

INTERIM JOINT COMMITTEE ON STATE GOVERNMENT

Minutes of the 3rd Meeting of the 2019 Interim

September 12, 2019

Call to Order and Roll Call

The third meeting of the Interim Joint Committee on State Government was held on Thursday, September 12, 2019, at 10:00 AM, in Room 154 of the Capitol Annex. Representative Jerry T. Miller, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representatives Jerry T. Miller, Co-Chair, and Kevin D. Bratcher, Co-Chair; Senators Ralph Alvarado, Denise Harper Angel, Christian McDaniel, Morgan McGarvey, Robby Mills, Albert Robinson, Dan "Malano" Seum, Damon Thayer, and Johnny Ray Turner; Representatives Tina Bojanowski, Tom Burch, McKenzie Cantrell, Jeffery Donohue, Jim DuPlessis, Larry Elkins, Joseph M. Fischer, Kelly Flood, Derrick Graham, Joe Graviss, Richard Heath, Scott Lewis, Mary Lou Marzian, Patti Minter, Jason Nemes, Jason Petrie, Rick Rand, Steve Sheldon, James Tipton, Ken Upchurch, and Les Yates.

Guests: Representatives John Blanton and Lynn Bechler; Senator Danny Carroll; and Sergeant Jason Rothermund, Fraternal Order of Police, Bluegrass Lodge #4, Lexington, Kentucky.

LRC Staff: Alisha Miller, Karen Powell, Daniel Carter, Kevin Devlin, Michael Callan, Roberta Kiser, and Peggy Sciantarelli

Approval of Minutes

A motion to approve the minutes of the August 22, 2019, meeting was adopted without objection by voice vote.

Proposed Legislation Relating to Sanctuary Cities

Representative John Blanton and Senator Danny Carroll discussed legislation they plan to co-sponsor for the 2020 legislative session relating to enforcement of sanctuary policies. Jason Rothermund, Special Operations Sergeant in the Lexington Police Department and President of Bluegrass Lodge #4, Fraternal Order of Police, accompanied them and testified in support of their draft legislation. Representative Lynn Bechler discussed BR 240, relating to compliance with state and federal law, which he prefiled on September 10 for the 2020 regular session.

Representative Blanton said the draft legislation is a work in progress. The intent is to prevent any government entity within the Commonwealth from declaring, enacting, adopting, or otherwise enforcing any sanctuary policy, whether written or oral. It seeks to enable law enforcement officers to do their job and to prevent local government entities from dictating which laws can and cannot be enforced.

Senator Carroll said that safety of citizens depends on cooperation between all law enforcement agencies at all levels. To allow any action within Kentucky to limit that cooperation would be detrimental to safety, and that is unacceptable. The Kentucky League of Cities (KLC) and the Kentucky School Boards Association (KSBA) have proposed changes to the draft legislation, and he and Representative Blanton will likely agree with most of those changes.

KLC is proposing language to ensure that the law will apply on a statewide basis. This language addresses cooperation between all law enforcement agencies—state, local, and federal. It would allow law enforcement officers to ask about the immigration status of a victim or witness only when the information is pertinent to the public offense, or for the purpose of providing information about federal visas that may protect persons who assist law enforcement. It would nullify any preexisting or later-enacted sanctuary policy that would be in violation of the law. It would allow any constitutional officer or legislator to file suit to enforce the law, whereas the original draft specifies only the governor. KLC's proposed language would also cover all employees of a law enforcement agency, not just the sworn officers. It would eliminate the requirement for an Immigration and Customs Enforcement (ICE) detainer if the person provides proof of citizenship or legal immigration status. Senator Carroll said this change will call for more discussion; he believes the proof of citizenship or legal immigration status would need to be verifiable.

KLC would also add a requirement that the attorney general defend any relevant actions brought against an agency, if requested by the agency head, and the state would be liable for expenses or other associated cost. Senator Carroll said the proposed legislation does not change current practice, and he does not see any need to change that element of the law. He said there are other suggested changes by KLC that are still under discussion. KSBA's proposed changes would consider Supreme Court case law, the federal Family Educational Rights and Privacy Act (FERPA), and other federal laws that might preclude this law from being enforced in Kentucky schools.

Senator Carroll said that many of KLC's changes were compiled from the best provisions of similar laws that have been implemented in other states. A lot of research has been involved in the endeavor, and the conversation will continue. He hopes to have an updated draft of the legislation completed within a week or so, followed by another round of meetings. The provisions will continue to be tweaked to ensure soundness of the legislation before it is presented to the General Assembly.

