

LEGISLATIVE RESEARCH COMMISSION

Minutes of the 564th Meeting

December 19, 2019

Call to Order and Roll Call

The 564th meeting of the Legislative Research Commission was held on Thursday, December 19, 2019, at 12:00 PM, in Room 125 of the Capitol Annex. Representative David Osborne, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Robert Stivers II, Co-Chair; Representative David Osborne, Co-Chair; Senators Julie Raque Adams, David P. Givens, Morgan McGarvey, Dennis Parrett, Damon Thayer, Johnny Ray Turner, and Mike Wilson; Representatives John Bam Carney, Derrick Graham, Chad McCoy, David Meade, and Suzanne Miles.

LRC Staff: Jay Hartz and Christy Glass.

Speaker Osborne called the meeting to order and asked for a motion to go into Executive Session to discuss a personnel matter. The motion was made by Representative Meade and seconded by Senator Stivers.

After returning from Executive Session a motion was made by Senator Stivers to form a subcommittee comprised of Senator Givens, Senator Thayer, Senator McGarvey, Representative Meade, Representative Carney, and the House Minority Floor Leader to conduct the six (6) month performance review of Director Jay Hartz. The motion was seconded by Representative Meade. There being no further discussion, a roll call vote was taken, and the motion approved unanimously.

Speaker Osborne called for a motion to approve the minutes of the September 18, 2019, meeting; accept as indicated items A. through K. under Staff and Committee Reports; refer prefiled bills as indicated and approve items B. through D. under New Business; and accept and refer as indicated items 1. through 47. under Communications.

A motion was made by Senator Thayer and seconded by Senator Parrett.

There being no further discussion, a motion having been made, a roll call vote was taken, and the motion approved unanimously. The following items were approved, accepted or referred:

STAFF AND COMMITTEE REPORTS

- A. Information requests since September 2019.
- B. Committee Activity Reports since September 2019.
- C. Report of the Administrative Regulation Review Subcommittee meetings on September 16, October 8, and November 12, 2019.
- D. Committee review of the administrative regulations by the Interim Joint Committee on Agriculture during its meetings on August 22 and October 7, 2019.
- E. Committee review of Executive Reorganization Order 2019-719 by the Interim Joint Committee on Health, Welfare, and Family Services during its meeting on September 30, 2019.
- F. From Senator Ernie Harris and Representative Ken Upchurch, Co-chairs of the Interim Joint Committee on Transportation: Memorandum submitting Final Action of the 2017 HB 184 Study.
- G. Committee review of the administrative regulations by the Interim Joint Committee on Health, Welfare, and Family Services during its meetings on November 18 and December 9, 2019.
- H. Committee review of FY 2020 Maternal and Child Health Services Title V Block Grant Application by the Interim Joint Committee on Health, Welfare, and Family Services during its meeting on November 18, 2019.
- I. Committee review of FY 2019 Preventive Health and Health Services Block Grant Application by the Interim Joint Committee on Health, Welfare, and Family Services during its meeting on November 18, 2019.
- J. From Teresa Arnold, Deputy Director for Research and Communications: Reports of task forces, working group, and staff studies for 2019.
- K. From Teresa Arnold, Deputy Director for Research and Communications: Report of 2019 Senate Bill 1 staff study.

NEW BUSINESS

- A. Referral of prefiled bills to the following committees: **BR 288** (An act relating to veterinarians), **BR 403** (An act relating to farmer suicide prevention and awareness) and **BR 492** (An act relating to trapping furbearers) to **Agriculture**; **BR 4** (An act relating to legislative accountability by providing for the expanded use of cost estimates, a regulatory impact assessment of pending legislation, and the limitation of bill introductions during a regular session), **BR 102** (An act relating to the taxation of certain services), **BR 151** (An act relating to emergency medical service fees and declaring an emergency), **BR 239** (An act prohibiting the payment of public agency funds to any entity that performs, induces, refers for, or counsels in favor of abortions), **BR 246** (An act relating to an exemption of income for centenarians), **BR 251** (An act relating to an exemption of income taxation for military pensions), **BR 269** (An act relating to public health, making an appropriation therefor, and declaring an emergency), **BR 290** (An act establishing the Direct Health Care Services and Research Facilities Operations Loan, making an appropriation therefor, and declaring an emergency), **BR 367** (An act relating to an exemption from income taxation for military pensions), **BR 827** (An act establishing a tax credit for employers that make

