

INTERIM JOINT COMMITTEE ON VETERANS, MILITARY AFFAIRS, AND PUBLIC PROTECTION

Minutes of the 3rd Meeting of the 2021 Interim

August 24, 2021

Call to Order and Roll Call

The 3rd meeting of the Interim Joint Committee on Veterans, Military Affairs, and Public Protection was held on Tuesday, August 24, 2021, at 10:00 AM, in Room 154 of the Capitol Annex. Representative Walker Thomas, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator C.B. Embry Jr., Co-Chair; Representative Walker Thomas, Co-Chair; Senators Jimmy Higdon, Alice Forgy Kerr, Stephen Meredith, Robby Mills, Dennis Parrett, Wil Schroder, Brandon Smith, Whitney Westerfield, Mike Wilson, and David Yates; Representatives John Blanton, Kevin D. Bratcher, Myron Dossett, Jim DuPlessis, Chris Freeland, Chris Fugate, Al Gentry, Jim Gooch Jr., Mark Hart, Matthew Koch, Scott Lewis, Savannah Maddox, Bobby McCool, Patti Minter, Scott Sharp, Ashley Tackett Laferty, Bill Wesley, and Buddy Wheatley.

Guests: John Dodd, Distinguished Veteran; Brigadier General Haldane B. Lamberton; Kari and Bryan Jenkins; Brian Jeffiers, Deputy Chief, W.R. Castle Fire-Rescue; Michael “Howdy” Kurtsinger, KY Firefighters Association; Greg Motley, Sheriff, Morgan County; Les Stapleton, Mayor, Prestonsburg; Mitch Case, Battalion Chief, City of Pikeville Fire Department; Patrick Bentley, Fire Chief, City of Pikeville Fire Department; Michael Brown, Chief, City of Prestonsburg Fire Department; James Allen, Code Enforcement Officer, City of Prestonsburg; Lee Jackson, Fire Chief, Belfry Volunteer Fire Department; Doug Tackett, Emergency Management Director, Pike County.

LRC Staff: Jessica Zeh, Maurya Allen, and Logan Schaaf

Co-Chair Embry moved to approve the July 21, 2021 meeting minutes. Representative Fugate seconded the motion. The minutes were approved.

Distinguished Veteran

John Dodd, a veteran of the wars in Korea and Vietnam, spoke about his efforts to preserve military heritage. He started a program in Harlan County in 2016 to name roads

and bridges after veterans. He would like to see this program expanded to all counties in Kentucky.

Kentucky Department of Military Affairs

Brigadier General Haldane (Hal) B. Lamberton, Adjutant General of Kentucky, delivered an update on the activities of the Kentucky National Guard. These included providing hospital security, using mobile vaccination teams, supporting drive-through testing, and staffing food pantries. Members of the Kentucky National Guard also helped secure the 2020 election in both the primaries and general election. They dressed as civilians to ensure election integrity and safety. Members of the Kentucky National Guard also provided security in Washington D.C. in the aftermath of the events of January 6, 2021.

Recent deployments include Iraq, Poland, Kosovo, the Horn of Africa, and the southwest border of the United States. General Lamberton commended the professionalism of the Kentucky National Guard and said that it is an organization that everyone in the Commonwealth can be proud of.

Active duty military personnel will be vaccinated, but no deadline has been set for the National Guard. They have been using the Moderna vaccine under the Emergency Use Authorization, and will likely mandate it if it receives full approval. The current vaccination rate for the Kentucky National Guard is 43 percent. General Lamberton said that vaccination is key to military readiness, and that a refusal to be vaccinated could result in administrative separation. There are religious exemptions for the vaccine, but these must be approved.

General Lamberton said that the National Guard has been federally funded to respond to the pandemic. This funding was due to end in September but has been extended to continue to support vaccination clinics, food pantries, and hospital security.

Responding to a question from Chair Thomas, General Lamberton said that the National Guard has been tracking the evacuation of refugees out of Afghanistan. Kentucky National Guard airmen went to Wisconsin to operate an airfield and receive refugee planes. The airmen were federalized under Department of Defense authority.

Senator Higdon thanked General Lamberton for the assistance provided by the National Guard during festivals, for crowd and traffic control.

Responding to questions from Representative Gooch, General Lamberton said that there are Kentucky National Guardsmen working on the southwestern border of the United States. They will rotate back in the coming weeks and 210 more soldiers will arrive at the border in October. Although not under his purview, General Lamberton recommended

contacting the Kentucky Department of Public Health for information regarding people who have crossed the southern border being relocated in Kentucky.

Responding to a question from Representative Sharp, General Lamberton said that when members of the Kentucky National Guard provided security in Washington D.C. after the events of January 6, 2021, they were prepared for quick response scenarios. They had personal protection items, including body armor and helmets. Firearms were also sent to D.C. in case of an emergency, but they were not needed, distributed, or used.

Responding to a question from Senator Yates, General Lamberton welcomed the idea of legislation to help students in the National Guard receive credits during times they are unable to attend classes because of National Guard responsibilities.

