

LEGISLATIVE RESEARCH COMMISSION

Minutes of the 573rd Meeting

November 9, 2022

Call to Order and Roll Call

The 573rd meeting of the Legislative Research Commission was held on Wednesday, November 9, 2022, at 11:30 AM, 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, and Mike Wilson; Representatives Derrick Graham, 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 August 10, 2022, meeting; accept as indicated items A. through K. under Staff and Committee Reports; approve items A. through I. under New Business; and accept and refer as indicated items 1. through 51. under Communications.

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

DISPOSITION of minutes of the August 10, 2022, MEETING

STAFF AND COMMITTEE REPORTS

- A. Committee reports since August 2022.
- B. Reports of the Administrative Regulations Review Subcommittee meetings on August 9, September 13, and October 11, 2022.
- C. Committee review of administrative regulations by the Interim Joint Committee on Energy during its meeting on August 18, 2022.
- D. Committee review of administrative regulations by the Senate Standing Committee on Health and Welfare during its meeting on August 25, 2022.
- E. Committee review of administrative regulations by the House Standing Committee on Health and Family Services during its meeting on August 25, 2022.
- F. Committee review of administrative regulations by the Interim Joint Committee on Education during its meeting on September 20, 2022.

- G. From Jennifer Hays, CSA of the Interim Joint Committee on Appropriations and Revenue: July, August, and September 2022 Staff study on Electric Vehicles and Transportation Funding. (Staff committee referrals: Transportation and Appropriations and Revenue.) (Copy of attachments available upon request.)
- H. Committee review of administrative regulations by the Interim Joint Committee on Health, Welfare, and Family Services during its meetings on September 28 and October 26, 2022.
- I. Committee review of administrative regulations by the Interim Joint Committee on State Government during its meeting on September 27, 2022.
- J. Committee review of administrative regulations by the Interim Joint Committee on Agriculture during its meeting on October 20, 2022.
- K. From Tom Hewlett, Deputy Director for Research and Communications: Report of ARM staff study.

NEW BUSINESS

- A. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum appointing Representative Patrick Flannery to the Interim Joint Committee on Judiciary.
- B. From Senator Whitney Westerfield and Representative C. Ed Massey, Co-chairs of the Interim Joint Committee on Judiciary: Memorandum requesting approval to meet outside the interim on December 15 at 11:00 a.m. in order to receive testimony. There are no known conflicts.
- C. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum approving the 2023 Regular Session Calendar.
- D. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum appointing commissioners to the National Conference on Uniform State Laws for a term of four years.
- E. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum appointing Senator Stephen Meredith to serve as Co-chair of the Interim Joint Committee on Veterans, Military Affairs, and Public Protection for the remainder of the 2022 Interim.
- F. From Senator Danny Carroll and Representative Samara Heavrin, Co-chairs of the Early Childhood Education Task Force: Memorandum requesting approval to meet on November 17, rather than the regularly scheduled meeting date of November 3, and to request an additional meeting date on November 21 to review and vote on the final findings and recommendations of the task force. There are no apparent conflicts.
- G. From Senator David Givens and Representative Samara Heavrin, Co-chairs of the Commission on Race and Access to Opportunity: Memorandum requesting approval to meet on October 27 at 2:00 p.m., rather than the regularly scheduled meeting date of October 26, and on November 16 at 11:00 a.m., rather than the regularly scheduled meeting date of November 17. This request is to avoid a potential conflict. The only known conflict would be if the Interim Joint Committee on Local Government meeting goes over an hour.

- 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 on November 15, at 11:00 a.m., rather than the regularly scheduled meeting date on November 16. There are two known conflicts.
- I. From Senator David Givens and Representative Ken Fleming, Co-Chairs of the Emergency Medical Services Task Force: Memorandum requesting approval for an additional meeting on November 15 at 1:30 p.m. to review and vote on the final findings and recommendations of the task force. There is one known conflict.

