly six) pieces of legislation.

In The Covenant’s favor, some of the more liberal members of the legislature who have desired to re-organize the family no longer have as much control, so, in general, there is reason for optimism this year.

Even more, the proposed bills do not cost the state any money, and some actually save the state money – something that is very attractive in the current economic times. Contrary to most agendas that are brought to Frankfort, this agenda at best cuts costs and at worse is cost neutral. Yet at the same time The Covenant releases family values like no single effort has previously.

### Actions that move “The Covenant” forward

Listed below are several ideas to help move the five pieces of legislation in “The Covenant.” Because this publication is set in one timeframe, you may want ongoing updates on how the bills are progressing. Email us at [tffky@mis.net](mailto:tffky@mis.net) and we will email you weekly updates of legislative progress.

- #1** Call the message line *ON EACH ISSUE*: 1-800-372-7181. A receptionist will take your message and give it to your legislators on a “green slip.”
- #2** Husbands and wives should both call! The more green slips your legislator receives, the more he’s likely to act to support the legislation.
- #3** Multiply your impact by asking friends, church members and neighbors to call. That’s more green slips! *(More suggestions on page 8)*

*For updates on the legislations’ movements during the Session,*

*Visit the website at: [www.kentuckyfamily.org](http://www.kentuckyfamily.org)*

*Email us at: [tffky@mis.net](mailto:tffky@mis.net) Call us at: (859) 255-5400*

**SENATE BILL 79:** *Last year, one pro-choice House Committee chairman killed the bill – after promising a vote.*

# The ultrasound bill lets a woman see the truth

*Ranked 11<sup>th</sup> in the nation for states with the most comprehensive pro-life laws, this moves the Commonwealth even further forward.*

After the ultrasound bill passed its Senate committee last year unanimously and then passed the full Senate by a wide margin of 32-4, there was significant disappointment when then-House Judiciary Chairman Kathy Stein personally killed it by denying House members the opportunity to vote on it. She had even told other legislators and the media that she would hear the bill, prompting



**Ultrasound of a 9-week unborn child**

legislators who had traveled home for Good Friday to return to Frankfort, only to renege on her promise. But now that she is out of the House and there is a new House Judiciary Chairman, Rep. John Tilley from Hopkinsville, who campaigned on a pro-life and pro-family platform, things are brighter for those with pro-life convictions.

SB 79, filed by Sen. Elizabeth Tori of Radcliff, requires abortionists to give women an opportunity to see an ultrasound of their baby prior to making the decision to have an abortion and mandates face-to-face informed consent consultation, as opposed to the tape-recorded message they have resorted to. Rep. Keith Hall of Pikeville and Rep. David Floyd of Bardstown have filed the House version, HB 454.

## Ultrasound Requirement

Advances in ultrasound technology, including 3D and 4D digital video and still images, have provided a clear window into the womb. At both abortion providers in Kentucky, abortionists are already giving mothers an ultrasound to determine the gestational age of the child. Abortion fees are determined based upon the gestational age because abortionists charge more to dismember a

larger baby. The bill would require that the abortionist give a woman access to her own ultrasound so that she can make a fully informed decision.

Currently 15 other states include some kind of ultrasound requirements prior to performing an abortion. Women have a right to be fully informed, especially regarding the nature, appearance, and movement of the unborn baby that is the very target of the abortion procedure.

“What SB 79 says is that the abortionist has to turn the ultrasound screen around and give the woman a chance to see her own baby,” said David Edmunds, policy analyst for The Family Foundation. “A large number of women who see an ultrasound will decide against abortion.”

Given the statistical impact of seeing the actual ultrasound in other states and with approximately 4,000 abortions in Kentucky annually, this bill has the potential to save the lives of 1,000 babies, and save 1,000 women from making a decision they will regret the rest of their lives.

## Face-to-Face Informed Consent

In 1998 the General Assembly passed HB 85, known as the Informed Consent Law, which is codified in KRS 311.725. The law requires abortionists to first counsel women about their medical risks, fetal development, alternatives to abortion, and to offer them booklets published by the Cabinet for Families and Children. The law also requires a 24-hour period of reflection prior to the performance of the abortion.

