

LEGISLATIVE RESEARCH COMMISSION

Minutes of the 569th Meeting

August 4, 2021

Call to Order and Roll Call

The 569th meeting of the Legislative Research Commission was held on Wednesday, August 4, 2021, at 12:30 PM, in Room 125 of the Capitol Annex. Senator Robert Stivers, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Robert Stivers, Co-Chair; Representative David W. Osborne, Co-Chair; Senators Julie Raque Adams, David P. Givens, Morgan McGarvey, Dennis Parrett, Damon Thayer, Reginald Thomas, and Mike Wilson; Representatives Derrick Graham, Angie Hatton, Joni L. Jenkins, Chad McCoy, David Meade, and Steven Rudy.

LRC Staff: Jay Hartz and Christy Glass.

President Stivers acknowledged the passing of Senator Tom Buford and Representative John “Bam” Carney, who were both past members of the Legislative Research Commission. After comments made by Representative Rudy, Senator Givens, and Senator Thayer, a moment of silence was observed.

There being a quorum present, Senator Stivers called for a motion to approve the minutes of the June 2, 2021, meeting; accept as indicated items A. through C. under Staff and Committee Reports; refer prefiled bills and administrative regulations as indicated and approve items C. through F. under New Business, including the memo on Budget Review Subcommittee Membership; and, accept and refer as indicated items 1. through 11. under Communications.

Representative Jenkins asked that it be noted that on page 21 of the agenda under the movement from the Cabinet for Health and Family Services, that when the Kentucky Health Benefit Exchange went back to a state based system, taxpayers were saved an estimated \$15-20 million dollars.

There being no further discussion, a motion having been made by Senator Raque Adams and seconded by Representative Osborne, a roll call vote was taken.

Senator McGarvey asked to explain his yes vote. He said that he was happy about some of the things happening, including the strengthening of the sexual harassment policy

at the LRC, but he is troubled by the fact that the Executive Branch offices are being taken out of the Capitol Annex with today's vote, and that it was done without consulting the Executive Branch.

Senator Thomas asked to explain his no vote. He said he voted no for the reasons articulated by Senator McGarvey, as well as agreeing with the strengthening of the sexual harassment policy, and as legislators and leaders of the state, they need to make sure that there is no instance or action of sexual harassment that they will ever tolerate as a body.

Senator Thomas also stated that the Legislature should always work closely with the Governor, and to remove the Executive Budget Office from the Capitol Annex without any consultation or discussion with the Governor is wrong, and that concerns him.

Representative Graham explained his yes vote saying that he wished there had been more communication with the Administration. He said he does know that the legislative body is in a rut in terms of space.

Senator Stivers explained his yes vote in that the Office of Education Accountability is not currently on campus, for which the LRC pays rent to the Executive Branch, and that the Office of Education Accountability will be moving to the Capitol Annex. Senator Stivers further stated that the LRC is losing space on the fourth floor of the Capitol. He said that by statute, the Legislature, including former Representative Rocky Adkins who is now with the Governor's office, voted that the LRC would be able to institute this process. The space is needed, and after communications with various parties, although not directly with the Governor, it is Senator Stivers' understanding that the Executive Branch is preparing a stay-at-home work plan. He said that end of the Capitol Annex has rarely been used in the past year and a half, and that the Executive Branch has ample resources at the old and new Transportation buildings, including the building built during the last Administration replacing the old towers. The decision was made to inform the Administration with six (6) months' notice, per statute that was passed in the early 2000s.

The following items were approved, accepted, or referred.

Minutes of the June 2, 2021, meeting.

STAFF AND COMMITTEE REPORTS

- A. Committee Activity Reports since June 2021.
- B. Report of the Administrative Regulations Review Subcommittee meetings on June 8 and July 8, 2021.
- C. Committee review of administrative regulations by the Interim Joint Committee on Natural Resources and Energy during its meeting on June 3, 2021.

- D. Committee review of administrative regulations by the Interim Joint Committee on Health, Welfare, and Family Services during its meetings on June 16 and July 21, 2021.
- E. Committee review of administrative regulations by the Interim Joint Committee on Local Government during its meeting on June 15, 2021.
- F. Committee review of administrative regulations by the Interim Joint Committee on Transportation during its meeting on July 6, 2021.
- G. Committee review of the 2022 Low Income Home Energy Assistance Program Block Grant Application by the Interim Joint Committee on Natural Resources and Energy during its meeting on July 8, 2021.