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, 2022, through September 30, 2022.) Pursuant to KRS 42.190.
2. From the Office of the Attorney General: Constitutional Challenge Reports for the months of October, November, and December 2021. Pursuant to 418.075(3).
3. From the Cabinet for Economic Development: Construction activity reports for each loan approved as of the quarter ending September 30, 2022. Pursuant to KRS 154.20-150.
4. 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.
5. From Kentucky Employers' Mutual Insurance: Quarterly Statement as of June 30, 2022, and second quarter 2022 solvency statements. Pursuant to KRS 342.821.
6. From the Finance and Administration Cabinet: 2022 Kentucky Licensed Property Insurance Premiums Surcharge.
7. From the Justice and Public Safety Cabinet: FY22 2nd, 3rd, and 4th Quarters County Jail Incentive Program Report.
8. From the Justice and Public Safety Cabinet: FY22 4th Quarter, and FY23 1st Quarter Population Management Reports.
9. From the Justice and Public Safety Cabinet: Prison Industries Enhancement Certification Program (PIECP) Annual Report. Pursuant to KRS 196.704.
10. From the Justice and Public Safety Cabinet: Department of Corrections Annual Report. Pursuant to KRS 196.031.
11. From the Justice and Public Safety Cabinet: FY22 4th Quarter, and FY23 1st Quarter Substance Abuse Treatment and Job Training Pilot Reports.
12. From the Justice and Public Safety Cabinet: 2022 Education Program on AIDS Annual Report. Pursuant to KRS 197.055.
13. From the Justice and Public Safety Cabinet: 2022 Lee Adjustment Center Annual Report. Pursuant to KRS 197.515.
14. From the Justice and Public Safety Cabinet: FY22 Kentucky State Corrections Commission Annual Report. Pursuant to KRS 196.736.

15. From the Justice and Public Safety Cabinet, Office of the State School Security Marshall: 2021-22 Annual Report.
16. From the Justice and Public Safety Cabinet, Department of Corrections: 2021 Certificate of Employability Report. Pursuant to KRS 196.281 (3).
17. From the University of Kentucky: 2022 Annual Technical Report and Addenda, Collaborative Center for Literacy Development: Early Childhood through Adulthood. Pursuant to KRS 164.0207(3).
18. From the Cabinet for Health and Family Services: 2022 Child Abuse and Neglect Annual Report of Child Fatalities and Near Fatalities. Pursuant to KRS 620.050(12).
19. From the Tourism, Arts and Heritage Cabinet: FY22 1 Percent (1%) Statewide Lodging Tax. Pursuant to KRS 142.406.
20. From the Auditor of Public Accounts: FY22 Report of the Audit of the Kentucky Reclamation Guaranty Fund.
21. From the University of Kentucky College of Social Work: 2022 Citizen Review Panel Annual Report.
22. From the Cabinet for Health and Family Services: FY22 Response to Citizen Review Panel Annual Report. Copy available upon request.
23. From the Auditor of Public Accounts: FY22 Report of the Audit of the Cabinet for Health and Family Services' Breast Cancer Research and Education Trust Fund.
24. From the Finance and Administration Cabinet: FY22 Disaster Relief Sales and Use Tax Refund Totals.
25. From the Kentucky Department of Fish and Wildlife: 2022 Status of Hunting Land Access in Kentucky. Pursuant to KRS 150.0241(6).
26. From the Kentucky Legislative Ethics Commission: 2022 Recommended Changes to the Code of Legislative Ethics.
27. From the Kentucky Board of Medical Licensure: 2022 Annual Report.
28. From the Cabinet for Health and Family Services: 2022 Child Care Assistance Program (CCAP) data and assessments pursuant to HB 7, 22 RS.
29. From the Cabinet for Health and Family Services, Office of the Inspector General: 2022 Audit of Required Abortion-related Information Reported to the Vital Statistics Branch for Calendar Year 2021. Pursuant to KRS 213.101(11).
30. From the Commonwealth Office of Technology: 2021 Personal Information Security and Breach Notification Annual Report. Pursuant to KRS 42.726(5) and KRS 61.931-61.934.
31. From the Cabinet for Health and Family Services: 2022 DCBS Relative and Fictive Kin Caregiver Placements Annual Report. Pursuant to KRS 605.120(5).
32. From the Teachers' Retirement System: FY22 In-State Investment Report. Pursuant to KRS 161.430.
33. From the Department for Local Government: 2022 Special Purpose Governmental Entity (SPGE) compliance status. Pursuant to KRS 65A.
34. From the Cabinet for Health and Family Services: 2022 Stroke Encounter Quality Improvement Project (SEQIP) Annual Report. Pursuant to KRS 211.575.
35. From the Personnel Cabinet: Kentucky Employees' Health Plan Twenty-Second Annual Report. Pursuant to KRS 18A.226(5)(b).

