

LEGISLATIVE RESEARCH COMMISSION

Minutes of the 571st Meeting June 1, 2022

Call to Order and Roll Call

The 571st meeting of the Legislative Research Commission was held on Wednesday, June 1, 2022, at 1:30 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, Morgan McGarvey, Reginald Thomas, and Mike Wilson; Representatives 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, Senator Stivers called for a motion to approve the minutes of the November 10, 2021, meeting; accept as indicated items A. through H. under Staff and Committee Reports; refer administrative regulations as indicated and approve items B. through M. under New Business; and accept and refer as indicated items 1 through 49 under Communications.

Senator Thomas said he understands a decision was made not to permit members to attend meetings by Zoom during the 2022 interim, and he would ask that the decision would be revisited. He said there may valid reasons why a member may not be able to participate in a meeting in person, but could do so by Zoom, such as medical reasons. Senator Stivers said he thinks there are some exceptions for medical purposes, such as a positive COVID test. He said they would go back through it, but that the reasoning and rationale are that they are elected to be there attending meetings.

A motion was made by Representative Rudy and seconded by Senator Wilson, to approve, accept, or refer the following items and a roll call vote was taken.

Minutes of the November 10, 2021, MEETING

STAFF AND COMMITTEE REPORTS

- A. Committee Activity Reports since November 2021.
- B. Report of the Administrative Regulations Review Subcommittee meetings on November 9 and December 9, 2021, and January 10, February 7, March 7, April 13, and May 10, 2022.

- C. Committee review of administrative regulations by the Interim Joint Committee on Health, Welfare, and Family Services during its meetings on November 23 and December 15, 2021.
- D. Committee review of administrative regulations by the Interim Joint Committee on Transportation during its meeting on November 15, 2021.
- E. From Senator David Givens and Representative Samara Heavrin, Co-chairs of the Commission on Race and Access to Opportunity: 2021 Final Report.
- F. Committee review of administrative regulations by the Senate Standing Committee on Health and Welfare during its meetings on January 12, February 9, and March 9, 2022.
- G. Committee review of administrative regulations by the House Standing Committee on Health and Family Services during its meetings on January 13, February 10, and March 10, 2022.
- H. Committee review of FY 2021 Small Cities Community Development Block Grant and Section 108 Loan Guarantee Program Application by the Senate Standing Committee on State and Local Government and the House Standing Committee on Local Government during their meeting on March 2, 2022.

NEW BUSINESS

- A. Referral of administrative regulations to the following committees for a secondary review pursuant to KRS 13A.290(6): **803 KAR 001:026** (Equal pay provisions, meaning and application), **803 KAR 001:061** (Overtime pay requirements), **803 KAR 001:064** (Trading time), **803 KAR 001:067** (Hours worked), **803 KAR 001:068** (Recordkeeping requirements), **803 KAR 001:071** (Executive, administrative, supervisory or professional employees; salesmen), **803 KAR 001:076** (Exclusions from minimum wage and overtime), **803 KAR 001:081** (Board, lodging, gratuities and other allowances) and **803 KAR 001:091** (Workers with Disabilities and Work Activities Centers' employee's wages) to **Economic Development and Workforce Investment**; **702 KAR 003:090** (Depository of board, collateral), **704 KAR 007:170** (Corporal punishment), **704 KAR 019:002** (Alternative education programs) and **780 KAR 003:020** (Compensation plan) to **Education**; **201 KAR 002:440** (Legend drug repository), **201 KAR 017:110** (Telehealth and telepractice), **201 KAR 020:260E** (Organization and administration standards for prelicensure registered nurse or practical nurse programs of nursing), **201 KAR 020:480E** (Licensure of graduates of foreign nursing schools), **201 KAR 020:480** (Licensure of graduates of foreign nursing schools), **201 KAR 022:020** (Eligibility and credentialing procedure), **201 KAR 022:070** (Requirements for foreign-educated physical therapists and physical therapist assistants), **201 KAR 022:170** (Physical Therapy Compact Commission), **201 KAR 033:015** (Application; approved programs), **201 KAR 035:070** (Supervision experience), **201 KAR 046:060** (Continuing education requirements), **908 KAR 003:010E** (Patient's rights), **922 KAR 001:470** (Central registry) and **922 KAR 002:280** (Background checks for child care staff members, reporting requirements, and appeals) to **Health, Welfare, and Family Services**; **301 KAR 004:010** (Districts), **301 KAR 004:020** (Ballard Wildlife Management Area restrictions), **301 KAR 004:100** (Peabody Wildlife Management Area use requirements and restrictions), and **301 KAR 004:110** (Administration of drugs to wildlife) to **Natural Resources and Energy**; **009 KAR 001:070** (Standards of ethical conduct for transition team members and disclosure form) to **State Government**.
- B. From Senate President Robert Stivers and House Speaker David Osborne: Revised 2022 Regular Session Calendar.
- C. From Senate President Robert Stivers and House Speaker David Osborne: Revised 2022 Regular Session Calendar.