NEW BUSINESS

- A. Referral of prefiled bills to the following committees: **BR 159** (An act relating to food products) to **Agriculture**; **BR 142** (An act relating to the taxation of feminine hygiene products) and **BR 208** (An act relating to the taxation of firearms and ammunitions) to **Appropriations and Revenue**; **BR 106** (An act relating to immunization disclosure) and **BR 172** (An act relating to biometric data collection practices) to **Economic Development and Workforce Investment**; **BR 60** (An act relating to public education and declaring an emergency), **BR 69** (An act relating to prohibited instruction and declaring an emergency), **BR 119** (An act relating to health education), **BR 154** (An act relating to athletics) and **BR 226** (An act relating to school facilities) to **Education**; **BR 49** (An act relating to youth mental health protection and declaring an emergency), **BR 162** (A joint resolution directing the Cabinet for Health and Family Services to establish policies and reports related to children in out-of-home care during the COVID-19 pandemic), **BR 238** (An act relating to Medicaid coverage for individuals with mental illness), **BR 254** (An act relating to implicit bias in perinatal care), **BR 255** (An act relating to pregnant inmates), **BR 256** (An act relating to Medicaid coverage for doula services) and **BR 257** (An act relating to Medicaid coverage for lactation support services and breastfeeding equipment) to **Health, Welfare, and Family Services**; **BR 22** (An act relating to crimes and punishments), **BR 45** (An act relating to civil rights), **BR 97** (An act relating to civil rights), **BR 140** (An act relating to torture of a dog or cat), **BR 171** (An act relating to prohibiting the enforcement of a federal ban or regulation of firearms and declaring an emergency) and **BR 201** (An act relating to discriminatory practices against a person) to **Judiciary**; **BR 43** (An act relating to cremation), **BR 134** (An act relating to CPA licensure) to **Licensing, Occupations, and Administrative Regulations**; **BR 65** (An act relating to SARS-CoV-2 documentation), **BR 133** (An act proposing an amendment to Section 32 of the Constitution of Kentucky relating to terms of members of the General Assembly) and **BR 203** (An act relating to state holidays) to **State Government**; **BR 135** (An act relating to boating safety) to **Transportation**; **BR 98** (An act relating to Women Veterans' Day Appreciation) and **BR 102** (An act relating to state benefits for veterans) to **Veterans, Military Affairs, and Public Protection**.
- B. Referral of administrative regulations to the following committees for a secondary review pursuant to KRS 13A.290(6): **787 KAR 001:360E** (Overpayment waivers), **803 KAR 002:181E** (Recordkeeping and reporting occupational injuries and illnesses), **803 KAR 002:182E** (Repeal of 803 KAR 002:180), and **803 KAR 025:015** (Issuance of

