

# LEGISLATIVE RESEARCH COMMISSION

## Minutes

September 6, 2023

### Call to Order and Roll Call

The 575th meeting of the Legislative Research Commission was held on September 6, 2023, at 12:30 PM in the Senate Majority Caucus Room. Senator Robert Stivers, Chair, called the meeting to order, and the secretary called the roll.

### Present were:

Members: Co-Chair; Senator Robert Stivers, Co-Chair; Senator Julie Raque Adams, Senator David P. Givens, Senator Damon Thayer, Senator Reginald Thomas, Senator Mike Wilson, Senator David Yates, Representative Derrick Graham, Representative Suzanne Miles, Representative Jason Nemes, Representative Steven Rudy, Representative Cherlynn Stevenson.

LRC Staff: Jay Hartz and Christy Glass.

There being a quorum present, Senator Stivers called for a motion to approve the minutes of the May 10, 2023, meeting; accept as indicated items A. through I. under Staff and Committee Reports; approve items A. through K. under New Business; and accept and refer as indicated items 1. through 41. under Communications. A motion was made by Senator Thayer and seconded by Representative Rudy, to approve, accept, or refer the following items and a roll call vote was taken.

DISPOSITION of minutes of the May 10, 2023, meeting

### STAFF AND COMMITTEE REPORTS

- A. Committee reports since May 1, 2023.
- B. Reports of the Administrative Regulations Review Subcommittee meetings on May 9, June 13, and August 8, 2023.
- C. Committee review of administrative regulations by the Interim Joint Committee on Natural Resources and Energy during its meetings on June 8 and July 20, 2023.
- D. Committee review of administrative regulations by the Interim Joint Committee on Health Services during its meeting on June 21, 2023.
- E. Committee review of administrative regulations by the Interim Joint Committee on Licensing, Occupations, and Administrative Regulations during its meeting on June 22, 2023.

- F. Committee review of administrative regulations by the Interim Joint Committee on Families and Children during its meetings on June 21 and July 25, 2023.
- G. Committee review of administrative regulations by the Interim Joint Committee on Veterans, Military Affairs, and Public Protection during its meeting on June 21, 2023.
- H. Committee review of the Low-Income Home Energy Assistance Program (LIHEAP) Block Grant Application FFY 2024 by the Interim Joint Committee on Natural Resources and Energy during its meeting on July 20, 2023.
- I. Committee review of administrative regulations by the Interim Joint Committee on Education during its meeting on August 1, 2023.

#### NEW BUSINESS

- A. Referral of administrative regulations to the following committees for a secondary review pursuant to KRS 13A.290(6): **806 KAR 017:570E** (Minimum standards for Medicare supplement insurance policies and certifications to **Banking and Insurance**; **016 KAR 009:080E** (University-based alternative certification program), **016 KAR 009:080** (University-based alternative certification program), **016 KAR 009:100E** (Alternative Route to Certification Program), and **016 KAR 009:100** (Alternative Route to Certification Institute) to **Education**; **921 KAR 001:400** (Establishment, review, and modification of child support and medical support orders) and **922 KAR 002:180** (Requirements for registered relative child care providers in the Child Care Assistance Program) to **Families and Children**; **201 KAR 020:240** (Fees for applications and service), **201 KAR 021:025** (Board; officers, duties, and compensation), **201 KAR 021:041** (Licensing; standards, fees), **201 KAR 021:042** (Standards, applications and approval of continuing education), **201 KAR 021:075** (Peer review committee procedures and fees), **201 KAR 021:095** (Licensure, registration, and standards of persons performing peer review), **201 KAR 021:105** (Telehealth chiropractic services), **201 KAR 022:045** (Continued competency requirements and procedures), **202 KAR 007:510** (Air ambulance services), **202 KAR 007:555E** (Ground agencies), **900 KAR 014:010** (Essential personal care visitor programs; visitation guidelines), **902 KAR 020:018** (Operation and services; End Stage Renal Disease (ESRD) facilities), **902 KAR 055:015** (Schedules of controlled substances), **906 KAR 001:210** (Health care services agencies), **907 KAR 001:038E** (Hearing Program coverage and requirements), **907 KAR 001:126E** (Dental services' coverage provisions and requirements), **907 KAR 001:632E** (Vision program coverage provisions and requirements), **907 KAR 003:190** (Reimbursement for treatment related to clinical trials), **907 KAR 020:010E** (Medicaid procedures for determining initial and continuing eligibility other than procedures related to a modified adjusted gross income eligibility standard or related to former foster care individuals), **907 KAR 020:010** (Medicaid procedures for determining initial and continuing eligibility other than procedures related to a modified adjusted gross income eligibility standard or related to former foster care individuals), **907 KAR 020:045E** (Special income requirements