Sergeant Rothermund stated that police agencies, sheriff's departments, and correctional facilities rely on partnerships with, and resources provided by, federal agencies. The federal partnerships are critical to the safety of Kentucky citizens, and the police officers that protect them. Restricting valuable law enforcement partnerships and resources based solely on political rhetoric or agendas places entire communities at risk. He said he represents over 630 active police officers in Fayette County and has received many phone calls questioning the extent to which they are allowed to work with federal agencies.

Sergeant Rothermund said the legislature has the ability to impact the effectiveness of law enforcement in the state. He believes the draft legislation sponsored by Senator Carroll and Representative Blanton is straightforward, and he likes the changes that have been proposed. The legislation simply addresses the ability of local entities to continue utilizing resources as they have in the past. He said the law enforcement climate in the Commonwealth will be confusing if sanctuary policy is not clarified at the state level. Standards should be the same for cities when requesting help from federal agencies. Sanctuary status can also result in loss of federal funding to local municipalities. He believes Kentucky is somewhat "behind the curve" on the sanctuary issue and that the proposed legislation is a step in the right direction.

Representative Blanton thanked the committee for hearing the proposed legislation. He said they are not trying to make a political statement but rather only ask that law enforcement across the state retain the ability to do their jobs. An estimated 161 ICE-detained persons are currently incarcerated in the Kentucky corrections system, with an average sentence of 19.5 years and, for nine, a life term. The crimes include murder, manslaughter, assault, robbery, rape, and trafficking. They come from a spectrum of countries including Mexico, Honduras, and Guatemala. In closing, he said the proposed legislation does not change the way business is conducted in Kentucky today. It is an attempt to get ahead of the curve on the sanctuary policy issue.

Representative Miller said he appreciates the sponsors' bringing the topic forward. He acknowledged that the topic is political but believes there is general agreement on the need for legal immigration and guest worker programs. There is also need for the rule of law and for change at the federal level.

Representative Bratcher asked how the bill would relate to school districts. He said he believes the school board in his district had indicated in the past that they are not going to cooperate with local law enforcement on immigration issues. Senator Carroll said there will be further study of how the bill would affect schools. Other states have adopted language similar to the language proposed by KSBA. Schools are not allowed to ask about immigration status, per a 1982 Supreme Court case, *Plyler v. Doe*, which originated in Texas, that exempts school districts, boards of education, and public charter schools, or

employees or contractors thereof, including but not limited to school resource officers. The exemption also applies to the release of information contained in educational records, except that which conforms with federal and state FERPA law.

Representative Donohue said that no law enforcement officer in his Louisville district has told him they are being impeded in the ability to do their job. He believes the legislation is dangerous and can have severe consequences. In the city of Louisville, police officers are allowed to do their job without taking extreme measures. If law enforcement encounters a situation involving an immigrant, they handle it without going outside their normal line of duty. Senator Carroll responded that protection of the public sometimes requires extreme measures and cooperation and that placing limits on law enforcement can be detrimental to public safety.

Responding to questions from Representative Graham, Representative Blanton said there is policy currently in place that would impede law enforcement in regard to the sanctuary issue. The legislation is needed to prevent such policy from being implemented in the future. Senator Carroll said that KLC did not initiate the legislation but submitted proposed changes after the legislation was announced. With inclusion of the changes, KLC will be supportive of the legislation. The KLC proposal included applicable research regarding laws in other states. The bill under discussion today is not related to any bill that was introduced during the last legislative session. Sergeant Rothermund said that he is testifying on behalf of FOP Bluegrass Lodge #4 and that it would not be lodge protocol to conduct a vote relating to his testimony.

Representative Bechler said his BR 240 proposes that any political subdivision, such as a county or city or institutions of higher learning in the Commonwealth, be precluded from having a sanctuary policy. BR 240 also establishes monetary penalties for entities that choose to have such a policy. Currently there are approximately 50,000 illegal aliens living in Kentucky. They represent about 1.1 percent of Kentucky's total population, 3 percent of Kentucky's total immigrant population, and about 1.7 percent of Kentucky's labor force. In 1990, the illegal alien population in Kentucky was estimated to be less than 5,000. By 2005, the number was estimated at 35,000, and in 2009 reached its current level of approximately 50,000. A U.S. Government Accountability Office study of a sample population of 249,000 arrested criminal aliens, either legal or illegal, found that 48 percent had been arrested for drugs; 35 percent for assault; 21 percent for larceny, theft, fraud, forgery, or counterfeiting; 19 percent for weapons violations; 18 percent for burglary; 12 percent for sex offenses; 9 percent for robbery; 8 percent for homicide; and 1 percent for arson. These rates are substantially higher when compared to total arrests in the United States.