citations and procedure in workers' compensation enforcement hearings) to **Economic Development and Workforce Investment**; **701 KAR 005:081** (Repeal of 701 KAR 5:080) and **702 KAR 003:060** (Procedure for payment of employees) to **Education**; **201 KAR 002:061** (Procedures followed by the Kentucky Board of Pharmacy in the investigation and hearing of complaints), **201 KAR 026:115** (Definition of psychological testing), **201 KAR 026:121** (Scope of practice and dual licensure), **201 KAR 026:125** (Health service provider designation), **201 KAR 026:130** (Grievances and administrative complaints), **201 KAR 026:155** (Licensed psychologist: application procedures and temporary license), **201 KAR 026:171** (Requirements for clinical supervision), **201 KAR 026:180** (Requirements for granting licensure as a psychologist by reciprocity), **201 KAR 026:185** (Requirements for granting licensure as a psychologist to an applicant licensed in another state), **201 KAR 026:190** (Requirements for supervised professional experience), **201 KAR 026:200** (Education requirements), **201 KAR 026:230** (Examination and applications), **201 KAR 026:250** (Employment of a psychological associate, a temporarily licensed psychological associate, or a temporarily licensed psychologist), **201 KAR 026:280** (Licensed psychological associate: application procedures and temporary license), **201 KAR 026:290** (Licensed psychological practitioner: application procedures), **201 KAR 026:310** (Telehealth and telepsychology), **201 KAR 032:030** (Fees), **201 KAR 032:035** (Supervision of marriage and family therapy associates), **201 KAR 032:060** (Continuing education requirements), **201 KAR 035:010** (Definitions for 201 KAR Chapter 035), **201 KAR 035:020** (Fees), **201 KAR 035:025** (Examinations), **201 KAR 035:040** (Continuing education requirements), **201 KAR 035:050** (Curriculum of study), **201 KAR 035:055** (Temporary registration or certification), **201 KAR 035:070** (Supervision experience), **201 KAR 035:075** (Substitution for work experience for an applicant for certification as an alcohol and drug counselor), **201 KAR 035:080** (Voluntary inactive and retired status), **907 KAR 001:038** (Hearing Program coverage provisions and requirements), **922 KAR 001:490** (Background checks for foster and adoptive parents and relative and fictive kin caregivers), **922 KAR 002:300** (Emergency child care approval), and **922 KAR 005:020** (Batterer intervention provider certification standards) to **Health, Welfare, and Family Services**; **810 KAR 002:001** (Definitions for 810 KAR Chapter 002), **810 KAR 003:001** (Definitions for 810 KAR Chapter 003), **810 KAR 004:001** (Definitions for 810 KAR Chapter 004), **810 KAR 005:001** (Definitions for 810 KAR Chapter 005), **810 KAR 006:001** (Definitions for 810 KAR Chapter 006), **810 KAR 006:010** (Exotic wagering), **810 KAR 006:020** (Calculation of payouts and distribution of pools), and **810 KAR 006:030** (Pari-Mutuel wagering) to **Licensing, Occupations, and Administrative Regulations**; **301 KAR 001:400** (Assessing fish kill damages) and **301 KAR 002:228** (Sandhill crane hunting requirements) to **Natural Resources and Energy**; and **605 KAR 001:215E** (Licensing Fees) to **Transportation**.

- C. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum regarding additional office and meeting space in the New State Capitol Annex.
- D. From Senator Paul Hornback and Representative Richard Heath, Co-chairs of the Interim Joint Committee on Agriculture, and Senator Brandon Smith and Representative Jim Gooch, Co-chairs of the Interim Joint Committee on Natural

- Resources and Energy: Memorandum requesting approval to hold a joint meeting on their regular meeting day of September 9, at 1:00 p.m. There are no apparent conflicts.
- E. From Director Jay D. Hartz: Memorandum recommending the appointment of Cyndi Galvin to Statute Reviser of the Legislative Research Commission.
 - F. From Senate President Robert Stivers and House Speaker David Osborne: Final Report of the LRC Subcommittee on 2022-2024 Budget Preparation and Submission.

COMMUNICATIONS

1. 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 11, 12, and 13, and year-to-date activity for the period of July 1, 2020, through June 30, 2021.
2. From the Cabinet for Economic Development: Construction activity reports for each loan approved as of the quarter ending June 30, 2021.
3. From the Cabinet for Health and Family Services, Department for Community Based Services: 2020 Agency Response to Citizen Review Panel's Annual Report.
4. From the Cabinet for Health and Family Services: 2021 Kentucky Stroke Encounter Quality Improvement Project (SEQIP) Annual Report.
5. From the Finance and Administration Cabinet, Department of Revenue: Report of Real Property Assessment Equity and Quality in Kentucky for the 2018 Assessment Year.
6. From the Justice and Public Safety Cabinet: 2021 Annual Report on the Education Program on HIV/AIDS.
7. From the Education and Workforce Development Cabinet, Kentucky Commission on the Deaf and Hard of Hearing: FY 21 Telecommunications Access Program (TAP) Annual Report.
8. From the University of Kentucky, College of Social Work: FY 21 Citizen Review Panels Annual Report.
9. From the Legislative Ethics Commission: Recommended changes to the Code of Legislative Ethics.
10. From the Office of the Attorney General: 2021 Report on the status of administrative hearings in the Commonwealth of Kentucky.
11. From the Cabinet for Health and Family Services, Department for Community Based Services: FY 21 Fostering Success Report.

The motion was approved with Senator Thomas and Representative Hatton voting no, and Senator Parrett passing.

There being no further business, the meeting was adjourned.