36. From the Auditor of Public Accounts: 2022 Report of the Audit of the Kentucky Heritage Land Conservation Nature License Plate Fund.
37. From the Auditor of Public Accounts: 2021-2022 Report of the Audit of the Kentucky Lottery Corporation.
38. From Kentucky Employers' Mutual Insurance: 2023 Administrative Budget Pursuant to KRS 342.813(3)(b).
39. From Kentucky Council on Postsecondary Education: October 2022 Monthly Financial Update for Kentucky State University.
40. From the Finance and Administration Cabinet: FY 22 Report on Use of Energy-Efficient Measures in State Government. Pursuant to KRS 56.782.
41. From the Cabinet for Health and Family Services: FY22 Pediatric Cancer Research Trust Fund Annual Report. Pursuant to KRS 211.597(4).
42. From the Kentucky Higher Education Assistance Authority: FY22 Actuarial Valuation for Kentucky's Affordable Prepaid Tuition. Pursuant to KRS 164A.708.
43. From the Kentucky Department of Fish and Wildlife Resources: 2022 Annual Report of Law Enforcement Professional Standards. Pursuant to KRS 235.312.
44. From the Cabinet for Health and Family Services: 2022 Annual Report of Victims of Female Genital Mutilation. Pursuant to KRS 620.032.
45. From the Cabinet for Health and Family Services: 3rd Quarter Social Service Worker Caseload Averages Reporting. Pursuant to KRS 199.461(4).
46. From the Cabinet for Health and Family Services: 2022 Child Victims of Human Trafficking Annual Report. Pursuant to KRS 620.029(2)(b).
47. From the Cabinet for Economic Development: 2022 Annual Reports on the following programs: Office of Entrepreneurship and Small Business Innovation, Bluegrass State Skills Corporation, Economic Development Fund, Kentucky Investment Fund Act, Kentucky Enterprise Initiative Act, Incentives for Energy-related Business Act, Tax Increment Financing, Kentucky Angel Investment Tax Credit, Kentucky Small Business Credit Initiative, Kentucky Rural Hospital Loan Program, and Kentucky Reinvestment Act. Pursuant to KRS 154.12-2035.
48. From the Kentucky Department of Education: 2021-2022 Physical Activity and Nutrition Report. Pursuant to KRS 160.345(11).
49. From the Kentucky Office of Homeland Security: 2022 Annual Report.
50. From Kentucky Council on Postsecondary Education: Management Improvement Plan for Kentucky State University.
51. From the Kentucky Department of Fish and Wildlife Resources: 2022 Status of Chronic Wasting Diseases and Other Wildlife Disease Report. Pursuant to KRS 150.740(6).

The motion passed unanimously with Senator McGarvey abstaining from voting pursuant to Section 57 of the Kentucky Constitution.

Representative Osborne and Senator Stivers thanked those LRC members who were retiring or leaving the General Assembly for their service to the state of Kentucky.

There being no further business, the meeting was adjourned.