

LEGISLATIVE RESEARCH COMMISSION

Minutes of the 567th Meeting December 2, 2020

Call to Order and Roll Call

The 567th meeting of the Legislative Research Commission was held on Wednesday, December 2, 2020, at 1:30 PM, in Room 171 of the Capitol Annex. Senator Robert Stivers II, 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 Derrick Graham, Angie Hatton, Joni L. Jenkins, Chad McCoy, David Meade, Suzanne Miles, and Steven Rudy.

LRC Staff: Jay Hartz and Christy Glass.

President Stivers called the meeting to order. Representative Osborne made a motion to appoint Representative Steven Rudy as House Majority Floor Leader. The motion seconded by Senator Thayer, a voice vote was taken and the motion was approved unanimously.

President Stivers asked for a Motion to approve the minutes of the September 9, 2020, meeting; accept as indicated items A. through G. under Staff and Committee Reports; refer prefiled bills and administrative regulations as indicated and approve items C. through I. under New Business, and accept and refer as indicated items 1. through 51. under Communications.

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

MINUTES OF THE September 9, 2020 meeting.

STAFF AND COMMITTEE REPORTS

- A. Committee Activity Reports since September 2, 2020.
- B. Report of the Administrative Regulations Review Subcommittee meetings on September 8, October 13, and November 9, 2020.
- C. Committee review of the administrative regulations by the Interim Joint Committee on Health, Welfare, and Family Services during its meetings on September 23, October 28, and November 19, 2020.

- D. Committee review of administrative regulations by the Interim Joint Committee on Natural Resources and Energy during its meeting on October 22, 2020.
- E. Committee review of administrative regulations by the Interim Joint Committee on Local Government during its meeting on November 17, 2020.
- F. Committee review of administrative regulations by the Interim Joint Committee on Agriculture during its meeting on November 18, 2020.
- G. Committee review of administrative regulations by the Interim Joint Committee on Veterans, Military Affairs, and Public Protection during its meeting on November 19, 2020.

NEW BUSINESS

- A. Referral of prefiled bills to the following committees: **BR 181** (An act relating to tax expenditures), **BR 260** (An act relating to the taxation of pension income), **BR 261** (An act relating to a tax credit for volunteer firefighters), **BR 399** (An act relating to exemptions for disaster response businesses and employees), and **BR 425** (An act relating to the taxation of tobacco products) to **Appropriations and Revenue**; **BR 45** (An act relating to coverage of mental health wellness examinations), **BR 61** (An act relating to mental health parity), **BR 199** (An act relating to epinephrine auto-injectors), **BR 328** (An act relating to reimbursement for pharmacist services), **BR 354** (An act relating to health care to provide for an all-payer claims database and making an appropriation therefor), and **BR 831** (An act relating to prescription insulin) to **Banking and Insurance**; **BR 29** (An act relating to paid parental leave), **BR 30** (An act relating to employment discrimination), **BR 48** (An act relating to production of vital medical supplies), **BR 259** (An act relating to workers' compensation), **BR 262** (An act relating to occupational disease claims), **BR 312** (An act relating to a living wage), **BR 314** (An act relating to wages), **BR 315** (An act relating to prevailing wage), **BR 316** (An act relating to wages for employment), **BR 317** (An act relating to earned paid sick leave), **BR 318** (An act relating to employment provisions for employees on parental leave), **BR 319** (An act relating to workers' compensation), **BR 322** (An act relating to employment), **BR 324** (An act relating to wage theft), **BR 334** (An act relating to prevailing wage in the Commonwealth), **BR 336** (An act relating to leave from employment), **BR 344** (An act relating to paid parental leave), **BR 345** (An act relating to antitrust regulation in Kentucky), **BR 346** (An act relating to public procurement), **BR 353** (An act relating to collective bargaining for public employees), and **BR 448** (An act relating to unemployment insurance) to **Economic Development and Workforce Investment**; **BR 26** (An act related to teacher professional development), **BR 184** (An act relating to postsecondary readiness), **BR 197** (An act relating to student health), **BR 239** (An act relating to nonteaching time for teachers), **BR 240** (An act relating to boards of education), **BR 357** (An act related to preschool education programs), **BR 366** (An act relating to local school boards), and **BR 379** (A resolution honoring Randy Poe upon being appointed to the Kentucky Board of Education) to **Education**; **BR 24** (An act relating to public assistance), **BR 62** (An act relating to the Advisory Council for Medical