Abortionists have deliberately taken their liberty and misinterpreted the law, employing a pre-recorded telephone message, instead of in-person counseling. This approach does not satisfy the medical standard for informed consent.

SB 79 requires that before an abortion can be performed, a woman must be given the relevant information about the procedure in person – in a *face-to-face* setting.

“The importance of a face-to-face or in-person medical consultation prior to consenting to a surgical procedure is a widely accepted medical standard of care,” explained Mike Janocik of Kentucky Right to Life. “A pre-recorded telephone message does not allow a physician to accurately assess the health and risk factors of a patient.”

If SB 79 passes the House, Kentucky may move from its 11<sup>th</sup> ranking among states for strong pro-life legislation to one of the top five. “It’s time for this pro-life state to pass more pro-life legislation,” said Janocik. “The last significant pro-life legislation – the Fetal Homicide Bill – passed in 2004 during the first year of the Fletcher Administration.”



**Passage Insight:** Because this is not a controversial bill – truly educational for the patient – there is a great deal of optimism among those with pro-life convictions. Because the bill was blocked by one person alone last year, most hope it will get a fair hearing this year, particularly since the new Chairman of the House Judiciary Committee has said he is pro-life. Since the 2004 passage of the Fetal Homicide Bill, all pro-life bills have been blocked by radical pro-choice House members.

**ACTION!!!** *One call, two steps:*

**#1** Call the toll free legislative message line **1-800-372-7181** and leave the following message for your state representative. (If you don’t know who he/she is, the receptionist can tell you.):

***“Pass Senate Bill 79 - The Ultrasound Bill. Women have the right to know the truth before they decide to abort.”***

**#2** While you’re on the message line, ask the receptionist to “copy” your message to **HOUSE LEADERSHIP** for broader impact.

**SENATE BILL 42:** Bans total nudity and groping of performers, but lets local officials regulate other standards.

# Local governments need state law to bolster regulations on sexually oriented businesses

116 of Kentucky's 120 counties have regulations on sex businesses. They just need a state law to strengthen their hand in court.

Senate Bill 42 – The Public Decency Act – prohibits total nudity in strip clubs and creates a statewide health standard by mandating a buffer zone between strippers and patrons. Currently, Kentucky has no statewide regulations of strip clubs even though 116 of Kentucky's 120 counties strictly regulate them and other sexually oriented businesses (SOBs). SB 42 is needed to further protect local governments, particularly those in smaller communities, that may face well-financed challenges from the sex industry to their ordinances.

Smaller municipalities are at a disadvantage when attempting to regulate SOBs at the local level because proprietors oftentimes disregard the law. When they are prosecuted, they often challenge the ordinance in court with out-of-state specialty attorneys who advocate ad infinitum on First Amendment issues. Typically, the small city does not have the attorneys, the funds or the expertise to win.

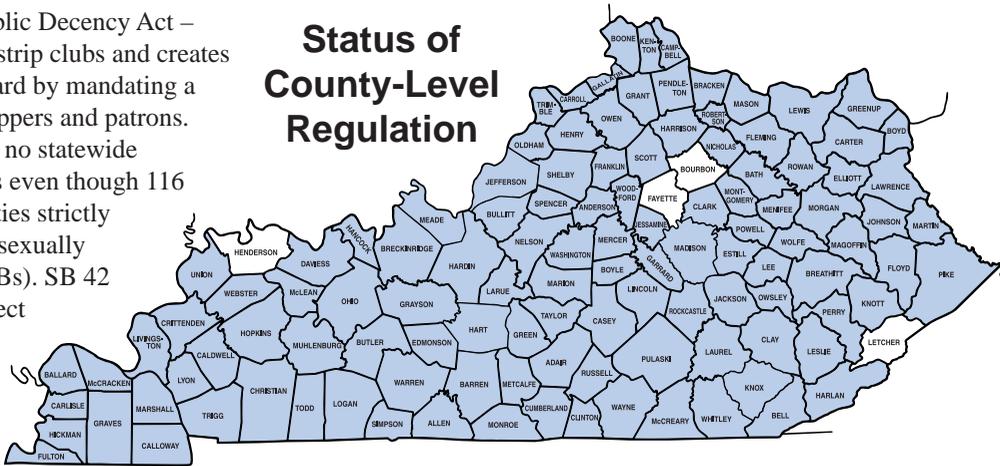
Proponents of SB 42 say it will provide communities extra protection, making strip club owners think twice about filing a specious lawsuit knowing that they'll face the state as well as the local government in court. Strengthening its chances of passage, it has been endorsed by the Kentucky County Judge Executive Association.