2022 BR 74 – AN ACT relating to swimming pool operational standards.

Representative Randy Bridges, District 3, was present to speak in favor of prefiled Bill Request 74 for the 2022 Regular Session. Representative Bridges noted that this bill was 2021 Regular Session HB 46. It is commonly referred to as Ava's Law. Kari and Brian Jenkins, whose daughter Ava drowned two years ago in a neighbor's above-ground pool, testified in favor of the bill. They testified that accidental drowning is the leading cause of death for children under five, and if they can prevent the heartache of one family, Ava's death will have not been in vain.

Representative Bridges expressed his admiration for the Jenkins' courage and for sharing their pain in service of others. He testified that 30 states have residential pool safety laws. Kentucky requires barriers only for commercial pools. The goal is not to create hardship for homeowners, but to address a public safety issue. While federal laws address main drains for new pools, Kentucky should look into adding laws adapting older pools to the current standards. This bill would require pools to be enclosed by a barrier at least four feet tall, and would require ladders and steps outside of the pool to be able to be secured, locked, or removed when not in use.

Responding to a question from Representative Bratcher, Representative Bridges testified that the penalties for not complying with these safety measures are still being worked out, but could include daily fines. Some exceptions will be allowed for pool owners with adequate pool covers, and for ponds and farm water sources in rural areas.

Representative Gooch said that he also had someone in his district lose their child to drowning. He appreciates the work that has gone into the bill and the exceptions created for rural farm ponds.

Responding to a question from Representative DuPlessis, Representative Bridges said that while he did not have specific data on the danger of drains in residential pools as

compared to commercial pools, he noted that newer residential pools often have stronger pumps to accommodate fountains, jets, and other features.

In response to a comment from Representative Hart, Representative Bridges said that for portable pools, gallon ratings could be considered to determine if the pools need to be emptied when not in use.

Responding to Senator Wilson, Representative Bridges said that the goal is not to be overburdening, but to protect children.

BR 171 – AN ACT relating to prohibiting the enforcement of a federal ban or regulation of firearms and declaring an emergency.

Representative Josh Bray, District 71, was present to speak in favor of prefiled Bill Request 171 for the 2022 Regular Session. Representative Bray testified that BR 171 is a Second Amendment protection bill. He said that rhetoric from Washington D.C. has upset his constituents. Seventeen other states have passed similar legislation.

Representative Bray said that this bill would prohibit state funds from being used to restrict firearm ownership, and would go into effect in January, 2022.

Responding to a question from Representative Wheatley, Representative Bray said that there has been a discussion about potential legal challenges. This bill would not prevent the FBI, ATF, or any other federal agency from doing their jobs.

Volunteer Firefighter Recruitment

Representative Bobby McCool, District 97, and Representative Ashley Tackett Laferty, District 95, spoke about volunteer firefighter recruitment. Representatives McCool and Tackett Laferty emphasized the importance of volunteer firefighters, especially for rural counties. Volunteer fire departments operate on small budgets, making recruitment and retention difficult. Representative Tackett Laferty filed a bill in the 2021 Regular Session to institute a \$1000 tax incentive for volunteer firefighters.

Brian Jeffers, Deputy Chief of W.R. Castle Fire-Rescue in Wittensville, KY, spoke about the staffing shortages his department is facing. Michael “Howdy” Kurtsinger of the KY Firefighters Association spoke about the decrease in volunteer firefighting numbers over the last two decades. In 2003, there were 17,000 volunteers. Today there are 12,000, many of whom are career firefighters volunteering on their off days. Greg Motley, Sheriff of Morgan County, spoke about the necessity of volunteer firefighters. They answer medical calls with automated external defibrillators, assist police responding to accidents, direct traffic, and are crucial for small towns. Volunteer firefighters often work in tandem with law enforcement. Most of their funding is through fundraising. Les Stapleton, Mayor of Prestonsburg, testified that Prestonsburg has a paid fire department of 14 full-time and eight part-time firefighters, and 21 volunteers who support the paid personnel. They assist

with wrecks, work festivals, help to keep the city moving, and are also invaluable to police officers in rural areas.

Responding to a question from Representative Fugate, Representative Hart and Mayor Stapleton said that insurance companies can and do pay fire departments for responding to fires.

Senator Mills expressed his support for the volunteer firefighter tax credit and said that the bill will likely need to go through the Appropriations and Revenue Committee.

Co-Chair Embry said that volunteer firefighters are critical for the counties he represents, and thanked Representatives McCool and Tackett Laferty for sponsoring legislation to support them.

Other guests supporting volunteer firefighter recruitment were Mitch Case, Battalion Chief of the City of Pikeville Fire Department; Patrick Bentley, Fire Chief of the City of Pikeville Fire Department; Michael Brown, Chief of the City of Prestonsburg Fire Department; James Allen, Code Enforcement Officer for the City of Prestonsburg; Lee Jackson, Fire Chief of the Belfry Volunteer Fire Department; and Doug Tackett, Emergency Management Director of Pike County.

With no further business before the committee, the meeting adjourned at 12:00PM. The next meeting of the Interim Joint Committee on Veterans, Military Affairs, and Public Protection is September 22, 2021, at 10:00AM.