Assistance), **BR 97** (An act relating to health disparity impacts), **BR 274** (An act relating to free-standing alternative birthing centers), **BR 301** (An act relating to ensuring basic liberties regarding immunizations and declaring an emergency), **BR 305** (An act relating to assisted-living communities), **BR 327** (A resolution proclaiming April 26, 2021, to be Diabetic Ketoacidosis Awareness Day in Kentucky), **BR 329** (An act relating to the taxation of incontinence products), **BR 350** (An act relating to eliminating the certificate of need in order to control healthcare costs through competition and declaring an emergency), **BR 389** (A concurrent resolution establishing the Severe Mental Illness Task Force), **BR 418** (An act relating to immunization and declaring an emergency), **BR 436** (An act relating to living organ donation), **BR 441** (An act relating to surgical smoke evacuation), **BR 475** (An act relating to controlled substances), and **BR 840** (A joint resolution directing all hospitals offering emergency services, the Kentucky Board of Nursing, the Kentucky Association of Sexual Assault Programs, and the Kentucky Office of Victim Advocacy to report information relating to sexual assault nurse examiners and sexual assault medical-forensic examinations) to **Health, Welfare, and Family Services**; **BR 74** (An act relating to case disposition times), **BR 79** (An act relating to custodial interrogations by law enforcement), **BR 80** (An act relating to solitary confinement of juveniles), **BR 120** (An act relating to sex offender registrants), **BR 169** (An act relating to discriminatory practices against a person), **BR 171** (An act relating to intimidation of a sports official), **BR 179** (An act relating to cruelty to animals), **BR 187** (An act relating to landlords and tenants), **BR 202** (An act relating to firearms), **BR 220** (An act relating to sexual offenses by peace officers), **BR 284** (An act relating to torture of a dog or cat), **BR 303** (An act relating to the safety of canines and felines), **BR 376** (An act relating to the performance of an abortion upon a minor and declaring an emergency), **BR 428** (An act relating to firearms and declaring an emergency), **BR 431** (An act relating to gun safety for children), and **BR 860** (An act relating to civil rights) to **Judiciary**; **BR 244** (An act relating to audiology and speech-language pathology), **BR 245** (An act relating to the Psychology Interjurisdictional Compact), **BR 349** (An act relating to adopting the most cost-effective alternative in administrative regulations having a major economic impact on the Kentucky economy), and **BR 394** (An act relating to massage therapy) to **Licensing, Occupations, and Administrative Regulations**; **BR 117** (An act relating to mental health and making an appropriation therefor) and **BR 377** (An act relating to the publication of minutes of special purpose governmental entities) to **Local Government**; **BR 102** (An act relating to construction or demolition waste disposal), **BR 342** (An act relating to the right to repair heavy equipment), and **BR 14** (An act relating to the Kentucky Retirement Systems) to **Natural Resources**; **BR 17** (An act relating to actuarial reporting for the state-administered retirement systems), **BR 119** (An act relating to campaign finance), **BR 168** (An act relating to dually employed retirement system members), **BR 196** (An act relating to open records), **BR 198** (An act relating to open meetings), **BR 217** (An act relating to polling places), **BR 223** (An act relating to elections), **BR 280** (An act proposing an amendment to the Constitution of Kentucky relating to the recall of elected officials), **BR 359** (An