- D. From Senate President Robert Stivers and House Speaker David Osborne: Revised 2022 Regular Session Calendar.
- E. From Representative Killian Timoney: Memorandum requesting approval for and formation of the American-Irish Caucus.
- F. From Senator Max Wise and Representative Jerry Miller: Memorandum requesting approval for and formation of the Kentucky History Caucus.
- G. From Senate President Robert Stivers and House Speaker David Osborne: Revised 2022 Regular Session Calendar.
- H. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum authorizing the 2022 Interim Joint Committee Regular Meeting Schedule.
- I. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum directing the Director of the Legislative Research Commission to assign appropriate nonpartisan staff to conduct a study during the 2022 Interim examining costs, mechanisms for, and benefits of implementing an ARM for public utilities regulated by the Public Service Commission.
- J. From Jay D. Hartz, Director: Memorandum recommending that Marcia Seiler be appointed as Deputy Director of the Office of Education Accountability in accordance with KRS 7.410.
- K. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum appointing Representative Kevin Bratcher to the Interim Joint Committee on Veterans, Military Affairs and Public Protection.
- L. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum appointing membership to the Budget Review Subcommittee on Transportation and the Budget Review Subcommittee on Human Resources of the Interim Joint Committee on Appropriations and Revenue.
- M. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum approving Interim Joint Committees to hold out-of-town meetings at the Kentucky State Fair on August 25.

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 4, 5, 6, 7, 8, 9, and 10, and year-to-date activity for the period of October 1, 2021, through April 30, 2022. Pursuant to KRS 42.190.
- 2. From the Office of the Attorney General: Constitutional Challenge Reports for the months of April, May, June, July, August, and September 2021. Pursuant to KRS 418.075(3).
- 3. From the Cabinet for Economic Development: Construction activity reports for each loan approved as of the quarters ending December 31, 2021, and March 31, 2022. Pursuant to KRS 154.20-150.
- 4. From the Kentucky Teachers' Retirement System: FY 2021 Report of the Actuary on the Annual Valuation of the Retirement Annuity Trust.
- 5. From the Kentucky Teachers' Retirement System: FY 2021 Report of the Actuary on the Annual Valuation of the Retiree Health and Life Insurance Trusts.
- 6. From the Auditor of Public Accounts: 2021 Report of the Audit of the Kentucky Artisan Center at Berea.