Consider the legal ordeal of McCracken County attorneys who worked to uphold their ordinance:

- May 31, 2002 – McCracken County District Court upholds SOB ordinance that banned total nudity and kept patrons at least six feet from dancers.
- March 9, 2003 – McCracken County Circuit Court affirms lower court ruling.
- Aug. 6, 2004 – Kentucky Court of Appeals affirms in part, vacates in part and remands for further proceedings.
- Nov. 22, 2006 – Kentucky State Supreme Court in a unanimous 7-0 decision reinstates the judgment of District Court and upholds ordinance in its entirety.
- Oct. 1, 2007 – U.S. Supreme Court upholds the ordinance by declining to hear the appeal by Paducah strip club attorneys.

McCracken County attorneys spent thousands of taxpayer dollars in legal bills and countless hours defending an ordinance that had been upheld in numerous other state and federal courts, including the U.S. Supreme

## Status of County-Level Regulation



Blue shade indicates the 116 counties that have stringent regulations.

Court. How many smaller communities would have had to cave in to the demands and intimidation tactics by well-financed strip club owners? SB 42 gives local communities at least some "state backup."

**A health issue:** In a day when sexually transmitted diseases are rampant, it doesn't make sense to allow public sexual contact between dancers and patrons. But this is exactly what happens during table, lap and couch dances at strip clubs in unregulated communities.

**A safety issue:** Strip clubs are known as crime magnets. Consider that between Jan. 1, 2002 and Feb. 11,

2004, Covington police made a total of 469 calls to sexually oriented businesses in the city. The crimes committed included robbery, assault, fraud, malicious mischief, public intoxication, prostitution and possession of illegal drugs. SB 42 limits the seedier aspects of strip clubs and would curtail at least some of the crime.

**A welfare issue:** Strip clubs that operate without regulation and without regard to community standards diminish social welfare. Property values decrease in areas adjoining strip clubs while blight increases. Certain businesses refuse to locate near them. And many families in the community purposely avoid the parts of town where SOBs are located.

By passing SB 42, Kentucky legislators will preserve the health, safety and welfare of the Commonwealth, and join neighboring states like Indiana and Tennessee, which both have a similar law on the books. SB 42 is a basic, commonsense standard needed to further protect Kentucky families.

**Passage Insight:** In years past, this bill has passed the Senate but has been killed single-handedly by the Chairman of the House Judiciary Committee, Kathy Stein. Rep. John Tilley has replaced Stein and there is now real hope.



## ***ACTION!!!*** One call, two steps:

### #1

Call the toll free legislative message line **1-800-372-7181** and leave the following message for your state representative. (If you don't know who he/she is, the receptionist can tell you.):

***"Pass Senate Bill 42 – The Public Decency Act. Protect local communities from sex businesses."***

### #2

While you're on the message line, ask the receptionist to "copy" your message to **HOUSE LEADERSHIP** for broader impact.

**SENATE BILL 1:** *CATS cost the state at least \$18.7 million annually, but parents are not well-served.*

# CATS needs to change for families & teachers

*The way it's being run, the State Auditor could not even accurately evaluate the current annual cost of CATS.*

The Commonwealth Accountability Testing System (CATS) has always been the most contentious and controversial part of the Kentucky Education Reform Act (KERA), but, unfortunately, the education establishment that cheered the creation of the testing system has for years resisted making major changes. Now, however, even the most ardent apologists for the tests are calling for changes; some saying they should be made slowly, and others that 20 years of controversy is long enough.

