

# **LEGISLATIVE RESEARCH COMMISSION**

## **Minutes of the 566th Meeting**

**September 9, 2020**

### **Call to Order and Roll Call**

The 566th meeting of the Legislative Research Commission was held on Wednesday, September 9, 2020, at 10:00 AM, in Room 171 of the Capitol Annex. Representative David Osborne, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: 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, Angie Hatton, Joni L. Jenkins, Chad McCoy, David Meade, and Suzanne Miles.

LRC Staff: Jay D. Hartz and Christy Glass.

Speaker Osborne called the meeting to order and asked for a Motion to approve the minutes of the May 13, 2020, meeting; accept as indicated items A. through J. under Staff and Committee Reports; approve items A. through X. under New Business; and accept and refer as indicated items through 1. through 28. under Communications.

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

MINUTES OF THE May 13, 2020 meeting.

### **STAFF AND COMMITTEE REPORTS**

- A. Committee Activity Reports since May 2020.
- B. Report of the Administrative Regulations Review Subcommittee meetings on May 12, June 9, July 13, and August 11, 2020.
- C. Committee review of the administrative regulations by the Interim Joint Committee on Natural Resources and Energy during its meeting on June 4, 2020.
- D. Committee review of the administrative regulations by the Education Assessment and Accountability Review Subcommittee during its meeting on June 11, 2020.
- E. Committee review of the administrative regulations by the Interim Joint Committee on Agriculture during its meeting on July 9, 2020.

- F. Committee review of the administrative regulations by the Interim Joint Committee on Licensing, Occupations, and Administrative Regulations during its meetings on July 30 and August 25, 2020.
- G. Committee review of the administrative regulations by the Interim Joint Committee on Local Government during its meeting on July 28, 2020.
- H. Committee review of the administrative regulations by the Interim Joint Committee on Judiciary during its meeting on August 20, 2020.
- I. Committee review of the administrative regulations by the Interim Joint Committee on Health, Welfare, and Family Services during its meeting on August 26, 2020.
- J. Committee review of the FY 21 Low Income Home Energy Assistance Program Block Grant Application by the Interim Joint Committee on Natural Resources and Energy during its meeting on July 9, 2020.

#### NEW BUSINESS

- A. Referral of prefiled bills to the following committees: **BR 141** (An act relating to cannabidiol products) to **Agriculture**; **BR 153** (An act relating to property taxes for veteran service organizations), **BR 159** (An act relating to a tax credit for volunteer firefighters), and **BR 226** (An act proposing an amendment to Section 170 of the Constitution of Kentucky relating to property exempt from taxation) to **Appropriations and Revenue**; **BR 57** (An act relating to consumer protections in health insurance) and **BR 51** (An act relating to prescription insulin) to **Banking and Insurance**; **BR 152** (An act relating to state employment offices) to **Economic Development and Workforce Investment**; **BR 176** (A Joint Resolution relating to school accountability), **BR 236** (An act relating to the Kentucky Educational Excellence Scholarship) and **BR 283** (An act relating to bus operation safety) to **Education**; **BR 52** (An act relating to controlled substances), **BR 56** (A Concurrent Resolution calling for the expediting of research regarding the safety and efficacy of the use of marijuana for medical purposes), **BR 77** (An act relating to implicit bias in perinatal care), **BR 86** (An act relating to Medicaid eligibility for individuals diagnosed with metastatic breast cancer), **BR 99** (An act relating to youth mental health protection and declaring an emergency), **BR 216** (An act relating to youth mental health protection and declaring an emergency) to **Health, Welfare, and Family Services**; **BR 22** (An act relating public protection), **BR 215** (An act relating to indemnification of prosecutors), and **BR 243** (An act relating to interpersonal violence) to **Judiciary**; **BR 140** (An act relating to welding safety) to **Licensing, Occupations, and Administrative Regulations**; **BR 162** (A Concurrent Resolution requesting state and local officials and the judiciary to dedicate resources and adopt practices to preserve public investments) to **Local Government**; **BR 139** (An act relating to on-site sewage disposal systems), **BR 146** (An act relating to public water and wastewater), and **BR 147** (An act relating to soil conservation and making an appropriation therefor) to **Natural Resources and Energy**; **BR 41** (An act relating to emergencies), **BR 47** (An act relating to governmental emergencies), **BR 66** (An act relating to emergencies), **BR 70** (An act relating to state employee compensation), **BR 73** (An act relating to emergencies), **BR 96** (An act relating to statues and making an appropriation therefor), **BR 98** (An act proposing to amend Section 36 of the

