



# INTERIM RECORD

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## Omnibus electronic privacy protection bill in the works for 2024 legislative session

by Jordan Hensley - LRC Public Information

FRANKFORT — Technology once seen only in science fiction is now becoming reality. Some members of the Kentucky General Assembly want to make sure it's used for good, not evil.

Bill Request 26 would aim to regulate the use of automated license plate readers, drones, artificial intelligence and microchip technology. The bipartisan initiative is led by Rep. John Hodgson, R-Fisherville, Rep. John Blanton, R-Salyersville, and Rep. Daniel Grossberg, D-Louisville.

All three lawmakers testified before the Interim Joint Committee on Judiciary on Aug. 3. Hodgson called the potential bill for the 2024 legislative session a "team effort."

"It's widely supported by the public," Hodgson said. "Nobody really wants the government or their neighbor spying on them, and that's the genesis of this bill."

Hodgson said he the co-sponsors want a draft of the bill available to the public early to create a dialogue and make sure the legislation won't have any unintended consequences.

The first section of BR 26 covers automated license plate readers. An entity could retain collected data for only 90 days unless it's evidence in a felony case, the subject of a subpoena or being used to collect tolls. The bill would also prohibit the sale of license plate data.

The second section of the bill would apply to unmanned aircraft or drones, Blanton said. BR 26 would prohibit the use of drones with an imaging device on private property without the owner's written consent.

Some exceptions would apply for law enforcement with a search warrant, for example. Civil action may be taken against violators, according to the draft of the legislation.

Other portions of the bill would protect Kentuckians from the unlawful transmission of a deep fake, Grossberg said.

"A deep fake is a fabricated video or audio clip made with machine learning to imitate a real person," he said. "Since the term was coined in 2017, the emerging technology has advanced rapidly. Anyone with a cheap program can create a deep fake visually indistinguishable from reality with less than a minute of audio and a handful of pictures."

Grossberg said the FBI and the Department of Homeland Security have already issued warnings against the technology.

"Fraudsters can now mimic reality at a level once thought impossible," he added. "Online predators can lure children with

realistic young avatars. Deep fake pornography can be used to harass women who post on social media.



Rep. John Blanton, R-Salyersville, speaks on an electronic privacy protection bill for the 2024 legislative session alongside co-sponsors Rep. Daniel Grossberg, D-Louisville, (left) and Rep. John Hodgson, R-Fisherville during the Interim Joint Committee on Judiciary meeting on Aug. 3.

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“In fact, according to a deep fake detection agency, Sensity AI, 95% of deep fake videos posted online are non-consensual pornography.”

BR 26 would prohibit the dissemination of a deep fake without the depicted individual's written consent. Violators would be subject to civil action and possible criminal charges.

Distributing a deep fake with the intent to harm, harass, annoy, threaten, alarm or cause harm to the reputation or finances of the depicted individual would be a class D felony under the bill.

Additional language in BR 26 would protect individuals from being required or coerced into the implantation of an identification device or a microchip.

Although the current version of the bill only covers four areas of electronic privacy, Hodgson said more provisions may be added as he and others learn more about AI technology.

During the interim, the Kentucky General Assembly cannot take any action on legislation. The 2024 legislative session begins Jan. 2.

## Questions abound from legislators during energy-related meeting

by Nancy Royden - LRC Public Information

FRANKFORT — Questions abounded from legislators on the Interim Joint Committee on Natural Resources and Energy as a representative from one of Kentucky's power grid operators offered predictions on Aug. 4 about the future of energy in the commonwealth.

Asim Z. Haque serves as vice president of state and member services for the Pennsylvania-based PJM Interconnection. The organization coordinates the electrical transmission grid for parts or all of 13 states, including about half of Kentucky.

Haque said East Kentucky Power Cooperative, Duke Energy Kentucky and Kentucky Power all operate within the PJM's footprint. His organization's primary focus is making sure that power is generated and transmitted reliably, while also maintaining affordability for consumers, he testified.

However, Haque expressed concerns that the energy supply will not keep pace with growing demand over the next decade as operators retire more power generating units. He said new types of energy production – such as solar and wind – are not making up for the retirements.

“Later on into this decade, we are concerned about a supply crunch – concerned about resources leaving the system too quickly and new resources not finding their way onto the system at a rate to replace those resources leaving the system,” he said.