One possible explanation for the more open attitude on the part of the supporters of CATS could be the expense of the tests at a time of a state budget crisis. The Kentucky State Auditor's "Performance Audit of the Kentucky Department of Education's Oversight of State Assessment Contracts" released in January 2009 stated:

"Total expenditures in FY 2008 for all assessment components administered by the OAA, Office of Assessment and Accountability, was \$18,665,652 . . . Accounting for all of the costs associated with Kentucky's assessment program is not possible due to the lack of tracking certain state level expenditures and the inability to determine local district assessment."

We ask that you make one call for each bill (that's five bill's *and* The Marriage Sovereignty Act).

And we recommend that *BOTH* husband and wife make the calls for each bill (not all in one day), before Wednesday, March 11.

Note: The Legislative Message Line is open 7:00 AM until 11:00 PM Eastern Standard Time.

We have only three weeks to get these bills passed. Please be diligent with your own calls . . . and please pass the word to others.

In other words, it is clear that CATS cost *at least* \$18.7 million for 2008, but no one really knows how much more it cost because districts and the state don't track the expenses. At a time when the state needs to find places to cut spending money, this appears to be one place to start. That fact is particularly disturbing given the fact that some say the state budget this year is as much as \$400 million short. With CATS and a similar test that was used prior to CATS costing *at least* \$18.7 annually, simple math reveals it is the lion's share of the deficit when you look at the years since KERA was implemented in 1990.

The discussion starter in changes to CATS has been Senate Bill 1, which calls for the elimination of writing portfolios and open response questions from the accountability mechanism for schools. It requires additional multiple choice items to cover the depth and breadth of Kentucky's core content. It also requires norm-referenced tests so parents will know how their child compares to other children across the nation.

Other provisions of SB 1 would be the measure of the individual student's academic achievement, and the requirement that schools issue individual reports to parents on the achievement of their children, along with comparisons to other schools, states, and national rankings. The bill would require an on-demand assessment of student writing

**What families receive with SB 1's new format is that parents can use the test results to monitor their child's progress as opposed to the more nebulous CATS system which was designed only to monitor the school's performance.**

**"We've said for years that CATS needs to be put to sleep, but nothing happened. Now it may be on the last of its nine lives."**

– Martin Cothran  
The Family Foundation



one time within the elementary, middle, and high school grades, and require writing assessments consisting of multiple-choice items emphasizing mechanics and editing one time within the elementary, middle, and high school. It would also limit testing to the last 8 days of the school year, with only five of those days being used for testing.

What families receive with SB 1's new format is that parents can use the test results to monitor their child's progress as opposed to the more nebulous CATS, which was designed only to monitor the school's performance. If passed, parents would have a tangible measure on how their child is doing.

**Passage Insight:** SB1 was approved by the State Senate 36-0 on Feb. 10. It now heads to the House of Representatives where even House leaders, normally reluctant, have expressed support for change.

**ACTION!!! One call, two steps:**

**#1** Call the toll free legislative message line **1-800-372-7181** and leave the following message for your state representative. (If you don't know who he/she is, the receptionist can tell you.):

***"Pass Senate Bill 1! It is time to change the CATS test."***

**#2** While you're on the message line, ask the receptionist to "copy" your message to **HOUSE LEADERSHIP** for broader impact.

**SENATE BILL 68:** *Protects foster and adoptive children by avoiding homes with cohabiting adults.*

# The Child Welfare Adoption Act protects children from potentially disastrous homes

*Children in the state's care deserve the best home we can provide. Sadly, most child abuse cases occur in homes with live-in lovers.*

On Jan. 13, 2009 Antwan Hayes was sentenced to prison by a Hardin County court in the beating death of 6-year-old Mar'riel Lucas. According to Mar'riel's grandmother, the little boy could light up a room. "He would go up to you with kind words: 'I like what you have on. You smell good' or he would just rub you," said Carolyn Carpenter.

