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FROM THE EXECUTIVE DIRECTOR

Welcome to the first edition of *Witness*, the newsletter of the Catholic Conference of Kentucky. As we continue to work at improving our communications with Catholics around the state, our hope is that you find this resource helpful in your advocacy efforts.

Prior to the last presidential election, the U.S. Bishops, in clarifying political responsibility for Catholics wrote that "... *The challenge for our Church is to be principled without being ideological, to be political without being partisan, to be civil without being soft, to be involved without being used. Our moral framework does not easily fit the categories of right or left, Republican or Democrat. We are called to measure every party and movement by how their agenda touches human life and human dignity.*"

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The work of the Catholic Conference as the public policy arm of the Roman Catholic Bishops in Kentucky is exciting and diverse! Bishops, staff and advisory committee members monitor, testify, and lobby on a broad array of issues. Our issues tend to be controversial and often our testimony, in bringing forward the message of the Gospel, can seem counter-cultural. However, the agenda reflects the consistent concern of the Church for human life.

The 1998 session was both challenging as well as fulfilling. Our goal during the interim is to study the issues and strengthen our relationships with members of the General Assembly in anticipation of the year 2000!

-Jane Chiles

THE 1998 GENERAL ASSEMBLY

LANDMARK SESSION FOR LIFE ISSUES

The 1998 Regular Session of the

General Assembly was a landmark session for the prolife community. After many years of procedural maneuvering to block debate of these important issues, the 1998 session eliminated this style of legislative game playing. This open process resulted in the passage of three priority bills for the Catholic Conference: 1) ban on partial-birth abortion; 2) regulation of abortion clinics; and 3) informed consent with a 24-hour waiting period for abortion.

On February 18, for the first time in the history of the Catholic Conference, all four Kentucky bishops testified before the Senate Judiciary Committee. They spoke on behalf of all

Kentuckians who are Catholic and urged the support of Senate Bill 121, Senators David Boswell and Bob Leeper's bill to ban partial-birth abortion. The Bishops described the procedure as always medically unnecessary and as perilously close to infanticide. This bill passed the committee with a wide margin and then passed the Senate by a sweeping majority of 36 to 2.

After a rough start in the House when the vote was held unexpectedly early in the House Judiciary Committee and not all supporters of the bill were present, the bill returned later in the week for another vote in a specially called meeting. The bill then passed the committee. SB121 passed on the floor of the House by a veto-proof majority of 83-10.

While it is uncertain as to how many of this type of abortion are actually being performed in Kentucky, this bill sends a very strong message to the abortion industry. One partial-birth abortion is one too many.

I N S I D E

- *Racial Justice Act*
- *Health Insurance Reforms Revisited*
- *A Healthy Future For Kentucky's Kids*
- *Welfare Reform Challenged*

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Bishops, Robert W. Muench, J. Kendrick Williams, Thomas C. Kelly, O.P., and John J. McRaith, testify before Senate Judiciary Committee on February 18th.



ABORTION CLINIC REGULATION

Senate Bill 217, a bill to regulate abortion clinics sponsored by Senator David Boswell, is long overdue in Kentucky. Since the early 1990's it has been well-documented that conditions in some of the abortion clinics are substandard. CCK has long been an ardent supporter of regulation under the premise that as long as Roe v. Wade is the law, abortions must be performed in a

safe and sterile setting. SB 217 had relatively smooth sailing through both chambers of the General Assembly as the vast majority of legislators were in agreement.

SB 217 requires the Cabinet for Health Services to promulgate regulations for these sites. As a part of the CCK's ongoing advocacy function, our staff will participate in the administrative regulation process to assure that unsafe conditions become a thing of the past.

INFORMED CONSENT

By far the most controversial of the prolife bills was House Bill 85, the informed consent bill sponsored by Rep. Katie Stine. This much-needed bill calls for a full disclosure of information on the abortion procedure as well as material on the resources available to women in a crisis pregnancy.

Additionally, once a woman has received this information, the law requires that she

wait 24 hours before proceeding with the abortion.