for hospice and 1915(c) home and community based services), **907 KAR 020:045** (Special income requirements for hospice and 1915(c) home and community based services), **907 KAR 020:075E** (Eligibility provisions and requirements regarding former foster care individuals, and individuals who were in out-of-state equivalents to foster care), **907 KAR 020:075** (Eligibility provisions and requirements regarding former foster care individuals, and individuals who were in out-of-state equivalents to foster care), **907 KAR 020:100E** (Modified Adjusted Gross Income (MAGI) Medicaid eligibility standards), **907 KAR 020:100** (Modified Adjusted Gross Income (MAGI) Medicaid eligibility standards), and **910 KAR 003:030** (Traumatic brain injury trust fund operations program) to **Health Services**; **500 KAR 002:020** (Filing and processing SLEO commissions), **500 KAR 003:010** (Definitions), **500 KAR 003:020** (Filing and processing SLPO commissions), **501 KAR 006:150** (Eastern Kentucky Correctional Complex policies and procedures), **505 KAR 001:200E** (Cell entry teams, emergency response teams, and emergency response training), **505 KAR 001:200** (Cell entry teams, emergency response teams, and emergency response training), **505 KAR 001:210E** (Restraints and control methods), **505 KAR 001:220E** (Transportation of juveniles), and **505 KAR 001:230** (Facility, capacity, staffing, and population count to **Judiciary**; **201 KAR 019:225** (Examinations required; general provisions), **810 KAR 004:090** (Owners), **810 KAR 007:030** (Kentucky Thoroughbred Development Fund), **810 KAR 007:060** (Kentucky Quarter Horse, Paint Horse, Appaloosa, and Arabian Development Fund), **810 KAR 008:020** (Drug, medication, and substance classification schedule), **815 KAR 004:030** (Elevator licensing), **815 KAR 008:010** (Licensing requirements for master HVAC contractors and journeyman HVAC mechanics), **815 KAR 020:030** (Plumbing licenses), **815 KAR 025:060** (Licensing and certifications with manufactured homes and mobile homes), and **815 KAR 035:060** (Licensing of electrical contractors, master electricians, and electricians) to **Licensing, Occupations, and Administrative Regulations**; **815 KAR 007:130** (Kentucky Industrialized Building Systems), **815 KAR 010:060** (Standards of Safety), and **815 KAR 025:020** (Recreational vehicles) to **Local Government**; **301 KAR 006:001** (Definitions for 301 KAR Chapter 6), **301 KAR 006:020** (Boating safety equipment), and **301 KAR 011:020** (Procurement of architectural and engineering services) to **Natural Resources and Energy**; **101 KAR 002:034** (Classified compensation administrative regulations), **101 KAR 002:095** (Classified service general requirements), **101 KAR 002:181** (Repeal of 101 KAR 002:180), **101 KAR 003:045** (Compensation plan and pay incentives for unclassified service), and **105 KAR 001:220** (Periodic disability review) to **State Government**.

- B. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum approving the formation of the Equine Caucus.
- C. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum approving the formation of the South Central Kentucky Caucus.

- D. From Jay D. Hartz, LRC Director: Memorandum reappointing Sheila Mitchell, Dr. Harry Burchett, Dr. Kirk Biggerstaff, and Will Hodges, as well as appointing Karen Solise to the Local Superintendents Advisory Council.
- E. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum approving the formation of the Kentucky Rural Electric Cooperatives Caucus.
- F. From Senator Donald Douglas and Representative Russell Webber, Co-chairs of the Certificate of Need Task Force: Memorandum requesting approval to meet on October 19 at 11:00 a.m., rather than the regularly scheduled meeting date of October 16. There are no apparent conflicts.
- G. From Senator Whitney Westerfield and Representative Daniel Elliott, Co-chairs of the Interim Joint Committee on Judiciary: Memorandum requesting approval for an additional meeting date on December 15 at 10:00 a.m. There are no apparent conflicts.
- H. From Jay D. Hartz, LRC Director: Memorandum requesting approval of the 2024 Regular Session calendar.
- I. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum recommending the appointment of Senator Damon Thayer or Representative Matthew Koch to the Kentucky Equine Drug Research Council.
- J. From Senator John Schickel and Representative Josh Bray, Co-chairs of the Jail and Corrections Reform Task Force: Memorandum requesting approval to meet on November 8 at 10:00 a.m., rather than the regularly scheduled meeting date of November 13. There are two known conflicts.
- K. From Senator Jimmy Higdon and Representative John Blanton, Co-chairs of the Interim Joint Committee on Transportation: Memorandum requesting approval to meet on Monday, September 18, rather than the regularly scheduled meeting date of September 19. There are no apparent conflicts.

## COMMUNICATIONS

- 1. From the Office of the Attorney General: Constitutional Challenge Reports for January, February, and March 2023.
- 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 10, 11, and 13, and year-to-date activity for the periods of April 1 through Final Period, 2023, and Accounting Period 1, July 1 through July 31, 2023.
- 3. From the Cabinet for Economic Development: Construction activity reports for each loan approved as of the quarter ending June 30, 2023.
- 4. From the Kentucky Public Pension Authority: County Employees Retirement System 2022 Actuarial Experience Study for the period ending June 30, 2022.
- 5. From the Justice and Public Safety Cabinet, Kentucky Department of Corrections: 2022 Annual Report.