Hayes was the live-in boyfriend of the boy's mother, and there were signs of abuse months before his death. Child Protective Services had investigated claims reported by Mar'riel's school in May, more than three months before he died. The caseworker found the claims unsubstantiated.

Mar'riel's fate, while tragic, is not unusual. News accounts are filled with stories of child abuse at the hands of a live-in boyfriend or girlfriend. Senate Bill 68, filed by Sen. Gary Tapp of Shelbyville, would prevent any children in the state

fostering but would also prevent homosexual couples from adopting and fostering and reduce the amount of adoptive homes.

"Many adoption agencies in Kentucky are faith-based and already have policies that do not allow live-in sexual partners," Edmunds explains. "This bill will actually

protect those agencies that are recruiting adoptive families from being shut

down by the homosexual agenda." One of those agencies, Sunrise Children's Services, came under attack last year for their policy of no live-in sexual partners. On March 3,

2008, Rep. Tom Burch told *The Courier-Journal* that it was "bad policy" and that the Cabinet should reconsider contracts with agencies that do not adopt to gay couples.

It would not be the first time that an adoption agency was threatened or forced to adopt to gay couples. The Catholic Charities of Boston was forced to end its over 100-year history as the largest private adoption provider in the state of Massachusetts because they refused to adopt to

gay couples. The Catholic Charities was especially gifted in recruiting adoptive parents for special needs children.

They now no longer offer adoption services.

SB 68 would prevent these agencies in Kentucky from suffering the same tragedy as Catholic Charities and allow them to operate according to their own values and continue to recruit stable adoptive families.

"The national debate over the welfare of children has now come to the Bluegrass State," said Edmunds. With over 800 Kentucky children waiting to be adopted, let's hope this legislation passes to protect adoption providers and pray the debate highlights the need for parents to pursue the calling of adoption."

**"Marriage is the foundation of a stable home and couples that do not have marriage as their foundation are prone to instability in other ways."**

– David Edmunds  
*The Family Foundation*

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– David Edmunds

**Passage Insight:** The Senate is likely to be favorable to SB 68. The only faction opposing this common-sense protection are gay rights activists. Therefore, some House members will need to be encouraged to protect children.

**Six-year-old Mar'riel Lucas lost his life when his mother's live-in boyfriend one day went too far. Previous reports of abuse were not heeded.**



foster or adoption system to be placed in homes where there is a live-in sexual partner. While Mar'riel was not in that state system, this legislation would prevent the exposure of foster and adoptive children to the same plight of abuse at the hands of a live-in lover that is all too common.

"The Commonwealth of Kentucky has an obligation to find children the best home possible with loving moms and dads," said David Edmunds, policy analyst for The Family Foundation in support of the bill. "Marriage is the foundation of a stable home and couples that do not have marriage as their foundation are prone to instability in other ways."

Opponents of SB 68 say this would prevent not only unmarried heterosexual couples from adopting and

**ACTION!!! One call, two steps:**

**#1**

Call the toll free legislative message line **1-800-372-7181** and leave the following message for your state representative. (If you don't know who he/she is, the receptionist can tell you.):

***"Pass Senate Bill 68 — Children in the state's care must have the best homes we can provide."***

**#2**

While you're on the message line, ask the receptionist to "copy" your message to **HOUSE LEADERSHIP** for broader impact.

**SENATE BILL 186:** *This plan empowers parents and eliminates major problems for school districts.*

# Alternative Education Act for Special Needs

*Finally a solution for the tough situation when a family with a special needs child doesn't get the help it needs in public schools.*

In March 2008, Jeanie Montgomery removed her autistic 9-year-old, Matthew, from an Oldham County elementary school after finding out he had been locked in a “time-out closet” more than 90 times. Yet school officials not only said “No” to her request for in-home education, but they are charging the Montgomerys with truancy. Even worse, Kosair Children’s Hospital confirmed Montgomery’s suspicion of abuse after Matthew came home with red marks all over his body. This case has garnered extensive media attention but is unfortunately not isolated. “Time-out rooms” are common in schools across the state and many well-intended teachers are ill-equipped to handle severe special needs cases.