Haque explained that energy resources offer different degrees of reliability, and that thermal resources – nuclear, coal and gas – provide a certain amount of essential reliability to the power grid.



Rep. Jim Gooch Jr., R-Providence, also committee co-chair, speaks during a meeting of the Interim Joint Committee on Natural Resources and Energy on Aug. 4.

Several lawmakers expressed apprehension about the trends and asked about the risk of rising costs and future blackouts, especially as electric vehicles and other types of equipment create more demand for power.

Rep. Jim Gooch Jr., R-Providence, and a committee co-chair, said he's concerned about replacement of efficient power sources with those that aren't as productive. He said 700 megawatts generated from wind and solar does not equate to 700 megawatts from fossil fuels because wind and solar are not always available.

“That's one of the problems I've been trying to convey – that it's not the same,” he said.

Haque agreed that there's a difference between varying types of resources and said certain resources can't be replaced without affecting reliability.

“One message to convey is, you can't simply shut down all thermal resources and replace them with non-thermal resources because those thermal resources provide, again, essential reliability services,” Haque said.

Rep. John Blanton, R-Salyersville, said some states have been reckless in their efforts to close fossil fuel power plants and asked if shortages in other states will cause energy to be rationed in Kentucky to keep the lights on elsewhere.

“These policies are destroying our grid ... every time they shut down one of these fossil fuel plants,” he said. “Those of us who are awakened and see

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# energy-related meeting,

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through the smog, we understand that it is an attempt to shut down all of our fossil fuels that provide the most reliable, cheapest form of energy.”

Haque said PJM tries to educate policy makers to create reliability “safety valves.” If removing a unit will create challenges, the organization can ask units to remain operable until additional infrastructure is ready. He also encouraged states to remain “open for business” as operators look to expand renewables.

One issue, according to Sen. Robin L. Webb, D-Grayson, is which communities and demographics in Kentucky might be affected first in the event of an energy shortage. She asked if PJM has any models to predict who would experience the biggest impact from certain scenarios.

“I’ve got a lot of poor rural people, and I’ve got some major users like a refinery in my district,” she said.

Haque said any response to shortages would be based on the grid engineering and what’s necessary to keep the bulk of the grid viable, not on the

types of customers.

Sen. Phillip Wheeler, R-Pikeville, said one of the promises made by people supporting renewables is that they are going to reduce costs, make the environment cleaner and be a benefit to consumers. He asked when consumers will see the benefits of the new resources.

“I’ve done a little bit of research, and in 2004, the average Kentucky Power customer was paying about \$74 a month. Now they’re paying about \$187.50, which is about a 250% increase, which I understand there’s some inflation in there, but that far outpaces inflation,” he said.

Haque said in the PJM footprint, Kentucky generally uses 50%-plus coal resources and 40%-plus natural gas resources.

“So I have not, at least in the PJM footprint, we have not seen many renewables find their way into the system, again, at least in the PJM footprint in Kentucky,” he said.

# Legislators hear workforce and labor market policy recommendations

by Jordan Hensley - LRC Public Information

FRANKFORT — Jobs are plentiful in Kentucky, but the state’s low workforce participation rate leaves many positions open.

Charles Aull spoke to the Interim Joint Committee on Economic Development and Workforce Investment on July 31 about Kentucky’s workforce and labor market. Aull, who is the executive director at the Kentucky Chamber of Commerce Center for Policy and Research, also provided some policy recommendations.

Kentucky’s unemployment rate may be at a record low for the state, but the workforce participation rate has not recovered to pre-pandemic levels, Aull said. An aging workforce, lack of affordable child care and substance use disorder are three of the biggest factors behind low workforce participation rates.

“There are absolutely things that state policy can do, that federal policy can do and that the private sector can do to alleviate these challenges,” Aull said.



Rep. Kevin Jackson, R-Bowling Green, asks a question about workforce participation during the July 31 meeting of the Interim Joint Committee on Economic Development and Workforce Investment.

Rep. Kim King, R-Harrodsburg, asked if there’s something about this region of the U.S. that attracts more workers.

“What can Kentucky do to get up there with our

neighbors?”

A warmer climate and competitive tax rates in states like Tennessee and Florida are two of the biggest factors that attract workers to the southeast and the southwest, Aull said.