Representative Bechler said that sanctuary cities enable human smugglers and cartels. Many of the gangs currently operating in the United States have their roots in other countries. It is estimated that about 42,500 undocumented or illegal aliens of working age

reside in Kentucky, with almost 32,000 of them paying payroll taxes and using fraudulent social security numbers. It is estimated that illegal aliens pay approximately \$37 million in sales and excise taxes, individual income taxes, and property taxes. However, one study estimated that in Kentucky state and local governments incur \$225 million annually in costs related to the illegal population. During the 2011 regular session, a fiscal note for SB 6 presented a less troubling estimate that Kentucky spent about \$33 million from the General Fund on education and about \$15.5 million on other state-provided services for illegal aliens.

Representative Bechler said he was shocked to learn that a Kentucky administrative regulation specifically says that illegal aliens shall be charged in-state tuition. In the language of the administrative regulation, a person is considered a Kentucky resident regarding admission and tuition if the person graduated from a Kentucky high school and is an undocumented alien. He stated that this conflicts with federal law. Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act, codified in 1998, prohibits state colleges and universities from allowing illegal aliens to receive in-state tuition on the basis of residence within the state unless all U. S. citizens receive the same rate. Based on data showing the number of full-time out-of-state undergraduate enrollees, Kentucky public colleges and universities could potentially be losing over \$250 million per year if Kentucky were required, as federal law indicates, to charge no more to out-of-state students than in-state students as a result of allowing illegal aliens to attend at in-state rates.

Representative Bechler said 13 states—Alabama, Arizona, Arkansas, Florida, Georgia, Iowa, Indiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Texas—have laws of some type to ban sanctuary cities. Georgia and Indiana include universities in their ban. Virginia passed a sanctuary cities law, but it was vetoed by the governor. Alaska, Connecticut, Idaho, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Jersey, New York, Ohio, Oklahoma, Pennsylvania and Rhode Island have also considered legislation banning sanctuary cities. While no Kentucky public university or college has an official policy of being a “sanctuary place,” there are troubling signs. At Northern Kentucky University a former associate president of enrollment management said that if a person qualifies for admission, they will be admitted, whether an international, resident, or undocumented student. Additionally, NKU’s Division of Latino Programs and Services provides resource and scholarship guides for undocumented students. At the University of Kentucky there is a website created to aid illegal alien students. The website states that the university does not have need to ask for the immigration status of any student, does not keep a list, and has been a national leader in efforts to protect student privacy. In addition, in November 2015, a petition containing more than 1,500 signatures was delivered to President Capilouto and the Provost requesting that the university become a sanctuary campus. The University of Louisville at one time had, but may no longer have, an undocumented student resource council that met monthly with the stated purpose of creating solutions and resources for undocumented students. In February 2017, Western Kentucky University passed a resolution declaring the university

to be a sanctuary campus. Representative Bechler said that, to his knowledge, officials at Eastern Kentucky, Kentucky State, Morehead, and Murray State Universities, and the Kentucky Community and Technical College System have made no public comments to support their institutions becoming sanctuary places. Concluding his presentation, Representative Bechler thanked the committee and stated that, for the sake of the Commonwealth, he believes it is time to take action and not “turn a blind eye” to the sanctuary issue.

Representative Burch questioned how the small percentage of illegal immigrants incarcerated in Kentucky can justify the proposed legislation. He said he has never heard that sanctuary policy is an issue in his district, but lately it has become a political issue. Police have power now to enforce the laws that are on the books, and it is not their job to enforce federal law. He thinks the proposed legislation is unchristian. He has neighbors from other countries, and his grandfather emigrated from Germany. He does not believe the proposed legislation is needed and that it is not good for police officers, who already have enough work to do. Representative Bechler responded that the bills under discussion do not ask local police to enforce federal immigration policy.