payments on refinanced loans issued by the Kentucky Higher Education Student Loan Corporation to employees) and **BR 907** (An act relating to special purpose governmental entities) to **Appropriations and Revenue**, **BR 50** (An act relating to health care to provide for an all-payer claims database and making an appropriation therefor), **BR 66** (An act relating to community healthcare foundations by providing for the approval and oversight of not-for-profit hospital, health maintenance organization, and healthcare insurer conversions, and declaring an emergency), **BR 98** (An act relating to insurance policy renewals), **BR 221** (An act relating to prescription insulin), **BR 306** (An act relating to health care services received at no-cost or reduced-cost health care facilities by persons covered under a health insurance policy), **BR 425** (An act relating to cost sharing under a health benefit plan) and **BR 843** (An act relating to uninsured motorist coverage) to **Banking and Insurance**; **BR 48** (An act relating to physician employment contracts), **BR 316** (An act relating to employment schedules), **BR 317** (An act relating to leave from employment for crime victims), **BR 319** (An act relating to earned paid sick leave), **BR 320** (An act relating to employment provisions for employees on parental leave), **BR 323** (An act relating to prevailing wage), **BR 324** (An act relating to public procurement), **BR 325** (An act relating to economic development incentives), **BR 414** (An act relating to workers' compensation), **BR 436** (An act relating to employment-related drug screens), **BR 456** (An act relating to wages for employment), **BR 433** (An act relating to non-compete agreements with health-care providers), **BR 494** (An act relating to the Workers' Compensation Funding Commission) and **BR 910** (An act relating to sheltered employment) to **Economic Development and Workforce Investment**; **BR 87** (An act relating to school construction), **BR 124** (An act relating to bus safety), **BR 252** (An act relating to the Kentucky Community and Technical College System, making an appropriation therefor, and declaring an emergency), **BR 435** (An act relating to student health and safety), **BR 486** (A resolution urging the Kentucky Department of Education to create a task force to consider ways to improve diversity in STEAM areas of education), **BR 817** (An act relating to high school graduation requirements), **BR 832** (An act relating to the Kentucky tuition grant program), **BR 898** (An act relating to the Asset Resolution Corporation), **BR 976** (An act relating to Kentucky Educational Excellence Scholarships), **BR 1020** (An act relating to student privacy and declaring an emergency), **BR 1024** (An act relating to nonteaching time for teachers), **BR 1025** (An act relating to boards of education) and **BR 1038** (An act relating to school building projects) to **Education**; **BR 8** (An act relating to controlled substances), **BR 9** (An act relating to prescription drugs), **BR 49** (An act relating to elimination of the certificate of need and declaring an emergency), **BR 63** (An act relating to the reporting of child abuse), **BR 88** (An act relating to maternal health), **BR 98** (An act relating to insurance policy renewals), **BR 218** (An act relating to qualified mental health professionals), **BR 222** (An act relating to insulin assistance and making an appropriation therefor), **BR 291** (An act relating to First Responder Recognition Day), **BR 313** (An act relating to mental health first aid training and making an appropriation therefor), **BR 372** (An act relating to involuntary termination of parental rights), **BR 377** (An act relating to the psychology interjurisdictional compact), **BR 394** (An act relating to direct care staff training in dementia care), **BR 407** (An act relating to providing free feminine hygiene products for women public

