

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

Minutes of the 4th Meeting of the 2022 Interim

September 28, 2022

Call to Order and Roll Call

The 4th meeting of the Interim Joint Committee on Veterans, Military Affairs, and Public Protection was held on Wednesday, September 28, 2022, at 10:00 AM, in Room 154 of the Capitol Annex. Senator Stephen Meredith, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Stephen Meredith, Co-Chair; Representative Walker Thomas, Co-Chair; Senators Jimmy Higdon, Wil Schroder, Whitney Westerfield, and Mike Wilson; Representatives John Blanton, Kevin D. Bratcher, Chris Freeland, Al Gentry, Jim Gooch Jr., Mark Hart, Matthew Koch, Scott Lewis, C. Ed Massey, Bobby McCool, Scott Sharp, Pamela Stevenson, Ashley Tackett Laferty, Bill Wesley, and Buddy Wheatley.

Guests: Mike Coyle, Madison County Sheriff; Martin Wesley, Deputy, Madison County; Jennifer Kermeen, Deputy, Madison County; Jeremy Hamilton, Deputy, Madison County; Lieutenant Colonel (Ret.) Whitney Allen, Commissioner, Kentucky Department of Veterans Affairs (KDVA); Lieutenant Colonel (Ret.) Keith Jackson, Deputy Secretary, Justice and Public Safety Cabinet; Sam Flynn, General Counsel, Kentucky Labor Cabinet; Mark Bowman, Executive Director, Office of Kentucky Veterans Centers; Larry Potter, Executive Director, Kentucky Fire Commission; Bruce Roberts, Deputy Executive Director, Kentucky Fire Commission; and Trace Chesser, President and Chief Executive Officer, USA Cares.

LRC Staff: Mark Mitchell, Jessica Zeh, and Mariah Derringer-Lackey.

On a motion from Representative Koch, seconded by Representative Thomas, the July and August meeting minutes were approved.

On a motion from Senator Westerfield, seconded by Senator Wilson, the committee adopted a citation honoring the service of Senator C.B. Embry, Jr.

Distinguished Guests

Madison County Sheriff Mike Coyle, Deputy Martin Wesley, Deputy Jennifer Kermeen, and Deputy Jeremy Hamilton were honored as distinguished guests. They conducted a K-9 demonstration after the meeting for members of the committee.

Kentucky Department of Veterans Affairs

Lieutenant Colonel (Ret.) Whitney Allen, Commissioner of the Kentucky Department of Veterans Affairs (KDVA); Lieutenant Colonel (Ret.) Keith Jackson, Deputy Secretary of the Justice and Public Safety Cabinet; Sam Flynn, General Counsel for the Kentucky Labor Cabinet; and Mark Bowman, Executive Director of the Office of Kentucky Veterans Centers spoke to the committee and fielded questions.

Deputy Secretary Jackson and Mr. Flynn covered the history of KDVA's assistance with Unemployment Insurance (UI) issues during the COVID-19 pandemic. Responding to a request from the Governor, KDVA provided fifteen employees to support the Office of Unemployment Insurance. From early March to early April of 2020, weekly UI claims increased from 2,400 to 117,000. By early May of 2020, 680,000 claims were filed. KDVA employees assisted during this period by providing customer service and soft skills, allowing trained UI personnel to adjudicate claims.

Responding to questions from Representative Blanton, Mr. Flynn said that instances of potential fraud are referred by the Labor Cabinet to federal law enforcement if the fraud comes from outside of Kentucky, and to local prosecutors if it does not. Many instances of potential fraud are a matter of prosecutorial discretion, and the Labor Cabinet is required by state and federal law to attempt to collect fraudulently obtained funds.

Responding to questions from Representative Sharp, Mr. Flynn said that the assistance of LRC employees was offered to the Labor Cabinet, but they were prohibited from using legislative branch employees by federal and state law, as well as United States Department of Labor policies. Commissioner Allen said that the shift to remote work and the disruptions caused by the pandemic initially caused a slowdown in claims processing.

Responding to questions from Senator Higdon, Commissioner Allen said that KDVA employees have returned to in-person office work. Mr. Flynn said that the overhaul of the state UI computer system is in the rebidding process.

Responding to questions from Representative Hart, Mr. Flynn emphasized the potential separation of power issues that could arise if legislative staff were used to perform executive branch functions.

Responding to questions from Representative Wheatley, Mr. Flynn said that increased fraud attempts in 2020 and 2021 added to the workload of the UI staff.

Responding to a question from Representative Gentry, Mr. Flynn noted that the Attorney General does not play a large role in UI fraud cases.

Responding to questions from Senator Meredith, Mr. Flynn said that additional funds were allocated to Ernst & Young to extend the time in which they could assist in adjudicating UI claims.

Kentucky Fire Commission

Larry Potter, Executive Director of the Kentucky Fire Commission, and Bruce Roberts, Deputy Executive Director, explained the operations of the Fire Commission.

Responding to questions from Senator Meredith, Mr. Potter said that there are approximately 13,000 volunteer firefighters in Kentucky, fewer than in the past.

Responding to questions from Senator Higdon, Mr. Potter noted that the Fire Commission's budget is fifty million dollars. Mr. Roberts explained the oversight of firefighter training conducted by the Fire Commission. Auditors verify compliance of fire departments at least once per year.

Representative Koch praised the work of the fire departments in Bourbon County.

Responding to a question from Representative Wesley, Mr. Potter estimated that fifty fire departments in Kentucky are paid, meaning the majority are volunteer departments.

Responding to a question from Representative Bratcher, Mr. Potter said the merging of Fern Creek and Buechel Fire Departments in Louisville did not affect funding.

Responding to a question from Representative Tackett Laferty, Mr. Roberts said that a volunteer firefighter tax credit could improve recruiting and retention.

USA Cares

Trace Chesser, President and Chief Executive Officer of USA Cares, explained his organization's efforts to support veterans. Over the past ten years, USA Cares has provided over seven hundred and fifty thousand dollars to struggling Kentucky military families, which helped prevent evictions and foreclosures, auto repossessions, utility disconnections, and provided food assistance. They are also providing help for military families affected by the recent flooding in eastern Kentucky.

Responding to a question from Senator Meredith, Mr. Chesser said that the legislature could assist USA Cares by providing funding for their operations.

Responding to a question from Representative Bratcher, Mr. Chesser detailed the increase in demand for veteran assistance during the COVID-19 pandemic. He also highlighted many of the issues and challenges faced by combat veterans.

With no further business before the committee, the meeting was adjourned at 11:30 AM. The next meeting of the Interim Joint Committee on Veterans, Military Affairs, and Public Protection will be Wednesday, October 26, 2022 at 10:00 AM in Room 154 of the Capitol Annex.