

CHAPTER 98**(SB 378)**

AN ACT relating to the Crime Victims Compensation Board.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 49.010 is amended to read as follows:

- (1) The Office of Claims and Appeals is created within the Public Protection Cabinet and shall constitute a statutory administrative office of the state government within the meaning of KRS Chapter 12.
- (2) The Office of Claims and Appeals shall consist of three (3) separate and distinct administrative boards attached to the office within the meaning of KRS 12.020:
 - (a) The Board of Tax Appeals;
 - (b) The Board of Claims; and
 - (c) The Crime Victims Compensation Board.
- (3) The executive director of the Office of Claims and Appeals shall be appointed by the secretary of the Public Protection Cabinet with the approval of the Governor in accordance with KRS 12.050. The secretary of the Public Protection Cabinet is the appointing authority for the Office of Claims and Appeals, and the executive director shall be directly responsible to the secretary of the Public Protection Cabinet and shall perform the functions, powers, and duties provided by law and prescribed by the secretary of the Public Protection Cabinet. The executive director shall:
 - (a) Carry out the policy and program directives of the boards;
 - (b) Be responsible for the day-to-day operations of the office;
 - (c) Establish appropriate organizational structures and personnel policies;
 - (d) Prepare annual reports on the office's and boards' activities;
 - (e) Prepare budgets; ~~and~~
 - (f) Perform all other duties as directed by the secretary and the boards and necessary for the operations of the office; *and*
 - (g) ***Keep written records documenting the completion of training by staff for and members of the Crime Victims Compensation Board.***
- (4) The Office of Claims and Appeals shall be authorized to:
 - (a) Employ necessary staff, secure adequate office space, and execute other administrative and logistical matters as may be necessary to ensure proper functioning of the office;
 - (b) Promulgate, amend, and repeal suitable administrative regulations to carry out the provisions and purposes of the office's statutory authority;
 - (c) Publicize widely the functions and purposes of the Office of Claims and Appeals and its attached boards; ~~and~~
 - (d) Enter into agreements with any state agency, political subdivision of the state, postsecondary education institution, or other person or entity to enlist assistance to implement the duties and responsibilities of the office; *and*
 - (e) ***Ensure that staff for the Crime Victims Compensation Board receives trauma-informed training to understand the challenges faced by victims of crime, including factors that may result in the delayed filing of a claim. Staff shall receive six (6) hours of training under this paragraph within thirty (30) days of being hired, and three (3) hours of training each year thereafter. Training pursuant to this paragraph may be developed in collaboration with organizations and agencies that specialize in victim services and victim advocacy.***

- (5) The principal office of the Office of Claims and Appeals shall be at Frankfort, Kentucky, and shall be open during regular working hours for the conduct of its business.

➔Section 2. KRS 49.020 is amended to read as follows:

- (1) (a) As used in this section and KRS 49.220, "revenue and taxation agency" means and includes any agency of state, county, and local government, including special taxing districts, that issues final rulings, orders, or determinations affecting revenue and taxation.
- (b) The Board of Tax Appeals created by KRS 49.010 shall have the power and authority to hear and determine appeals from final rulings, orders, and determinations of any revenue and taxation agency.
- (2) (a) The Board of Tax Appeals shall consist of three (3) members appointed by the Governor, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. One (1) member shall be appointed initially for a two (2) year term. One (1) member shall be appointed initially for a three (3) year term. One (1) member shall be appointed initially for a four (4) year term. Thereafter, all appointments to the board shall be for a four (4) year term. There shall be no limit to the amount of reappointments a member shall receive.
- (b) Vacancies for unexpired terms shall be filled in the same manner as regular appointments, but the appointees shall hold office only to the end of the unexpired term of the member replaced.
- (c) The Governor shall appoint a chairperson for the board, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. The chairperson shall be appointed for a four (4) year term and shall be an attorney with the qualifications required of candidates for Circuit Judge. The chairperson shall be the presiding officer over appeals heard by the board.
- (d) The Governor shall establish the compensation, not to include benefits, of the members of the board pursuant to KRS 64.640.
- (e) Two (2) of the members shall be attorneys with the qualifications required of candidates for Circuit Judge. One (1) of the members shall have a background in taxation. No member shall engage in any occupation or business inconsistent with his or her duties as such a member.
- (3) The Crime Victims Compensation Board created by KRS 49.010 shall have the power and authority to hear and determine all matters relating to a claim by a crime victim or a person authorized by law to act on behalf of a crime victim for compensation.
- (4) (a) The Crime Victims Compensation Board shall consist of three (3) members appointed by the Governor, not all of whom shall be engaged in the same occupation or profession. Appointed board members shall be subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. Members shall be appointed for a four (4) year term. There shall be no limit to the amount of reappointments a member may receive. One (1) member shall be appointed initially for a two (2) year term. One (1) member shall be appointed initially for a three (3) year term. One (1) member shall be appointed initially for a four (4) year term. Thereafter, all appointments to the board shall be for a four (4) year term. Two (2) of the appointees shall be a victim as defined in KRS 421.500(1), the parent, spouse, sibling, or child of a victim as defined in KRS 421.500(1), whether or not the victim is deceased, or a victim advocate as defined in KRS 421.570(1); and the other appointee shall be an attorney licensed to practice law in this state with two (2) years of experience.
- (b) Vacancies for unexpired terms shall be filled in the same manner as regular appointments, but the appointees shall hold office only to the end of the unexpired term of the member replaced.
- (c) The Governor shall appoint a chairperson for the board, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. The chairperson shall be appointed for a four (4) year term.
- (d) The Governor shall establish the compensation, not to include benefits, of the members of the board pursuant to the provisions of KRS 64.640.
- (5) The Board of Claims created by KRS 49.010 shall have the following powers and authority to investigate, hear proof, and compensate persons for damages sustained to either person or property as a proximate result of negligence on the part of the Commonwealth, any of its cabinets, departments, bureaus, or agencies, or any of its officers, agents, or employees while acting within the scope of their employment by the Commonwealth or any of its cabinets, departments, bureaus, or agencies; except, however, regardless of any provision of law to the contrary, the Commonwealth, its cabinets, departments, bureaus, and agencies, and its officers, agents, and