Policy wise, Kentucky should focus on attracting more workers, optimizing the homegrown workforce, continuing to make Kentucky more tax competitive and reducing opioid use disorder, Aull said.

He also recommended increasing re-entry support for previously incarcerated Kentuckians and developing a statewide strategy to optimize underutilized talent in certain populations. That includes refugee and immigrant populations along with individuals with disabilities.

Some research estimates that 55,000 adult Kentuckians are not participating in the workforce due to opioid use disorder, Aull said.

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# Committee receives overview of AI positives, negatives

by Nancy Royden - LRC Public Information

FRANKFORT — Advocates for the commonwealth's use of artificial intelligence offered legislators an overview of the new technology – some of it already in use – during a meeting of the Interim Joint Committee on Tourism, Small Business, and Information Technology.

Ben Kaner and Alicia Schollaert of Gartner, an international consulting firm, testified to legislators on July 31 about ways that state agencies could implement and benefit from AI while also reducing some of the risks.

Kaner outlined many potential uses, such as data management, developing user guides, and providing multilingual resources to Kentuckians. However, he also warned that AI can provide misleading information and reflect bias in data. It also gives malign users smarter tools to attack government networks.

He recommended that lawmakers view AI as an opportunity and provide a safe space for experimentation. But governments must look to mitigate risks by keeping humans in the loop and scaling automation appropriately and in stages, he said.

“It is an opportunity to set up Kentucky to advance significantly in a way to provide services and the service it provides to its citizens,” Kaner said.

Legislators expressed a myriad of concerns over the technology during Monday's hearing. Some questioned whether AI systems could take jobs, maliciously mine data or grow smart enough to hijack government networks. Others appeared more focused on upside potential.

Sen. Shelley Funke Frommeyer, R-Alexandria, asked if AI could provide some practical tools for teaching math and reading.

“Your presentation is incredibly timely because we're grappling with so many education issues,

and Kentucky continues to have some challenges, and we have fantastic teachers, but perhaps not enough teachers,” she said.

Schollaert said 51% of teachers are already using AI to cut down on administrative tasks and spend more time with students. AI can help teachers come up with lesson plans and even provide one-on-one tutoring for students, she said.



Sen. Shelley Funke Frommeyer, R-Alexandria, speaks about artificial intelligence at the July 31 meeting of the Interim Joint Committee on Tourism, Small Business, and Information Technology.

Rep. Candy Massaroni, R-Bardstown, asked about data mining, noting that many parents have concerns that popular devices are already collecting data on their children.

But Kaner said if a system is set up correctly, it would prevent mining of data.

Rep. Daniel Grossberg, D-Louisville, said AI should not be banned or dismissed, and he envisions AI as a support tool, not a complete replacement for human work.

“AI is going to revolutionize the world the way that the invention of the electric generator and the electric motor did. And if you think back 120 years ago, no one could conceive what electricity did to humankind,” he said. “We are just scratching the surface in this conversation.”

However, Grossberg added that it's absolutely essential for lawmakers to develop protocols and guardrails. While AI is not sentient, it could be programmed for “great evil,” he warned.

“That's what we need to be focused on, making sure we have oversight on who has access to the technology, what the trainings are, and have serious repercussions if someone goes off the rails with it,” he said.

Rep. Kim King, R-Harrodsburg, a co-chair of the committee, said AI issues have been on her mind for months, and she expressed concern about “bad actors.”

“This is a very heavy weight of responsibility that we are taking on here,” she said. “So one thing that keeps coming to mind is the fiduciary responsibility we have given to professions. The ones that come to mind are lawyers, financial institutions, insurance, probably even real estate comes to mind. They have to have the best interest of the client or the people that they're representing in mind, and that's how they make decisions,” she said.

Rep. Ryan Dotson, R-Winchester, said he fears AI will become “self-learning” as technology evolves and that fear is high among the general public.

“I see all the benefits of AI. It's a very powerful tool. It's going to replace industries. It's going to enhance industries. And even though it may be a powerful tool, it can also be a powerful force for us to contend with in the future,” he said.

# workforce and labor market,

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“The good news is, I think this general assembly is already doing a lot,” Aull added. “What I would want to impart though to you all is not to let your foot off the gas on these issues. This will require extreme amounts of focus and dedication.”