CCK views this as pro-woman legislation which gives a woman needed information and allows her time to reflect on her decision.

The experiences of women who participate in Project Rachel in Kentucky, a support program for women experiencing post-abortion trauma, tell us that it is often the case that women are rushed into an abortion without adequate information.

Given information and more time, many women would have decided to carry their babies to

term. The Opportunities For Life Program, a hotline for women in an untimely pregnancy sponsored by the four dioceses in Kentucky, receives thousands of calls every year. The outcomes information is much the same. Women, once connected to resources, find following through with their pregnancy a viable option.

This consent bill, although obstacles were placed in its way through much of its legislative course, met with a wide margin of support in both the House and the Senate. It faced its last hurdle on April 7 when Governor Paul Patton, surrounded by a small group of prochoice legislators, stood on the steps of the Fayette County Courthouse and vetoed the bill. He made personal contact with many legislators and asked for their support of his veto. His effort met with resounding defeat when both chambers overrode his veto April 15th.

CCK staff will now focus on the materials which the state must prepare for distribution to abortion providers. This information, which needs to be accurate and thorough, may be modeled on what is being provided in other states that have a similar law.

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CHARITABLE GAMING LAW

CCK staff again worked to improve the charitable gaming law. Overall, the changes in House Bill 263 will benefit licensed charities by saving administrative time and reducing fees paid to the state. The changes went into effect on April 1, 1998.

Key revisions:

- Increase the license exemption (\$5,000) for organizations not conducting special limited games and with annual gross receipts less than \$15,000.
- Reduce fees assessed on adjusted gross receipts from the current one-half of one percent to four-tenths of one percent (\$4.00 for every \$1,000 of adjusted gross).

- Extend length of primary gaming license from one to two years.
- Eliminate fingerprinting requirement for non-profit organizations.
- Require organization's license number to be included in all forms of advertisements.
- Adjust the 40% Rule; extension of the review period from two quarters to four quarters; removal of fees paid to the DCG from 40% calculation; and "amnesty" petition for reconsideration of those organizations which faced license revocation.
- Clarify statute of "Night at the Races" type activities.

For more information contact the DCG at 800-729-5672.

AFFORDABLE HOUSING FUNDING

Advocates for low income Kentuckians saw some improvement in funding for Kentucky's Affordable Housing Trust Fund. The Fund provides assistance to elderly, disabled and economically disadvantaged Kentuckians to secure safe housing. Since its creation, the Trust Fund needed a renewable source of funding. House Bill 289 sought to fill that void.

House Bill 289, sponsored by Rep. Jim Wayne, would have had all unclaimed lottery prizes committed to the Trust Fund.

In 1996 approximately 6 million dollars worth of KY Lottery prize money went unclaimed.

Despite the efforts of the sponsor and co-sponsors, the bill was significantly amended. The new law now requires that all unclaimed lottery prize money in excess of 6 million dollars shall be deposited in the Trust Fund.

A HEALTHY FUTURE FOR KENTUCKY KIDS

The framework was laid in SB128 (Senator Gerald Neal) to deliver health care to thousands of Kentucky's uninsured children. \$13 million in state funds will draw \$50 million in federal funds to finance the

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program. This combined approach of Medicaid expansion and a separate state insurance program is expected to target 23,000 children eligible for the Medicaid expansion and 55,000 children eligible

for the insurance program.

The Kentucky Children's Health Insurance Program (K-CHIP) will deliver age-appropriate healthcare through accountable pediatric care organizations. Managed care networks will be established in eight geographic regions of the state.

The statute set affordable premiums for these families. For example, the premium for a family with an income of 100 to 133% of poverty (regardless of the number of the children) can not exceed \$10 per six month period. Co-payments are expected to be nominal.

K-CHIP is a transitional approach designed to meet the needs of working families and an important incremental step to assuring universal access to healthcare.