postsecondary students), **BR 411** (An act relating to individuals with intellectual and developmental disabilities), **BR 474** (An Resolution declaring October 5, 2020, to be Ostomy Awareness Day), **BR 482** (A Resolution declaring May 2020 to be Ehlers-Danlos Syndrome Awareness Month), **BR 488** (An act relating to child-care centers in Kentucky), **BR 813** (A Concurrent Resolution to create a task force on neonatal intensive care units), **BR 819** (An act relating to patient safety by requiring Kentucky hospitals to annually survey employees regarding patient safety culture and practices with the results to be publicly reported on a Web site maintained by the Cabinet for Health and Family Services), **BR 833** (An act relating to required Medicaid coverage of services), **BR 844** (An act relating to birth certificates for stillborn children), **BR 856** (An act relating to preserving families that include a parent who is blind), **BR 865** (An act relating to physician assistants), **BR 885** (A Joint Resolution directing the Cabinet for Health and Family Services to create a task force to study prescription drug transparency and affordability), **BR 886** (A Resolution proclaiming April 26, 2020, to be Diabetic Ketoacidosis Awareness Day in Kentucky), **BR 909** (An act relating the Solemn Covenant of the States to Award Prizes for Curing Diseases Interstate Compact), **BR 917** (An act relating to coverage for medically necessary fertility preservation services), **BR 936** (An act relating to the certification of sober living homes and declaring an emergency), **BR 1010** (A Concurrent Resolution urging the United States Congress to enact the Lower Health Care Costs Act) and **BR 1011** (A Concurrent Resolution calling for the expediting of research regarding the safety and efficacy of the use of marijuana for medical purposes) to **Health, Welfare, and Family Services**; **BR 37** (An act relating to crimes against sports officials), **BR 97** (An act relating to interpersonal protective orders), **BR 135** (An act relating to cruelty of animals), **BR 173** (An act relating to the safety of canines and felines), **BR 197** (An act relating to the reporting of statistics involving domestic violence), **BR 241** (An act proposing an amendment to the Constitution of Kentucky relating to abortion), **BR 282** (An act relating to firearm storage), **BR 354** (An act relating to firearms and making an appropriation therefor), **BR 358** (An act relating to assault on a service animal), **BR 370** (An act relating to law enforcement officers), **BR 450** (An act relating to gang violence), **BR 839** (An act relating to torture of a dog or cat), **BR 835** (An act relating to firearms possession), **BR 901** (An act relating to legal actions concerning the exercise of a person's constitutional rights), **BR 967** (An act relating to the sale of tobacco, alternative nicotine, and vapor products), **BR 996** (An act relating to felony mediation); **BR 997** (An act relating to theft), **BR 1001** (An act relating to property and trusts) and **BR 1042** (An act relating to involuntary termination of parental rights) to **Judiciary**; **BR 174** (An act relating to the reporting of animal abuse), **BR 300** (An act relating to adopting the most cost-effective alternative in administrative regulations having a major economic impact on the Kentucky economy), **BR 364** (An act relating to wagering and making an appropriation therefor), **BR 366** (An act relating to medicinal marijuana and making an appropriation therefor), **BR 423** (An act relating to the disposition of human remains), **BR 457** (An act relating to creative arts therapies), **BR 468** (An act relating to vapor products), **BR 485** (An act relating to causes of actions for building code violations) and **BR 925** (An act relating to flavored vapor products) to **Licensing, Occupations, and Administrative Regulations**; **BR 379** (An act relating to the

transfer of county jail inmates), **BR 421** (An act relating to the election of board members of library districts) and **BR 897** (An act relating to local option elections) to **Local Government**; **BR 415** (An act relating to utility rates), **BR 808** (A Joint Resolution directing the Energy and Environment Cabinet (Cabinet) and the Louisville Metro Air Pollution Control District (District) to determine the environmental benefits, related costs, and potential alternatives to the federal reformulated gasoline requirements currently imposed in Jefferson County and partial areas in Bullitt and Oldham Counties) and **BR 999** (An act relating to plastic waste) to **Natural Resources and Energy**; **BR 3** (An act relating to government data by providing for the adoption of an open data standard to allow for centralization of government data sets at a uniquely identified uniform Web site resource locator address), **BR 47** (An act relating to vacancies in elective office), **BR 76** (An act relating to evidence-based budget allocations by providing for the formation of the Office for Program Evaluation and Quality Assurance within the Office of State Budget Director, the establishment of an evidence-based program inventory, the regular evaluation of state programs, the elimination of ineffective state programs, and the creation of an evaluation officer position within state agencies), **BR 78** (An act proposing an amendment to Section 32 of the Constitution of Kentucky relating to terms of members of the General Assembly), **BR 86** (An act relating to hearing officers), **BR 137** (An act proposing an amendment to Section 42 of the Constitution of Kentucky relating to compensation for members of the General Assembly), **BR 141** (An act relating to absentee voting), **BR 154** (An act relating to the recall of elected officials), **BR 155** (An act proposing an amendment to Sections 30, 31, 32 of the Constitution of Kentucky relating to terms of members of the General Assembly), **BR 224** (An act relating to dually employed retirement system members), **BR 273** (An act relating to voter registration), **BR 292** (An act relating to retirement costs for Kentucky Retirement Systems employers, declaring an emergency, and making an appropriation therefor), **BR 310** (An act relating to legislative ethics), **BR 337** (An act proposing an amendment to Section 145 of the Constitution of Kentucky relating to persons entitled to vote), **BR 371** (A joint resolution directing the Finance and Administration Cabinet to create an Evidence-Based Policymaking Task Force to study how state agencies collect and share data, and making an appropriation therefor), **BR 409** (An act relating to state employee compensation), **BR 431** (An act relating to voting); **BR 432** (An act relating to elections), **BR 439** (An act relating to voting), **BR 440** (An act relating to elections), **BR 461** (An act relating to state employee compensation), **BR 463** (An act relating to changing beneficiaries after retirement in state-administered retirement systems), **BR 499** (An act relating to executive branch ethics), **BR 801** (An act relating to campaign finance), **BR 803** (An act relating to campaign finance), **BR 853** (An act relating to elections), **BR 854** (An act relating to voter registration), **BR 859** (An act proposing an amendment to Section 145 of the Constitution of Kentucky relating to persons entitled to vote), **BR 873** (An act proposing an amendment to Section 70 of the Constitution of Kentucky relating to the election of Governor and Lieutenant Governor), **BR 903** (An act proposing an amendment to Section 32 of the Constitution of Kentucky relating to terms of the members of the General Assembly), **BR 906** (An act proposing an amendment to Section 54 of the Constitution of Kentucky), **BR 965** (An act relating to public