employees, while acting within the scope of their employment by the Commonwealth or any of its cabinets, departments, bureaus, or agencies, shall not be liable for collateral or dependent claims which are dependent on loss to another and not the claimant or damages for mental distress or pain or suffering, and compensation shall not be allowed, awarded, or paid for such claims for damages.

- (6) (a) The Board of Claims shall consist of three (3) members appointed by the Governor, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. One (1) member shall be appointed initially for a two (2) year term. One (1) member shall be appointed initially for a three (3) year term. One (1) member shall be appointed initially for a four (4) year term. Thereafter, all appointments to the board shall be for a four (4) year term. There shall be no limit to the amount of reappointments a member shall receive.
 - (b) Vacancies for unexpired terms shall be filled in the same manner as regular appointments, but the appointees shall hold office only to the end of the unexpired term of the member replaced.
 - (c) The Governor shall appoint a chairperson for the board, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. The chairperson shall be appointed for a four (4) year term, and shall be an attorney with the qualifications required of a candidate for Circuit Judge. The chairperson shall be the presiding officer over appeals heard by the board.
 - (d) The Governor shall establish the compensation, not to include benefits, of the members of the board pursuant to the provision of KRS 64.640.
 - (e) Two (2) of the members shall be attorneys with the qualifications required of candidates for Circuit Judge and have a background and working knowledge in Kentucky tort law. One (1) member shall have a background in business. No member shall engage in any occupation or business inconsistent with his or her duties as such a member.
- (7) The Board of Tax Appeals, the Board of Claims, and the Crime Victims Compensation Board shall each be separately authorized to:
- (a) Promulgate, amend, and repeal suitable administrative regulations to carry out the provisions and purposes of the board's statutory authority;
 - (b) Issue subpoenas and discovery orders, and to petition a court of competent jurisdiction for any order necessary to carry out the board's powers and duties;
 - (c) Take or cause to be taken affidavits or depositions within or without the state;
 - (d) Administer or cause to be administered oaths;
 - (e) Except for the power to issue final decisions on the merits of a claim or appeal, to delegate any of its power or authority to the Office of Claims and Appeals; and
 - (f) Publicize widely the functions and purposes of the board.
- (8) If any appointed board member has a conflict of interest, as contemplated by KRS 11A.030, involving any matter pending before the board, the secretary of the cabinet shall appoint a member of one (1) of the other boards administered by the Office of Claims and Appeals as a substitute member. Following appointment, the substitute board member shall serve in place of the member who has a conflict for all actions and votes relevant to that matter.
- (9) Members of the Board of Tax Appeals, Board of Claims, and Crime Victims Compensation Board shall receive new member orientation and annual training to discuss new legislation, pertinent court decisions, and board policies and procedures. ***Members of the Crime Victims Compensation Board shall receive trauma-informed training to understand the challenges faced by victims of crime, including factors that may result in the delayed filing of a claim. Members shall receive six (6) hours of training under this subsection within thirty (30) days of appointment, and three (3) hours of training each year thereafter. Training pursuant to this subsection may be developed in collaboration with organizations and agencies that specialize in victim services and victim advocacy.***
- (10) The boards shall meet as often as necessary to perform their statutory responsibilities as outlined in this chapter. A majority of the members of the commission shall constitute a quorum for the transaction of business.

- (11) Immediately following June 29, 2021, the Governor shall review the current board, determine any members that are no longer qualified, and appoint new members to the board if necessary.

Signed by Governor April 8, 2022.