7. From the Department of Fish and Wildlife: 2021 Annual Professional Standards Update. Pursuant to KRS 235.312.
8. From the Cabinet for Health and Family Services: Social Service Worker Caseload Averages Report for the months July through December 2021, and January through March 2022. Pursuant to KRS 199.461(4).
9. From Kentucky Employers' Mutual Insurance Authority: Quarterly Statements and Financial Status for the periods ending September 30, 2021, and March 31, 2022. Pursuant to KRS 342.813 and KRS 342.821.
10. From the Teachers Retirement System: Financial Statements and Audit Report for June 30, 2021, and 2020.
11. From the Commonwealth Office of Technology: 2021 Blockchain Technology Working Group Annual Report. Pursuant to KRS 42.747.
12. From Northern Kentucky University: 2021 Annual Financial Report.
13. From Finance and Administration, Division of Fleet Management: 2021 Alternative Fuel Vehicle Report. Pursuant to KRS 45A.625.
14. From the Judicial Form Retirement System: 2022 Biennium Cost of Living Adjustment Advise. Pursuant to KRS 21.405(5)(b).
15. From the Cabinet for Health and Family Services: 2021 Annual Report on Committed Children. Pursuant to KRS 194A.365.
16. From the Legislative Ethics Commission: FY 21 Annual Report. Pursuant to KRS 6.666(16).
17. From the Cabinet for Health and Family Services and the Personnel Cabinet: 2021 Diabetes Report and 2021 Diabetes Report Executive Summary. Pursuant to KRS 211.752.
18. From the Justice and Public Safety Cabinet: 21RS HB 192, 1st Quarter Substance Abuse Treatment and Job Training Pilot Report.
19. From the Justice and Public Safety Cabinet: 21 RS HB 192 1st Quarter County Jail Incentive Program Report.
20. From the Justice and Public Safety Cabinet: 21 RS HB 192 1st Quarter Population Management Report.
21. From the Cabinet for Health and Family Services: Report of the Use of American Rescue Plan Act of 2021 funds. Pursuant to SS21 SB 3.
22. From the Kentucky Personnel Cabinet: Kentucky Employees' Health Plan Twenty-First Annual Report. Pursuant to KRS 18A.226(5)(b).
23. From the Cabinet for Health and Family Services: 2021 Child Care Advisory Council's Annual Report. Pursuant to KRS 199.8983.
24. From the Cabinet for Health and Family Services: 2021 Kentucky Elder Abuse Report. Pursuant to KRS 209.005(4).
25. From the Cabinet for Health and Family Services: 2021 Pharmacy Benefits Report.
26. From the Cabinet for Health and Family Services: 2021 Child Fatality Review Report. Pursuant to KRS 211.684.
27. From the Cabinet for Health and Family Services: 2020-2021 Telehealth Report.
28. From the Auditor of Public Accounts: 21-22 Biennial Report on Kentucky Employers' Mutual Insurance Authority. Pursuant to KRS 342.843(5).
29. From the Energy and Environment Cabinet, Department for Environmental Protection: FY21 Waste Tire Program Annual Report. Pursuant to KRS 224.50-872.

30. From the Justice and Public Safety Cabinet: 2021 Reentry Drug Supervision Annual Report. Pursuant to KRS 439.651.
31. 2021 Child Fatality and Near Fatality External Review Panel Annual Report.
32. From the Cabinet for Health and Family Services: FY22 Family Resource or Youth Service Centers 70% Budget Annual Report.
33. From the Cabinet for Health and Family Services: 2022 Kentucky Eating Disorder Council Annual Report. Pursuant to KRS 210.051(9).
34. From the Auditor of Public Accounts: FY 21 Report of the Statewide Single Audit of the Commonwealth of Kentucky, Volume I.
35. From the Kentucky Employers' Mutual Insurance Authority: 2021 Annual Statement.
36. From the Kentucky Employers' Mutual Insurance Authority: 2021 Statement of Actuarial Opinion.
37. From the Administrative Office of the Courts: 2021 Citizen Foster Care Review Board Annual Report. Pursuant to KRS 620.320.
38. From the Louisville Firefighters Pension Fund: 2022 Actuarial Report. Pursuant to KRS 65.156.
39. From the Justice and Public Safety Cabinet: 2021 Restrictive Housing Annual Report.
40. From the Kentucky Employers' Mutual Insurance Authority: 2021 Management's Discussion and Analysis with Supplementary Schedules.
41. From the Kentucky Personnel Cabinet: March 2022 Semi-Annual Report listing all filled positions. Pursuant to KRS 18A.030(6).
42. From the Kentucky Personnel Board: FY21 Annual Report.
43. From the Auditor of Public Accounts: 2022 Examination of Certain Financial Operations and Internal Policies and Controls of the City of London and the City of London Tourism and Convention Commission.
44. From the Kentucky Eating Disorder Council: 2022 Annual Report. Pursuant to KRS 210.051.
45. From the Auditor of Public Accounts: 2021 Report of the Audit of the Fish and Game Fund of the Kentucky Department of Fish and Wildlife Resources.
46. From the Kentucky Personnel Cabinet: Quarterly report as of March 31, 2022, which lists the number of all full-time classified (merit) and unclassified (non-merit) employees. Pursuant to KRS 61.392.
47. From Kentucky Employers' Mutual Insurance Authority: Statutory Basis Financial Statements for the years ended 2021 and 2020.
48. From the Department of Revenue: 2022 Real Estate Exemption List.
49. From the Auditor of Public Accounts: FY21 Report of the Audit of the Kentucky Board of Nursing.

The motion passed unanimously.

There being no further business, the meeting was adjourned.