records and declaring an emergency) and **BR 1001** (An act relating to powers of appointment) to **State Government**; **BR 413** (An act relating to information technology), **BR 284** (An act relating to the state spirit), **BR 947** (An act relating to blockchain technology) and **BR 1003** (An act relating to Uniform Fiduciary Access to Digital Assets Act) to **Tourism, Small Business and Information Technology**; **BR 109** (A joint resolution designating the Veterans Suicide Memorial Mile on Interstate 75 in Whitley County, **BR 184** (An act relating to transportation and making an appropriation therefor), **BR 185** (**BR 212** (An act relating to operating a motor vehicle), **BR 328** (An act relating to railroads), **BR 931** (An act relating to the sponsorship of Transportation Cabinet facilities and vehicles and making an appropriation therefor) and **BR 480** (An act related to animal-drawn vehicles and making an appropriation therefor) to **Transportation**; **BR 391** (An act relating to high school students pursuing military careers), **BR 412** (An act relating to veteran-owned nonprofit businesses) and **BR 467** (A Joint Resolution directing the Secretary of Personnel to remove the midpoint pay restrictions for the nursing staff of veterans centers operated by the Office of Kentucky Veterans Centers) to **Veterans, Military Affairs and Public Protection**.

- B. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum appointing Representative Phillip Pratt to serve on the Interim Joint Committee on Tourism, Small Business, and Information Technology as the House Co-chair.
- C. From Director Jay D. Hartz: Memorandum recommending approval for OCIT to begin the testing phase of a computer application for processing member travel requests and travel vouchers.
- D. From Senator David Givens, Senator Morgan McGarvey, Representative Bam Carney, and Representative Angie Hatton: Memorandum requesting approval of the formation of the Kentucky Nonprofit Caucus.

COMMUNICATIONS

1. From the Office of the Attorney General: Constitutional Challenge Reports for the months of August, September, and October 2019.
2. From the Finance and Administration Cabinet: Monthly Investment Income Report for the months of September, October, and November 2019.
3. From the Finance and Administration Cabinet, Office of the Controller: Surtax Receipts Statements for the Law Enforcement and Professional Firefighters Foundation Fund Programs, which reflect activity for Accounting Periods 3, 4, and 5 and year-to-date activity for the period of July 1, 2019, through November 30, 2019.
4. From the Cabinet for Economic Development: Construction activity reports for each loan approved as of the quarter ending September 30, 2019.
5. From the Kentucky Board of Medical Licensure: 2019 Kentucky Board of Medical Licensure Annual Report.
6. From the Kentucky Fire Commission: FY 20 Financial Disclosure Report.
7. From the Cabinet for Health and Family Services: 2019 Biennial Report of the Advisory Council on Autism Spectrum Disorders.