Rep. Kevin Jackson, R-Bowling Green, said his district competes with Tennessee for employees.

“Could you give me your explanation of why Tennessee grew at a rate four times of Kentucky as far as workforce levels?” he asked.

Aull said Tennessee is more tax competitive since the state doesn’t have an income tax. Tennessee also has a large tourism industry.

On the issue of wages, Senate Minority Caucus Chair Reginald Thomas, D-Lexington, said he thinks raising the minimum wage would increase workforce participation.

“If you look at the top 10 states that have a higher workforce, you will find that most of them, not all of them but most of them, have a higher minimum wage than \$7.25 an hour,” he said.

Aull said he omitted increasing the minimum wage from his list of policy recommendations because most employers have already increased wages due to market demand. Changing state law to increase the minimum wage could inadvertently hurt child care and long term care facilities, he added.

Sen. Robby Mills, R-Henderson, asked Aull if there is anything states can do to address the birth rate issue.

“Have you seen any states doing anything creative around birth rates like tax incentives?” he said.

Aull said birth rates are a global challenge as more couples start families later in life and financial issues cause people to have fewer children. But Kentucky tends to do better than other states when it comes to the birth rate.

“If you can make it I guess less expensive for families to have children, I think there’s a good chance that we would see some increase in those fertility rates,” Aull said.

## State education committee hears from Kentucky math center

by Nancy Royden - LRC Public Information

FRANKFORT — The Interim Joint Committee on Education heard from supporters of the Kentucky Center for Mathematics on Aug. 1 about efforts to improve numeracy throughout the commonwealth.

The center was established at Northern Kentucky University through state funding in 2006, and it provides services for teachers and anyone else interested in mathematics. It also receives grant money, according to the organization’s executive director, Kelly Stone DeLong.

“We really focus on that math intervention. We focus on diagnostic assessment, coaching, and mentoring is really an important part of what we’re doing. And that’s becoming more and more of what we’re working on and other instructional strategies to address students’ needs,” she said.

Over the past three years, nearly 2,200 teachers have participated in 2,293 hours of professional learning through KCM.



Senate Minority Caucus Chair Reginald Thomas, D-Lexington, speaks on the Alabama Numeracy Act during the Aug. 1 meeting of the Interim Joint Committee on Education. He said similar legislation could benefit Kentucky’s students.

Amanda Holbrook, a math teacher at Martha Jane Potter Elementary School in Letcher County, testified that KCM helped teachers and students get back to learning following flooding that de-

stroyed the school in 2022.

“She brought in truckloads of brand new, hands-on math materials and calculators for our students. She fully equipped our teachers with the materials they need to teach mathematics. With the help of Kelly and the Kentucky Center for Mathematics, our students began the year with good, quality math instruction,” she said.

KCM provided lawmakers with statistics from 2022, compiled by the National Assessment of Educational Progress. Among Kentucky fourth graders, 75% performed at or above the NAEP basic level in math. That’s down from 81% in 2019.

Sen. Stephen Meredith, R-Leitchfield, raised concerns about the downward trend, and DeLong said she’s interested in studying the issue more.

Rep. Josie Raymond, D-Louisville, asked about teaching mathematics to children before they begin school and how KCM supports

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# 2023 Kentucky General Assembly

## Senate

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# 2023 Kentucky General Assembly

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## State education committee, from page 5

early educators.

“We have a pre-K curriculum and course that we did that’s very popular, grounded in the research. So we would love to scale that to more places with those preschool teachers,” DeLong said.

She also suggested that KCM’s intent is to work with Kentucky Educational Television to benefit the state’s young children.

Rep. James Tipton, R-Taylorsville, and co-chair of the committee, said one trend he’s noticed on test scores is they tend to drop from elementary school to middle school to high school. He asked DeLong what causes the decline.

DeLong hypothesized that while students work diligently, they may not have secured math fluencies in the earlier grades. Then the subject becomes more complicated at the middle and the high school levels.

“The other thing is we want to have the math identity, and maybe by the time they get to middle school, then they have decided that math is not their identity,” she said.

Senate Minority Caucus Chair Reginald Thomas, D-Lexington, said he recently learned about the Alabama Numeracy Act, which is designed to boost students’ math skills. He said those skills are as important as literacy.

