

# INTERIM JOINT COMMITTEE ON STATE GOVERNMENT

## Minutes of the Sixth Meeting of the 2024 Interim

November 12, 2024

### Call to Order and Roll Call

The sixth meeting of the Interim Joint Committee on State Government was held on November 12, 2024, at 11:00 AM in Room 149 of the Capitol Annex. Senator Robby Mills, Chair, called the meeting to order, and the secretary called the roll.

### Present were:

Members: Senator Robby Mills, Co-Chair; Representatives Kevin D. Bratcher, Co-Chair, and David Hale, Co-Chair; Senators Greg Elkins, Amanda Mays Bledsoe, Christian McDaniel, Michael J. Nemes, Brandon J. Storm, Damon Thayer, Phillip Wheeler, and Gex Williams; Representatives 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, Matthew Koch, Scott Lewis, Savannah Maddox, Steve Rawlings, Josie Raymond, Nancy Tate, James Tipton, Wade Williams, and Susan Witten.

Guests: Jeremy Bacon, Assistant Field Office Director, U.S. Immigration and Customs Enforcement (ICE); Mary Hernandez Marrero, Federal Coordinating Officer, Federal Emergency Management Agency (FEMA); Eric Gibson, Executive Director, Kentucky Emergency Management Agency (KYEM); John Hicks, State Budget Director, Office of State Budget Director; and DJ Wasson, Deputy Secretary, Public Protection Cabinet.

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

### Approval of Minutes

A motion by Representative Tate to approve the minutes of the October 22, 2024, meeting was seconded and passed without objection by voice vote.

### Committee Member Recognition

The committee recognized members who will be leaving the legislature. Senator Thayer urged committee members to resist efforts to undo the successful reforms enacted in SB 2, pension legislation he sponsored in the 2013 Regular Session.

## **U.S. Immigration and Customs Enforcement (ICE)**

Jeremy Bacon, Assistant Field Office Director, Chicago Field Office, U.S. Immigration and Customs Enforcement (ICE), gave an overview of ICE enforcement and removal operations (ERO). The Chicago field office covers six states: Kentucky, Indiana, Illinois, Kansas, Missouri, and Wisconsin. ERO focuses its enforcement efforts on criminals and those who pose a threat to national security, public safety, and border security. ERO carries out its public safety mission through partnerships with federal, state, and local law enforcement organizations. The Criminal Apprehension Program (CAP) focuses on identification and administrative arrest of noncitizens in prisons and jails who have been arrested by other law enforcement agencies. Mr. Bacon discussed alternatives to detention and the ERO process for removing noncitizens who are subject to an order of removal. ERO works with international partners to ensure countries accept the return of their nationals.

In response to Senator Mills, Mr. Bacon confirmed there is no national database for reporting detention of noncitizens in prisons and jails and agreed a database would facilitate ERO's work. He discussed the process that ICE undertakes when notified of detention of an undocumented immigrant. No federal law requires ICE be notified when foreign-born subjects are jailed. The majority of arrests under immigration law are administrative in nature.

Responding to Senator Mills, Mr. Bacon stated, if an illegal immigrant crosses the border and is held by border patrol, they would ideally have their first court date within a week or 10 days. It could be a year or more if the person is not placed in custody. He said the budget is a major factor when determining field office workforce size and that ERO always looks for additional help to enforce the laws.

Responding to Senator Wheeler, Mr. Bacon said he could not attest to the number of illegal entries from the southern border during FY 2023, when there were 142,580 nationwide removals, or how many removals were deported from Kentucky. To his knowledge, Kentucky is not receiving air flights of people being sent back by foreign countries.

Senator Wheeler questioned how communities are being kept safe, considering a report by the Department of Homeland Security that more than 250 illegal aliens on the terror watch list were encountered by border patrol between 2021 and 2023, and 99 were released in the United States. Mr. Bacon said he is not able to answer questions pertaining to national level issues.

In response to Representative Tipton, Mr. Bacon said ICE has had great cooperation with local areas and jails within the Commonwealth. He does not know whether there is any data on the percentage of deported individuals who subsequently return to the United States.

In response to Representative Raymond, Mr. Bacon said he does not know whether any children have been deported from Kentucky. Multiple layers and mitigating factors are involved in immigration proceedings, and parents are allowed certain options for placement if children are involved

In response to Representative Witten, Mr. Bacon said he is unable to provide a definite list of countries that refuse to accept return of deported individuals. Proceedings are handled on a case-by-case basis, and ICE tries to work with the departments of state in other countries. He stressed ICE detention is not punitive. Once it is determined that an individual cannot be removed to their home country, regardless of previous criminal history, they are not subject to removal from the United States and can no longer be lawfully held.

When Representative Camuel asked about potential mass deportations by the incoming federal administration, Mr. Bacon said future policy is not yet in place. He cannot give a definitive answer but does not foresee a change in the near future.

When Senator Nemes inquired about child and human trafficking in Kentucky, Mr. Bacon said he would have to defer that question to other ICE agencies in Kentucky. Trafficking is not typically handled by ERO officers.

In response to Representative Tate, Mr. Bacon said policies and guidelines relating to "entry without inspection" change with every administration, but ERO always considers public safety first, targeting those who cause problems in communities.

### **Status on Tornado and Flood Relief in Kentucky – Recovery Assistance**

Eric Gibson, Executive Director, Kentucky Emergency Management Agency (KYEM), reported on the December 2021 West Kentucky tornado event, the July 2022 Eastern Kentucky flooding, and the 2024 Memorial Day storm disaster.

