

# **LEGISLATIVE RESEARCH COMMISSION**

## **Minutes of the 570th Meeting November 10, 2021**

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

The 570th meeting of the Legislative Research Commission was held on Wednesday, November 10, 2021, at 11:30 AM, in Room 125 of the Capitol Annex. Representative David W. Osborne, 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, 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.

There being a quorum present, Representative Osborne call for a motion to approve the minutes of the August 4, 2021, meeting; accept as indicated items A. through I. under Staff and Committee reports; refer prefiled bills as indicated and approve items B. through K. under New Business; and, accept and refer as indicated items 1. through 50. under Communications.

There being no discussion, a motion having been made by Representative Meade and seconded by Representative Rudy, a roll call vote was taken.

The following items were approved, accepted, or referred.

Minutes of the August 4, 2021, meeting.

### **STAFF AND COMMITTEE REPORTS**

- A. Committee Activity Reports since August 2021.
- B. Report of the Administrative Regulations Review Subcommittee meetings on August 10, September 14, and October 12, 2021.
- C. Committee review of administrative regulations by the Interim Joint Committee on Agriculture during its meeting on July 8, 2021.
- D. Committee review of administrative regulations by the Interim Joint Committee on Education during its meeting on August 3, 2021.
- E. Committee review of administrative regulations by the Interim Joint Committee on Licensing, Occupations, and Administrative Regulations during its meeting on August 12, 2021.

- F. Committee review of administrative regulations by the Interim Joint Committee on Health, Welfare, and Family Services during its meetings on August 26, September 22, and October 20, 2021.
- G. Committee review of the FFY 2022-2024 Child Care and Development Fund Block Grant Preliminary State Plan by the Interim Joint Committee on Health, Welfare, and Family Services during its meeting on June 16, 2021.
- H. Committee review of the FFY 2020-2021 Community Services Block Grant Preliminary State Plan by the Interim Joint Committee on Health, Welfare, and Family Services during its meeting on August 26, 2021.
- I. Committee review of administrative regulations by the Education Assessment and Accountability Review Subcommittee during its meeting on August 3, 2021.

#### NEW BUSINESS

- A. Referral of prefiled bills to the following committees: **BR 490** (An act relating to labeling requirements for fresh produce) to **Agriculture**; **BR 267** (An act relating to the promotion of organ and bone marrow donation), **BR 365** (An act relating to the ad valorem taxation of mobile home inventories), **BR 367** (An act relating to pari-mutuel tax) to **Appropriations and Revenue**; **BR 96** (An act relating to student loan servicers), **BR 125** (An act relating to coverage for diabetes treatment), **BR 180** (An act relating to coverage of mental health wellness examinations), **BR 376** (An act relating to chronic pain treatments), **BR 379** (An act relating to health care to provide for an all-payer claims database and making an appropriation therefor) to **Banking and Insurance**; **BR 91** (An act relating to wages), **BR 228** (An act relating to bereavement medical leave for loss of an infant), **BR 322** (An act relating to income assistance and making an appropriation therefor), **BR 358** (An act relating to immunizations), **BR 377** (An act relating to family care leave), **BR 407** (An act relating to unemployment insurance), **BR 432** (An act relating to workers' compensation and declaring an emergency) and **BR 496** (An act relating to occupational exposure to COVID-19 and declaring an emergency) to **Economic Development and Workforce Investment**; **BR 185** (An act relating to student mental health), **BR 275** (An act relating to full-day kindergarten), **BR 301** (An act relating to the Kentucky Educational Excellence Scholarship), **BR 359** (An act relating to facial coverings in educational settings), **BR 360** (An act relating to school food programs), **BR 384** (An act prohibiting vaccination requirements for postsecondary education students), **BR 427** (An act relating to curriculum), **BR 440** (An act relating to school resource officers) and **BR 483** (An act relating to school bus lighting) to **Education**; **BR 53** (An act relating to the establishment of emergency insulin programs and declaring an emergency), **BR 128** (A Resolution proclaiming April 26, 2022, to be Diabetic Ketoacidosis Awareness Day in Kentucky), **BR 137** (An act relating to long-term care facilities), **BR 147** (An act relating to maternal mental health), **BR 152** (An act relating to medical order for scope of treatment), **BR 826** (An act relating to reproductive privacy and declaring an emergency) and **BR 832** (An act relating to DNA) to **Health, Welfare, and Family Services**; **BR 61** (An act relating to crimes and punishments), **BR 191** (An act relating to assisted reproduction), **BR 290** (An act relating to animal cruelty) and **BR 370** (An act relating to theft of mail matter) to **Judiciary**; **BR 210** (An act relating to limited X-