“When someone comes up and says they can’t read, we’re appalled by that. We can’t understand that,” he said. “And yet we readily accept, Ms. DeLong, when someone says, ‘I can’t just get math. It’s too hard for me. It’s something that I just can’t comprehend.’”



# Committee Meetings

## CAPITAL PLANNING ADVISORY BOARD

### Minutes of the 3rd Meeting of the 2023 Interim July 20, 2023

#### Call to Order and Roll Call

The 3rd meeting of the Capital Planning Advisory Board was held on Thursday, July 20, 2023, at 3:00 p.m., in Room 169 of the Capitol Annex. Representative Nancy Tate, Chair, called the meeting to order, and the secretary called the roll.

#### Present were:

Members: Representative Nancy Tate, Co-Chair; Senator Phillip Wheeler, Co-Chair; Senator Adrienne Southworth; Representative William Lawrence; Pat Abell, Bryan Hix, Patsy Jackson, and Danny Rhoades.

Guests: David McFaddin, President, Barry Poynter, Senior Vice President and Treasurer, Eastern Kentucky University; Andy Casebier, Assistant Vice President of Facilities Support Services, Lincoln Farmer, Director of Major Projects, Sandy Adkins, Director of Capital Projects Budgeting, Facilities Support Services, Kentucky Community and Technical College System; Dr. Koffi Akakpo, President, Dr. Michael Dailey, Interim Provost and Vice President of Academic Affairs, Jennifer Linton, Project Manager, Sodexo, Kentucky State University; Kim Hunt Oatman, Chief Facilities and Operations Officer, Morehead State University; Dr. Robert Jackson, President, Jackie Dudley, Vice President of Finance and Administrative Services, Jordan Smith, Executive Director Governmental and Institutional Relations, Murray State University; Jeremy Alltop, Vice President and Chief Financial Officer of Administration and Finance, Syed Zaidi, Assistant Vice President of Facilities Management, Mary Paula Schuh, Senior Director of Planning Design and Construction, Carmen Hickerson, Assistant Vice President of Economic Engagement and Government Relations, Northern Kentucky University; Angie Martin, Vice President for Financial Planning/Chief Budget Officer, Mary Vosevich, Vice President for Facilities Management/Chief Facilities Officer, Kevin Locke, Assistant Vice President of Capital Planning, Design and Construction, University of Kentucky/University of Kentucky Hospital; Dan Durbin, Executive Vice President and Chief Financial Officer for Finance & Administration, Dr. Gail DePuy, Senior Vice Provost, Dr. Jeff Bumpous, Interim Dean and J. Samuel Bumgardner Professor of Otolaryngology-HNS, University of Louisville School of Medicine, University of Louisville; Bryan Russell, Chief Facilities Officer, and Jennifer Smith, Special Assistant to the President for Government and Community Relations, Western Kentucky University

LRC Staff: Liz Columbia and Jennifer Luttrell.

#### Approval of Minutes

The approval of May 17, 2023, and June 14, 2023, minutes were moved to the next meeting because the quorum was unmet.

#### Information Items

Ms. Columbia said two information items were included in the meeting materials in response to questions raised at the board's June 14 meeting regarding proposed capital projects for the Commonwealth Office of Technology, the Department of Veterans' Affairs, and the Kentucky Communications Network Authority.

#### Amended Capital Plans

The capital planning system is open ten days after the monthly board meeting. During that time, agencies may amend their capital plans as needed. The Department of Veterans' Affairs reduced the costs of two new federally funded projects – KVCC – Columbarium Wall Expansion \$1,862,000, reduced from \$2,500,000, and KVCW – Columbarium Wall Expansion \$1,281,000, reduced from \$2,500,000.

#### Review of Agency Capital Plans – Postsecondary Institutions

The Capital Planning Advisory Board received testimony regarding nine state agency capital plans: Eastern Kentucky University, Kentucky Community and Technical College System, Kentucky State University, Morehead State University, Murray State University, Northern Kentucky University, University of Kentucky and Hospital, University of Louisville, and Western Kentucky University. The testimony included capital construction, information technology, and equipment needs for 2024-2030.

#### Eastern Kentucky University (EKU)

David McFaddin and Barry Poynter discussed the university's capital needs. There were no questions regarding the university's plan.