Rep. Stan Lee of Lexington and Sen. Ernie Harris of Crestwood have filed identical legislation in both Chambers that would give parents the power to place their special needs children in the environment that they deem the most safe and productive. The *Special Needs Alternative Education Act* (House Bill 118 and Senate Bill 186) would make parents the final decision makers about their children’s welfare and education. The legislation gives the parents control in that it would allow the money that the state currently pays the school district for the child’s special needs to follow the student to another public or private school or institution.

Currently, parents can petition a school district to move their child and go into arbitration to determine future placement. Experience has many parents, like the

Montgomerys, convinced that “the district always wins” — tying parents up in lengthy arbitration, meetings, and paperwork that often takes years.

“Parents become exhausted in the process while the child languishes for years in a system not appropriate to his needs,” said Becky Burton, a parent of a special needs child and an advocate of the legislation. Burton went through years of arbitration to get her son placed in an environment appropriate to his special learning needs. When Burton’s son died in an accidental tragedy, her exhaustion with the system turned her into an advocate for change.

**“It’s a win-win scenario for parents and teachers. The district sees a net increase in funding and the parents have financial options.”**

– *Becky Burton*

Currently each school district receives base funding from the state per pupil plus an additional sum for the special needs of that pupil. Under this legislation, the parents would be able to use that additional funding to put their child in an environment of their choice. Even though the special needs funding would follow the child in leaving the school, the per-pupil base dollars would stay with the school.

“It’s a win-win scenario for parents and teachers,” says Burton. “The district sees a net increase in funding and the parents have financial options.”

In these tight budget years, the extra per-pupil funding that the districts would receive without having to educate the child should come as welcome news to



**Jeanie Montgomery pulled her autistic son out of a public school after he had been locked in a “time-out closet” 90 times in two months.**

administrators. Teachers would also be unburdened of the responsibility of managing these difficult teaching scenarios.

Burton laments that this legislation was not in place while her son was still alive, but is hopeful that other parents of special needs children will not have to go through years of frustration like she, the Montgomerys and so many others have.

***Passage Insight:* The Senate outlook is hopeful. Parents, teachers, and administrators should be on board, but House members will need to act decisively despite possible opposition from some within the union.**

You can make your calls to the Legislative Message Line in the evenings because receptionists are on stand-by until 11:00 PM Eastern Standard Time.

For a pre-formatted email message that you can forward to friends, you can call us at (859) 255-5400 or email us at [tffky@mis.net](mailto:tffky@mis.net).

We have only a few weeks to make this happen. Please engage this effort and make it happen with faith and faithfulness.

**ACTION!!! One call, two steps:**

**#1**

Call the toll free legislative message line **1-800-372-7181** and leave the following message for your state representative. (If you don't know who he/she is, the receptionist can tell you.):

***“Pass Senate Bill 186!***

***Families with special needs children  
NEED educational alternatives.”***

**#2**

While you're on the message line, ask the receptionist to “copy” your message to **HOUSE LEADERSHIP** for broader impact.

**ANOTHER ISSUE:** *Stops an adulterer from claiming paternity rights and further damaging the victimized family.*

# The Marriage Sovereignty Act



Imagine a family that is having marital problems and during that troubled time the wife is seduced by a man outside of the marriage. The marriage then heals, husband and wife reconcile and commit themselves to their future together and to the future of their children. At that point, the interloper steps in demanding his paternity rights for the child that was born *after* the sexual liaison – the adultery. This is exactly the scenario the Kentucky Supreme Court was handed in a recent case called *Rhoades v. Ricketts*. It rendered a narrow 4-3 decision in favor of the sovereignty of the marriage, and against the interloper and his wishes to assert his parental rights.

Though the average Kentuckian understands the need for marriage to be set apart culturally and legally in a status all its own, there is not the same clarity in Kentucky law itself. In fact, the case was decided on a technicality. Kentucky law says that paternity testing is only viable in court when the mother is unwed. In this case, the mother was married and the paternity test did not have standing in court.