RACIAL JUSTICE ACT

Passage of the Racial Justice Act (RJA), Senate Bill 171, sponsored by Senator Gerald Neal, is a long awaited and hard-earned victory. The elimination of racial bias in capital sentencing has long been a priority of the Conference. Former CCK Executive Director, Ken Dupre began the process with the Kentucky Coalition to Abolish the Death Penalty and the state's Department of Public Advocacy by seeking

"...blacks who killed whites were singled out..."

a General Assembly study of racial bias in the capital sentencing process in 1992.

Researchers at the University of Louisville, Professors Kiel & Vito, were commissioned to conduct the study which served as the

basis of the new law. The study concluded in September of 1993 that, "The data indicate that blacks who killed whites were singled out by the capital sentencing process" and "were more likely to be charged with a capital offense and receive a death penalty." Five years later, with a scientific study in hand and the persistent effort of dozens of supporters, Kentucky's Racial Justice Act was signed into law.

The RJA stems from a 1987 U.S. Supreme Court directive in the *McCleskey* decision. The

U.S. Supreme Court invited state legislatures to develop remedies for eliminating racial bias in the death sentencing process. Kentucky is the first state in the nation to enact freestanding law allowing for the introduction of statistical evidence in determining if racism was a factor in who is selected for the death penalty. Many in the legal community have called the RJA a breakthrough in criminal law.

The new law creates a pretrial process allowing a judge to determine whether race has played a role in capital prosecution. The defendant must raise this claim at a pre-trial conference. The evidence must relate to the time the sentence was sought and the defendant must relate the evidence to his or her particular case. SB 171 is a corrective to a proven racial bias and it remedies an injustice in current law. Judges will now be able to consider valid statistical and other forms of evidence of racial bias in the capital sentencing process. Use of this type of data is not new. Other civil rights litigants have challenged discrimination in employment, housing or education using statistical data. The principle of equal treatment under law in the criminal courts goes to the core of civil rights history and to the integrity of our entire system of justice.

CCK staff, as well as the DPA and others, will be monitoring the impact of the new law.

KENTUCKY LEAGUE FOR EDUCATIONAL ALTERNATIVES

Parents of nonpublic school students saw their legislative agenda advance during the 1998 Regular Session when transportation funding for nonpublic school students was increased in the

PROGRESS FOR CATHOLIC SCHOOL FAMILIES

Executive Budget by one million dollars over the next two years.

The Kentucky League for Educational Alternatives (KLEA) promoted an education tax credit in the 1998 Regular Session. The tax credit would have been available to parents with children in accredited nonpublic schools. HB 533 sponsored by Representative Bob Heleringer would have created a \$500 non-refundable tax credit against a family's state tax liability for families with an adjusted gross income of \$75,000 or less.

Several states have enacted such legislation to support parents who pay taxes to maintain public schools and then send their children to a private

school. In Kentucky, nonpublic school parents save the taxpayers over \$300 million per year by educating their children in private schools. The impact of lost revenue from this tax credit would have been a meager \$10 to \$12 million. As the session progressed, some legislators believed that \$10 million could not be found in the budget to offset this credit. We reluctantly agreed to a reduction of \$100 per family with a fiscal impact of \$2 million. Although the financial impact in the budget would have been minimal, the bill failed to receive a hearing. Had the bill reached the House floor, a majority of legislators indicated their support and agreed that this was an appropriate tax break for the 100,000 parents with 80,000 students in Kentucky's 380 nonpublic schools.

Nonpublic schools are a valuable asset to the Commonwealth. We believe that this is a tax issue whose time has come. In the year 2000 we will come to the capital even stronger and with more resolve to win this issue for our families.

WELFARE REFORM CHALLENGED

CCK staff participated in developing a bill with the KY

Welfare Reform Coalition to provide enhanced education opportunities for welfare recipients and low income parents. CCK recognizes the value of education as an important tool for successful transition from welfare to work. House Bill 434, sponsored by Rep. Tom Burch, places a new emphasis on post-secondary and vocational training for public assistance recipients.

In its original form, which was later abandoned, welfare recipients attending post-secondary education or vocational training could have their federal time limitations “frozen.”