- ray machine operators) and **BR 334** (An act relating to the Licensed Professional Counseling Compact) to **Licensing, Occupations, and Administrative Regulations**; **BR 430** (An act relating to death benefits for first responders, making an appropriation therefor, and declaring an emergency) to **Local Government**; **BR 192** (An act relating to resource recovery) and **BR 243** (An act relating to radon safety) to **Natural Resources and Energy**; **BR 40** (An act relating to changes in pension payments due to overtime worked during a local emergency and declaring an emergency), **BR 211** (An act relating to religion), **BR 306** (An act relating to elections), **BR 307** (An act relating to elections) and **BR 341** (An act relating to actuarial investigations) to **State Government**; **BR 209** (An act to transportation), **BR 287** (An act relating to motor vehicle taxes), **BR 348** (An act relating to the operation of a vehicle using a bioptic device) and **BR 482** (An joint resolution designating a portion of Kentucky Route 8 in Boone County in honor and memory of Specialist Five Edward A. Barlow) to **Transportation**; and **BR 215** (An act relating to mental health) to **Veterans, Military Affairs, and Public Protection**.
- B. From Jay D. Hartz: Memorandum requesting approval of the 2022 Regular Session calendar.
  - C. From Jay D. Hartz: Memorandum requesting approval of prefiling deadlines for the 2022 Regular Session.
  - D. From Senator Jimmy Higdon and Representative Jim DuPlessis, Co-chairs of the Public Pension Oversight Board: Memorandum requesting authorization to expend funds to conduct an actuarial audit under KRS 7A.250.
  - E. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum appointing Will Hodges and Robbie Fletcher to the Local Superintendents Advisory Council.
  - F. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum appointing Arnold Simpson to the Legislative Ethics Commission.
  - G. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum offering the Commonwealth of Kentucky and the city of Louisville as the host state and city for the 2024 Legislative Summit of the National Conference of State Legislatures.
  - 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 approval to meet outside the interim on December 15, 2021, at 1:00 p.m. to hear task force updates and to review possible legislation for the 2022 Regular Session. There are no apparent conflicts.
  - I. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum appointing Representative Derrick Graham to the Budget Review Subcommittee on Education of the Interim Joint Committee on Appropriations and Revenue.
  - J. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum authorizing the formation of the Kentucky Taiwan Caucus.
  - K. From Senator Jared Carpenter and Representative Bart Rowland, Co-chairs of the Interim Joint Committee on Banking and Insurance: Memorandum requesting approval to meet on December 1, 2021, at 11:00 a.m. to receive testimony on pending federal legislation. There are no apparent conflicts.

## 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 1, 2, and 3 and year-to-date activity for the period of July 1, 2021, through September 30, 2021.
2. From the Office of the Attorney General: Constitutional Challenge Reports for the months of July, August, September, October, November, and December 2020, and January, February, and March 2021.
3. From the Cabinet for Economic Development: Construction activity reports for each loan approved as of the quarter ending September 30, 2021.
4. From the Justice and Public Safety Cabinet, Department of Corrections: FY 21 County Jail Incentive Program, 4<sup>th</sup> Quarter Report.
5. From the Justice and Public Safety Cabinet, Department of Corrections: FY 21 Population Management Reporting, 4<sup>th</sup> Quarter Report.
6. From the Justice and Public Safety Cabinet, Department of Corrections: FY 21 Substance Abuse Treatment and Job Training Pilot, 4<sup>th</sup> Quarter Report.
7. From the Justice and Public Safety Cabinet, Department of Corrections: KRS 196.031 Annual Report.
8. From the Justice and Public Safety Cabinet, Department of Corrections: Lee Adjustment Center Annual Report.
9. From the Justice and Public Safety Cabinet: 2020 Overdose Fatality Report.
10. From the University of Kentucky, College of Agriculture: Kentucky Tobacco Research and Development Center Quarterly Reports for the periods April 1 through September 30, 2021.
11. From the Cabinet for Health and Family Services: Department for Community Based Services Fourth Quarter Caseload Reports.
12. From the Kentucky Employers' Mutual Insurance Authority: Quarterly Statement for the period ending June 30, 2021.
13. From the Kentucky Employers' Mutual Insurance Authority: Statement of Assets, Liabilities, and Policyholder Equity; Statement of Income; and Statement of Solvency as of June 30, 2021.
14. From the Finance and Administration Cabinet: 2021 Kentucky Licensed Property Insurance Premiums Surcharge.
15. From the Department of Military Affairs: 2020 Military Family Assistance Trust Fund Annual Report.
16. From the Tourism, Arts and Heritage Cabinet: FY 21 1% Statewide Lodging Tax Progress Report.
17. From the Cabinet for Health and Family Services: 2021 Child Abuse and Neglect Annual Report of Child Fatalities and Near Fatalities.
18. From the Cabinet for Health and Family Services: Efficiencies Identified in Kentucky's Child Welfare System during the COVID-19 Pandemic.
19. From the State Interagency Council: 2021 Recommendations regarding the system of care for children and transition-age youth with or at risk of behavioral health needs.
20. From the Justice and Public Safety Cabinet, Department of Corrections: 2021 Prison Industries Enhancement Certification Program Annual Report.