All of this confusion can be remedied if the General Assembly were to pass the Marriage Sovereignty Act, codifying that marriage is sovereign and that a sexual interloper is not welcomed and will not be able to undermine a viable marriage. “One of the justices in this opinion was begging for more clarity in the law,” said Martin Cothran, senior policy analyst for The Family Foundation.

“State lawmakers need to respond to this plea.”

Cothran said that although the case was rendered properly, the court had to rely on judicial precedent and legal tradition.

“With the prevalence in our courts of activist liberal judges,” he said, “there may come a point where

judges with a political agenda.”

**“One of the justices in this opinion was begging for more clarity in the law.”**

– *Martin Cothran*

precedent and tradition are no longer enough to hold back

using the phrase, “The Marriage Sovereignty Act.”

At press time the legislation had not been filed, so no bill number was available. Messages can be left for passage with the Legislative Message Line by simply

## ***ACTION!!!***

Call the toll free legislative message line **1-800-372-7181** and leave the following message for your state senator and representative regard this issue: (If you don't know who he/she is, the receptionist can tell you.)

***“Protect marriage from sexual interlopers, pass The Marriage Sovereignty Act.”***

While you're on the message line, ask the receptionist to “copy” your message to HOUSE and SENATE LEADERSHIP for broader impact.

**ANOTHER BILL:** *They want the assets of Kentucky families – but we don't need another addictive behavior!*

# The “Racino Bill” - House Bill 158



Rather than view the family as a key component of Kentucky culture, some legislators look at it as if it is a “cash cow” for *their* use in *their* agenda. Such is the mentality of those pushing the gambling expansion or “Racino Bill” this year – House Bill 158.

The bill sponsor has actually been quoted in the news media drastically increasing the so-called “revenue” while the debate has been going on – even in these troubled economic times. On Jan. 3, the sponsor said it would “. . . generate probably upwards of 500 million new dollars to the state of Kentucky,” on WKYT-TV *Kentucky Newsmakers*. One week later, on Jan. 10, he was quoted in the *Lexington Herald-Leader* saying it would generate \$700 million annually. On Jan. 31 the *Herald-Leader* reported that he had said the state would receive \$349 million annually, which, based on the mathematics in the bill, \$1 BILLION would be “raised annually.” Also in late January, Ronnie Ellis, a CNHI correspondent who is stationed in Frankfort reported that the sponsor predicted that within five years the racinos would generate \$1.2 billion in revenue. (*The bill sponsor's name is omitted*

*because the point is not about “the sponsor,” it's about the bad idea of ripping off Kentucky citizens.)*

In essence, what gambling proponents and their legislators want is for Kentucky families to lose \$500 million, \$700 million, \$1 billion or \$1.2 billion each year (take your pick) playing games that everyone knows they themselves wouldn't advise their own children to grow up and play.

Kentucky government will receive only one third of the “take” (35 percent) while the racino owners get the other two-thirds. Inviting a notoriously sleazy industry in for the purpose of ripping off the people . . . and giving them two-thirds of the proceeds for doing so is a *very* bad idea for raising taxes.

This is particularly

insane since the plan is to bring in *ONLY* video lottery terminals (VLTs) – the most addictive form of gambling on the planet. VLTs are called the “crack cocaine” of gambling because of their addictiveness.

With many Kentuckians already addicted to tobacco, alcohol, drugs – especially meth – and, evidenced by childhood obesity, “addicted” even to certain kinds of foods, how is this idea to bring into Kentucky another destructive addiction even getting serious consideration?

## ***ACTION!!!***

When you make your call on each of the other bills in “The Covenant” and the issue above, be sure to add this:

***“And no expansion of gambling!”***

*Go ahead, get involved . . . it's important and it's fun. (You root for the home team, don't you? Now root for the "family team.")*

# YOU can make a difference! Here's how.

Many people feel too insignificant to believe they can make a difference, but nothing could be further from the truth. There are several simple ways you can maximize your effect on state-level policy-making . . . and legislators will listen! The fact of the matter is that a legislator rarely receives more than a handful of communications on any given piece of legislation. Yes, there are notable exceptions like the 2004 Marriage Amendment, but most bills run their course with very little comment. Get in the game and make a difference with your perspective.

