

# INTERIM JOINT COMMITTEE ON STATE GOVERNMENT

## Minutes of the Second Meeting of the 2024 Interim

July 29, 2024

### Call to Order and Roll Call

The second meeting of the Interim Joint Committee on State Government was held on July 29, 2024, at 11:00 AM in Room 149 of the Capitol Annex. Representative David Hale, Chair, called the meeting to order, and the secretary called the roll.

### Present were:

Members: Senator Robby Mills Co-Chair; Representative David Hale Co-Chair; Senators Cassie Chambers Armstrong, Greg Elkins, Amanda Mays Bledsoe, Michael J. Nemes, Brandon J. Storm, Damon Thayer, Phillip Wheeler, and Gex Williams; Representatives Jared Bauman, Adam Bowling, Josh Branscum, Josh Calloway, Adrielle Camuel, Beverly Chester-Burton, Jennifer Decker, Jim Gooch Jr., Derrick Graham, Richard Heath, Samara Heavrin, Keturah Herron, John Hodgson, Thomas Huff, Mary Beth Imes, DJ Johnson, Matthew Koch, Scott Lewis, Savannah Maddox, Josie Raymond, Nancy Tate, James Tipton, and Susan Witten.

Guests: Tabatha Clemons, Grant County Clerk/KCCA President; Holly M. Johnson, Secretary, Finance and Administration Cabinet; Sam Ruth, Commissioner, Department for Facilities and Support Services, Finance and Administration Cabinet; John Ard, Executive Director, Office of Fleet Management, Finance and Administration Cabinet.

LRC Staff: Daniel Carter, Christina Gordley, Jesse Farler, Hannah Gray, Shannon Tubbs, and Peggy Sciantarelli.

### Recognition of Guests in Attendance and Moment of Silence

Representative Tate recognized student Lily Sumner, Representative Tipton recognized Anderson County Clerk Jason Denny, Representative Herron recognized legislative candidate Joshua Watkins, and Representative Hale recognized Montgomery County Clerk Chris Cockrell.

At the request of Representative Hale, the committee stood and observed a moment of silence in memory of Kentuckians who died during the eastern Kentucky flooding that occurred on July 28, 2022.

### **Approval of Minutes - June 18 meeting**

A motion by Representative Johnson to approve the minutes of the June 18 meeting was seconded and passed without objection.

### **2025 Legislative Agenda - Kentucky County Clerk's Association (KCCA)**

Tabatha Clemons, Grant County Clerk and KCCA President, thanked the legislature for the hard work involved in transforming elections in Kentucky. New laws to provide for early voting, the ability to have vote centers and on-demand ballot printing are in place to enable a successful presidential election in Kentucky in 2024.

All Kentucky counties have paper ballots. Election vendors are certified and undergo a process with the State Board of Elections to be certified. In the upcoming election, one machine in each county will be audited to ensure that the machines have accurate tabulations.

Legislation is needed to ensure adequate funding for the operation of elections. Funding for elections—reimbursement rates that the counties receive from the state—has not been increased since the 1970s. Every element in elections, including full-time personnel, retirement rate requirements and health benefits, coworker pay, and voting systems vendor charges have all increased over the past five decades except the reimbursement rates.

Counties are struggling to find enough election officers and often do not have sufficient time and staff to adequately respond to open records requests. She suggested that it may be more efficient to have the State Board of Elections respond to some of the requests rather than individual county clerks, since open records requests are often blanket requests submitted to almost every county. There is also need for discussion to determine the type of record that should be made public.

Cybersecurity is a concern, and there should be reimbursement for items such as video footage of drop boxes and election equipment. County clerks are working with marketing vendors to communicate to the public that Kentucky has safe and secure elections. Ms. Clemons discussed the recent ransomware attack that shut down offices of the Jefferson County Clerk for five days. She expressed thanks to all the county clerks—some as distant as Pike and Cumberland Counties—that offered help to Jefferson County. She commended the collaborative assistance of the Kentucky Transportation Cabinet and vendors who assisted in that effort.

In response to Representative Hale, Ms. Clemons described the vendor approval process. There are only two approved vendors for election equipment in Kentucky—Hart InterCivic and ES&S—and four approved vendors for electronic poll books. Clerks maintain good dialogue with vendors, and vendors are very responsive to clerks.

When Representative Bauman asked about the FBI's investigation of the Louisville ransomware attack and the potential vulnerability of Kentucky elections, Ms. Clemons said she cannot speak to the status of the FBI investigation but that Jefferson County has already implemented changes, which include training of employees. There is still vulnerability. The clerk's association interacts with the FBI and the Department of Homeland Security on a monthly basis in person and almost daily through electronic means. Clerks maintain direct contact across the federal platform in order to report concerns. It is important to note though that election equipment is not connected to the Internet in any way.

Representative Hodgson asked about the possibility of allowing split shifts for poll workers on election day. Ms. Clemons said there are concerns and mixed opinions about split shifts, but the clerk's association would be open to further discussion.

In response to Representative Johnson, Ms. Clemons confirmed that paper ballots are used 100 percent in elections. Regarding early voting, she said that the six days of early (excused in-person absentee) voting are underutilized by voters and, essentially, a funding burden. Representative Johnson suggested that it is time for the legislature to look at increased funding for elections and the effectiveness of the early voting days.