21. From the Justice and Public Safety Cabinet, State Corrections Commission: 2021 Kentucky State Corrections Commission Annual Report.
22. From the Cabinet for Health and Family Services: 2021 HIV/AIDS Planning and Advisory Council Annual Report.
23. From the Office of the Attorney General: 2020 County Attorney Traffic Safety Programs Annual Report.
24. From the Auditor of Public Accounts: FY 21 Report of the Audit of the Kentucky Department of Veterans' Affairs I Support Veterans License Plate.
25. From the Auditor of Public Accounts: FY 21 Report of the Audit of the Kentucky Heritage Land Conservation Nature License Plate Fund.
26. From the Auditor of Public Accounts: FY 21 Report of the Audit of the Cabinet for Health and Family Services' Breast Cancer Research and Education Trust Fund.
27. From the Auditor of Public Accounts: 2018-2020 Commonwealth of Kentucky Public Protection Cabinet, Department of Insurance, Report on the Payment Practices of Insurers.
28. From the Teachers' Retirement System: FY 21 Teachers' Retirement Annual Report.
29. From the Teachers' Retirement System: FY 21 In-State Investments Report.
30. From the Kentucky Board of Medical Licensure: 2020 Annual Report.
31. From the Department for Local Government: 2020 Special Purpose Governmental Entity Annual Report.
32. From the Cabinet for Health and Family Services: 2021 Department for Community Based Services Response to Citizen Review Panel Annual Report.
33. From the Cabinet for Health and Family Services: 2021 Report on Relative and Fictive Kin Caregiver Services.
34. From the Cabinet for Health and Family Services: 2021 Biennial Report of the Kentucky Advisory Council on Autism.
35. From the Kentucky Employers' Mutual Insurance: 2022 Administrative Budget.
36. From the Commonwealth Office of Technology: 2021 Personal Information Security and Breach Notification Annual Report.
37. From the Finance and Administration Cabinet: FY 21 Report on Use of Energy-Efficiency Measures in State Government.
38. From the Public Protection Cabinet, Department of Insurance: 2021 Kentucky Long-Term Care Partnership Report.
39. From the Personnel Cabinet: 2020 Annual Turnover Report of 15% and Greater.
40. From the Kentucky Higher Education Assistance Authority: FY 21 Actuarial Valuation for Kentucky's Affordable Prepaid Tuition (KAPT).
41. From the Kentucky Judicial Retirement System: 2021 Judicial Retirement Plan.
42. From the Kentucky Legislators' Retirement System: 2021 Legislators' Retirement Plan.
43. From the Kentucky Personnel Cabinet: Quarterly Report as of September 30, 2021, which lists the number of all full-time classified (merit) and unclassified (non-merit) employees.
44. From the Kentucky Personnel Cabinet: October 2021 Semi-Annual Report listing all filled positions exempted from classified service.
45. From the Department of Education: 2020-2021 Physical Activity and Nutrition Report.
46. From the Department of Education: FY 2020-2021 Efficient School Design Annual Report.

47. From the Cabinet for Health and Family Services: FY 21 Kentucky Child Victims of Human Trafficking Annual Report.
48. From the Cabinet for Health and Family Services: 2021 Female Genital Mutilation Annual Report.
49. From the Department of Education: 2021 KDE School District of Enrollment Funding Report.
50. From the Department of Education: 2021 Kentucky Facilities Inventory and Classification System Report.

The motion passed unanimously.

There being no further business, the meeting was adjourned.