6. From the Cabinet for Health and Family Services: Social Service Worker Caseload Averages Reports for January through June 2023.
7. From the Kentucky Personnel Cabinet: Quarterly reports as of March 31 and June 30, 2023, which list the number of all full-time classified (merit) and unclassified (non-merit) employees.
8. From the Justice and Public Safety Cabinet: FY 23 3<sup>rd</sup> and 4<sup>th</sup> Quarters Substance Abuse Treatment and Job Training Pilot Report.
9. From the Justice and Public Safety Cabinet: FY 23 3<sup>rd</sup> and 4<sup>th</sup> Quarters Population Management Reporting.
10. From the Department of Revenue: 2023 Real Estate Exemption List.
11. From Kentucky Employers' Mutual Insurance Authority: Quarterly Statement ending March 31, 2023.
12. From the Kentucky Personnel Cabinet: 2022 Annual Turnover Report of 15 Percent and Greater.
13. From the Kentucky Retirement Systems: 2022 Actuarial Experience Study.
14. From the Cabinet for Health and Family Services: 2023 Kentucky Stroke Encounter Quality Improvement Project (SEQIP) Report.
15. From the Office of Broadband Development: Semi-Annual Report.
16. From the Cabinet for Health and Family Services: Kentucky HB7 Legislative Research Report.
17. From the Office of the Attorney General: FY23 Report of the Status of the Administrative Hearing Process.
18. From the Cabinet for Health and Family Services: House Bill 7, RS 22 Implementation Status Report.
19. From the Cabinet for Health and Family Services: Social worker positions filled and vacant for the quarter ending June 30, 2023.
20. From the Governor's School for Entrepreneurs: FY23 2<sup>nd</sup> and 3<sup>rd</sup> Quarter Financial Reports.
21. From the Auditor of Public Accounts: FY22 Report on Compliance for the U. S. Department of Treasury Coronavirus State and Local Fiscal Recovery Funds Program (CSLFRF) Requirements for an Alternative CSLFRF Compliance Examination Engagement of the Casey County Fiscal Court.
22. From the Auditor of Public Accounts: FY22 Report of the Audit of the Casey County Fiscal Court.
23. From the Legislative Ethics Commission: 2023 Recommended changes to the Code of Legislative Ethics.
24. From the Education and Labor Cabinet: FY23 1<sup>st</sup> Quarter Report for the Department of Workers' Claims.
25. From the Cabinet for Health and Family Services: FY23 Citizen Review Panels Annual Report.
26. From the Education and Labor Cabinet: FY Telecommunications Access Program (TAP) Annual Report.
27. From the Public Protection Cabinet: FY23 Team Western Kentucky Tornado Relief Fund and Team Eastern Kentucky Flood Relief Fund Reports.

28. From the Education and Labor Department, Department of Workers' Claims: 2<sup>nd</sup> Quarter Report. (Staff suggested committee referrals: Education and Economic Development and Workforce Investment.) Pursuant to KRS 342.232.
29. From the Kentucky Personnel Board: FY 22 Annual Report.
30. From the Cabinet for Health and Family Services, Department for Medicaid Services: Report on Senate Joint Resolution 54.
31. From the Cabinet for Health and Family Services, Department for Community Based Services: SFY 2023 Fostering Success Report.
32. From Health Plan Data Solutions: FY 2023 2<sup>nd</sup> Quarter Payment Integrity Findings Report, Kentucky Employees' Health Plan.
33. From the Justice and Public Safety Cabinet: FY 23 Department of Corrections Annual Report.
34. From the Justice and Public Safety Cabinet: 2023 Lee Adjustment Center Annual Report.
35. From the Justice and Public Safety Cabinet: 2023 Education Program on AIDS Annual Report.
36. From the Finance and Administration Cabinet, Department of Revenue: 2023 Insurance Premium Surcharge on each Kentucky-licensed property.
37. From the Cabinet for Health and Family Services: 2023 Victims Advocacy Programs Report.
38. From the Governor's Office of Early Childhood: 2023 Biennial Report of the State Plan of the Early Childhood Advisory Council.
39. From the Auditor of Public Accounts: 2022-2023 Report of the Examination of Lease Law Compliance.
40. From the Justice and Public Safety Cabinet: 2022-23 Annual Report of the Office of the State School Security Marshal.
41. From the Kentucky Public Pensions Authority: FY 2023 Kentucky Employment Retirement System Nonhazardous Employer Contractor Report.

The motion passed unanimously.

Senator Thomas asked for an update on NCSL 2024 to be held in Louisville. Senator Stivers responded that the Host Committee has been asked by NCSL to raise \$2 million dollars, and the committee is over halfway there. There have been discussions regarding the substantive portions of the conference, as well as working on policies with Stacy Householder of NCSL. He stated that the biggest thing for the Host Committee will be conveying messages to NCSL about policy discussions, as well as the receptions, goodwill, and advertising of the state. Senator Stivers relayed that 6,500 rooms have been blocked in advance for attendees. Senator Thomas requested when policy matters and scheduling for NCSL are being discussed that Director Hartz and President Stivers ask for a broad input from members. Senator Stivers said that all policy issues and suggestions be directed to his, Speaker Osborne's, or Jay Hartz's offices.

There being no further business, the meeting was adjourned.