Representative Cantrell said her district is a diverse community and that she represents a lot of immigrants. Some have been there for generations and have become citizens. Also, immigrants are needed in Louisville to keep the economy going. She said the committee cannot see how BR 240 differs from the legislation proposed by Representative Blanton and Senator Carroll, because they have not provided copies of it. She also questioned why legislation is being debated that is antagonistic to immigrants. In response, Representative Blanton said he welcomes immigrants and wants them to come, not only to help with job needs but also to have a better life. His legislation focuses on law enforcement and does not include provisions relating to universities. It is preemptive to prevent anything from happening in the future to prevent law enforcement from doing its job. It is not intended to instill fear or antagonize people. Representative Bechler said that his BR 240 does not address legal immigration. Legal immigrants are welcome and needed. He is in favor of immigrants coming to Kentucky, but they need to be here legally and follow the law.

Representative Bojanowski said it is her understanding that, with extended enforcement of federal law, the bills would mandate local jurisdictions to file either a 287(g) or a Secure Communities agreement with the federal government and that there would be costs related to that. She asked about other possible costs to implement the legislation, such as increased law enforcement, potential litigation, and social service needs. Senator Carroll said that his and Representative Blanton’s bill only retains the status quo; it does not involve fees or require papers to be filed. It strictly follows and protects the policies and procedures currently used by law enforcement on a daily basis. The legislation is preemptive, and if not enacted, there is no doubt that at some time in the future there will be movement to designate some cities as sanctuaries. Representative Bechler

said that BR 240 does not say there should be extended enforcement of federal law. It simply requires law enforcement to cooperate with immigration officials.

Representative Graviss asked whether the Kentucky Farm Bureau, Keeneland and Churchill Downs officials, thoroughbred owners and breeders, farm managers, and others in the agricultural community have been contacted about the legislation. Senator Carroll said they have not. He went on to say that he believes illegal immigrants who are long-term and productive residents should be given a path to citizenship. Kentucky's economy is going to need immigrants to sustain it. The legislation would not cause more illegal immigrants to be arrested; it just protects the relationship between all law enforcement agencies in the need to cooperate on immigration issues. Representative Bechler said he has spoken with members of the agricultural community in his district, which has quite a few farms. They have H2A guest worker programs in place, and spend a lot of money to make sure they follow the law by hiring workers who enter the country legally. He is not familiar with 287(g) and Secure Communities agreements. Representative Graviss encouraged him to become familiar with those and their potential impact on Kentucky.

Representative Marzian said she wants to apologize to all documented and undocumented immigrants in Kentucky for the reference to them as "aliens," a term she considers offensive. She said undocumented immigrants are human beings that come to the United States for a better life and a better education for their children. She believes the legislation is political, and she finds it offensive. She was also critical of interference by the General Assembly in local government matters.

Senator Thayer said he does not think persons connected with the horse industry would oppose the legislation, because it really does not affect them. He also noted that federal immigration law uses the term "illegal alien" and defines it as someone who is in the United States unlawfully. He believes there is broad support for the legislation in his district and the state. He appreciates that the sponsors have started it early. Whether it is introduced first in the House or in the Senate, he looks forward to its quick passage in the next regular session. He think the legislation will move quickly and send a signal that the General Assembly supports law enforcement, who have the job of keeping Kentuckians safe.

Representative DuPlessis said he does not believe anyone present is anti-immigrant. The issue is "legal" versus "illegal" immigration. Encouraging illegal immigration negatively affects the labor pool, keeps wages down, and increases unemployment for those who are following the law. He appreciates legislators who want to act to prevent rather than react to problems. He said he does not know whether he can support Representative Blanton and Senator Carroll's bill because he has not seen it yet, but he is aware of the detrimental effects of illegal immigration.

Representative Tipton said the federal government should have resolved the illegal immigration issue a long time ago. He vividly remembers images of the terrorist attacks on September 11, 2001, and he believes that on September 12 the nation may have become more united than ever in his lifetime. He said he wants to publicly thank Representative Blanton, Senator Carroll, Sergeant Rothermund, and all police officers and first responders for their dedicated service to the Commonwealth. He appreciates the opportunity to live in a country where today's discussion can take place, and he looks forward to continuing the conversation.

Representative Miller pointed out that not only people but the rule of law are at issue. He said he has spent time in Mexico and Honduras. The reason that a predominant number of immigrants come from Honduras is because that country lacks the rule of law. In the United States they can enjoy the ability to enforce a contract and live without fear of police asking for a bribe.

Representative Miller asked Sergeant Rothermund whether he has ever been asked by a federal agent to enforce illegal immigration law without an underlying crime having been committed against the state or local government. Sergeant Rothermund said he has not during his 15 years as a police officer. In Lexington, the police do not go out of their way or have the authority to seek enforcement of federal immigration law. Statements have been made by some local officials that begin to define a city as a sanctuary city without actually saying the word. When this happens in response to a national political narrative, it begins to cause confusion for police officers. Representative Blanton and Senator Carroll's bill would allow police officers to continue doing their jobs to keep people safe in the Commonwealth and ensure that the partnerships with federal law enforcement remain intact. Many of the individuals targeted and detained by ICE also prey on other undocumented workers. Without federal cooperation, police cannot protect undocumented workers from the undocumented gang members.