Representative Tipton commented that people may not be fully aware of the availability of six early voting days, and removal of the early days might prompt litigation. When he asked about the types of election funding, Ms. Clemons explained that one of the funding mechanisms is "per precinct," which she asserted is not an adequate way to fund. There is "25 cents per voter" funding. She offered to share a spreadsheet with the committee that outlines funding for each county.

### **Update on Renovation and Construction on the Capitol Campus**

Guest speakers from the Finance and Administration Cabinet were Holly Johnson, Secretary of the cabinet, and Sam Ruth, Commissioner of the Department for Facilities and Support Services.

Ms. Johnson said that the Capitol campus renovation and construction is a \$291.5 million project. The initial phase began with review and design of mechanical, electrical and design elements and exterior renovation several years ago. As preliminary work was

undertaken, more detailed information came to light regarding the condition and needs of the 120-year-old building. Restorations were more expansive than originally planned due to the architectural firm's detailed investigation of the Capitol. The Governor will be discussing the project soon with the House Speaker and the Senate President. Ms. Johnson said the state has been able to meet the project's scope and stay within budget.

Ultimately the decision was to erect a temporary building for the General Assembly's sessions to assure continuity of government and the continuous availability of the House and Senate chambers. The renovation of the Capitol will begin after the temporary chambers are in place and after the 2025 Regular Session. Construction will begin June 2025 and multiple bid packages will go out later in 2024 and 2025. The project is estimated to take 3.5 years to complete. Other occupants of the Capitol have identified space and are currently working with the Finance and Administration Cabinet's Division of Real Properties to set up that space to meet their needs. All tenant agencies will be held harmless, and the project will bear the cost of relocation.

Representative Bauman asked for an update on the status of the renovation and redesign of the juvenile justice facility in Jefferson County. Mr. Ruth said that there are a lot of details to be worked out before the design can be completed, the property can be transferred, and construction can begin. The state is working with the city, but there is not yet an estimated completion date for the transfer to the Department of Juvenile Justice.

Responding to questions from Representative Tipton, Ms. Johnson said it is expected that the temporary building will be completed at the end of December and that the General Assembly will meet in the new temporary chambers for the 2025 legislative session. The cost of the temporary structure will be about \$14 million, and the plan is to disassemble it and remove it after the Capitol renovation is completed.

In response to Senator Mills, Ms. Johnson said that the Governor's Office and all the other tenants will be moving out of the Capitol. It will be necessary to vacate the building.

When Representative Camuel asked about future status of the fourth floor of the Capitol, Ms. Johnson said she understands that it will contain meeting rooms, as requested by the legislature.

Senator Mills asked Mr. Ruth whether he will be working with the project until it is completed, so that there will be continuity in the planning and decision making. Mr. Ruth responded affirmatively.

Senator Thayer stated he was under the impression that the General Assembly will meet in the Capitol for the 2025 legislative session. He confirmed with LRC Director Jay Hartz that the understanding is that the next General Assembly session will be held in the Capitol. Ms. Johnson stated then that she must have misspoken. She was under the impression that they were working to complete the temporary building in December so the General Assembly would be able to meet in the building during session. She deferred to the Director of the LRC that the 2025 session will be held in the Capitol.

### **Briefing on Current Status of State Vehicle Pool**

The briefing was provided John Ard, Executive Director of the Office of Fleet Management, Finance and Administration Cabinet. Secretary Johnson accompanied him.

Mr. Ard stated that his office currently manages approximately 4,000 motor pool and passenger vehicles for use by state agencies across the Commonwealth. In the 2022 Regular Session, the legislature passed SB 158, which established the Office of Fleet Management, replacing the previous Division of Fleet Management. The legislation established two new divisions under the executive director—the Maintenance Division and the Operations and Administration Division. The reorganization established a policy and compliance officer whose role is to review updates to statutes, regulations, and policies that govern the purchase, retirement, management, and use of state passenger motor vehicles. In May 2023, the Office of Fleet Management transitioned to a new fleet management software system.

At the motor pool location in Frankfort a new security system provides 24/7 video coverage of both the fleet maintenance garage and the motor pool parking lots. A more comprehensive, proactive preventative maintenance program has been adopted based on the manufacturers' recommended maintenance schedules. Many ordered vehicles do not arrive before the end of the fiscal year, which significantly erodes the effective spending authority for each year. The fleet is then not able to successfully purchase the number of vehicles each year needed to effectively manage the age of the fleet. Early ordering and better delivery timelines have combined to improve performance this last fiscal year.

When Senator Mills asked whether there is a requirement for state government to purchase a certain amount of electric vehicles, Mr. Ard and Ms. Johnson answered no. Mr. Ard said they are following both federal and state guidelines.

In response to questions from Representative Tipton, Mr. Ard and Ms. Johnson discussed the process for obtaining dealer discounts, the purchase process, and the typical life span of the vehicles. Mr. Ard noted that they are now replacing 2007 and 2008 vehicles.

Responding to a question from Representative Johnson, Mr. Ard noted that state requirements for alternative fuels are contained in KRS 45A.625 (Implementation of procurement strategy for greater use of alternative fuel motor vehicles).

### **Adjournment**

Representative Hale thanked all the speakers and announced that the committee would next meet on Thursday, August 22, at the Kentucky State Fair. There was no further business, and the meeting was adjourned at 12:00 noon.