#### Kentucky Community and Technical College System (KCTCS)

Andy Casebier, Lincoln Farmer, and Sandy Adkins gave a brief overview of the KCTCS capital plan. There were no questions regarding the college system's plan.

#### Kentucky State University (KSU)

Dr. Koffi Akakpo, Dr. Michael Dailey, and Jennifer Linton discussed the university's capital needs.

Dr. Akakpo told Senator Wheeler that everyone involved in the university's funds mishandling had been dismissed.

In response to questions from Senator Southworth, Ms. Linton replied that the Construct New Residence Hall project (\$55.6 million long-term funding) from the previous plan built to help meet the increased enrollment needs of the university was 99 percent complete and should allow more students to live on campus. The six residence halls which belong to KSU are a different project. The total number of beds is 1,232, but some were unoccupied due to HVAC concerns. Ms. Linton added that less than 200 beds were offline. Dr. Dailey said they would provide a follow-up response to the board concerning the usable number of beds, cost per student, and capacity/overall footprint for the members per Senator Southworth's request.

#### Morehead State University (MoSU)

Kim Oatman presented the university's capital plan.

In response to a question from Representative Tate about the future of the Bert T. Combs building, Mr. Oatman stated that the building would be razed for approximately \$1.5 million.

In response to a question from Senator Wheeler, Mr. Oatman said that any new building would be built in the old traditional Collegiate Gothic style of architecture to match the old buildings on the campus.

#### Murray State University (MuSU)

Dr. Robert Jackson, Jackie Dudley, and Jordan Smith gave a brief overview of Murray State University's capital plan.

In response to questions from Senator Southworth, Dr. Jackson replied that agency bond issuance is unique to athletic deferred maintenance projects.

#### Northern Kentucky University (NKU)

Jeremy Alltop, Syed Zaidi, and Mary Paula Schuh briefly presented Northern Kentucky University's six-year capital plan. There were no questions regarding the university's plan.

#### University of Kentucky (UK)

Mary Vosevich and Angela Martin presented the capital plan for the University of Kentucky.

In response to questions from Senator Southworth, Ms. Martin said the \$2 billion UK Chandler Hospital expansion project would start construction within a year. The construction would need to draw funds immediately and through 2029. UK does a thorough cash draw schedule on when the funds are required. The \$800 million in agency bonds is needed to determine when funds are required to pay for the construction of the project versus when the revenue is generated to make the payments. The revenue will need to be generated for the \$800 million by the time

the project is complete within a few years. Agency bonds are built into the budget with sufficient money to pay the debt service on the \$800 million once issued and when the payments would be due. The end flow of cash from the project is primarily from adding 700 beds. The additional revenue is on a timeline to ensure the university can make all the payments for the construction and the debt service that would be due.

In response to questions from Senator Southworth regarding the Patterson Office Tower project, Ms. Vosevich stated that the university is renovating two existing floors, not adding two. The university seeks energy conservation opportunities by upgrading lighting, HVAC systems, and ADA restroom accessibility.

In response to questions from Senator Southworth regarding the Construct Research Facility project, Ms. Vosevich said when building research facilities, the university determines whether it is a wet or dry lab. Dry labs are more like an office environment than a typical lab with hood sinks and Bunsen burners. A dry lab is a space used for subjects such as diversity and inclusion. Once at the programming stage, the university will determine what would be needed in that building.

**University of Louisville (UL)**

Dan Durbin, Dr. Gail DePuy, and Dr. Jeff Bumpous discussed the university's capital plan. There were no questions regarding the university's plan.

**Western Kentucky University**

Bryan Russell and Jennifer Smith discussed Western Kentucky University's capital plan.

In response to a question from Senator Southworth, Mr. Russell stated that the Renovate Academic Complex project cost increase is due to inflation and that the original intention of renovation had been changed to the building being razed and a new facility being built.

**Other Business**

Representative Tate said the next meeting is scheduled for Wednesday, August 9, 2023, in Room 169 Annex starting at 1:00 p.m.

**Adjournment**

There being no further business, a motion to adjourn was made by Senator Wheeler, seconded by Senator Southworth, and approved by voice vote. The meeting was adjourned at 5:07 p.m.





2023 Interim

**LEGISLATIVE  
RECORD**

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2023 Interim

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**KENTUCKY GENERAL ASSEMBLY**

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