- Constitution of Kentucky relating to time and place of meetings of the General Assembly), **BR 124** (An act relating to state holidays), **BR 127** (An act relating to state holidays), **BR 130** (An act relating to emergencies and declaring an emergency), **BR 149** (An act relating to actuarial analysis on retirement bills), **BR 157** (An act relating to election districts and making an appropriation therefor), **BR 158** (An act relating to transparency in campaign finance), **BR 180** (An act relating to state employee compensation), and **BR 225** (An act relating to actuarial analysis on retirement bills), and **BR 231** (An act proposing an amendment to Section 32 of the Constitution of Kentucky relating to terms of members of the General Assembly) to **State Government**; **BR 160** (An act relating to off-highway vehicles and making an appropriation therefor) to **Transportation**; **BR 68** (An act relating to Women Veterans' Day) to **Veterans, Military Affairs, and Public Protection**.
- B. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum approving member attendance at interim meetings by teleconference.
  - C. From House Speaker David Osborne: Memorandum requesting approval to organize the Aerospace/Aviation Caucus.
  - D. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum jointly appointing Mr. Tony Goetz to the Legislative Ethics Commission for a term expiring April 2024.
  - E. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum appointing Representative Rachel Roberts to the Interim Joint Committee on Agriculture.
  - F. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum appointing Representative Randy Bridges to the Interim Joint Committee on Local Government.
  - G. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum creating and authorizing the 2020 Interim Task Forces and LRC Staff Study.
  - H. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum approving the authorization of and appointments to the 2020 Substance Use Recovery Task Force.
  - I. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum approving the authorization of and appointments to the 2020 Public Water and Wastewater System Infrastructure Task Force.
  - J. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum approving the authorization of and appointments to the 2020 Property Valuation Administrator's Office Task Force
  - K. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum approving the authorization of and appointments to the 2020 Jail and Corrections Reform Task Force.
  - L. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum approving the appointment of Michael Wilson, representing the Secretary of State, to the 2019 Task Force on Electronic Recording of Official Documents by County Clerks.
  - M. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum approving the authorization of and appointments to the 2020

- Exceptional Support Waiver Services Task Force.
- N. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum appointing Representative Kevin Bratcher to the Interim Joint Committee on Economic Development and Workforce Investment.
  - O. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum approving the authorization of and appointments to the 2020 Classification of Workers in the Construction Industry Task Force.
  - P. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum appointing Senator C. B. Embry as acting Co-chair to the Interim Joint Committee on Veterans, Military Affairs, and Public Protection.
  - Q. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum regarding interim calendar changes.
  - R. David Osborne: Memorandum regarding the use of masks for members and visitors to the Capitol and Capitol Annex.
  - S. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum appointing Russ Tilford, David Cox, Dr. Tim Bobrowski, and Thom Cochran as members to the Local Superintendents Advisory Council.
  - T. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum appointing Senator Karen Berg to the Interim Joint Committees on Transportation; Economic Development and Workforce Investment; Tourism, Small Business, and Information Technology; and Veterans, Military Affairs, and Public Protection.
  - U. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum appointing Steve Shannon as a member of the Jail and Corrections Reform Task Force.
  - V. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum appointing Darcy Mayer as a member of the 2019 Task Force on Electronic Recording of Official Documents by County Clerks.
  - W. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum appointing Wendy Morris as a member of the 2020 Exceptional Support Waiver Services Task Force.
  - X. From Jay D. Hartz: Prefiling Deadlines for the 2021 Regular Session.

## COMMUNICATIONS

- 1. From the Office of the Attorney General: Constitutional Challenge Reports for March, April, May, and June 2020. Pursuant to KRS 418.075(3).
- 2. From the Finance and Administration Cabinet: Investment Income Report for May, June, July, and August 2020. Pursuant to KRS 42.410.
- 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 10, 11, 12, and 13, and year-to-date activity for the period of July 1, 2019, through June 30, 2020, and Accounting Period 1, and year-to-date activity for the period of July 1, 2020, through July 31, 2020. Pursuant to KRS 42.190.