8. From the Kentucky Department of Agriculture: 2019 Farm to Food Banks Advisory Committee Annual Report.
9. From the Finance and Administration Cabinet, Department of Revenue: FY 19 Disaster Relief Sales and Use Tax Refund Totals.
10. From the Cabinet for Health and Family Services, Department for Community Based Services: Response to Citizen Review Panel 2019 Annual Report.
11. From the Department for Local Government: 2018 Special Purpose Governmental Entities Compliance Report.
12. From the School Facilities Construction Commission: 2019 Emergency and Targeted Investment Fund Report.
13. From the Kentucky Teachers' Retirement System: FY 19 In-State Investments Report.
14. From the Kentucky Teachers' Retirement System: FY 19 Annual Report.
15. From the State Corrections Commission, Justice and Public Safety Cabinet: 2019 State Corrections Commission Annual Report.
16. From the Auditor of Public Accounts: FY 19 Report of the Audit of the Kentucky Heritage Land Conversation Nature License Plate Fund.
17. From the Kentucky Public Transportation Infrastructure Authority: FY 18 Operating and Financial Statement.
18. From the Auditor of Public Accounts: 2019 Report of the Audit of the Cabinet for Health and Family Services' Breast Cancer Research and Education Trust Fund.
19. From the Auditor of Public Accounts: 2019 Report of the Audit of the Kentucky Department of Agriculture Spay and Neuter Program.
20. From the Auditor of Public Accounts: 2019 Report of the Audit of the Kentucky Department of Veterans' Affairs I Support Veterans License Plate.
21. From the Auditor of Public Accounts: 2019 Report of the Audit of the Kentucky Department of Veterans' Affairs Veterans' Program Trust Fund.
22. From the Kentucky Employers' Mutual Insurance Authority: 2020 Administrative Budget.
23. From the Department of Education: Kentucky Facilities Inventory and Classification System Report.
24. From the Department of Corrections: 2019 Prison Industries Enhancement Certification Program Annual Report.
25. From the Department of Fish and Wildlife Resources: 2019 Status of Hunting Land Access in Kentucky.
26. From the Kentucky Judicial Form Retirement System: Operating Statements of the Judicial Retirement Fund and the Legislators Retirement Fund for FY 19; list of investments held by the Fund as of June 30, 2019; and Portfolio Valuations of the Fund as of June 30, 2019.
27. From the Department of Education: 2018-2019 Physical Activity and Nutrition Report.
28. From the Auditor of Public Accounts: 2019 Report of the Audit of the Kentucky Lottery Corporation.
29. From the Cabinet for Health and Family Services: 2019 Annual Status Report of the Commission on Services and Supports for Individuals with Intellectual and Other Developmental Disabilities.
30. From the Cabinet for Health and Family Services: FY 19 Kentucky Child Victims of Human Trafficking Annual Report.

31. From the Kentucky Higher Education Assistance Authority: FY 19 Actuarial Valuation for Kentucky's Affordable Prepaid Tuition (KAPT).
32. From the Kentucky Personnel Cabinet: Semi-Annual Report which lists all filled positions, as of September 1, 2019, exempted from classified service.
33. From the Kentucky Personnel Cabinet: Quarterly Reports as of September 30, 2019, which lists the number of all full-time classified (merit) and unclassified (non-merit) employees.
34. From the Cabinet for Health and Family Services: 2019 Social Service Worker Caseload Averages.
35. From the Kentucky Employers' Mutual Insurance Authority: Statement of Assets, Liabilities, and Policyholder Equity; Statement of Income; and Statement of Solvency as of September 30, 2019.
36. From the Kentucky Employers' Mutual Insurance Authority: Quarterly Statement and Financial Status for the period ending September 30, 2019.
37. From the Auditor of Public Accounts: 2019 Report of the Audit of the Kentucky River Authority.
38. From the Auditor of Public Accounts: 2019 Report of the Audit of the Teachers' Retirement System of Kentucky.
39. From the Kentucky Teachers' Retirement System: FY 2019 Pension and OPEB valuations and GASB 67 and 74 reports.
40. From the Legislative Ethics Commission: FY 2018-2019 Annual Report.
41. From the Auditor of Public Accounts: 2019 Report of the Audit of the Kentucky Artisan Center at Berea.
42. From the Cabinet for Health and Family Services: 2019 Annual Report on Committed Children.
43. From the Justice and Public Safety Cabinet: 2019 Reentry Drug Supervision Annual Report.
44. From the Personnel Cabinet: Kentucky Employees' Health Plan Nineteenth Annual Report.
45. From the Military Assistance Trust Fund: 2019 Annual Report.
46. From the University of Kentucky: 2019 Annual Report of the Kentucky Interagency Groundwater Monitoring Network.
47. From the Executive Branch Ethics Commission: 2017-2019 Biennial Report 27 Year Statistics.

Representative Graham asked that everyone keep the family and friends of Bob Stewart, who passed away on Wednesday, in their prayers. Mr. Stewart was the former Secretary of Tourism, Arts, and Heritage under Governor Steve Beshear.

Representative Osborne recognized members of the Governor's legislative relations team, former Senator Dorsey Ridley and legislative liaison, Morgan Eaves.

There being no further business, the meeting was adjourned.