act relating to campaign finance), **BR 362** (An act relating to election districts and making an appropriation therefor), **BR 371** (An act relating to elections), **BR 460** (An act relating to reciprocity among the state-administered retirement systems), and **BR 835** (An act proposing an amendment to the Constitution of Kentucky relating to abortion) to **State Government**; **BR 415** (An act relating to railroads) and **BR 826** (A resolution urging the General Assembly to adopt legislation to adequately fund the Commonwealth's transportation system) to **Transportation**; **BR 258** (An act establishing celebratory commissions for the Kentucky State Parks centennial anniversary, the Old Fort Harrod State Park semiquincentennial anniversary, and the United States semiquincentennial anniversary) to **Tourism, Small Business, and Information Technology**; **BR 241** (An act relating to the exemption of income taxation for military pensions), **BR 333** (An act relating to the Kentucky National Guard Adoption Assistance Program and declaring an emergency) and **BR 467** (An act relating to life insurance for members of the Kentucky National Guard) to **Veterans, Military Affairs, and Public Protection**.

- B. Referral of administrative regulations to the following committees for secondary review pursuant to KRS 13A.290(6): **302 KAR 050:013** (Repeal of 302 KAR 050:020, 302 KAR 050:030, 302 KAR 050:055, and 302 KAR 050:090), **302 KAR 050:021** (Policies and procedures for hemp growers), **302 KAR 050:031** (Policies and procedures for hemp processors and handlers), **302 KAR 050:056** (Sampling and THC testing; post-testing actions; disposal of noncompliant harvests), and **302 KAR 050:080** (Materials incorporated by reference) to **Agriculture**; **803 KAR 025:089 & E** (Workers' compensation medical fee schedule for physicians) and **803 KAR 025:240** (Workers' compensation unfair claims settlement practices) to **Economic Development and Workforce Investment**; **102 KAR 001:340** (Calculation of final average salary if there is a corresponding change in position or in length of employment during any of the final three (3) years prior to retirement), **702 KAR 007:065** (Designation of agent to manage middle and high school interscholastic athletics), **702 KAR 007:140E** (School calendar), **704 KAR 003:303** (Required Academic Standards), and **704 KAR 008:090** (Required Kentucky Academic Standards for Technology) to **Education**; **201 KAR 020:085** (Licensure periods and miscellaneous requirements), **201 KAR 020:161** (Investigation and disposition of complaints), **201 KAR 035:040** (Continuing education requirements), **902 KAR 002:020 & E** (Reportable disease surveillance), **902 KAR 004:030** (Newborn screening program), **902 KAR 010:036** (Repeal of 902 KAR 010:035), **902 KAR 045:110** (Permits and fees for retail food establishments, vending machine companies, and restricted food concessions), **902 KAR 050:050** (Manufacturing plant requirements), **902 KAR 050:071** (Repeal of 902 KAR 050:070), **902 KAR 050:080** (Standards of identity and labeling), **902 KAR 050:090** (Milk adulteration), and **902 KAR 050:120** (Unpasteurized goat milk) to **Health, Welfare, and Family Services**; **804 KAR 004:415** (Direct shipper license) and **820 KAR 001:050 & E** (Raffles) to **Licensing, Occupations, and Administrative Regulations**; **739 KAR 002:050** (Volunteer fire department aid) to **Local Government**; **045 KAR 001:050** (Audits of fiscal courts) to **State Government**; **017 KAR 001:040** (Application requirements for tuition waiver

programs related to veterans), **017 KAR 003:050** (Drug testing procedures at Kentucky Department of Veterans' Affairs state veterans' nursing homes), **017 KAR 004:030** (Veterans' Service Organization Burial Honor Guard Program), **017 KAR 004:040** (Indigent Veterans' Burial Program), and **017 KAR 005:020** (Kentucky Medal for Freedom) to **Veterans, Military Affairs, and Public Protection**.