Representative Miller thanked the guest speakers for their testimony and for bringing forth their proposals. He said this is just the beginning of the conversation.

Proposed Legislation Relating to the Legislators Retirement Plan

Representative Tipton discussed his BR 268 draft proposal relating to current and future legislators enrolled in the Legislators Retirement Plan (LRP) and the Kentucky Employees Retirement System-nonhazardous plan (KERS-NH). He provided copies of "BR 268 Draft Proposal (Discussion Document)."

Representative Tipton said that BR 268 is a work in progress. His goal with the legislation is to ultimately end the Legislators Retirement Plan. Over the years there have been questions why legislators have their own retirement plan and why it is funded better than the other retirement systems. Some legislators did not prefer having a retirement plan but were given no choice. He said when he joined the General Assembly in 2015, he

decided to participate in LRP but that he would have chosen differently if he knew then what he knows now. He thanked Representative Graviss for his input on the issue and said he hopes to receive input from members of the State Government Committee.

As outlined in the discussion document, BR 268 would only impact current and future legislators who are members of LRP or KERS-NH. It does not impact the County Employees Retirement System (CERS), the State Police Retirement System (SPRS), Teachers' Retirement System (TRS), the Judicial Retirement Plan, or any other members of KERS. Also, under the proposal no funds, other than administrative expenses, shall be provided to LRP until LRP has a funding level that is equivalent or less than KERS's funding level (based upon the most recent actuarial valuation).

Under the BR 268 draft proposal, effective July 1, 2020, new legislators would no longer have the choice to either participate in LRC or KERS-NH but would instead participate in KERS-NH unless the member opts out of KERS coverage within 30 days of taking office. This would effectively close LRP to new members. Current legislators who joined LRP on or after 1/1/2014 (cash balance members) would cease participating in LRP effective December 1, 2020, and have their service and account balances transferred to KERS from LRP and would prospectively participate in a KERS cash balance account. They would also have the option to make a one-time irrevocable election to not participate in KERS for service as a legislator. For legislators elected after January 1, 2014, the LRP inviolable contract covers only their account balance.

Current legislators who joined LRP prior to 1/1/2014 (defined benefit members) would have the option to make a one-time irrevocable election to prospectively participate in KERS for service as a legislators instead of LRP (past service in LRP not impacted), or to prospectively not participate in LRP or KERS for all future legislative service. The benefit factor would be reduced from 2.75% to 1.97% for each year of service accrued on or after July 1, 2020, for service as a legislator. BR 268 would also modify the LRP inviolable contract to exclude future changes to the law after July 1, 2020.

Representative Tipton reviewed the tiers, contribution rates, interest credit, and various retirement options offered for legislators who were elected after and prior to January 1, 2014. He also discussed how past legislation has affected legislative retirement. HB 299, passed in 2005, allowed the retirement benefits for legislators who went to work in the executive branch to be inflated by the higher executive branch salary—basically spiking their pension. He finds that troubling and believes that constituents across the state would also find it troubling. Under BR 268, salary reciprocity for nonlegislative compensation earned on or after July 1, 2020, would be removed for defined benefit members in LRP prior to 1/1/2014, and benefits at retirement would be calculated based on legislative salary and nonlegislative compensation earned prior to July 1, 2020. The same change would apply to benefits earned by legislators in KERS. Legislators would still be able to participate in the Deferred Compensation program.

Representative Tipton said that several years ago the benefit factor for legislators was increased from 1.97% to 2.75%. In light of the current retirement funding situation, he finds it incomprehensible that the increase is still in effect. For him, it is a matter of principle and doing the right thing for the people that the General Assembly represents. Concerns have been raised, and BR 268 could add a provision to reduce the benefit factor or give legislators the ability to opt out of the higher factor.

Representative Tipton said he still has work to do on BR 268 but that Chairman Miller asked him to present it today to get reaction and feedback from the committee. He has not yet had time to meet with representatives of Kentucky Retirement Systems and the Judicial Form Retirement System but plans to do so in the near future.

Representative Miller thanked Representative Tipton for sponsoring the legislation. He said he heartily endorses its inclusion of funding restrictions for the LRP.

