

INTERIM JOINT COMMITTEE ON APPROPRIATIONS AND REVENUE

Budget Review Subcommittee on General Government, Finance, Personnel, and Public Retirement

Minutes of the 5th Meeting of the 2021 Interim

October 6, 2021

Call to Order and Roll Call

The fifth meeting of the Budget Review Subcommittee on General Government, Finance, Personnel, and Public Retirement of the Interim Joint Committee on Appropriations and Revenue was held on Wednesday, October 6, 2021, at 9:00 AM, in Room 131 of the Capitol Annex. Representative Myron Dossett, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Michael J. Nemes, Co-Chair; Representative Myron Dossett, Co-Chair; Senators Robby Mills, Adrienne Southworth, and Reginald Thomas; Representatives Kevin D. Bratcher, Jeffery Donohue, Jim Gooch Jr., Derrick Graham, Mark Hart, Adam Koenig, Michael Meredith, Suzanne Miles, Jerry T. Miller, Phillip Pratt, Brandon Reed, Nancy Tate, and Buddy Wheatley.

Guests: Mike Adams, Secretary of State; Jenni Scutchfield, Assistant Secretary of State; Terrance Sullivan, Executive Director, Commission on Human Rights; and, Jay Hartz, Director, Legislative Research Commission.

LRC Staff: Joey Holt, Emma Mills, and Spring Emerson.

Approval of Minutes

A motion was made by Representative Tate to approve the minutes of the September 24, 2021 meeting. The motion was seconded by Co-Chair Nemes, and the minutes were approved without objection.

Secretary of State

Secretary Adams provided an overview of the Office of Secretary of State (SOS) and its budget.

In response to a question from Chair Dossett regarding staffing needs, Secretary Adams said the agency needs three Information Technology employees and one Business Services person.

In response to a question from Co-Chair Nemes regarding the Photo ID program, Secretary Adams said the election last year had been successful. Kentucky was the only state to implement Photo ID for voting during the pandemic. Photo ID was implemented for both absentee voters and in-person voters. Only a tiny subset of people voted through personal recognizance. An even smaller number voted through reasonable impediment. There were over two million voters, and there were no complaints about anyone being denied access to the ballot.

Senator Thomas commented that the SOS needs another person just for business filings, since he files many of those for his business and corporate clients.

In response to questions from Representative Graham, Secretary Adams said there is a tiered system in statute that allows for other means of identification than a photo ID, and no one was turned away last year. The office of SOS now has thirty employees, with authorization for thirty-two, and a maximum of thirty-six. The office had fifty employees ten years ago.

In response to questions from Representative Wheatley, Secretary Adams said the number of voters is updated on the last Friday of each month, and Kentucky is the only state to do so. There are only hundreds removed per month, not thousands. Assistant Secretary Scutchfield said there is a master index which indicated a number of voters had been removed due to death. Chair Dossett commented that some voter removals result from military transfers as well. Secretary Adams agreed, stating that the military base at Ft. Campbell is a prime example.

In response to questions from Senator Thomas, Secretary Adams said there are three special elections slated for November this year, for two House seats and one Senate seat. Early voting will be allowed for three days, October 28 through October 30, then the regular election will be held on Election Day in November. The highest record number was a sixty-six percent voter turnout. In 2020, the primary election saw twenty-nine percent, with the November election showing a sixty percent turnout. Information will be provided at a later date regarding denial of provisional ballots.

In response to a question from Representative Graham, Secretary Adams said voters are notified if denied.

Chair Dossett thanked the office of SOS on behalf of the voting precinct in his district, and expressed his appreciation for the smooth process.

Kentucky Human Rights Commission

Director Sullivan provided an overview of the Kentucky Human Rights Commission (KHRC) and its budgetary needs.

In response to questions from Chair Dossett, Mr. Sullivan said staffing decreases resulted from employee retirements and attrition, and they cannot be replaced due to budgetary constraints. The allotment is for twenty-two employees, and they have only eighteen, with no funds to hire more. The KHRC appropriation in 2022 is \$2.1 million, and to fill the needed positions they would need approximately \$2.8 million overall.

In response to a question from Representative Miller, Mr. Sullivan said the agency is researching the possibility of sharing office space to save money.

In response to questions from Representative Bratcher, Mr. Sullivan said although the KHRC does not have the power to assess individual fines and penalties, there is a process that moves through the legal system for a judgement or settlement. The agency does not receive any restricted funds or fees from this process. Case determinations are made on the third Thursday of each month and are uploaded to the web to be accessed. They are also available in the Commission book that creates a record and highlights every case.

In response to questions from Representative Graham, Mr. Sullivan said during investigations performed in 2008, the KHRC had eighteen employees with a budget just under \$2.5 million. The budget appropriated in 2020 was \$2.1 million. Mr. Sullivan will provide information relating to population comparisons with other states at a later date.

In response to a question from Co-Chair Nemes regarding an inability to adhere to legal guidelines, Mr. Sullivan said the client can petition the court after 180 days, and those cases are considered on a first come, first serve basis. The US Department of Housing and Urban Development (HUD) has a stricter timeline for housing issues, with a 100-day policy.

In response to a question from Representative Koenig regarding the reason why positions cannot be filled, Mr. Sullivan said they cannot post for positions if they do not have the funds to pay for them. He added that a \$30,000 per year salary would cost close to \$98,000 when retirement contributions and other benefits are paid. Representative Koenig commented that statute changes are needed.

In response to a question from Representative Koenig regarding complaints about smokers being a protected class, Mr. Sullivan said his office has not seen any of those in a while.

In response to a question from Senator Southworth regarding the HUD contract, Mr. Sullivan said the HUD and Equal Employment Opportunity Commission (EEOC) contracts are literally what keep their lights on.

In response to a question from Representative Miller regarding open board seats, Mr. Sullivan said three board members were reappointed a month ago.

In response to a question from Senator Thomas regarding a change in cases, Mr. Sullivan said upon review, it seems that people have become bolder in expressing hatred toward certain communities.

In response to a question from Representative Wheatley regarding protected classes in surrounding states, Mr. Sullivan said the most common is gender, and the source of income for housing is another.

Legislative Research Commission

Director Hartz provided an overview of the Legislative Research Commission (LRC) personnel issues and the resulting necessary budgetary needs.

Representatives Graham and Tate expressed their appreciation for LRC staff and commented that they are outstanding employees.

Senator Thomas commented that the turnover rate is alarming, and asked what can be done. Director Hartz said the easy answer is to pay them more.

In response to a question from Senator Southworth regarding the possibility of dividing time between full-time and part-time employees, Director Hartz said there are scheduling issues for legislators which create unpredictability, making employee flexibility necessary.

Chair Dossett commented that there are amazing people at the LRC, and he would like to keep them.

Adjournment

There being no further business before the subcommittee, the meeting was adjourned at 11:15 AM.