Cash grants and other services would continue to be provided from the state’s matching funds, or Maintenance of Effort dollars (MOE). The bill sought to eliminate the federally required 20 hours of work participation for recipients so long as they were enrolled and making academic progress.

The bill was amended with a special compromise agreement from the Cabinet for Families & Children (the state agency responsible for welfare programs). The Cabinet agreed to explore and promote alternatives for welfare recipients to continue post-secondary education programs. Other provisions in HB 434 include: notification to recipients of allowable educational opportunities; establishment of strategic planning advisory panel; requirement that the Cabinet provide detailed reporting of progress by recipients in educational programs; quarterly and annual reporting to the Interim Joint Health & Welfare Committee.

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HEALTH INSURANCE REFORMS REVISITED

The General Assembly

once again revisited the issue of health insurance reform. Market forces were such that consumer choice in the individual market had diminished and legislators sought to remedy this situation.

CCK joined with many others to form what came to be loosely known as the Kentucky Home Team. This team, comprised of representatives of the KY Medical Association, the KY Hospital Association, Anthem, Humana and other HMOs, numerous trade associations, and representatives of Kentuckians for Health Care Reform (a broad-based consumer/provider coalition) worked directly with co-sponsors of HB315, Representatives Bob Damron and Bob DeWeese.

The intent was always to balance creating a more favorable environment for insurers while protecting the interests of consumers

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and providers. In seeking this balance, the bill maintains guaranteed issue for individuals. In other words, if you can afford to buy health insurance, you can purchase coverage.

While modified community rating was sacrificed, the bill caps the amount of premium increase which can be assessed on the basis of an individual’s health status. It specifically defines high cost conditions by diagnosis and severity and establishes a

mechanism for consumers to exit from the Guaranteed Access Program should their health condition improve.

The bill provides for consumer protections by strongly spelling out the insurer’s responsibilities to the patient in terms of information, accountability and access. As the managed care form of health coverage becomes more widespread, Kentucky consumers and providers are ahead of the game by having placed these protections into the law.

HB315 promotes competition by creating a stable, attractive market place for insurers to return to Kentucky. There is every reason to believe that they will return. Additionally, the role of the Attorney General has been maintained in the rate review process. This is a critical consumer protection that places the resources of the Attorney General in a position of protecting the consumer from unreasonable premiums.

The new law created a tax deduction for persons purchasing health insurance in the individual market. The individual market can be costly and this provision makes premiums more affordable.

Our health care system still serves too few and costs too much. Access to decent health care is an essential safeguard of human life. CCK believes that reform must be rooted in values that respect the dignity of the individual, ensure that human life is protected, and recognize the unique needs of the poor. It remains as a critical component of the Conference’s advocacy agenda.

CCK STANDING COMMITTEES

Ecumenism
Education
Family Life
Finance
Health Care
Hospitals
KLEA
Long-term Care
Prolife
Social Concerns

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Evelyn Mills
Administrative Assistant



Jane Chiles, Executive Director, CCK

CATHOLICS AT THE CAPITAL

125 ADVOCATES AND 4 BISHOPS

The 1998 Regular Session marked the launch of CCK's first attempt to more fully engage Catholics in the work of the legislative process. This project stemmed from Pope John Paul II's and United States Catholic Conference's 1996 call for greater political responsibility among Catholics. The

Social Concerns Committee of CCK began planning the program many months before

the legislative session. Their planning became a reality as some 125 Catholics from across the state came to the Capitol. The largest group arrived to

witness testimony of the state's four Bishops before the Senate Judiciary Committee in February.

Legislators, parishioners, Bishops and CCK staff all benefited from this new experience. Legislators received direct input from local constituents. Parishioners gained new insights into the wide range of issues on the CCK agenda. Parishioners also learned firsthand how the legislative process functioned and how they could have an impact within the process. CCK staff gained insights from the direct input of participants. Staff developed improved communications with members of the General Assembly as well.

Overall, the project was a success and CCK will build on this experience for the General Assembly in 2000. CCK thanks all who participated as well as the members of the General Assembly who met with parishioners for their hospitality.

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Our Best Kept Secret