4. From the Cabinet for Economic Development: Construction activity reports for each loan approved as of the quarters ending March 31 and June 30, 2020. Pursuant to KRS 154.20-150.
5. From the Finance and Administration Cabinet, Department of Revenue: 2020 Report of Exempt Real Property. Pursuant to KRS 132.220(6).
6. From the Kentucky Personnel Board: FY 19 Personnel Board Annual Report.
7. From the Kentucky Employers' Mutual Insurance Authority: Quarterly Statements and Financial Status for the periods ending March 31 and June 30, 2020.
8. From the Kentucky Employers' Mutual Insurance Authority: Statement of Assets, Liabilities, and Policyholder Equity; Statement of Income; and Statement of Solvency as of March 31 and June 30, 2020.
9. From the Auditor of Public Accounts: Examination of Certain Financial Operations and Internal Policies and Controls of Select County Attorney Offices.
10. From the Education and Workforce Development Cabinet, Kentucky Commission on the Deaf and Hard of Hearing: 2019-2020 Telecommunications Access Program Annual Report. Pursuant to KRS 163.527.
11. From the Cabinet for Health and Family Services: FY 20 Citizen Review Panel Annual Report.
12. From the Auditor of Public Accounts: FYS 18-19 Report of the Audit of the Kentucky Board of Chiropractic Examiners.
13. From the Justice and Public Safety Cabinet, Department of Corrections: 2020 Education Program on AIDS Annual Report. Pursuant to KRS 197.055.
14. From the Justice and Public Safety Cabinet, Department of Corrections: Lee Adjustment Center Annual Report. Pursuant to KRS 197.515.
15. From the Auditor of Public Accounts: An Examination of Local Tourism Commissions.
16. From the Justice and Public Safety Cabinet, Department of Corrections: 2020 Annual Report. Pursuant to KRS 196.031.
17. From the Department of Education: Kentucky Assessment System, Validation and Research Agenda, 2020-2022 Biennial Plan for Validation Studies. Pursuant to KRS 158.6453(14).
18. From the Energy and Environment Cabinet, Department for Environmental Protection: FY 20 Biennial Report of the Hazardous Waste Management Fund. Pursuant to KRS 224.46-580(13)(c).
19. From the Cabinet for Health and Family Services: Department for Community Based Services Second Quarter caseload report. Pursuant to KRS 199.641(4).
20. From the Cabinet for Health and Family Services: SFY 20 Fostering Success Report.
21. From the Auditor of Public Accounts: FYS 18-19 Report of the Audit of the Kentucky 911 Services Board.
22. From the Kentucky Personnel Cabinet: Quarterly Report as of June 30, 2020, which lists the number of all full-time classified (merit) and unclassified (non-merit) employees. Pursuant to KRS 61.392.
23. From the University of Kentucky, College of Agriculture: Kentucky Tobacco Research and Development Center Quarterly Report, April 1 through June 30, 2020.
24. From the Justice and Public Safety Cabinet: 2020 Kentucky State Corrections Commission Annual Report. Pursuant to KRS 196.736.

25. From the Justice and Public Safety Cabinet: FY 19 Department of Corrections Annual Report. Pursuant to KRS 196.031.
26. From the Cabinet for Economic Development: 2020 Annual Report of the Kentucky Commission on Small Business Advocacy.
27. From the Finance and Administration Cabinet: 2020 Insurance Premiums Surcharge for Kentucky Licensed Property. Pursuant to KRS 136.392.
28. From the Department of Corrections: Prison Industries Enhancement Certification Program (PIECP) Annual Report. Pursuant to KRS 196.704.

Representative Graham inquired as to whether the Legislative Research Commission had an officially appointed clergy to serve the Agency and/or Capitol. Representative Osborne and Director Hartz both responded that the LRC has never appointed a clergy to the Commission. Representative Graham said there was someone on social media stating that they are now chaplain to the Capitol, and that he feels the individual must be communicated with that he is falsely advertising on behalf of LRC. Representative Osborne said that LRC does not control the Capitol, and that Representative Graham should feel free to take that up with him.

Representative Hatton asked if there were any updates on a plan for remote voting during session. Representative Osborne responded that LRC's technical team has been working diligently on this issue. Bids were obtained to outsource remote voting software, however LRC's Office of Computing and Information Technology has team put together a system that saved money, and works efficiently from each individual's office computer, if it were to be necessary.

Senator Givens asked to make a point of clarification regarding remote voting. He said that remote voting does have its place, but the Constitution requires that members be on the premises, and any engagement, as he understands it, involves members being on the campus, in their office, voting. He said that point needs to be clarified and amplified, because members who are miles and miles away should not have a latitude to weigh in with a vote, which is a sacred honor and duty.

There being no further business, the meeting was adjourned.