Senator Seum expressed concern that with a reduction in benefits—and in view of the considerable amount of time legislators must spend away from home—only the wealthy would be able to run for office in the General Assembly. Representative Tipton said that issue has been raised in regard to recruiting good qualified candidates for the General Assembly. He understands it is not a part-time job. He explained, though, that the proposal does not eliminate legislative retirement but provides choice options for each individual.

Representative Graviss thanked Representative Tipton for working with him on BR 268 and said he appreciates the discussions. It has seemed improper to him that legislators have their own retirement system and that it has been funded differently than the systems for state workers. He also thinks it is important for legislators to have a sound retirement. He voiced concern about potentially damaging the foundation of the inviolable contract. He hopes that the discussions will continue and provide solid evidence that BR 268 will not damage the inviolable contract, while accomplishing the objective to increase money going into the KERS-NH system.

Representative Cantrell said that some of the information in BR 268 is new to her. She is thankful for the discussion outline but thinks it would be more informative and helpful to be provided actual pieces of legislation for discussions in committee. She also asked how BR 268 differs from legislation relating to legislative retirement that was introduced by former state representative James Kay. Representative Tipton said he would have to review that previous legislation. He believes there may be similarities but that BR 268 is probably more detailed and somewhat more in depth. BR 268 includes many of the concepts that were part of SB 151, which was overturned by the Supreme Court. He has not had time to finalize BR 268, but it will be completed in time for the legislative session. Representative Miller said BR 268 was presented today at his request. Sanctuary cities and legislative retirement are important topics, and it is good to have them thoroughly vetted

before they are filed. Representative Cantrell encouraged Representative Tipton to review Representative Kay's legislation.

Representative Graham said he did not choose LRP as his retirement plan, but he is not in favor of doing away with retirement benefits for legislators. He questioned why only legislators, and not state employees, would be able to opt out of retirement coverage, as provided in BR 268. He is also concerned about erosion of the retirement system and having defined benefit plans replaced with defined contribution plans. Representative Tipton said that currently no legislator or state employee has the option to opt out of retirement. He confirmed that the legislation does not address judicial retirement, nor does it change the hybrid cash balance plan that was established by SB 2 in 2013.

Senator Thayer said he appreciates Representative Tipton's commitment to the issue. Presenting a legislative proposal, without having a specific bill, is a good approach and is appropriate for discussion by an interim committee. He said the public needs to understand that passage of BR 268 would make a lot of people feel better, but it will not make a material change in the pension systems' unfunded liability. It is hard to explain to the public that one reason LRP is well funded is because of the relatively small number of participants. It is also not subject to the problems, vagaries, market disruptions, and other issues that have led to underfunding in the other systems.

Senator Thayer said that SB 2, which he sponsored and which passed in 2013, put all new members of the legislature in a hybrid cash balance plan just like the one that KERS and CERS employees have been in since January 1, 2014. Passage of SB 2 is starting to have the desired effect of "turning the Titanic around" for the pension system. It is important to note that, since 2014, legislators have been treated exactly the same as members of KERS and CERS. Transparency for legislative pensions has also been enacted, and information about legislators' pension benefits is now accessible to anyone. He supports efforts by many in the General Assembly to repeal the spiking initiative that allowed some former legislators to spike their pension by going to work in the executive or judicial branch. He said that if SB 151 had not been overturned by the Supreme Court on a procedural matter that is used in every other legislature in the country, the benefit factor for the LRP plan would have been reduced to 1.97%. He plans to sponsor a bill for structural reform of TRS, which is needed in order to make a material change in unfunded liability in the pension systems. He said he wants to go on record that the General Assembly has tried to address problems in the pension systems, succeeding in some areas but failing in others. He appreciates the comprehensive approach in BR 268. It includes many provisions that are worthy of consideration in the 2020 regular session, and he looks forward as a member of the Senate State and Local Government Committee to working with Representative Tipton. He also commended him for his work on HB 1 during the 2019 special session.

Representative DuPlessis said that Representative Tipton has done a great job with BR 268 and that he appreciates working from a bullet point list rather than a bill. This allows the interim committee to help form legislation before the session begins in January—which is one of the main purposes of interim joint committees.

Representative Tipton thanked everyone for their participation and encouraged them to contact him if they have questions or comments. He said legislative retirement is a bipartisan issue on which everyone should work together.

Representative Miller announced that the next meeting will be October 3. Business concluded, and the meeting was adjourned at 12:05 p.m.