- C. From Senator John Schickel and Representative Adam Koenig, Co-chairs of the Interim Joint Committee on Licensing, Occupations, and Administrative Regulations: Memorandum requesting approval to meet outside the interim on December 14 at 10:30 a.m. to allow the committee to receive testimony on topics that were not able to be scheduled during the interim. There are no apparent conflicts.
- D. From Director Jay D. Hartz: 2021 Regular Session Calendar.
- E. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum approving the appointment of Bob Napolilli to the Exceptional Waiver Services Task Force.
- F. From Senator Whitney Westerfield and Representative Jason Petrie, Co-chairs of the Interim Joint Committee on Judiciary: Memorandum requesting approval to meet outside the interim on December 3. There are no apparent conflicts.
- G. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum approving the appointment of Linda Bridwell to the 2020 Public Water and Wastewater System Infrastructure Task Force.
- H. From Senator Ralph Alvarado and Representative Kimberly Poore Moser, Co-chairs of the Interim Joint Committee on Health, Welfare, and Family Services: Memorandum requesting to meet December 14, 2020, at 1:00 p.m. to allow the committee to review prefiled and possible legislation for the 2021 Regular Session. There are no apparent conflicts.
- I. From Senator Jimmy Higdon and Representative Jim DuPlessis, Co-chairs of the Public Pension Oversight Board: Memorandum regarding recommendations of Actuarial Analysis standardized template and evaluation period.

COMMUNICATIONS

1. From the Finance and Administration Cabinet: Investment Income Report for September 2020.
2. 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 2, 3, and 4 and year-to-date activity for the period of July 1, 2020, through October 31, 2020.
3. From the Cabinet for Economic Development: Construction activity reports for each loan approved as of the quarter ending September 30, 2020.
4. From the Auditor of Public Accounts: Report of the Audit of the Kentucky Heritage Land Conservation Nature License Plate Fund.
5. From the Cabinet for Health and Family Services: 2020 Child Abuse and Neglect Annual Report of Child Fatalities and Near Fatalities.

6. From the Department of Fish and Wildlife Resources: 2020 Status of Hunting Land Access in Kentucky.
7. From the Auditor of Public Accounts: FY 20 Report of the Audit of the Kentucky Department of Veterans' Affairs Veterans' Program Trust Fund.
8. From the Auditor of Public Accounts: FY 20 Report of the Audit of the Kentucky Department of Veterans' Affairs I Support Veterans License Plate.
9. From the Teachers' Retirement System: FY 20 Annual Report.
10. From the Teachers' Retirement System: FY 20 In-state Investments Report.
11. From the Personnel Cabinet: 2020 Kentucky Employees' Health Plan Twentieth Annual Report.
12. From the University of Kentucky: 2019-2020 Kentucky Interagency Groundwater Monitoring Network Annual Report.
13. From the Department for Local Government: 2020 Special Purpose Governmental Entity Compliance Report.
14. From the Finance and Administration Cabinet: FY 20 Disaster Relief Sales and Use Tax Refund Totals.
15. From the Cabinet for Health and Family Services: 2020 Relative and Fictive Kin Caregiver Placements Annual Report.
16. From the Administrative Office of the Courts: 2020 Open Court Pilot Project.
17. From the Kentucky Board of Medical Licensure: 2020 Annual Report.
18. From the Commonwealth Office of Technology: 2020 Personal Information Security and Breach Notification Annual Report.
19. From the Auditor of Public Accounts: 2019-2020 Report of the Audit of the Kentucky Lottery Corporation.
20. From the Auditor of Public Accounts: FY 20 Report of the Audit of the Kentucky Reclamation Guaranty Fund.
21. From Kentucky Employers' Mutual Insurance: 2021 Administrative Budget.
22. From the Auditor of Public Accounts: Report of the Audit of the Bourbon County-Nicholas County Regional Jail Authority for the years 2015, 2016, 2017, and 2018.
23. From the Justice and Public Safety Cabinet: FY 21 County Jail Incentive Program, First Quarter Report.
24. From the Justice and Public Safety Cabinet: FY 21 Population Management Report, First Quarter Report.
25. From the Justice and Public Safety Cabinet: FY 21 Substance Abuse Treatment and Job Training Pilot.
26. From the Kentucky Judicial Form Retirement System: FYS 19 and 20 Financial Statements.
27. From the Kentucky Judicial Retirement System: 2020 Judicial Retirement Plan Hybrid Cash Balance GASB Disclosure Report.
28. From the Kentucky Judicial Retirement System: 2020 Judicial Retirement Plan Defined Benefit GASB Disclosure Report.
29. From the Kentucky Legislators Retirement Plan: 2020 Legislators Retirement Plan Defined Benefit GASB Disclosure Report.
30. From the Kentucky Legislators Retirement Plan: 2020 Legislators Retirement Plan Hybrid Cash Balance GASB Disclosure Report.