The estimated damage from the December 2021 West Kentucky tornado event, which affected 23 counties, was around \$303 million. Approximately \$202 million has been obligated for repair of the 604 scoped projects. Work has been completed for 20 of the 105 applicants that applied for assistance through KYEM to FEMA. The Commonwealth's sheltering plan assisted 247 households that have since transitioned to a permanent solution. Appeals are ongoing for some applicants.

The presidential declaration for the July 2022 Eastern Kentucky flooding event involved 20 counties. Estimated damage totaled \$636 million, and \$381 million has been obligated through FEMA for the 2,015 submitted projects. At the height of the flooding, 324 households had to be sheltered, but only three families remain in shelter.

As a result of the 2024 Memorial Day storms, Kentucky is sheltering eight households. Disaster was declared in 57 counties. Public infrastructure damage was estimated at about \$41.9 million, with about \$1.3 million currently obligated for 233 projects.

Mr. Gibson said Kentucky has a strong mitigation branch. Because it is one of only a few states that are considered an "increased mitigation state," Kentucky grant requests may receive higher dollar amounts. Based on mitigation dollars awarded to Kentucky, recently 199 safe rooms were constructed across the state that can shelter 40,000 people.

Mary Hernandez Marrero, Federal Coordinating Officer, Federal Emergency Management Agency (FEMA), discussed FEMA's participation in the West Kentucky tornado and Eastern Kentucky flooding relief efforts. Over the past three years, FEMA has supported Kentucky with direct housing missions and provided individual and public assistance under the umbrella of the Survivor Assistance Grant Program. As of November 2, 2024, over \$294,000 was paid directly to survivors for rental assistance for disaster declarations. For all seven Kentucky disasters declared since December 2021, FEMA has approved more than \$133 million combined for individual assistance and obligated over \$503 million combined for public assistance. As work continues on remaining public assistance projects, obligated funds will continue to increase and help communities rebuild critical infrastructure.

Following the West Kentucky tornado and the Eastern Kentucky flooding, with input from KYEM Director Gibson, FEMA deployed mobile disaster recovery centers, supported by two mobile command operation vehicles, three circuits in Western

Kentucky and one circuit in Eastern Kentucky. Ms. Hernandez looks forward to using FEMA's integration team (FIT) to ensure continuity of the FEMA-Commonwealth partnership. The FIT team is already embedded within the commonwealth, helping to strengthen emergency response capabilities, improve preparedness, and coordinate disaster closeouts.

Representative Heath, who represents Mayfield and Graves County, said county and city leadership indicated they had received FEMA dollars for cleanup and debris removal. However, they would like to know when they can expect to receive funds for the construction phase. Mr. Gibson said payouts are easier for amounts under \$1 million, but larger projects are considered through KYEM's recovery branch. He offered to look at the scope of current projects and to have his staff contact the Graves County team.

### **Status on Tornado and Flood Relief in Kentucky – Team Kentucky and SAFE Funds**

DJ Wasson, Executive Director, Public Protection Cabinet (PPC), discussed the Team Western Kentucky Tornado Relief Fund and the Team Eastern Kentucky Flood Relief Fund. Both funds contain private donations to assist survivors. Approximately \$53 million was collected for the Western Kentucky fund, with \$37,000 left to disburse. About \$13.5 million was collected for the Eastern Kentucky fund, with \$4.5 million left to disburse. Remaining funds are earmarked for nonprofit programs to build or repair homes. The PPC provides detailed monthly reports and an annual report to the Appropriations and Revenue Committee.

The Team Western Kentucky Tornado Relief Fund provides coverage and financial assistance for funerals, insured and uninsured homeowners and renters payments, the Graves County Grain Assistance Program, Unmet Needs Program for local long-term recovery groups, and the nonprofit building program. The Team Eastern Kentucky Flood Relief Fund provides payments for funeral assistance, FEMA supplemental payments, and payments to the nonprofit building program.

John Hicks, Secretary of the Executive Cabinet and State Budget Director, discussed the West and East Kentucky State Aid Funding for Emergencies Funds (SAFE). Both funds received appropriations during the 2022 Regular and Special Sessions.

In the West Kentucky SAFE fund, \$125.95 million was appropriated for emergency management to 32 unique recipients in 11 counties. All of those funds were awarded. Funds were also provided for the Department of Education, the West Kentucky Risk

Assistance Fund, Rural Housing Trust Fund, University of Kentucky Grain and Forage Center, and Murray State University.

The East Kentucky SAFE Fund includes approximately \$133 million for emergency management, schools and utilities, and cities and counties. All of those funds were awarded. Funds were also appropriated for the Department of Education, the Transportation Cabinet's non-federal share of state road and bridge repairs, and the Rural Housing Trust Fund. East Kentucky SAFE funds were designated for 37 unique recipients in 11 counties.

Mr. Hicks discussed specific uses of the East and West Kentucky SAFE funds. He complimented KYEM and the Finance and Administration Cabinet Secretary for their efforts in awarding and distributing the funds.

When requested by Senator McDaniel, Mr. Hicks said his office would be ready to update the General Assembly on usage of the two funds when it convenes in January.

Senator Mills said the goal of today's discussion was to make public the efforts of state government, both legislative and executive, and the federal government toward mitigating the east and west Kentucky disasters.

### **Adjournment**

Business concluded and the meeting was adjourned at 12:35 PM.