## The "Do's"

The easiest way to have an impact on the legislature is to call and leave a message with a receptionist for your own legislators using the legislative message line (1-800-372-7181). You can easily double your impact by having your spouse call as well – both are citizens and both vote so shouldn't both be listened to?

Note that you do not have to know who your legislator is to leave a message – the receptionists can tell you when you tell them where you live. In larger cities like Louisville, where district boundary lines can be confusing, just ask the receptionist to give your message to all legislators from the city.

Double your impact again by calling your legislator in his local district and discussing your concerns. You might even try making an appointment to see him or her in person. This approach is best when you feel you have a grasp of the issue or have a particular point that you want to make and feel confident with it.

Multiply your impact by writing your legislator. Be brief, but clear. Anyone who takes the time to write makes an impression on the letter's recipient. Don't feel that you have to cover every aspect of the issue. Make your point and make it well. Legislators will respond to your clarity and your conviction.

**. . . remember, you don't have to be a professional lobbyist to make an impact – only a concerned citizen. (YOU are the salt of the earth.) . . . it's your vote, not the lobbyist's, that they need for re-election.**

Newer technology! Yes, use e-mail, but be particularly careful to be brief. (It can quickly become junk e-mail.) The legislators' e-mail addresses are listed on the Legislative Research Commission's web site at [www.lrc.ky.gov](http://www.lrc.ky.gov).

Visiting Frankfort is another way to have an impact. You can call our office for advice on how to do this. And bring your friends because a small group that invests the time to meet a legislator in Frankfort leaves an indelible mark on his memory. And a Rally is already scheduled for Tuesday, March 3 at 11:00 AM in the Capitol Rotunda.

When calling the message line, ask that your message also be given to the legislative leaders in the House and Senate, who control much of what goes on in Frankfort. This way your call reaches your legislator and let's those in charge of each chamber know that messages are being received by legislators across the state.

Strategize with like-minded friends using weekly morning teas or evening desserts during the session. These are very effective and fun, and, since the 2009 session only lasts until late March, it's not too demanding.

Increase your impact exponentially by giving information to churches and groups to which you belong. Certainly this

publication is available in bulk quantities and has particularly strong influence among those who have families and who own or work in small businesses.

Your pastor should call; when he speaks, the legislator realizes that he has a congregation that he represents. (But don't ever NOT call yourself because your pastor has called – your voice too must be heard.)

## The "Don'ts"

Along with the "Do's," also remember a few "Don'ts."

Do not use religious language when addressing a legislator. Unless he attends your church or shares your convictions, he probably will not be able to relate to it. Pastors, of course, are an exception to this and may very well choose to do so since faith is their area of expertise – they are "expected" to bring spiritual things to bear.

Do not make threats. He is far more likely to do what you want if you build a responsible and credible relationship. Unless you are an official spokesperson for a group, make sure you speak only for yourself. Mentioning a group may only pigeonhole you so that the legislator writes you off as "another wacko from \_\_\_\_ group." Be your own man (or woman) and let your voice ring with its own authority. You're a citizen and a voter and you have a say!

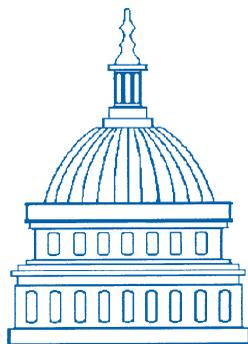
And last, remember, you don't have to be a professional lobbyist to make an impact – only a concerned citizen. (YOU are the salt of the earth.) In fact, a lobbyist does not vote for any more state legislators than you do – one senator and one representative – and your legislators will listen to you because it's your vote, not the lobbyist's, that they need for re-election.

## Rally for

# "The Covenant with Kentucky Families"

Come to Frankfort  
**on Tuesday,  
March 3**

**11:00 AM to 12:30 PM**  
in the Capitol Rotunda  
(after the Governor's  
Prayer Breakfast)



## The Kentucky Citizen ADVOCATE

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For free weekly  
updates on how  
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