31. From the Auditor of Public Accounts: Examination of Certain Financial Operations and Internal Policies and Controls of the City of Bedford.
32. From the Cabinet for Health and Family Services: FY 20 Kentucky Child Victims of Human Trafficking Annual Report.
33. From the Energy and Environment Cabinet: 2020 Kentucky Agriculture Water Quality Authority Biennial Report.
34. From the Department of Fish and Wildlife: 2020 Annual Professional Standards Update.
35. From the Kentucky Higher Education Assistance Authority: FY 20 Actual Valuation for Kentucky's Affordable Prepaid Tuition (KAPT).
36. From the Cabinet for Health and Family Services: 2020 Annual Status Report of the Kentucky Commission on Services and Supports for Individuals with Intellectual and Other Developmental Disabilities.
37. From the Department of Education: School District Participation Rates per 702 KAR 7:125E.
38. From the Office of Homeland Security: 2020 Annual Report.
39. From the Cabinet for Economic Development: 2020 Office of Entrepreneurship, Kentucky Industrial Revitalization Act Annual Report.
40. From the Department for Local Government: 2020 Regional Development Agency Assistance Annual Report.
41. 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, 2020.
42. From the Kentucky Employers' Mutual Insurance Authority: Quarterly Statement and Financial Status for the period ending September 30, 2020.
43. From the Auditor of Public Accounts: FY 20 Report of the Audit of the Kentucky Artisan Center at Berea.
44. From the Auditor of Public Accounts: FY 20 Report of the Audit of the Kentucky River Authority.
45. From the Cabinet for Health and Family Services: Department for Community Based Services Third Quarter Caseload Report.
46. From the Department of Education: 2020 Physical Activity and Nutrition Report.
47. From the Auditor of Public Accounts: FY 20 Report of the Audit of the Kentucky Public Employee Health Insurance Program.
48. From the Cabinet for Health and Family Services: 2020 Annual Report on Committed Children.
49. From the Finance and Administration Cabinet: 2020 Alternative Fuel Vehicle Report.
50. From the Kentucky Legislative Ethics Commission: 2020 Annual Report.
51. From the Cabinet for Economic Development, Kentucky Commission on Small Business Advocacy: 2020 Kentucky Business One Stop Portal Annual Report.

Senator Thayer asked to be recognized to note that this meeting is Senator Johnny Ray Turner's last meeting of the Legislative Research Commission. Senator Thayer, as well as Representative Hatton, Senator Wilson, Senator McGarvey, Senator Parrett, and Senator

Stivers, each thanked Senator Turner for his service, honor, and integrity to the LRC and the Kentucky State Senate for twenty years.

Senator Turner expressed gratitude for all the kind words and said it has been a great honor for him to serve in the Kentucky General Assembly and especially the Kentucky State Senate representing the 29th District.

There being no further business, the meeting was adjourned.